

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 18,768

IN THE MATTER OF:

Served April 10, 2020

Application of INNOVATIVE DAY, LLC, )  
for a Certificate of Authority -- )  
Irregular Route Operations )

Case No. AP-2020-045

This matter is before the Commission on applicant's response to Order No. 18,738, served March 25, 2020, 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 March 3, 2020, applicant was required to furnish supplemental information on or before March 17, 2020, pursuant to Commission Regulation No. 54-04(b). Applicant failed to respond. Accordingly, the application was dismissed March 25, 2020.

On March 27, 2020, 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 seating capacity of less than 16 persons only, including the driver. The application is unopposed.

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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).

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 sole owner, Mr. David Carrington, is also the sole owner of Innovative Life Solutions, Inc., WMATC Carrier No. 986, (Innovative Life). Applicant is admonished to keep its assets, books, finances and operations completely separate from those of Innovative Life. Sharing of office space will be allowed, but this should not be construed as permission to share revenue vehicles or operating authority.<sup>5</sup>

This uncontested application does not present any issues for consideration under the merger and acquisition standards of Article XII, Section 3, of the Compact.<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. 3398 shall be issued to Innovative Day, LLC, 6135 Kansas Avenue, N.E., Washington, DC 20011-1505.

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<sup>5</sup> See *In re Arlington Nat'l Cemetery Tours, Inc*, No. AP-15-160, Order No. 15,913 at 3 (Oct. 20, 2015) (requiring commonly-controlled carriers to keep assets, books, finances, and operations separate).

<sup>6</sup> *In re Luxury Cars DC LLC*, No. AP-18-149, Order No. 17,831 at 4 (Sept. 26, 2018).

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 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 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