

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 14,950

IN THE MATTER OF:

Served July 28, 2014

Application of PRIMUS METRO, LLC,)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2014-178

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.

An application for a certificate of authority must be in writing, verified, and in the form and with the information that Commission regulations require.¹ The evidence thus submitted must establish a prima facie case of fitness and consistency with the public interest.²

This is the second application for WMATC operating authority filed by Primus Metro. The first was denied without prejudice earlier this year for applicant's failure to establish a prima facie case of fitness.³

A certain level of candor is required of applicants for WMATC operating authority.⁴ In the course of processing Primus Metro's first application last year, it appeared that Primus Metro had not been entirely candid with the Commission in the response of its president and owner, Placid Chijioke Iheduru, to a query concerning Primus Metro's relationship with a prior WMATC applicant, Capital Metro LLC, and with the two persons, Nkem Doris Olanrewaju and Christopher Earl Riley, responsible for having submitted WMATC applications on Capital

¹ Compact, tit. II, art. XI, § 8.

² *In re Primus Metro, LLC*, No. AP-13-362, Order No. 14,600 (Feb. 26, 2014).

³ Order No. 14,600.

⁴ *Id.*; *In re Ready Eager Drivers Inc*, No. AP-12-003, Order No. 13,536 at 7 (Oct. 18, 2012).

Metro's behalf, one of which was conditionally approved and then lapsed,⁵ and the other of which was dismissed for Capital Metro's failure to furnish additional required information.⁶

The reason for denying Primus Metro's application last year was summarized as follows:

Mr. Iheduru's response in this proceeding appears calculated to obscure rather than illuminate his, and thus [Primus Metro's], relationship to Capital Metro. His response in this proceeding is misleading and ultimately fails to reach the level of disclosure expected of an applicant that bears the burden of production and persuasion on the issue of fitness to serve the public. Until [Primus Metro] is more forthcoming about the nature of its relationship with Capital Metro, we cannot say that applicant has met its burden of proof.

On application for reconsideration, Mr. Iheduru belatedly acknowledged his active role in forming and closing Capital Metro, his co-ownership status with Ms. Olanrewaju, and his decision to cause Capital Metro to hire Mr. Riley to manage Capital Metro. However, inasmuch as there was no error in the underlying decision, there was no basis for reconsideration.⁷

In this proceeding, we may consider Mr. Iheduru's statements offered in the earlier proceeding.⁸ In addition, Mr. Iheduru now informs the Commission in this proceeding that neither Ms. Olanrewaju nor Mr. Riley is associated with Primus Metro at this time and that neither Ms. Olanrewaju nor Mr. Riley will be working for Primus Metro in the future.

Based on the evidence in this record, and subject to a one-year period of probation,⁹ 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.

⁵ See Order No. 14,600 (citing *In re Capital Metro LLC*, No. AP-12-002, Order No. 13,145 (Feb. 6, 2012) (conditionally granting Certificate No. 1894)).

⁶ See Order No. 14,600 (citing *In re Capital Metro LLC*, No. AP-13-139, Order No. 14,154 (Aug. 14, 2013)).

⁷ See Compact, tit. II, art. XIII, § 4(a) (reconsideration request must specify error).

⁸ Commission Rule No. 22-05.

⁹ See *In re Junior's Multi Enters., Inc.*, No. AP-13-209, Order No. 14,184 (Aug. 26, 2013) (one-year probation after belated severing of ties with former WMATC carrier).

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 2576 shall be issued to Primus Metro, LLC, 9955 Valley Park Drive, Damascus, MD 20782-2369.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued 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 BROWN:



William S. Morrow, Jr.
Executive Director