

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 16,083

IN THE MATTER OF:

Served December 29, 2015

Application of OVER THE TOP )  
LIMOUSINE SERVICE L.L.C. for a ) Case No. AP-2015-271  
Certificate of Authority -- )  
Irregular Route Operations )

This matter is before the Commission on applicant's response to Order No. 16,061, served December 18, 2015, which dismissed this proceeding for applicant's failure to comply with the Commission's application requirements. Applicant has filed a request to reopen this proceeding.

**I. CAUSE FOR DISMISSAL AND GROUNDS FOR REOPENING**

Under the Compact, an application to obtain a certificate of authority shall be made in writing, verified, and shall contain the information required by the application form and accompanying instructions.<sup>1</sup> An applicant may be required to furnish any supplemental information necessary for a full and fair examination of the application.<sup>2</sup> Failure to comply with the Commission's application requirements warrants dismissal.<sup>3</sup>

By email sent November 30, 2015, applicant was required to furnish supplemental information on or before December 14, 2015, pursuant to Commission Regulation No. 54-04(b). Applicant failed to respond. Accordingly, the application was dismissed December 18, 2015.

On December 24, 2015, applicant filed a request to reopen this proceeding. The request is accompanied by the required information. For good cause shown, this proceeding shall be reopened under Commission Rule No 26.<sup>4</sup>

**II. APPLICATION**

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

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<sup>1</sup> Compact, tit. II, art. XI, § 8; Regulation No. 54-02.

<sup>2</sup> Regulation No. 54-04(b).

<sup>3</sup> *In re One, LLC, t/a Bon Voyage*, No. AP-04-103, Order No. 8212 (Aug. 5, 2004).

<sup>4</sup> See *In re Abdelrazig Hassan Shawkat*, No. AP-13-076, Order No. 13,865 (Apr. 12, 2013) (same).

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 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.

Based on the evidence in this record, 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.

In closing, it is noted that the application fee was paid by check drawn on the account of "Pine Knoll Construction Co Inc." Applicant is admonished to keep its WMATC assets, books, finances and operations completely separate from those of Pine Knoll Construction Co.<sup>5</sup> Sharing of office space will be allowed, but this should not be construed as permission to share revenue vehicles or operating authority.<sup>6</sup>

THEREFORE, IT IS ORDERED:

1. That this proceeding is hereby reopened under Commission Rule No 26.

2. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 2852 shall be issued to Over The Top Limousine Service L.L.C., 1631 Red Bud Road, Winchester, VA 22603-4763.

3. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order

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<sup>5</sup> See *In re Nassco Lemo LLC*, No. AP-13-252, Order No. 14,224 (Sept. 30, 2013) (requiring separation from account owner).

<sup>6</sup> *In re Metroride LLC*, No. AP-09-099, Order No. 12,230 (Nov. 18, 2009).

unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

4. 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.

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.

FOR THE COMMISSION

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

William S. Morrow, Jr.  
Executive Director