

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,360

IN THE MATTER OF:

Served July 25, 2012

Application of KHALED ISMAEL,) Case No. AP-2012-072
Trading as BLACK BEAUTY LIMO)
SERVICES, INC, for a 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. 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. If the applicant does not make the required showing, the application must be denied under Section 7(b).

As filed and docketed May 22, 2012, the application in this proceeding states that applicant, Khaled Ismael, seeks WMATC operating authority to perform passenger transportation as a "sole proprietor" under the trade name, "Black Beauty Limo Services, Inc." The application is supported by a copy of a temporary business license for "Black Beauty Limo Services, Inc."

Commission precedent does not permit a sole proprietor to use the term "Inc" in his or her trade name.¹ Applicant was advised of this by letter dated May 23, 2012. Applicant also was advised that approval of this application would not authorize transportation by Black Beauty Limo Services, Inc, if any such corporation existed, and that a corporation that wishes to obtain operating authority must submit its own application.

Applicant responded by submitting a certificate of incorporation for "Black Beauty Limo Services, Inc." and a certificate of trade name registration for "Black Beauty Limo Services, Inc. trading as Black Beauty Limo Services, Inc."

¹ See *In re Januarius J. Asongu*, No. AP-05-095, Order No. 9377 (Mar. 6, 2006) (denying application by sole proprietor who had recently formed corporation).

Inasmuch as applicant has manifested his intent to perform transportation through his corporation and not as a sole proprietor as originally indicated, we find that approving this application would not be consistent with the public interest.²

THEREFORE, IT IS ORDERED that the application of Khaled Ismael for a certificate of authority, irregular route operations, is hereby denied without prejudice to applicant's option to submit an application in the name of and on behalf of Black Beauty Limo Services, Inc.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND HOLCOMB:



William S. Morrow, Jr.
Executive Director

² See *id.* (denying application by sole proprietor intending to conduct operations through recently formed corporation).