

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,283

IN THE MATTER OF:

Served January 14, 2010

Application of G & M LIMOS AND BUS ) Case No. AP-2009-124  
SERVICES INC., Trading as G & M )  
LIMO SERVICES, for a Certificate of )  
Authority -- Irregular Route )  
Operations )

This matter is before the Commission on the failure of applicant to comply with the Commission's application requirements and applicant's request for a refund of the \$250 application fee.

By letter dated November 27, 2009, applicant was directed to publish notice of this application in a newspaper of general circulation in the Metropolitan District no later than December 11, 2009, and file an affidavit of publication and certain other documents no later than December 28, 2009. Applicant has yet to file an affidavit of publication. It appears that applicant's president and owner, Mr. Mike Malaeb, has decided to abandon this application in favor of a later-filed application submitted on behalf of another carrier controlled by Mr. Malaeb, G & M Limo Services Corp.<sup>1</sup>

"The Commission cannot require one to apply for any specific operating authority, or to continue to pursue an application already filed, if [it] is under no legal compulsion to furnish the services."<sup>2</sup> We therefore shall honor Mr. Malaeb's decision to abandon this application. We find no basis, however, for refunding the application fee on the ground that Mr. Malaeb mistakenly filed this application on behalf of applicant instead of G & M Limo Services Corp.

Regulation No. 67-01 states that a \$250 shall fee be paid at the time of filing an application to obtain a certificate of authority. Regulation No. 67-01 further provides that: "In the case of a rejected filing, the Commission shall return half of the fee paid." There is no other basis in Regulation No. 67-01 for refunding application fees.

---

<sup>1</sup> See *In re G & M Limo Servs. Corp, t/a G & M Limo Servs. Corp*, No. AP-09-127, Order No. 12,278 (Jan. 11, 2010) (conditionally approving application signed by "owner/President" Mike Malaeb).

<sup>2</sup> *In re Malek Investment of Virginia, Inc., t/a Montgomery Airport Shuttle*, No. AP-99-11, Order No. 5706 (Sept. 22, 1999) (quoting *Montgomery Charter Serv. v. WMATC*, 302 F.2d 906 (D.C. Cir. 1962)).

This application was not rejected, and there was no basis on the face of the application for rejecting it. The certificate of good standing attached as applicant's proof of identity identifies applicant as "G & M Limos and Bus Services Inc." The name entered on the application, "G & M Limo Services," does not precisely match the name on applicant's proof of identity, but the proof of identity controls. Otherwise, we would have to reject a large percentage of applications filed each year for typographical errors. The application was properly accepted and docketed in the name shown on applicant's proof of identity. The request for refund therefore shall be denied.<sup>3</sup>

THEREFORE, IT IS ORDERED:

1. That the application of G & M Limos and Bus Services Inc., trading as G & M Limo Services, for a certificate of authority is hereby dismissed without prejudice for want of prosecution.

2. That the request for refund of application fee is denied.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

---

<sup>3</sup> See *In re Napoleon Woldeyohannes, t/a Napoleon Transp. Serv.*, AP-08-002, Order No. 11,241 (Mar. 31, 2008) (same).