

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,428

IN THE MATTER OF:

Served July 12, 2021

Application of COMMCENTRIX )  
TRANSPORTATION SERVICES, LLC, for a ) Case No. AP-2021-058  
Certificate of Authority -- )  
Irregular Route Operations )

This matter is before the Commission on applicant's response to Order No. 19,396, served June 9, 2021, 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 May 17, 2021, applicant was required to furnish supplemental information on or before June 1, 2021, pursuant to Commission Regulation No. 54-04(b). Applicant timely submitted some but not all of the required information. Accordingly, the application was dismissed June 9, 2021.

On June 10, 2021, applicant filed a request to reopen this proceeding. The request is accompanied by the remaining 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.

Applicant was granted operating authority in 2014, but the issuance of a certificate of authority was expressly made contingent on applicant filing additional documents and passing a vehicle inspection conducted by Commission staff.<sup>5</sup> Applicant failed to satisfy the conditions for issuance of operating authority within the time allotted, thereby voiding the Commission's approval.<sup>6</sup>

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.

Normally, such evidence would establish an applicant's fitness, but applicant's co-owner, Abayomi Sokoya, has a history of controlling a company with regulatory violations.

#### **A. History of Violations**

Abayomi Sokoya was the CEO of Terragrade Transportation Inc. (Terragrade), which was issued WMATC Certificate of Authority No. 2289 on February 20, 2014, and last held authority on February 19, 2020, when it was revoked for Terragrade's failure to maintain a WMATC Insurance Endorsement with the Commission as required by Regulation No. 58 and for Terragrade's failure to pay a \$100 late insurance fee under Regulation No. 67.<sup>7</sup> The revocation order directed Terragrade to surrender its certificate and account for its vehicle markings within 30 days and also noted that the \$100 late insurance fee, unpaid \$175 annual fee for 2020,

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<sup>5</sup> See *In re Commcentrix Transp. Servs., LLC*, No. AP-14-099, Order No. 14,711 (Apr. 14, 2014) (conditionally granting Certificate No. 2504).

<sup>6</sup> 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).

<sup>7</sup> *In re Terragrade Transp. Inc.*, No. MP-20-013, Order No. 18,673 (Feb. 19, 2020).

\$150 in associated late fees, and a \$25 dishonored payment fee would remain due. Terragrade did not timely comply.

Prior to the events in 2020, Certificate No. 2289 was suspended two other times for insurance violations.<sup>8</sup> The first of these insurance proceedings resulted in revocation of Certificate No. 2289 for Terragrade's failure to maintain a WMATC Insurance Endorsement on file with the Commission as required by Regulation No. 58 and for Terragrade's failure to pay a \$100 insurance late insurance fee assessed under Regulation No. 67-03(c),<sup>9</sup> but the certificate was subsequently reinstated after Terragrade belatedly filed the necessary Endorsement and paid the fee.<sup>10</sup>

Terragrade reapplied for operating authority last year, but the application was denied without prejudice.<sup>11</sup>

### **B. Likelihood of Future Compliance**

When an applicant or a person controlling an applicant has a record of regulatory violations, or a history of controlling companies with such a record, the Commission considers the following factors in assessing the likelihood of applicant's future compliance: (1) the nature and extent of the violations, (2) any mitigating circumstances, (3) whether the violations were flagrant and persistent, (4) whether the controlling party has made sincere efforts to correct past mistakes, and (5) whether the controlling party has demonstrated a willingness and ability to comport with the Compact and rules and regulations thereunder in the future.<sup>12</sup>

The violations listed above were serious enough to warrant revocation of Certification No. 2289 twice in four years. On the other hand, Terragrade belatedly paid the \$450 in outstanding fees noted in Order No. 18,763, returned the original Certificate No. 2289, and furnished evidence that the WMATC number was removed from its vehicle. There is no evidence in the record of post-suspension or post-revocation operations by Terragrade within the Metropolitan District, or other unauthorized operations.

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<sup>8</sup> *In re Terragrade Transp. Inc.*, No. MP-16-027, Order No. 16,234 (Mar. 1, 2016); *In re Terragrade Transp. Inc.*, No. MP-19-108, Order No. 18,266 (July 11, 2019).

<sup>9</sup> *In re Terragrade Transp. Inc.*, No. MP-16-027, Order No. 16,279 (Apr. 1, 2016).

<sup>10</sup> *In re Terragrade Transp. Inc.*, No. MP-16-027, Order No. 16,294 (Apr. 6, 2016).

<sup>11</sup> *In re Terragrade Transp. Inc.*, No. AP-20-082, Order No. 19,246 (Feb. 8, 2021).

<sup>12</sup> *In re Metro Transcare LLC*, No. AP-17-047, Order No. 17,193 at 3 (Sept. 8, 2017).

The Commission has found other applicants fit under similar circumstances.<sup>13</sup> Applicant shall serve a 1-year period of probation as a means of ensuring prospective compliance.<sup>14</sup>

### **C. Conclusion**

Based on the evidence in this record, and considering 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 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. 2504 shall be issued to Commcentrix Transportation Services, LLC, 9418 Annapolis Road, #202, Lanham, MD 20706-3053.

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 applicant shall be placed on probation for a period of one year commencing with the issuance of Certificate No. 2504 in

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<sup>13</sup> See, e.g., *In re Galaxy Limo. Servs., LLC*, No. AP-15-099, Order No. 16,044 (Dec. 11, 2015) (timely cessation of affiliate operations, surrender of affiliate certificate, payment of outstanding affiliate fees, confirmation of no vehicle markings); *In re Henka Int'l, Inc., t/a Worldwide Tours & Travel*, No. AP-03-184, Order No. 8035 (May 27, 2004) (no evidence of post-suspension operations and satisfactory accounting for vehicles and vehicle markings).

<sup>14</sup> See Order No. 16,044 (same); Order No. 8035 (same).

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.

6. 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 HOLCOMB, RICHARD, AND LOTT:



Jeffrey M. Lehmann  
Executive Director