

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 18,149

IN THE MATTER OF:

Served May 6, 2019

Application of WELLNESS HEALTHCARE) Case No. AP-2019-032
CLINICS LLC 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.

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.

Applicant's president and CEO, Andre Tchoukouaha, is married to Nadine Toko, the CEO of Wellness Health Services, LLC, which has applied for a certificate of authority in Case No. AP-2019-011. A presumption of common control arises where an officer of one carrier is closely related to an officer of another carrier.¹ Applicant is admonished to keep its assets, books, finances and operations completely separate from those of Wellness Health Services, LLC.

¹ *In re Ontime Transp. Inc.*, No. AP-00-018, Order No. 5866 (Apr. 21, 2000).

Sharing of office space will be allowed, but this should not be construed as permission to share revenue vehicles or operating authority.²

This uncontested application does not present any issues for consideration under the merger and acquisition standards of Article XII, Section 3, of the Compact.³

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 3292 shall be issued to Wellness Healthcare Clinics LLC, 4660 Martin Luther King, Jr. Avenue, S.W., #A2, Washington, DC 20032-4958.

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 issued 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 issuance prescribed herein.

FOR THE COMMISSION:



Jeffrey M. Lehmann
Acting Executive Director

² See *id.* (requiring carriers controlled by spouses to keep assets, books, finances, and operations separate).

³ *In re Luxury Cars DC LLC*, No. AP-18-149, Order No. 17,831 at 4 (Sept. 26, 2018).