

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,049

IN THE MATTER OF:

Served November 15, 2011

Application of U STREET PARKING, )  
INC., Trading as U STREET ) Case No. AP-2011-094  
TRANSPORTATION, for a Certificate )  
of Authority -- Irregular Route )  
Operations )

Under the Compact, an application to obtain a certificate of authority shall be made in writing, verified, and contain the information required by the application form and accompanying instructions.<sup>1</sup> An applicant may be required to furnish any supplemental information necessary for a full and fair examination of the application.<sup>2</sup> Failure to comply with the Commission's application requirements warrants dismissal.<sup>3</sup>

Applicant previously held Certificate No. 1600. That certificate was suspended on May 15, 2011, for applicant's failure to comply with the Commission's insurance requirements in Regulation No. 58, as noted in Order No. 12,861, served May 16, 2011.<sup>4</sup> Certificate No. 1600 was later revoked in Order No. 12,918 on July 20, 2011, for applicant's failure to reestablish compliance with Regulation No. 58 and pay a \$50 late fee assessed under Regulation No. 67-03(c).<sup>5</sup> Order No. 12,918 stipulated that the \$50 late fee would remain due and directed applicant to: (1) surrender Certificate No. 1600; (2) file an affidavit verifying removal of applicant's vehicle markings; and (3) submit photos of applicant's vehicle(s) verifying removal. Applicant paid the late fee on July 27 when it filed this application but did not otherwise comply with the requirements in Order No. 12,918.

On September 8, 2011, pursuant to Regulation No. 54-04(b), the Commission instructed applicant to file a statement explaining why approving this application would be consistent with the public interest even though applicant had not complied with all of the requirements of Order No. 12,918. The Commission also instructed applicant to file an affidavit verifying cessation of operations as of May 15, 2011, and

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<sup>1</sup> Compact, tit. II, art. XI, § 8; Regulation No. 54-02.

<sup>2</sup> Regulation No. 54-04(b).

<sup>3</sup> *In re One, LLC, t/a Bon Voyage*, No. AP-04-103, Order No. 8212 (Aug. 5, 2004).

<sup>4</sup> *In re U Street Parking, Inc., t/a U Street Transp.*, No. MP-11-050, Order No. 12,861 (May 16, 2011).

<sup>5</sup> *In re U Street Parking, Inc., t/a U Street Transp.*, No. MP-11-050, Order No. 12,918 (July 20, 2011).

produce corroborating business records from November 1, 2010, to September 8, 2011, in accordance with Commission Rule No. 28 and Commission Regulation No. 58-14.

Applicant eventually complied with the remaining requirements of Order No. 12,918 on September 23, 2011, and simultaneously produced a statement from its president and CEO, Henok Tesfaye, asserting that applicant "ceased all Transportation services on or before May 15, 2011." The statement also asserts: "We are presenting the attached business records which show our last payment and invoice was generated in December 2010."

The business records produced by respondent consist of two invoices for services rendered to H Street Cooperative in November and December 2010 and a check from H Street Cooperative payable to respondent. The invoices purport to have been prepared in November and December 2010, but the check is dated July 14, 2011, and is for an amount far exceeding the sum of the amounts in the two invoices.

Accordingly, on October 17, 2011, the Commission instructed respondent to "submit a current written statement from H Street Cooperative confirming that applicant has provided no service to the coop since last December." Respondent thereafter filed a statement on November 3, 2011, that purports to be from "Jen DeMayo" of the H Street Cooperative. The statement supports respondent's version of events, but it is neither signed as required by Commission Rule No. 4-05 nor under oath as required by Commission Rule No. 4-06.

THEREFORE, IT IS ORDERED: that the application of U Street Parking, Inc., trading as U Street Transportation, for a certificate of authority is hereby dismissed without prejudice for want of prosecution.

FOR THE COMMISSION:



William S. Morrow, Jr.  
Executive Director