

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5573

IN THE MATTER OF:

Served April 5, 1999

Application to Transfer)
Certificate No. 206 from SAFAI)
MANAGEMENT COMPANY, INC.,)
Trading as PARA-MED WHEELCHAIR)
TRANSPORTATION, to PARAMED)
MEDICAL TRANSPORTATION, INC.)

Case No. AP-99-30

By application accepted for filing March 31, 1999, Safai Management Company, Inc., trading as Para-Med Wheelchair Transportation, Carrier No. 206 (SMCI), and Paramed Medical Transportation, Inc., a Maryland corporation (PMTI), seek Commission approval to transfer a substantial part of SMCI's assets, including Certificate No. 206, to PMTI. The application indicates that SMCI and PMTI share the same officers and shareholders.

PMTI proposes to commence operations with nine vans. PMTI's tariff contains wheelchair and ambulatory rates as well as stretcher rates. The wheelchair and ambulatory rates include rates for transportation in the following Maryland counties: Howard, Carroll, Baltimore and Frederick. Those counties are outside the Metropolitan District and, therefore, outside our jurisdiction. PMTI will be directed to file an amended Exhibit D omitting rates for transportation outside the Metropolitan District.

Under Article XI, Section 11(a), and Article XII, Section 3(a)(ii), of the Compact, the Commission may approve the transfer of assets from a WMATC carrier to another carrier, including a WMATC certificate of authority, if the Commission finds the transfer to be in the public interest. The public interest analysis normally focuses on the acquiring party's fitness, the resulting competitive balance and the interests of affected employees.¹ In this case, however, competition is not an issue inasmuch as transferring assets from one member of a controlled family to another will not increase the controlling parties' market share, which is the primary concern when assessing the effect of common control on competition.²

This proceeding is hereby initiated to determine PMTI's fitness and the impact of the transfer on affected employees.

¹ In re Cavalier Transp. Co., Inc., t/a Tourtime America, Ltd. & Tourtime America Motorcoach, Ltd., No. AP-96-21, Order No. 4926 (Sept. 12, 1996).

² In re Coach One, Inc., t/a Exec. Coach, No. AP-98-06, Order No. 5295 (Mar. 19, 1998).

THEREFORE, IT IS ORDERED:

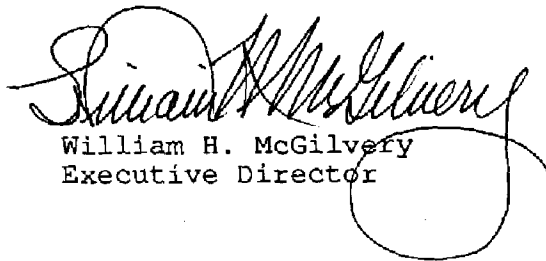
1. That applicants shall publish once in a newspaper of general circulation in the Metropolitan District, no later than April 19, 1999, notice in the form prescribed by the staff of the Commission.

2. That applicants shall file with the Commission, no later than May 10, 1999, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That applicants shall file with the Commission, no later than April 19, 1999, an original and four copies of an amended Exhibit D omitting rates for transportation outside the Metropolitan District.

4. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is May 10, 1999, and that copies must be served on PMTI's representative, Mr. Tejav Safai, Director of Operations, 23300 Ridge Road, Germantown, MD 20876.

FOR THE COMMISSION:



William H. McGilvery
Executive Director