

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8233

IN THE MATTER OF:

Served August 18, 2004

Application of AHMED S. NASER,)	Case No. AP-2003-175
Trading as EACF TRANSPORTATION)	
SERVICE, WMATC NO. 521, for)	
Approval of Control of NATIONAL)	
SENIOR CITIZENS' NETWORK, INC.,)	
WMATC No. 761)	
Application of NATIONAL SENIOR)	Case No. AP-2004-105
CITIZENS' NETWORK, INC., for)	
Voluntary Termination of)	
Certificate No. 761)	
AHMED S. NASER, Trading as)	Case No. MP-2004-113
EACF TRANSPORTATION SERVICE,)	
WMATC NO. 521, and NATIONAL)	
SENIOR CITIZENS' NETWORK, INC.,)	
WMATC No. 761, Investigation of)	
Unauthorized Common Control)	

This matter is before the Commission on the response of Ahmed S. Naser, trading as EACF Transportation Service, WMATC No. 521, and National Senior Citizens' Network, Inc., (NSCN), WMATC No. 761, to Order No. 8082, served June 9, 2004, directing respondents to show cause why Certificates Nos. 521 and 761 should not be suspended or revoked for respondents' willful failure to comply with Article XII, Section 3, and Order No. 7655.

Under Title II of the Compact, Article XII, Section 3(a)(iii), a carrier or any person controlling, controlled by, or under common control with a carrier must obtain Commission approval to acquire control of another carrier that operates in the Metropolitan District through ownership of its stock or other means.

On October 21, 2003, Commission staff wrote to Mr. Naser concerning his control of NSCN as evidenced by the designation of Mr. Naser as director of NSCN in a tariff filed with the Commission on September 12, 2003. Staff's letter noted that NSCN's application for a certificate of authority stated that no such control relationship existed and that, therefore, Naser's control of NSCN had not been approved by the Commission. Staff advised Mr. Naser to file an application for approval of common control no later than November 7, 2003. After requesting an extension of time, Mr. Naser filed an

application on December 4, 2003, requesting Commission approval of his control of NSCN.

Order No. 7655, served January 9, 2004, noted the common control application and gave Mr. Naser until January 23, 2004, to publish notice of the application in a newspaper of general circulation in the Metropolitan District and file a statement describing the effect his control over NSCN has on his employees and the employees of NSCN. The order gave NSCN until January 23, 2004, to file a list of shareholders, directors, and officers. Proof of publication of the newspaper notice was to be filed no later than February 13, 2004.

On March 23, 2004, instead of filing the documents required by Order No. 7655, Mr. Naser filed a request to withdraw the common control application. The request to withdraw was accompanied by an application for voluntary termination of Certificate No. 761. The voluntary termination application stated that NSCN would no longer provide transportation for hire and that NSCN would return the license plates for its revenue vehicle and file proof of return with the Commission once its insurance expired at the end of April 2004. Curiously, Mr. Naser also filed an affidavit confirming that NSCN's revenue vehicle still displayed NSCN's name and WMATC No. 761.

Contrary to Mr. Naser's assertion, the WMATC Certificate of Insurance and Policy Endorsement on file for NSCN was not due to expire until January 14, 2005, and the Commission had yet to receive any notice of cancellation from NSCN's insurance company or any proof that the license plates for NSCN's revenue vehicle had been returned, leaving both Mr. Naser and NSCN in noncompliance with Order No. 7655 and the Commission without any tangible evidence that NSCN had ceased operating.

Order No. 8082 accordingly gave respondents thirty days to show cause why Certificates Nos. 521 and 761 should not be suspended or revoked for respondents' willful failure to comply with Article XII, Section 3, and Order No. 7655.

On July 8, 2004, Mr. Naser filed a copy of the request to cancel NSCN's commercial auto insurance policy that Mr. Naser says he submitted to the insurance company on February 16, 2004. On July 30, 2004, Mr. Naser presented NSCN's sole vehicle for inspection by Commission staff. The vehicle no longer displayed NSCN's WMATC number, and NSCN's for-hire license plates had been replaced with non-passenger-carrier plates.

We find that respondents have shown good cause for not suspending or revoking Certificates Nos. 521 and 761. In addition, we shall approve NSCN's application for voluntary termination and Mr. Naser's request to withdraw the application for approval of common control.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 761 is hereby terminated, effective this date.

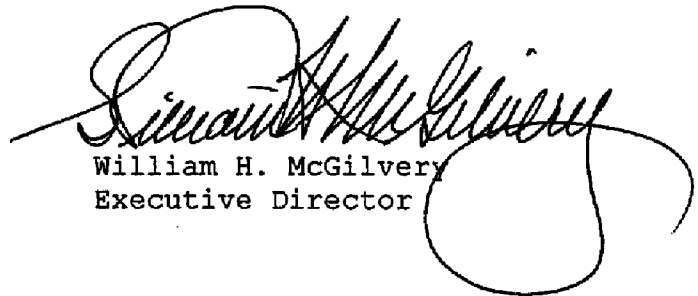
2. That National Senior Citizens' Network, Inc., shall surrender Certificate No. 761 to the Commission within 30 days from the date of this order.

3. That National Senior Citizens' Network, Inc., shall not transport passengers for hire between points in the Metropolitan District unless and until otherwise ordered by the Commission.

4. That the request to withdraw the application for Commission approval of common control of Certificates Nos. 521 and 761 is hereby granted.

5. That these proceedings shall stand terminated upon the surrender of Certificate No. 761.

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



William H. McGilvery
Executive Director