

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7823

IN THE MATTER OF:

Served March 10, 2004

Application of QUALITY MEDICAL)
SUPPLIES LLC, Trading as F & J) Case No. AP-2004-25
HEALTHCARE SERVICES, to Acquire)
Certificate No. 512 from TINGEM)
HEALTH CARE SERVICES INC.)

By application accepted for filing February 3, 2004, applicant, Quality Medical Supplies LLC, a Maryland corporation trading as F & J Healthcare Services, seeks Commission approval to acquire Certificate No. 512 from Tingem Health Care Services Inc.

Under Article XI, Section 11(a), of the Compact, a person may not transfer a certificate of authority unless the Commission approves the transfer as consistent with the public interest. The public interest analysis focuses on the acquiring party's fitness, the resulting competitive balance and the interests of affected employees.¹

The parties' "Asset Purchase and Transfer of Control of Transportation Contracts" agreement calls for the transfer of two Ford vans, five transportation contracts, and Certificate No. 512. Applicant, on the other hand, proposes commencing operations with only one of the Ford vans (plus a Chevrolet van) and performing only two of the five contracts (applicant's proposed DC Medicaid and waiver program rates). Applicant will be directed to expand its vehicle list in Exhibit A to include the second Ford van or explain why applicant is not proposing to commence operations with both Ford vans. Applicant also will be directed to expand its list of proposed rates in Exhibit B to include the other three contracts or explain why applicant is not proposing to perform those contracts.

This proceeding is hereby initiated to determine applicant's fitness and whether the proposed transaction is otherwise consistent with the public interest

¹ In re AT Trans Servs., Inc., & Premier Care Medical Transport, Inc., No. AP-02-116, Order No. 6999 (Jan. 21, 2003); In re Dr. Peterson Health Services, Inc., t/a Concerned Medical Transport, & Concerned Medical Transport, Inc., No. AP-01-11, Order No. 6213 (May 11, 2001); 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).

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than March 23, 2004, notice in the form prescribed by the staff of the Commission.

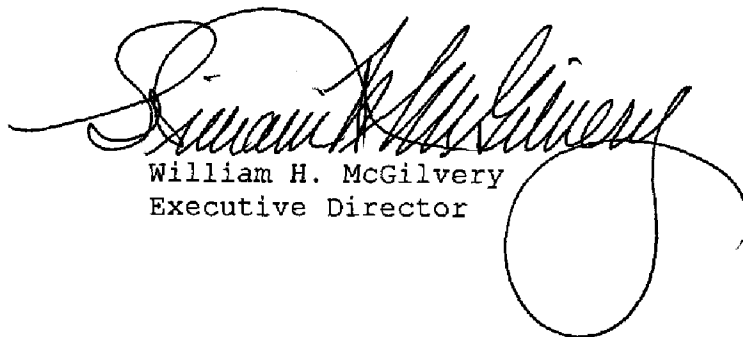
2. That applicant shall file with the Commission, no later than April 13, 2004, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than March 23, 2004, an original and four copies of either an amended Exhibit A that includes both Ford vans identified in the parties' "Asset Purchase and Transfer of Control of Transportation Contracts" agreement or a written statement explaining why applicant proposes commencing operations with only one of the two Ford vans applicant is acquiring from Tingem.

4. That applicant shall file with the Commission, no later than March 23, 2004, either five copies of all contracts covered by the parties' "Asset Purchase and Transfer of Control of Transportation Contracts" agreement -- including the Health Services for Children with Special Needs contract, the Health Rite contract, and the Montgomery County contract -- or an original and four copies of a written statement explaining why applicant does not propose performing all of the contracts it is acquiring from Tingem.

5. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is April 13, 2004, and that copies must be served on applicant's president, Francisca Isimeme Akioyamen, 6495 New Hampshire Avenue, #111, Hyattsville, MD 20783.

FOR THE COMMISSION:



William H. McGilvery
Executive Director