

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5581

IN THE MATTER OF:

Served April 12, 1999

| | | |
|---------------------------------|---|-------------------|
| Application to Transfer |) | Case No. AP-99-14 |
| Certificate No. 376 from |) | |
| ETENAT ZEGEYE, Trading as E. Z. |) | |
| MEDICAL WHEELS, to E-Z MEDICAL |) | |
| WHEELS, INC. |) | |

By application accepted for filing February 18, 1999, Etenat Zegeye, trading as E. Z. Medical Wheels, WMATC Carrier No. 376 (Zegeye), and E-Z Medical Wheels, Inc. (EZMW), a District of Columbia corporation (collectively applicants), seek Commission approval to transfer assets, including Certificate of Authority No. 376, from Zegeye to EZMW. Zegeye is an officer, director and shareholder of EZMW.

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

EZMW proposes to refile Zegeye's current tariff as its own and commence operations with two vans.

EZMW filed a balance sheet as of December 31, 1998, showing assets of \$50,868; liabilities of \$3,000; and equity of \$47,868. EZMW's projected operating statement for the first twelve months of WMATC operations shows WMATC revenue of \$98,000; other revenue of \$5,000; expenses of \$99,193; and net income of \$3,807.

EZMW 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 EZMW 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. 376, to EZMW is consistent with the public interest.

¹ In re Ira A. Austin, Sr., t/a Ira's Transp. Serv., & Ira's Transp. Serv., Inc., No. AP-97-42, Order No. 5193 (Sept. 9, 1997).

² Id.

THEREFORE, IT IS ORDERED:

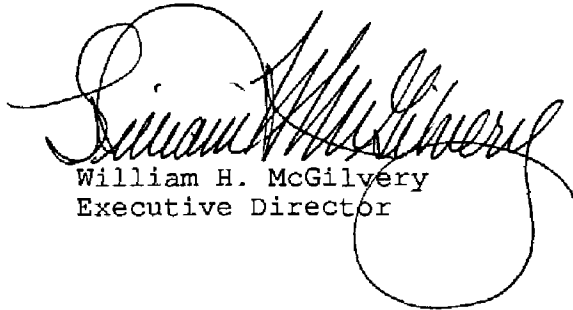
1. That upon EZMW's timely compliance with the requirements of this order, Certificate of Authority No. 376 shall be reissued to E-Z Medical Wheels, Inc., 1825 New Hampshire Avenue, N.W., #802, Washington, DC 20009.

2. That EZMW may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate of Authority No. 376 has been reissued in accordance with the preceding paragraph.

3. That EZMW 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 EZMW's failure to timely satisfy the conditions of reissuance prescribed herein.

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



William H. McGilvéry
Executive Director