

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,127

IN THE MATTER OF:

Served August 18, 2009

Application to Change Name on) Case No. AP-2009-088
Certificate No. 1342 from COMMUNITY)
TRANSPORTATION, LLP, to COMMUNITY)
TRANSPORTATION, LLC)

This matter is before the Commission on the application of Community Transportation, LLC, to acquire Certificate of Authority No. 1342 from Community Transportation, LLP.

The record shows that Community Transportation, LLC, was created on August 3, 2009, when Community Transportation, LLP, a Maryland limited liability partnership, converted to a Maryland limited liability company. Under Maryland Code, a Maryland general or limited partnership¹ that has been converted to a Maryland limited liability company "shall be deemed for all purposes the same entity that existed before the conversion."²

A transfer of Certificate of Authority under Article XI, Section 11(a), of the Compact, and transfer of assets under Article XII, Section 3(a), of the Compact, presume the existence of two separate entities. Otherwise, a transfer could not exist. In the instant application there is only one entity. It thus appears that this application would be more appropriately styled an application to amend Certificate No. 1342 for the purpose of changing the name that appears on the certificate.

Under Title II of the Compact, Article XI, Section 10(b), the Commission may amend a certificate of authority upon application by the holder. Simple name change requests may be granted on good cause shown.³ For good cause shown, the application shall be granted.

Because applicant paid the \$250 transfer application fee under Regulation No. 67-01 instead of the \$75 name change application fee

¹ A limited liability partnership may be either. MD. CODE, CORPS. & ASS'NS §§ 9A-101, 10-805 (2009).

² MD. CODE, CORPS. & ASS'NS § 4A-213(a).

³ *In re Whiting, Bayard & Morris Coach Serv., Inc., t/a Prof. Tours, & Morris & Morris Coach Serv., Inc., t/a Prof. Tours*, No. AP-04-67, Order No. 7935 (Apr. 9, 2004).

under Regulation No. 67-01, the Commission shall refund \$175 to applicant.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 1342 shall be reissued in the name of Community Transportation, LLC, 2206 Dhow Court, Bowie, MD 20721-3083.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until applicant's certificate of authority has been reissued as amended in accordance with this order.

3. 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; (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; and (f) the certificate of authority being amended.

4. That the approval of amendment herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

5. That the Commission shall refund \$175 to applicant.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS CHRISTIE AND BRENNER:



William S. Morrow, Jr.
Executive Director