

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,110

IN THE MATTER OF:

Served November 30, 2006

Application of ATLAS ELITE LIMOS,)
LLC, for a Certificate of Authority)
-- Irregular Route Operations)

Case No. AP-2006-062

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's president, Linwood C. Alston, is also president of Atlas International Security & Investigative Services Incorporated, (Atlas International). Atlas International was granted operating authority last year, but the issuance of a certificate of authority was expressly made contingent on applicant filing additional documents.¹ Applicant failed to file the necessary documents in a timely manner, thereby voiding the Commission's approval.²

The instant application is unopposed.

I. REOPENING PROCEEDING

Notice of this application was served in Order No. 9505, served April 19, 2006. Applicant was directed to publish further notice in a newspaper of general circulation in the Metropolitan District and file, no later than May 17, 2006, an affidavit of publication and a statement explaining how applicant's proposed operation of vehicles currently operated by applicant's affiliate, Atlas International, is consistent with the public interest and can be accomplished without violating Commission Regulation No. 62. The application was dismissed without prejudice in Order No. 9814, served August 9, 2006, after applicant failed to file the required statement within the time allotted.

Applicant subsequently filed a statement on August 24, 2006, explaining that the three vehicles at issue will be operated by and under the complete control of applicant, in accordance with the terms of a vehicle lease filed by applicant. This statement is corroborated

¹ See *In re Atlas International Security & Investigative Services Incorporated*, AP-05-034, Order No. 8760 (June 8, 2005) (conditionally granting Certificate No. 1069).

² See *id.* (grant of authority 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).

by information available on the websites of the Maryland Public Service Commission and Federal Motor Carrier Safety Administration, which now show that applicant, not applicant's affiliate, is the carrier registered to operate the three vehicles at issue in those jurisdictions.

For good cause shown, this proceeding shall be reopened under Commission Rule No 26.³

II. DECISION

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.

Applicant proposes commencing operations with three limousines. Applicant proposes operating under a tariff containing hourly group charter rates and flat rates for one-way transfers, including rates for transportation to and from Ronald Regan Washington National and Washington-Dulles International Airports.

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

Based on the evidence in this record, the Commission finds that the proposed transportation is consistent with the public interest and that 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.

THEREFORE, IT IS ORDERED:

1. That this proceeding is hereby reopened pursuant to Commission Rule No. 26.

2. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 1069 shall be issued to Atlas Elite Limos, LLC, 6072 Central Avenue, Capitol Heights, MD 20743.

³ See *In re Tilly's Limousine & Sedan Services, Inc.*, No. AP-05-30, Order No. 9312 (Feb. 8, 2006) (reopening record to receive late-filed documents).

3. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate No. 1069 has been issued in accordance with the preceding paragraph.

4. That applicant is hereby directed to present its revenue vehicle(s) for inspection and file the following documents within the 180-day maximum permitted in Commission Regulation No. 66: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) a copy of the for-hire vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, for each vehicle to be used in revenue operations; and (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia.

5. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

BY DIRECTION OF THE COMMISSION: COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director