

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,693

IN THE MATTER OF:

Served January 23, 2013

Application of RAFIU OLAYIWOLA )  
ALABI, Trading as AUTO PILOT ) Case No. AP-2012-263  
TRANSPORTATION COMPANY, 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 November 13, 2012, the application in this proceeding states that applicant, Mr. Rafiu Olayiwola Alabi, seeks WMATC operating authority to perform passenger transportation as a "sole proprietor" under the trade name "Auto Pilot Transportation Company."

By letter dated November 14, 2012, applicant was notified of acceptance of his application for a certificate of authority and directed to furnish no later than November 28, 2012, an original application signature page and evidence of registration of applicant's proposed trade name with the Maryland Department of Assessments and Taxation. Applicant requested an extension of time on November 30, 2012, which was granted by Commission letter on December 3, 2012.

Applicant responded on December 6, 2012, with a copy of correspondence from the Maryland Department of Assessments and Taxation indicating that instead of registering the trade name "Auto Pilot Transportation Company," Mr. Alabi formed a limited liability company on November 16, 2012, named "Autopilot LLC."

Applicant's December 6 response also includes two WMATC application signature pages, one dated November 8, 2012, and one dated December 5, 2012. The "Title" line on the first is blank, but the "Title" line on the second, more recent one says "Director."

Although Mr. Alabi may have initially intended to operate as a sole proprietor, the evidence makes clear that he now intends to operate through a limited liability company.

Inasmuch as applicant has manifested his intent to perform transportation through his limited liability company and not as a sole proprietor as originally indicated, we find that approving this application would not be consistent with the public interest.<sup>1</sup>

THEREFORE, IT IS ORDERED that the application of Rafiu Olayiwola Alabi 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 Autopilot LLC.

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



William S. Morrow, Jr.  
Executive Director

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<sup>1</sup> See *In re Khaled Ismael, t/a Black Beauty Limo Servs., Inc*, No. AP-12-072, Order No. 13,360 (July 25, 2012) (denying application by sole proprietor intending to conduct operations through recently formed corporation); *In re Januarius J. Asongu*, No. AP-05-095, Order No. 9377 (Mar. 6, 2006) (same).