

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8991

IN THE MATTER OF:

Served September 16, 2005

Application of FELICIA E. MEDLOCK) Case No. AP-2005-077
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. If an applicant does not make the required showing, the application must be denied under Section 7(b).

An applicant bears the burden of establishing financial fitness, operational fitness, and regulatory compliance fitness.¹ To establish operational fitness, an applicant must demonstrate the willingness and ability to provide safe and adequate service.²

Applicant's proposed tariff contains rates for service under a contract with Wayson's Bingo. No other service is proposed. The Wayson's contract stipulates that, "[n]o . . . vehicles will be accepted for transporting riders except for vans. No exceptions for any reason." Applicant nonetheless proposes commencing operations with one SUV. Under the circumstances, we are unable to find that applicant has met its burden of demonstrating its ability to provide the service described in the proposed tariff.³

¹ In re Robert Gonzalez, t/a T.M.T., No. AP-02-55, Order No. 6738 (July 22, 2002).

² Id.

³ See id. (application denied for failure to demonstrate access to vehicles acceptable to contractor).

THEREFORE, IT IS ORDERED that the application of Felicia E. Medlock for a certificate of authority, irregular route operations, is hereby denied without prejudice.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER, AND SMITH:

A handwritten signature in black ink, appearing to read 'W.S. Morrow, Jr.', written in a cursive style.

William S. Morrow, Jr.
Executive Director