

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 15,782

IN THE MATTER OF:

Served August 7, 2015

Application of BETTER BUSINESS) Case No. AP-2015-177
CONNECTION, INC., Trading as BBC)
EXPRESS, to Add Trade Name, ABE'S)
LIMOUSINE & TOURS, to Certificate)
No. 227)

Better Business Connection, Inc., trading as BBC Express, has filed an application to add the trade name Abe's Limousine & Tours to Certificate No. 227.

This is the third application of this type filed by applicant. Applicant first filed an application to add the trade name Abe's Limousine & Tours in April 2014, and the application was approved by the Commission, but the reissuance of a certificate of authority was expressly made contingent on applicant filing additional documents and passing a vehicle inspection conducted by Commission staff.¹ Applicant failed to satisfy the conditions for reissuance of its certificate within the time allotted, thereby voiding the Commission's approval.²

Applicant filed a second application to add the trade name Abe's Limousine & Tours later that same year, which was approved in December, 2014. Once again, the reissuance of a certificate of authority was expressly made contingent on applicant filing additional documents and passing a vehicle inspection conducted by Commission staff,³ and once again, applicant failed to satisfy the conditions for issuance of operating authority within the time allotted, thereby voiding the Commission's approval for a second time.⁴

Under Regulation No. 54-08, the Executive Director may approve an application to change a trade name. A trade name application shall include proof of trade name registration in the jurisdiction where applicant's principal place of business is located. In the case of an applicant whose principal place of business is outside the District of Columbia, Maryland, or Virginia, the Commission will accept a registration certificate from the jurisdiction in the Metropolitan District where applicant's local office or designated agent for service is located.

¹ See *In re Better Bus. Connection, Inc., t/a BBC Express*, No. AP-14-131, Order No. 14,739 (May 1, 2014) (conditionally approving addition of trade name to Certificate No. 227).

² *In re Better Bus. Connection, Inc., t/a BBC Express*, No. AP-14-337, Order No. 15,226 (Dec. 8, 2014).

³ *Id.*

⁴ See *id.* (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66-01 (failure to comply with conditions of grant within 180 days voids approval).

Applicant's principal place of business is located in Loudoun County, Virginia. The application is supported by proof of registration of the new trade name with the Circuit Court of Loudoun County, Virginia. Accordingly, the application shall be conditionally approved.

In closing, it is noted that in the event applicant fails to successfully obtain an amended certificate of authority in this proceeding, the three-strike rule in Regulation No. 66-01 provides that an applicant which has three successive conditional grants voided "shall be barred from reapplying for a period of one year as measured from the end of the third 180-day period."

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 227 shall be reissued to Better Business Connection, Inc., trading as BBC Express and as Abe's Limousine & Tours, 22664 Relocation Drive, #106, Sterling, VA 20166-2316.

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 reissued in accordance with the preceding paragraph.

3. That applicant is hereby directed to file the following documents and present its revenue vehicle(s) for inspection 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 the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of reissuance prescribed herein.

FOR THE COMMISSION



William S. Morrow, Jr.
Executive Director