

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5485

IN THE MATTER OF:

Served December 15, 1998

Application to Transfer Certificate)
No. 254 from SHIRLEY L. NELSON,)
Trading as L&N TRANSPORTATION, to)
L&N TRANSPORTATION COMPANY, INC.)

Case No. AP-98-46

By application filed October 30, 1998, Shirley L. Nelson, trading as L&N Transportation (Nelson), WMATC Carrier No. 254, and L&N Transportation Company, Inc. (LNTCI), a Maryland corporation, (collectively applicants), seek Commission approval to transfer Certificate of Authority No. 254 from Nelson to LNTCI. Nelson is an officer and 100-percent shareholder of LNTCI.

Article XI, Section 11(a), of the Compact governs the transfer of assets, including a certificate of authority, by an unincorporated WMATC carrier in exchange for a controlling interest in a newly-formed corporation.¹ A transfer of this nature raises fitness issues only.²

LNTCI proposes to refile Nelson's current tariff as its own and commence operations with five vehicles.

LNTCI filed a balance sheet as of October 29, 1998, showing assets of \$57,290; liabilities of \$22,000; and equity of \$35,290. LNTCI'S projected operating statement for the first twelve months of WMATC operations shows WMATC revenue of \$135,000; expenses of \$91,910; and net income of \$43,090.

LNTCI certifies it has access to, is familiar with, and will comply with the Compact and the Commission's rules and regulations thereunder.

Based on the evidence in this record, the Commission finds LNTCI to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements and, therefore, that the transfer of assets, including Certificate No. 254, to LNTCI is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That upon LNTCI'S timely compliance with the requirements of this order, Certificate of Authority No. 254 shall be reissued to L&N Transportation Company, Inc., 4708 Mann Street, Capitol Heights, MD 20743.

¹ In re Tsegaye Mamo, t/a The Airport Metro Connection, & Airport Metro Connection, Inc., No. AP-98-30, Order No. 5405 (Aug. 31, 1998).

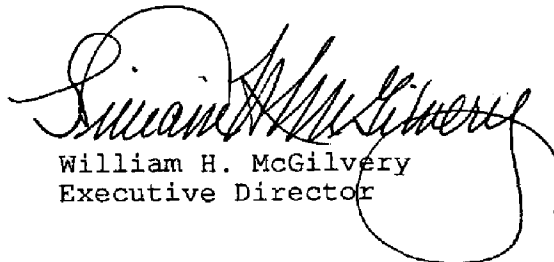
² Id.

2. That LNTCI may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate of Authority No. 254 has been reissued in accordance with the preceding paragraph.

3. That LNTCI is hereby directed to file the following documents within thirty days: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61.

4. That the approval of transfer herein shall be void and the application shall stand denied upon LNTCI'S failure to timely satisfy the conditions of reissuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:



William H. McGilvery
Executive Director