

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9377

IN THE MATTER OF:

Served March 6, 2006

Application of JANUARIUS J. ASONGU )  
for a Certificate of Authority -- )  
Irregular Route Operations )

Case No. AP-2005-095

Application of JANUARIUS J. ASONGU )  
for Temporary Authority -- )  
Irregular Route Operations )

Case No. AP-2005-096

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. Applicant also seeks temporary authority to provide one way and round trip passenger transportation services in wheelchair vans. The applications are unopposed.

**I. TEMPORARY AUTHORITY**

Under Title II of the Compact, Article XI, Section 13(a), the Commission may grant temporary authority if there is an immediate need for service that is not available.

The application for temporary authority is supported by a third-party affidavit attesting to a need for the type of service proposed by applicant, but the affidavit states neither that the need is immediate nor that such service is not available from any existing WMATC carrier. Accordingly, the application for temporary authority shall be denied.

**II. CERTIFICATE OF AUTHORITY**

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission. If the applicant does not make the required showing, the application must be denied under Section 7(b).

After the application was filed and the customary public notice was published in applicant's name in a newspaper of general circulation in the Metropolitan District, applicant filed a request that the Commission use "CAPITAL RENT-A-CAR, INC." as applicant's "business name." Records filed by applicant and obtained by the Commission from the website of the Maryland Department of Assessments and Taxation

reveal that applicant formed CAPITAL RENT-A-CAR, INC., as a Maryland corporation effective February 24, 2005.

Commission precedent does not permit a sole proprietor to use the term "Inc" in his or her trade name,<sup>1</sup> and inasmuch as applicant has stated his intent to perform the proposed transportation through his corporation and not as a sole proprietor as originally indicated, we find that approving this application would not be consistent with the public interest.<sup>2</sup>

THEREFORE, IT IS ORDERED that the application of Januarius J. Asongu for a certificate of authority, irregular route operations, is hereby denied without prejudice.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND SMITH:



William S. Morrow, Jr.  
Executive Director

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<sup>1</sup> In re Charlene Bonita Gant-Thompson, t/a Charlene Area Transit Inc (C.A.T.), No. AP-02-99, Order No. 6792 (Aug. 29, 2002).

<sup>2</sup> See In re Pacific Health and Transp. Servs., Inc., No. AP-05-06, Order No. 8547 (Feb. 10, 2005) (directing substitute applicant to show cause why approving application would be in public interest).