

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,711

IN THE MATTER OF:

Served March 7, 2022

Application of FIRST METROPOLITAN )  
COMMUNITY SERVICES, INC., for a ) Case No. AP-2022-015  
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.

This is the third application filed by entities controlled by applicant's executive director, Elizabeth Alenda. The first application was filed in 2019 on behalf of First Metropolitan Community Services Transportation LLC, a limited liability company formed in the District of Columbia. The application was approved, but the issuance of a certificate of authority was expressly made contingent on filing additional documents and passing a vehicle inspection conducted by Commission staff.<sup>1</sup> First Metropolitan Community Services Transportation LLC failed to satisfy the conditions for issuance of operating authority within the time allotted, thereby voiding the Commission's approval.<sup>2</sup>

Applicant applied and was granted operating authority last year, but the issuance of a certificate of authority was again expressly made contingent on applicant filing additional documents and passing a vehicle inspection conducted by Commission staff.<sup>3</sup> Applicant was granted an extension of time to comply<sup>4</sup> but ultimately failed to satisfy the conditions for issuance of operating authority within the additional

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<sup>1</sup> See *In re First Metro. Cmty. Servs. Transp. LLC*, No. AP-19-062, Order No. 18,141 (Apr. 30, 2019) (conditionally granting Certificate No. 3290).

<sup>2</sup> See *id.* (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66-01 (failure to comply with conditions of grant within 180 days voids approval).

<sup>3</sup> See *In re First Metro Cmty. Servs., Inc.*, No. AP-20-189, Order No. 19,214 (Jan. 19, 2021) (conditionally granting Certificate No. 3290).

<sup>4</sup> See *In re First Metro Cmty. Servs., Inc.*, No. AP-20-189, Order No. 19,444 (July 19, 2021).

time allotted, thereby voiding the Commission's approval for a second time.<sup>5</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.

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.

In closing, applicant is cautioned that in the event it fails to successfully obtain a certificate of authority in this proceeding, the three-strike rule in Regulation No. 66-01 will bar applicant from reapplying for WMATC operating authority for a period of one year as measured from the end of the 180-day compliance period associated with this application.<sup>6</sup>

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 3290 shall be issued to First Metropolitan Community Services, Inc., 6856 Eastern Avenue, N.W., #202, Washington, DC 20012-2166.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and

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<sup>5</sup> See Order No. 19,214 (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66-01 (failure to comply with conditions of grant within 180 days voids approval).

<sup>6</sup> See *In re Roll Right LLC*, No. AP-21-166, Order No. 19,677 (Jan. 24, 2022) (applying three-strike rule in Regulation No. 66-01 to applications by successive entities formed by the same person).

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:

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

Jeffrey M. Lehmann  
Executive Director