

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,610

IN THE MATTER OF:

Served November 29, 2012

Application of FOUR POINTS )  
TRANSPORTATION AND MOVING INC. for ) Case No. AP-2012-111  
a Certificate of Authority -- )  
Irregular Route Operations )

This application was dismissed in Order No. 13,439 on September 6, 2012, for applicant's failure to produce additional information requested by letter dated August 17, 2012. Applicant subsequently produced the additional information on September 13, 2012, and requests further review of this application. For good cause shown, this proceeding shall be reopened under Commission Rule No 26.<sup>1</sup>

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. 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).

An applicant for a certificate of authority must establish financial fitness, operational fitness, and regulatory compliance fitness.<sup>2</sup> A determination of compliance fitness is prospective in nature.<sup>3</sup> The purpose of the inquiry is to protect the public from those whose conduct demonstrates an unwillingness to operate in accordance with regulatory requirements.<sup>4</sup> Past violations do not necessarily preclude a grant of authority but permit the inference that violations will continue.<sup>5</sup>

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<sup>1</sup> See *In re Michael Seifu, t/a Limo Treat*, No. AP-11-105, Order No. 13,001 (Oct. 5, 2011) (same).

<sup>2</sup> *In re Nur Corp.*, No. AP-10-178, Order No. 12,730 (Feb. 15, 2011).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

According to the application submitted in this proceeding, applicant does not possess any federal or state passenger carrier authority. Yet, applicant's bank statements from 2011 and 2012<sup>6</sup> reflect many deposit entries labeled "ACH", which applicant's president, Shafqat Satti, describes as "credit card payments from my personal chauffer (sic) customers." Applicant's bank statements from 2012 also reflect many deposit entries labeled "Uber Technologie", which Mr. Satti describes as "payments for work" received through "a dispatched car service that operates in the DC area."

It thus appears that applicant has been transporting passengers for hire for the past two years without any passenger carrier authority.

When an applicant has a record of violations, the Commission considers the following factors in assessing the likelihood of future compliance: (1) the nature and extent of the violations, (2) any mitigating circumstances, (3) whether the violations were flagrant and persistent, (4) whether applicant has made sincere efforts to correct its past mistakes, and (5) whether applicant has demonstrated a willingness and ability to comport with the Compact and rules and regulations thereunder in the future.<sup>7</sup>

We will give applicant an opportunity to explain the evidence recited above and otherwise demonstrate regulatory compliance fitness.

THEREFORE, IT IS ORDERED: that this proceeding is hereby reopened and that applicant shall have 30 days to explain why the Commission should find applicant fit as to regulatory compliance.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER, HOLCOMB, AND BELLAMY:



William S. Morrow, Jr.  
Executive Director

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<sup>6</sup> Applicant submitted bank statements to supplement the record on the issue of financial fitness, which may be addressed at a later date if applicant first establishes regulatory compliance fitness.

<sup>7</sup> *In re Exec. Tech. Solutions, LLC*, No. AP-12-033, Order No. 13,250 (May 3, 2012).