

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9909

IN THE MATTER OF:

Served September 15, 2006

Application of DIPSON JOEL)
OLUWALOGBON for Approval and)
Temporary Approval of Acquisition)
of Control of SAMFRE TRANSPORTATION)
SERVICES, INC., WMATC No. 744)
Case No. AP-2006-156

By application accepted for filing August 30, 2006, Dipson Joel Oluwalogbon seeks Commission approval, pursuant to Article XII, Section 3(a), of the Compact, of the proposed acquisition of all outstanding stock of Samfre Transportation Services, Inc., WMATC No. 744, (Samfre). Mr. Oluwalogbon also requests that the Commission grant temporary approval of the proposed acquisition under Article XII, Section 3(d).

Article XII, Section 3(a)(iii) of the Compact requires that any person controlling a carrier obtain Commission approval to acquire control of another carrier that operates in the Metropolitan District through ownership of its stock or other means.

Mr. Oluwalogbon currently owns all outstanding stock of Dip & Sons Incorporated, trading as Dip & Sons Transportation Service, WMATC No. 866, (Dip & Sons). Therefore, Mr. Oluwalogbon's proposed acquisition of a controlling interest of Samfre, a separate WMATC carrier, requires Commission approval.

Article XII, Section 3(c) provides that the Commission shall approve the proposed transaction if it finds it to be consistent with the public interest. The public interest analysis of transactions governed by Art. XII, Section 3, focuses on the acquiring party's fitness, the resulting competitive balance and the interests of affected employees.¹

Pending determination of an application filed under Article XII, Section 3, the Commission may grant temporary approval under Section 3(d) if the Commission determines that grant to be consistent with the public interest. The public interest analysis under Section 3(d) includes an assessment of the acquiring party's fitness and of whether and to what extent a denial of temporary approval would cause

¹ See *In re Quality Med. Supplies LLC, t/a F & J Healthcare Servs., & Tingem Health Care Servs. Inc.*, No. AP-04-25, Order No. 8033 (May 27, 2004).

a diminution in the value or utility of the company or assets to be acquired.²

Samfre currently operates one van inside the Metropolitan District and has on file with the Commission a tariff containing rates for transportation under the District of Columbia Medicaid program. Dip & Sons also operates under a tariff containing rates for transportation under the District of Columbia Medicaid program. According to Dip & Sons' most recent annual report, it operates two vans in the Metropolitan District.

This proceeding is hereby initiated to determine whether the proposed transportation and temporary approval are 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 29, 2006, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than October 13, 2006, an affidavit that notice has been published as required in the preceding paragraph.

3. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing with respect to the temporary approval application is September 29, 2006, and that copies must be served on applicant's attorney, Joel Weingarten at 1616 H Street, N.W., #902, Washington, DC 20006.

4. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing with respect to the approval application is October 13, 2006, and that copies must be served on applicant's attorney, Joel Weingarten at 1616 H Street, N.W., Washington, DC 20006

FOR THE COMMISSION:



Jeffrey M. Lehmann
Acting Executive Director

² See *In re Old Town Trolley Tours of Washington, Inc.*, No. AP-96-44, Order No. 4932 (Sep. 17, 1996).