

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,240

IN THE MATTER OF:

Served December 1, 2009

Application of VONEVA INC. for a) Case No. AP-2009-107
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.

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 sedan. Applicant proposes operating under a tariff containing charter rates, individual and/or group sightseeing rates, rates for Medicaid transportation, rates for private pay ambulatory/wheelchair transportation, and rates for transportation under contracts with government agencies and private entities.

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.

Normally, such evidence would establish applicant's fitness,¹ but this applicant has a history of regulatory violations. When an applicant has a record of violations, the Commission considers the following factors in assessing the likelihood of applicant's future compliance: (1) the nature and extent of the violations, (2) any

¹ *In re Smart Ride, Inc.*, No. AP-08-081, Order No. 11,446 (July 1, 2008).

mitigating circumstances, (3) whether the violations were flagrant and persistent, (4) whether applicant has made sincere efforts to correct past mistakes, and (5) whether applicant has demonstrated a willingness and ability to comport with the Compact and rules and regulations thereunder in the future.²

Applicant previously held WMATC Certificate of Authority No. 1406 from June 22, 2007, until August 4, 2008, when Certificate No. 1406 was revoked for applicant's failure to pay \$250 in late fees associated with an untimely but otherwise acceptable insurance filing, a late 2008 annual fee payment, and late submission of a 2008 annual report.³ The revocation order stipulated that the outstanding late fees would remain due. Applicant subsequently paid the outstanding late fees on August 17, 2009.

The revocation order also directed applicant to surrender Certificate No. 1406 and verify removal of WMATC markings from applicant's vehicle(s). Applicant surrendered Certificate No. 1406 at the time it filed this application, and applicant reminds us that the Commission granted applicant a vehicle marking waiver for applicant's sole vehicle when Certificate No. 1406 was issued in 2007.

Finally, the application is supported by a statement verifying applicant's timely cessation of operations in March 2008 when Certificate No. 1406 was suspended. There is no evidence in the record to the contrary.

The Commission has found other applicants fit under similar circumstances.⁴ Applicant, however, shall serve a one year period of probation as a means of ensuring prospective compliance.⁵

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:

² *Id.*

³ *In re Voneva Inc.*, No. MP-08-065, Order No. 11,509 (Aug. 4, 2008).

⁴ See Order No. 11,446 (paid outstanding late fees, accounted for vehicle markings, and verified timely cessation of operations); *In re Dan Allen, t/a Allen Limo Serv.*, No. AP-08-12, Order No. 11,412 (June 13, 2008) (paid outstanding late fees, accounted for vehicle markings, and verified timely cessation of operations with no evidence to the contrary); *In re Henka Int'l, Inc., t/a Worldwide Tours & Travel*, No. AP-03-184, Order No. 8035 (May 27, 2004) (no evidence of post-suspension operations and satisfactory accounting for vehicles and vehicle markings); *In re Jet Tours USA, Inc.*, No. AP-02-133, Order No. 7078 (Mar. 6, 2003) (same).

⁵ See, e.g., Order No. 11,446 (same); Order No. 11,412 (same).

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 1406 shall be reissued to Voneva Inc., 2224 Stone Wheel Drive, #B, Reston, VA 20191-3124.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate No. 1406 has been reissued in accordance with the preceding paragraph.

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; (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.

4. That applicant shall be placed on probation for a period of one year commencing with the reissuance of Certificate No. 1406 in accordance with the terms of this order and that a willful violation of the Compact, or of the Commission's rules, regulations or orders thereunder, by applicant or its members during the period of probation shall constitute grounds for immediate suspension and/or revocation of applicant's operating authority without further proceedings, regardless of the nature and severity of the violation.

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 CHRISTIE AND BRENNER:



William S. Morrow, Jr.
Executive Director