

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,710

IN THE MATTER OF:

Served January 31, 2013

Application of FELICIA ELIZABETH) Case No. AP-2012-281
MEDLOCK, Trading as FELICIA E.)
MEDLOCKS TRANSPORTATION, 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, 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.

Applicant proposes commencing operations with one van. Applicant proposes operating under a tariff containing charter rates.

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

Normally, such evidence would establish applicant's fitness,¹ but this applicant has a history of regulatory violations. When an applicant has a record of violations, the Commission considers the following factors in assessing the likelihood of applicant's 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

¹ *In re Voneva Inc.*, No. AP-09-107, Order No. 12,240 (Dec. 1, 2009).

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.²

Applicant previously held Certificate No. 1218 from September 5, 2006, until April 3, 2007, when it was revoked for applicant's failure to comply with the Commission's insurance requirements in Regulation No. 58 and pay a \$50 late fee assessed under Regulation No. 67-03(c).³

Applicant filed a second application and was granted operating authority again in 2010 subject to a one year period of probation, but the issuance of a certificate of authority was expressly made contingent on applicant filing additional documents and passing a vehicle inspection conducted by Commission staff.⁴ Applicant failed to satisfy the conditions for issuance of operating authority within the time allotted, thereby voiding the Commission's approval.⁵

As noted in 2010, applicant belatedly responded to the revocation order, Order No. 10,380, by paying the outstanding \$50 late fee and submitting an affidavit that states Certificate No. 1218 cannot be located, confirms removal of WMATC markings from applicant's vehicle, and verifies applicant's timely cessation of operations.⁶ Applicant states in this proceeding that she has conducted no operations since then. There is no evidence in the record to the contrary.

The Commission has found other applicants fit under similar circumstances.⁷ Applicant shall serve a one year period of probation as a means of ensuring prospective compliance.⁸

² *Id.*

³ See *In re Felicia E. Medlock, t/a Felicia E. Medlocks Transp.*, No. MP-07-04, Order No. 10,380 (Apr. 3, 2007).

⁴ See *In re Felicia Elizabeth Medlock, t/a I Get Around the DMV Shuttle*, No. AP-10-082, Order No. 12,512 (Aug. 19, 2010) (conditionally granting Certificate No. 1218).

⁵ See *id.* (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66 (failure to comply with conditions of grant within 180 days voids approval).

⁶ *Id.* at 2.

⁷ See Order No. 12,512 (paid outstanding late fees, accounted for vehicle markings, and verified timely cessation of operations with no evidence to the contrary); Order No. 12,240 (paid outstanding late fees, accounted for vehicle markings, and verified timely cessation of operations with no evidence to the contrary); *In re Smart Ride, Inc.*, No. AP-08-081, Order No. 11,446 (July 1, 2008) (paid outstanding late fees, accounted for vehicle markings, and verified timely cessation of operations).

⁸ See, e.g., Order No. 12,512 (same); Order No. 12,240 (same); Order No. 11,446 (same).

Based on the evidence in this record, and in consideration of the terms of probation and other conditions prescribed herein, the Commission finds that the proposed transportation is consistent with the public interest and that 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.

Although applicant has manifested a desire to operate under an assumed trade name, the mandatory proof of trade name registration supporting this application is defective. According to the application filed December 5, 2012, applicant originally proposed conducting business under the trade name "Felicia E. Medlocks Transportation". When the Commission informed applicant that it appeared applicant's proof of trade name registration had expired, applicant responded by proposing a different trade name, "DMV Shuttle". The proof of registration for that name, however, identifies the owner simply as "felicia". Without a surname on the trade name certificate, we cannot be sure that the trade name is registered to applicant. Accordingly, neither trade name shall be approved in this proceeding.

If applicant still desires to operate under a trade name, applicant may file a separate trade name application, with clear proof of trade name registration, and pay the requisite filing fee under Regulation No. 67-01.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 1218 shall be reissued to Felicia Elizabeth Medlock, 5370 Chillum Place, N.E., Washington, DC 20011-2621.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate No. 1218 has been reissued in accordance with the preceding paragraph.

3. That applicant is hereby directed to present its revenue vehicle(s) for inspection and file the following documents within the 180-day maximum permitted in Commission Regulation No. 66: (a) evidence of insurance pursuant to Commission Regulation No. 58; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) a copy of the for-hire vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, for each vehicle to be used in revenue operations; and (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of

Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia.

4. That applicant shall be placed on probation for a period of one year commencing with the reissuance of a certificate of authority in accordance with the terms of this order and that a willful violation of the Compact, or of the Commission's rules, regulations or orders thereunder, by applicant during the period of probation shall constitute grounds for immediate suspension and/or revocation of applicant's operating authority without further proceedings, regardless of the nature and severity of the violation.

5. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

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



William S. Morrow, Jr.
Executive Director