

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 18,563

IN THE MATTER OF:

Served December 16, 2019

Application of TSTG, LLC, Trading) Case No. AP-2019-153
as TNT TRANSPORTATION, 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.

Applicant formerly held WMATC Certificate No. 2147 from July 16, 2013, until November 22, 2016, when it was revoked for applicant's failure to comply with Article XI, Section 5, of the Compact and Order No. 16,538.¹ Under Article XI, Section 5(a), each authorized carrier is required to "provide safe and adequate transportation service, equipment, and facilities." Certificate No. 2147 was revoked because applicant, a limited liability company formed under the laws of Maryland, was found not to be in good standing with the Maryland Department of Assessments and Taxation (MDAT) and no longer possessed the intrinsic legal capacity to transact business beyond the minimum acts necessary for liquidating assets and winding up one's affairs, which in turn rendered applicant unable to lawfully perform transportation services under a WMATC Certificate of Authority in accordance with Article XI, Section 5, of the Compact.²

Applicant reapplied last year. The record in that proceeding was supported by evidence that applicant had revived its corporate status, thus correcting the deficiency that led to revocation of its certificate, and that applicant had belatedly responded to the revocation order. There was no evidence of post-revocation operations in the record. The application was conditionally approved contingent on applicant filing additional documents and on applicant's vehicle passing an inspection conducted by Commission staff, and subject to applicant serving a year of probation commencing with the reissuance of Certificate No. 2147.³ Applicant failed to satisfy the conditions

¹ See *In Re TSTG, LLC, t/a TNT Transp.*, No. MP-16-151, Order No. 16,697 (Nov. 22, 2016).

² See *id.*

³ See *In Re TSTG, LLC, t/a TNT Transp.*, No. AP-18-084, Order No. 17,758 (Aug. 9, 2018).

for reissuance of operating authority within the time allotted, thereby voiding the Commission's approval.⁴ The result was that Certificate No. 2147 was not reissued, and the period of probation did not commence.

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.

There is no evidence in this record to disturb the Commission's finding of applicant's fitness in 2018, but inasmuch as applicant has yet to serve the one year period of probation stipulated in 2018, and provided that applicant satisfied the conditions of issuance stated herein, a one-year period of probation shall commence upon issuance of Certificate No. 2147 in this proceeding consistent with the stipulation in 2018.⁵

Accordingly, based on the evidence in this record, and in consideration of the terms of probation and other conditions prescribed herein, 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.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 2147 shall be issued to TSTG, LLC, trading as TNT Transportation, 6804 Westchester Court, Temple Hills, MD 20748-4048.

⁴ See *id.* (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66 (failure to comply with conditions of grant within 180 days voids approval).

⁵ See *Galaxy Limo. Servs., LLC*, No. AP-16-124, Order No. 16,626 (Oct. 19, 2016) (re-stipulating one-year's probation).

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 applicant shall be placed on probation for a period of one year commencing with the reissuance of Certificate No. 2147 in accordance with the terms of this order and that a willful violation of the Compact, or of the Commission's rules, regulations or orders thereunder, by applicant during the period of probation shall constitute grounds for immediate suspension and/or revocation of applicant's operating authority without further proceedings, regardless of the nature and severity of the violation.

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.

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

A handwritten signature in blue ink, reading "Jeffrey M. Lehmann". The signature is fluid and cursive, with the first name "Jeffrey" being the most prominent.

Jeffrey M. Lehmann
Executive Director