

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 17,459

IN THE MATTER OF:

Served February 14, 2018

Application of GLOBAL CAB VA, LLC,)
Trading as GLOBAL DELIVERY, for a)
Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2017-165

This matter is before the Commission on applicant's response to Order No. 17,258, served October 17, 2017, 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.¹ An applicant may be required to furnish any supplemental information necessary for a full and fair examination of the application.² Failure to comply with the Commission's application requirements warrants dismissal.³

By email sent September 28, 2017, applicant was required to furnish supplemental information on or before October 12, 2017, pursuant to Commission Regulation No. 54-04(b). Applicant failed to respond. Accordingly, the application was dismissed October 17, 2017.

On October 20, 2017, 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 26.⁴

II. FITNESS AND PROPOSED TRANSPORTATION

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

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

² Regulation No. 54-04(b).

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

⁴ 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, and subject to the conditions of approval herein specified, 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.

III. LEGAL NAME V. PROPOSED TRADE NAME

As noted in the caption, applicant's legal name is Global Cab VA, LLC. Such a name implies an intent to conduct taxicab operations in addition to WMATC operations.⁵ Indeed, applicant holds a permit from the Virginia Department of Motor Vehicles authorizing it to operate taxicabs. Taxicabs and other vehicles that perform a bona fide taxicab service are exempt from certification under the Compact.⁶ A WMATC carrier may neither use a taxicab in WMATC operations nor use a WMATC vehicle in taxicab operations.⁷ It appears, however, that applicant does not intend to conduct WMATC operations under its legal name. By amendment to the application filed October 18, 2017, applicant proposes conducting WMATC operations under the trade name "Global Delivery".

Under Regulation No. 54-08, a trade name application may be approved if supported by proof of registration of the proposed trade

⁵ See *In re Green Light Taxi and Shuttle, LLC, t/a Green Light Shuttle*, No. AP-13-349, Order No. 14,454 (Jan. 3, 2014) (legal name of applicant containing the word "taxi" implies an intent to conduct taxicab operations).

⁶ *In re Diversity Frontier, Inc.*, No. AP-06-052, Order No. 9691 (June 28, 2006).

⁷ *Id.*

name in the jurisdiction where applicant's principal place of business is located. The amendment is supported by proof of registration of the trade name with the District of Columbia Department of Consumer and Regulatory Affairs, the jurisdiction in which applicant states it maintains its principal place of business. The certificate of authority herein granted accordingly shall be issued in the name of Global Cab VA, LLC, trading as Global Delivery, at such time as applicant has complied with the conditions stipulated below.

Pursuant to Article XI, Section 7(d), of the Compact, and to avoid confusion among the public, the issuance of the certificate of authority herein granted, and the exercise of the rights granted under said certificate, shall be conditioned on applicant refraining from using its legal name in WMATC operations. Applicant's legal name may not appear on vehicles used in WMATC operations and may not appear in any advertising relating to service requiring a WMATC certificate of authority.⁸ In addition, applicant shall not use the terms "cab" or "taxi" when advertising or conducting transportation subject to WMATC's licensing jurisdiction.⁹

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. 3144 shall be issued to Global Cab VA, LLC, trading as Global Delivery, 601 Pennsylvania Avenue, #900S, Washington, DC 20004-2625.

3. 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.

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

⁸ See *In re Gem Ambulance, LLC*, No. AP-13-167, Order No. 14,133 (Aug. 7, 2013) (applicant directed to propose non-ambulance trade name for use in WMATC operations to avoid confusion).

⁹ See *In re Seth, Inc., t/a Kids Kab*, No. AP-93-40, Order No. 4243 at 5-6 (Feb. 9, 1994) (applicant with trade name containing the term "Kab" directed to state in all its advertisements that "Kids Kab is not a taxicab service" and to advise customers of the distinction between its services and those offered by taxicabs).

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.

6. That the issuance of the certificate of authority herein granted, and the exercise of the rights granted under said certificate, are hereby conditioned on applicant refraining from using its legal name in connection with operations subject to WMATC licensing jurisdiction.

7. That applicant shall not use the terms "cab" or "taxi" when advertising or conducting transportation subject to WMATC's licensing jurisdiction.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS RICHARD, MAROOTIAN, AND HOLCOMB:

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

William S. Morrow, Jr.
Executive Director