

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8230

IN THE MATTER OF:

Served August 13, 2004

NEW ERA MEDICAL TRANSPORT SERVICES,)
a Partnership, WMATC No. 712, and)
NEW ERA MEDICAL TRANSPORT SERVICES,)
INC., Investigation of Unauthorized)
Advertising and Operations and)
Order to Cease and Desist)

Case No. MP-2004-149

This proceeding is being initiated to prohibit New Era Medical Transport Services, Inc., a Maryland corporation, from advertising or conducting transportation of passengers for hire between points in the Metropolitan District and to prohibit New Era Medical Transport Services, WMATC No. 712, a Maryland general partnership, from operating vehicles controlled by New Era Medical Transport Services, Inc. Both carriers are controlled by Ike Ezeani. Mr. Ezeani is president of the corporation and a general partner in the partnership.

Under Title II of the Compact, Article XI, Section 11(a), a person may not transfer a Certificate of Authority unless the Commission approves the transfer as consistent with the public interest. Under Article XI, Section 11(b), a person other than the person to whom an operating authority is issued by the Commission may not lease, rent, or otherwise use that operating authority.

Last year, the Commission approved the transfer of Certificate No. 712 from New Era the partnership to New Era the corporation, subject to the condition that the corporation file certain fitness documents and other documents required by Commission regulations.¹ The corporation failed to timely file all of the required documents and thereby voided the Commission's approval.²

During the course of the transfer proceeding, the corporation produced three vans for inspection by Commission staff. The inspection reports completed by staff indicate that the corporation's name and "WMATC #712" were displayed on both sides of each van. There

¹ See In re New Era Med. Transp. Servs., Inc., & New Era Med. Transp. Servs., No. AP-03-101, Order No. 7506 (Nov. 3, 2003) (conditionally approving transfer of Certificate No. 712).

² See id. (approval of transfer void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66 (failure to comply with conditions of grant within 180 days voids approval).

is nothing in the transfer application record to indicate that the partnership's WMATC number has been removed from the three vans or that the vans have been returned to the partnership now that the transfer approval is void. To the contrary, the website of the Maryland Public Service Commission (MDPSC) indicates the corporation is currently operating all three vans under its MDPSC carrier authority.³

Because a WMATC Carrier and its non-WMATC affiliate may not share revenue vehicles,⁴ respondents must decide which of the three vans each will operate. The corporation must immediately remove all WMATC indicia from any vans it intends to continue operating⁵ and relinquish to the partnership any that it does not. The corporation's MDPSC number and the suffix "Inc." must be removed from any and all vans to be operated by the partnership.

Respondents shall demonstrate compliance with the foregoing by presenting all three vans for inspection by Commission staff within thirty days. Certificate No. 712 shall stand suspended upon respondents' failure to timely comply with this order, and respondents will have thirty days thereafter to show cause why the Commission should not assess a civil forfeiture and revoke Certificate No. 712. Any van failing inspection may not be operated unless and until it passes a subsequent inspection by staff.

THEREFORE, IT IS ORDERED:

1. That an investigation of respondents and their activities and operations in the Washington Metropolitan Area Transit District is hereby initiated under Article XIII, Section 1, of the Compact.

2. That New Era Medical Transport Services, Inc., is hereby directed to refrain from, and/or cease and desist from, transporting passengers for hire between points in the Metropolitan District, and advertising such service by display of WMATC indicia or otherwise, unless and until otherwise ordered by the Commission.

3. That respondents shall immediately remove all WMATC indicia from any vans to be operated by New Era Medical Transport Services, Inc.

³ The corporation's MDPSC carrier number "PSC #2978" was displayed on two of the three vans produced for inspection by WMATC staff.

⁴ In re Challenger Transp., Inc., No. AP-00-56, Order No. 5981 (Sept. 6, 2000); see In re M&G Servs., Inc., No. AP-96-02, Order No. 4782 (Mar. 7, 1996) (pursuant to art. XI, § 11(b), non-carrier and WMATC carrier with same address admonished to keep operations separate).

⁵ In re Associated Community Servs., Inc., No. AP-02-88, Order No. 6839 (Oct. 3, 2002).

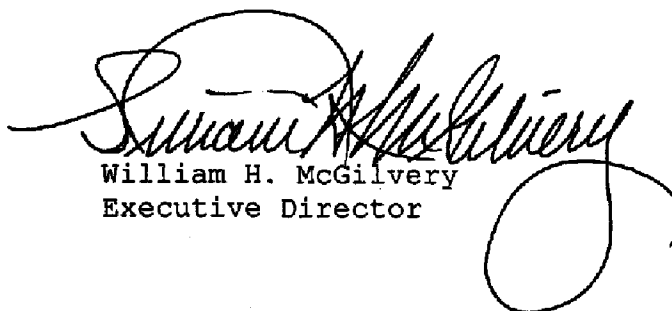
4. That respondents shall immediately remove any MDPSC number and the suffix "Inc." from any vans to be operated by New Era Medical Transport Services, WMATC Carrier No. 712.

5. That respondents are hereby directed to produce all revenue vehicles for inspection by Commission staff within thirty days from the date of this order.

6. That the three vans which have not been demonstrated to comply with Commission requirements, as identified in this order, may not be operated unless and until they pass inspection, as verified in writing by Commission staff.

7. That Certificate of Authority No. 712 shall stand suspended, upon respondents' failure to timely comply with this order, and respondents will have thirty days thereafter to show cause why the Commission should not assess a civil forfeiture against respondents and revoke Certificate No. 712.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER, AND GUNS:



William H. McGilvery
Executive Director