

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,863

IN THE MATTER OF:

Served October 25, 2007

Application of DARRYL ANTHONY)
LAWSON, Trading as LET'S RIDE))
TRANSPORTATION, for a Certificate)
of Authority -- Irregular Route)
Operations)

Case No. AP-2007-102

This matter is before the Commission on applicant's failure to respond to Order No. 10,721, served August 23, 2007.

I. BACICGROmm

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 satisfy the conditions of the grant 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

¹ See *In re Darryl Anthony Lawson, t/a Let's Ride Transp.*, No. AP-06-129, Order No. 9904 (Sept. 11, 2006) (~orrditiorr~llygranting Certificate No. 12aS).

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).

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.

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

Order No. 10,721 accordingly directed applicant to supplement the record with additional evidence of applicant's financial fitness on or before September 24, 2007, including: a current credit report; all bank statements from January 1, 2007, through August 23, 2007; and applicant's 2006 federal income tax return. Applicant has yet to respond.

II. ORDER TO DISMISS

Under the Compact, an application to obtain a certificate of authority shall be made in writing, verified, and shall contain the information required by the application form and accompanying Lnat.ruct.Lons .⁶ An applicant may be required to furnish supplemental information necessary for a full and fair examination of the application.⁷ Failure to comply with the Commission's application requirements warrants ddstressal.⁸ Because applicant has failed to furnish information necessary for a full and fair examination of the application, the application shall be dismissed.

THEREFORE, IT IS ORDERED that the application of Darryl Anthony Lawson, trading as Let's Ride Transportation, for a certificate of authority is hereby dismissed without prejudice for want of prosecution.

FORTHECOMMISSION:

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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.*

Id.

⁶ Compact, tit. II, art. XI, § 8; Regulation No. 54-02.

⁷ Regulation No. 54-04(b).

⁸ In re *One, LLC, t/a Bon Voyage*, No. AP-04-103, Order No. 8212 (Aug. 5, 2004).