

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5840

IN THE MATTER OF:

Served March 14, 2000

Application to Transfer Certificate )  
No. 201 from MDR TRANSPORTING )  
SERVICE, INCORPORATED, to ROOP )  
TRANSPORTATION SERVICES, INC. )

Case No. AP-2000-09

By application accepted for filing January 21, 2000, MDR Transporting Service, Incorporated, WMATC Carrier No. 201, ("MDR"), and Roop Transportation Services, Inc., a Maryland corporation, ("Roop"), seek Commission approval to transfer a substantial part of MDR's assets, including Certificate No. 201, to Roop. The application states that MDR's sole shareholder, Mildred D. Roopnaraine, owns ninety percent of Roop.

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 focuses on Roop's fitness, the resulting competitive balance and the interests of affected employees.<sup>1</sup>

In this case, competition is not an issue inasmuch as transferring assets from one member of a commonly controlled group to another member of the same group will not increase the controlling parties' market share, which is the primary concern when assessing the effect of common control on competition.<sup>2</sup> That leaves Roop's fitness and the transfer's effect on employees as the only issues.

Roop proposes to commence operations with one wheelchair van. Roop's tariff contains per capita rates.

Roop filed a balance sheet as of January 12, 2000, showing assets of \$16,880; liabilities of \$10,455; and equity of \$6,425. Roop's projected operating statement for the first twelve months of WMATC operations shows WMATC revenue of \$75,000; expenses of \$70,156; and net income of \$4,844.

Roop indicates it will retain all employees previously employed by MDR.

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<sup>1</sup> DC Code Ann. § 1-2414 (1992); 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).

<sup>2</sup> In re Safai Management Company, Inc., t/a Para-Med Wheelchair Transportation, & Paramed Medical Transportation, Inc., No. AP-99-30, Order No. 5617 (May 26, 1999).

Roop 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 Roop to be fit, willing, and able to perform the proposed transportation properly and conform with applicable regulatory requirements, finds there likely will be no adverse impact on affected employees and, therefore, finds that the transfer of assets, including Certificate No. 201, to Roop is consistent with the public interest.

THEREFORE, IT IS ORDERED:

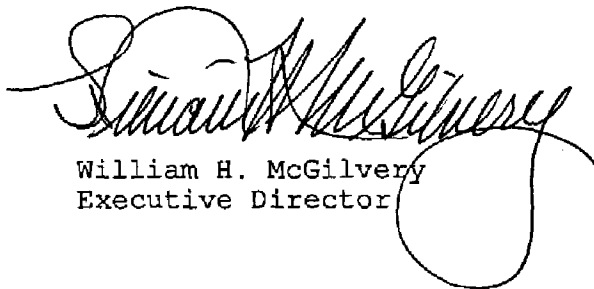
1. That upon Roop's timely compliance with the requirements of this order, Certificate of Authority No. 201 shall be reissued to Roop Transportation Services, Inc., 3131 Branch Avenue, #203, Temple Hills, MD 20748.

2. That Roop may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate of Authority No. 201 has been reissued in accordance with the preceding paragraph.

3. That Roop 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) a copy of the vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, 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 Roop'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