

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,697

IN THE MATTER OF:

Served January 23, 2013

Application of ABDELKRIM HARIR,            )  
Trading as USMA TRANSPORTATION, for )  
a Certificate of Authority --                )  
Irregular Route Operations                 )

Case No. AP-2012-276

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).

The application filed in this proceeding on December 3, 2012, identifies applicant as Abdelkrim Harir, a sole proprietor. The application indicates that applicant proposes operating under the trade name "USMA Transportation." The application is supported by proof of registration of the trade name with the Fairfax Circuit Court. The check tendered by applicant in payment of the filing fee, on the other hand, is drawn on the account of "USMA Transportation Inc." According to the website of the Virginia State Corporation Commission, (VASCC), USMA Transportation Inc. is a Virginia corporation formed on November 30, 2011, and Mr. Harir serves as its registered agent.

By letter dated December 20, 2012, the Commission wrote to Mr. Harir, questioning why the application fee was paid by check drawn on the corporation's bank account and why it would be in the public interest to approve this application when it appeared that Mr. Harir intended to operate through the corporation and not as a sole proprietor. The letter also noted that as of December 20, it appeared the corporation was not in good standing with VASCC.

Applicant responded in writing on January 2, 2013, as follows:

I received your letter on December 20th, 2012 stating that my account with Virginia State Corporation Commission was [not] current. I have gone ahead and taken care of this matter and paid my annual fee with them so my account should be in current standing. I have attached a confirmation page from their web site which states the fees have been paid. I was delinquent because it completely slipped my mind but it is in good standing currently. Thank you for your help in this matter.

Inasmuch as applicant has failed to explain why it would be in the public interest to approve this application when it appears that Mr. Harir intends to operate through the corporation and not as a sole proprietor, 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 Abdelkrim Harir, trading as USMA Transportation, 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 USMA Transportation Inc.

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).