

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,721

IN THE MATTER OF:

Served August 23, 2007

Application of DARRYL ANTHONY)
LAWSON, Trading as LET'S RIDE) Case No. AP-2007-102
TRANSPORTATION, for a Certificate)
of Authority -- Irregular Route)
Operations)

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. The application is unopposed.

Applicant 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 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 one van. Applicant proposes operating under a tariff containing rates for Medicaid transportation and rates for private pay ambulatory/wheelchair transportation.

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

¹ See *In re Darryl Anthony Lawson, t/a Let's Ride Transportation*, No. AP-06-129, Order No. 9904 (Sept. 11, 2006) (conditionally granting Certificate No. 1285).

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).

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.

Normally, such evidence would establish an applicant's fitness,³ but in this case, applicant is in the final stages of a Chapter 7 liquidation bankruptcy proceeding (11 USC § 701 et seq.). This calls into question applicant's ability to sustain operations for one year.⁴ Thus, while applicant's status in bankruptcy does not necessarily preclude a finding of financial fitness, it is cause for looking behind applicant's fitness averment before making a determination that applicant is indeed financially fit.⁵ Accordingly, we will require applicant to supplement the record with additional evidence of applicant's financial fitness.⁶

THEREFORE, IT IS ORDERED: That applicant shall produce the following documents within thirty days of the date of this order:

- a. A current credit report from one of the three nationwide consumer credit reporting companies (Equifax, Experian, or TransUnion);
- b. A copy of applicant's monthly bank statements from each bank in which he held an account during the period beginning January 1, 2007, and ending on the date of this order; and
- c. A copy of applicant's 2006 federal income tax return.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

³ *In re Elias Tsegaye Mekuria, t/a Mekuria Transport*, No. AP-07-057, Order No. 10,550 (June 13, 2007).

⁴ *Id.*

⁵ *Id.*

⁶ *See id.* (requiring same).