

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,067

IN THE MATTER OF:

Served November 30, 2011

Application of ELLEN PROLIFIC )  
TRANSPORTS INC. for a Certificate )  
of Authority -- Irregular Route )  
Operations )

Case No. AP-2011-093

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>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>

According to Commission records, applicant's president, Mr. Larry Becton, previously served as president of Becton's Elite Getaway, Inc., WMATC Carrier No. 760. Certificate No. 760 was suspended on March 22, 2008, for the willful failure of Becton's Elite Getaway to comply with the Commission's insurance requirements and revoked on July 28, 2008, for the willful failure of Becton's Elite Getaway to comply with the Commission's insurance requirements and pay a \$50 late fee assessed under Regulation No. 67-03(c).

In a statement filed in this proceeding on August 15, 2011, regarding the disposition of vehicles formerly operated by Becton's Elite Getaway, Mr. Becton claims that Becton's Elite Getaway began leasing its vehicles to another carrier by the name of W & S Tours on or before March 22, 2008, and that Becton's Elite Getaway continued leasing those vehicles to W & S Tours for some time thereafter.

By letter dated October 25, 2011, applicant was instructed to state the beginning and ending dates of the W & S Tours lease and corroborate with a copy of the lease and a sworn statement from W & S Tours explaining where and under what authority those vehicles were operated and confirming that no entity other than W & S Tours operated those vehicles during the term of the lease.

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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).

On November 14, applicant filed a joint sworn statement signed by Mr. Becton and W & S Tours president, Willie Starling, averring that "no entity other than W & S Tours operated the vehicles [in question] while under the Lease Agreement between, Becton's Elite Getaway, Inc. and W & S Tours, LLC during the period February 11, 2008 - February 9, 2010." Applicant also filed a "(1) year" vehicle lease for the vehicles in question with an effective date of February 11, 2008. But no lease has been produced for the second year these vehicles were allegedly operated by W & S Tours. And no statement has been offered addressing where and under what authority these vehicles were operated.

THEREFORE, IT IS ORDERED: that the application of Ellen Prolific Transports Inc. for a certificate of authority is hereby dismissed without prejudice for want of prosecution.

FOR THE COMMISSION:

A handwritten signature in black ink, appearing to read "W. Morrow, Jr.", written in a cursive style.

William S. Morrow, Jr.  
Executive Director