

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9598

IN THE MATTER OF:

Served June 2, 2006

Application of JIHAD PROPERTIES)
TRANSPORTATION SVC LLC, Trading as) Case No. AP-2006-080
4 ALL OCCASIONS TRANSPORTATION)
SERVICE, for a Certificate of)
Authority -- Irregular Route)
Operations)

By application accepted for filing May 8, 2006, Jihad Properties Transportation SVC LLC, a District of Columbia entity trading as 4 All Occasions Transportation Service, seeks a certificate of authority for irregular route operations in vehicles with a seating capacity of less than 16 persons only, including the driver.

Applicant proposes commencing operations with two vans. Applicant's proposed tariff contains rates for transportation under the District of Columbia Medicaid program.

An applicant for a certificate of authority must establish financial fitness, operational fitness, and regulatory compliance fitness.¹ A determination of compliance fitness is prospective in nature.² The purpose of the inquiry is to protect the public from those whose conduct demonstrates an unwillingness to operate in accordance with regulatory requirements.³ Past violations do not necessarily preclude a grant of authority but permit the inference that violations will continue.⁴

Applicant held WMATC Certificate of Authority No. 597 from April 9, 2003, to March 16, 2006, when it was revoked in Order No. 9393 for willful failure to comply with Order Nos. 9084 and 9085, which had given applicant thirty days to file its overdue 2004 annual report, pay its overdue 2005 annual fee, and pay an assessed \$200 civil forfeiture.⁵ The Commission noted in Order No. 9393 that applicant's unpaid 2005 annual fee, unfiled 2004 annual report and \$200 combined forfeiture would remain due.

The application in this proceeding was accompanied by applicant's 2004 annual report and a check in the amount of \$500. \$250 was applied towards the carrier application fee, and the

¹ *In re Zee Transp. Serv. Inc.*, No. AP-04-115, Order No. 8275 (Sept. 20, 2004); *In re Nevah Transports, LLC*, No. AP-02-121, Order No. 7001 (Jan. 21, 2003).

² Order No. 8275; Order No. 7001.

³ *Id.*

⁴ *Id.*

⁵ *In re Jihad Properties Transportation SVC LLC, Trading as 4 All Occasions Transportation Service*, No. MP-05-142, Order No. 9393 (Mar. 16, 2006).

additional \$250 satisfied applicant's outstanding \$200 civil forfeiture and \$50 of its 2005 carrier annual fee.

Applicant will be directed to explain why the Commission should not find applicant unfit given its failure to pay the full \$100 2005 carrier annual fee in compliance with Commission requirements.

All corporate applicants are required to attach to their application a certificate of good standing from the state of incorporation. Applicant attached, as its Exhibit A, a Certificate of Incorporation issued by the District of Columbia Department of Consumer and Regulatory Affairs dated August 15, 2002. Applicant will be directed to file a current certificate of good standing.

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation is 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 June 16, 2006, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than June 30, 2006, an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than June 30, 2006, a written statement explaining why the Commission should not find applicant unfit given applicant's failure to pay its full \$100 annual fee for 2005.

4. That applicant shall file with the Commission, no later than June 30, 2006, a current certificate of good standing from the District of Columbia Department of Consumer and Regulatory Affairs.

5. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing is June 30, 2006, and that copies must be served on applicant's chief financial officer, Nichelle L. Goins, 1100 51st Street, N.E., Washington, DC 20019.

FOR THE COMMISSION:



Jeffrey M. Lehmann
Acting Executive Director