

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5613

IN THE MATTER OF:

Served May 19, 1999

Application to Transfer)
Certificate No. 415 from ESTHER)
LEWIS CHEEKS, Trading as)
CHEEKS & SON, to CHEEKS & SON)
TRANSPORTATION INC.)

Case No. AP-99-18

By application accepted for filing March 5, 1999, Esther Lewis Cheeks, trading as Cheeks & Son, WMATC Carrier No. 415 (Cheeks), and Cheeks & Son Transportation Inc., a Maryland corporation (CSTI), (collectively applicants), seek Commission approval to transfer Certificate of Authority No. 415 from Cheeks to CSTI. Cheeks is an officer and ninety-percent shareholder of CSTI.

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

CSTI proposes to refile Cheeks's current tariff as its own and commence operations with one van.

CSTI filed a balance sheet as of January 31, 1999, showing assets of \$39,214; liabilities of \$22,452; and equity of \$16,762. CSTI's projected operating statement for the first twelve months of WMATC operations shows WMATC revenue of \$75,000; other revenue of \$20,000; expenses of \$63,950; and net income of \$31,050.

CSTI 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 CSTI 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. 415, to CSTI 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:

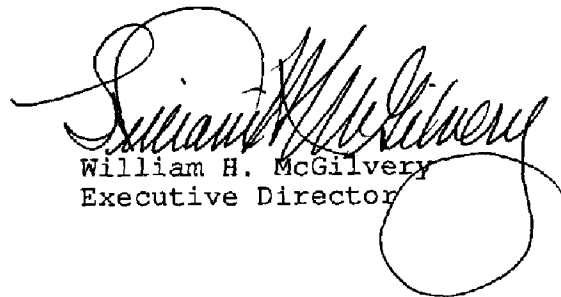
1. That upon CSTI's timely compliance with the requirements of this order, Certificate of Authority No. 415 shall be reissued to Cheeks & Son Transportation Inc., 800 Darien Place, Upper Marlboro, MD 20774.

2. That CSTI may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate of Authority No. 415 has been reissued in accordance with the preceding paragraph.

3. That CSTI 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 CSTI'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