

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,772

IN THE MATTER OF:

Served March 22, 2011

Application of ABE'S LIMO, INC., ) Case No. AP-2010-030  
Trading as ABE'S LIMO, for a )  
Certificate of Authority -- )  
Irregular Route Operations )

According to page 2 of the application submitted in this proceeding, applicant holds passenger carrier authority from a state agency. By letter dated March 9, 2010, applicant was directed to furnish evidence of that authority. Applicant responded with evidence of authority held by applicant's president, Hani Abraham.

The document in question is a copy of a "2009 Operating Authority License Issued to Hani Abraham Trading as Abe's Limo Company" by the "District of Columbia Taxicab Commission". As such, it is evidence of Hani Abraham's operating authority but not applicant's. This is not necessarily fatal to the application before this Commission, but it does raise some issues regarding the name under which applicant proposes to operate.

The Commission's mandate includes protecting the public from unfair competition.<sup>1</sup> The use of a name that is similar to that of a competitor, which has the capacity to confuse or deceive the public, may be prohibited by the Commission as a method of unfair competition,<sup>2</sup> including unfair intra-brand competition.<sup>3</sup> The Commission has exercised this power to prevent confusion as to whether service is being furnished by a sole proprietor or a corporation owned by a sole proprietor.<sup>4</sup>

The application states that applicant intends to conduct WMATC operations under the trade name, "Abe's Limousine & Tours", but Exhibit B to the application indicates that applicant has registered

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<sup>1</sup> *In re City Sightseeing Buses LLC*, No. AP-06-013, Order No. 9651 (June 15, 2006); *In re D C Tours Inc*, No. AP-02-113, Order No. 7047 (Feb. 25, 2003).

<sup>2</sup> Order No. 9651; Order No. 7047.

<sup>3</sup> See *In re Coach One, Inc. t/a Executive Coach*, No. AP-98-06, Order No. 5268 (Feb. 5, 1998) (directing applicant to state why Commission should not prohibit applicant from using trade name confusingly similar to affiliate's legal name); *In re Great American Tours, Inc.*, No. MP-96-54, Order No. 5007 (Jan. 23, 1997) (carrier ordered to discontinue using trade name that was confusingly similar to name of ex-WMATC affiliate).

<sup>4</sup> See *In re Ernest H. Bannister, Sr.*, No. AP-79-06, Order No. 1996 (May 11, 1979) (sole proprietor directed to eliminate "Ltd." from trade name).

the trade name "Abe's Limo" with the Fairfax County Circuit Court. It is easy to see how the public might find applicant's trade name, "Abe's Limo", confusingly similar to Hani Abraham's trade name, "Abe's Limo Company".

By letter dated July 29, 2010, issued pursuant to Regulation No. 54-04(b), applicant was directed to submit a statement on or before August 12, 2010, confirming that applicant intends to conduct WMATC operations under the trade name, "Abe's Limousine & Tours", plus proof of registration of that trade name with the Fairfax County Circuit Court, or a statement explaining why the Commission should not direct applicant to propose some other trade name for WMATC operations, other than "Abe's Limo". Applicant did not respond.

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 instructions.<sup>5</sup> An applicant may be required to furnish supplemental information necessary for a full and fair examination of the application.<sup>6</sup> Failure to comply with the Commission's application requirements warrants dismissal.<sup>7</sup>

THEREFORE, IT IS ORDERED: that the application of Abe's Limo, Inc., trading as Abe's Limo, for a certificate of authority is hereby dismissed without prejudice for want of prosecution.

FOR THE COMMISSION:



William S. Morrow, Jr.  
Executive Director

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<sup>5</sup> Compact, tit. II, art. XI, § 8; Regulation No. 54-02.

<sup>6</sup> Regulation No. 54-04(b).

<sup>7</sup> *In re One, LLC, t/a Bon Voyage*, No. AP-04-103, Order No. 8212 (Aug. 5, 2004).