

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7407

IN THE MATTER OF:

Served September 12, 2003

Application of NEVAH TRANSPORTS, )  
LLC, for a Certificate of )  
Authority -- Irregular Route )  
Operations )

Case No. AP-2003-106

By application accepted for filing August 26, 2003, Nevah Transports, LLC, a District of Columbia limited liability company, seeks a certificate of authority for irregular route operations in vehicles with a seating capacity of less than 16 persons only, including the driver.

This is the second application filed by Nevah. The first was denied for failure to establish compliance fitness in that one of the members had a history of noncompliance and there was no evidence that the member without a history of noncompliance had a significant stake in the company.<sup>1</sup> Supporting this application is an operating agreement that places the latter member in sole charge, but once again, there is no evidence that this member has a significant stake in the company. Pursuant to Article XI, Section 7(d), of the Compact, applicant will be directed to file evidence of each member's contributions to the company.

Applicant proposes commencing operations with three vans. Applicant's proposed tariff contains individual and group rates for senior citizens, but the term "senior citizens" is not defined. In addition, applicant's proposed group rate is more than thirteen times the size of its individual rate, but two of applicant's vans only accommodate seven passengers each. Applicant will be directed to file an amended proposed tariff with the term "senior citizens" defined and with an explanation of when and under what circumstances applicant's group rate applies.

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than September 26, 2003, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than October 17, 2003, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

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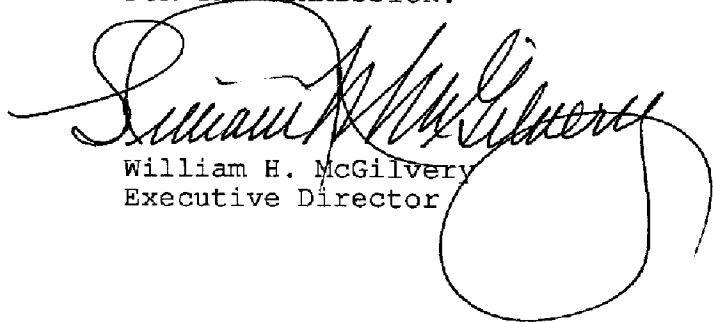
<sup>1</sup> In re Nevah Transports, LLC, No. AP-02-121, Order No. 7001 (Jan. 21, 2003).

3. That applicant shall file with the Commission, no later than September 26, 2003, an original and four copies of evidence of each member's contributions to the company.

4. That applicant shall file with the Commission, no later than September 26, 2003, an original and four copies of an amended proposed tariff with the term "senior citizens" defined and with an explanation of when and under what circumstances applicant's group rate applies.

5. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is October 17, 2003, and that copies must be served on applicant's managing member, Richard Russell, 4900-A South 31<sup>st</sup> Street, Arlington, VA 22206-1656.

FOR THE COMMISSION:



William H. McGilvery  
Executive Director