

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 15,915

IN THE MATTER OF:

Served October 20, 2015

Application of YORDANOS TESFAYE for)
a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2015-183

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).

As filed and docketed August 18, 2015, the application in this proceeding states that applicant, Mr. Yordanos Tesfaye, seeks WMATC operating authority to perform passenger transportation as a "sole proprietor".

On September 1, 2015, applicant filed an amendment to the application that proposes applicant will operate under the trade name "Tesnos LLC". In support of the amendment, applicant has submitted a certificate of organization from the Virginia State Corporation Commission stating that Tesnos LLC was formed as a limited liability company on August 31, 2015.

Although Mr. Tesfaye may have initially intended to operate as a sole proprietor, the evidence makes clear that he now intends to operate through a limited liability company.

Inasmuch as applicant has manifested his intent to perform transportation through his limited liability company and not as a sole proprietor as originally indicated, we find that approving this application would not be consistent with the public interest.¹

¹ See *In re Rafiu Olayiwola, t/a Auto Pilot Transp. Co.*, No. AP-12-263, Order No. 13,693 (Jan. 23, 2013) (denying application by sole proprietor intending to conduct operations through recently formed llc); *In re Khaled*

THEREFORE, IT IS ORDERED that the application of Yordanos Tesfaye 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 Tesnos LLC.

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



William S. Morrow, Jr.
Executive Director

Ismael, t/a Black Beauty Limo Servs., Inc, No. AP-12-072, Order No. 13,360 (July 25, 2012) (same as to recently formed corporation); In re Januarius J. Asongu, No. AP-05-095, Order No. 9377 (Mar. 6, 2006) (same).