

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 20,375

IN THE MATTER OF:

Served September 25, 2023

Application of SUNRISE MEDICAL)	Case No. AP-2023-046
TRANS 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. If the applicant does not make the required showing, the application must be denied under Section 7(b).

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,¹ but applicant has failed to substantiate that it is located at its stated business address.

Regulation No. 68 requires that any person holding or applying for a certificate of authority shall keep its official address on file with the Commission at all times. Such address shall be the actual street location of the person's principal place of business, i.e., the

¹ *In re Best Time Transp. Inc.*, No. AP-21-108, Order No. 19,686 (Feb. 2, 2022).

location where applicant maintains records on a permanent basis, receives clients, and performs ongoing activities in furtherance of the business.

The street address listed by applicant on its application form is associated with a virtual office service. Intelligent Office Alexandria advertises online a "virtual office space and mailing address for your business" in the suite number of the office location designated by applicant.²

In e-mail correspondence regarding this application, the Commission invited applicant to designate an alternate address as its principal place of business, or to file a lease or utility bill evidencing applicant's right to maintain an office at its stated business location. In response, applicant states that it is subleasing an office at that location, but failed to corroborate its statement with a lease or utility bill, as directed. While applicant did produce a monthly invoice from Vonage Business that lists applicant's stated street address, Vonage is a cloud-hosted VoIP technology that is managed virtually and requires no office installation. As such, we find the invoice produced by respondent is similar to a cell phone bill, which is not tied to any specific physical location other than what the subscriber tells the service provider. This Commission has previously held a cell phone bill is not acceptable proof of occupation of a physical address by an applicant.³

Applicant has failed to substantiate that the business address listed on its application is in fact the location where applicant carries on its business operations, as required by Regulation No. 68. Therefore, on the record before us, we cannot say that applicant has met its burden of production and persuasion on the issue of fitness to serve the public.⁴

² <https://www.intelligentoffice.com/virginia/alexandria> (last visited May 22, 2023).

³ See *In re Diane Rena Prince*, No. AP-13-034, Order No. 14,076 (July 18, 2013) (noting dismissal of previous application because a cell phone bill was not acceptable proof of occupation of applicant's stated street address of principal place of business).

⁴ See Order No. 14,076 (denying application for failure to furnish convincing evidence of the location of applicant's principal place of business); *In re Winners Transp., L.L.C.*, No. AP-21-023, Order No. 19,386 (June 3, 2021) (denying application in part for failure to substantiate location of principal place of business).

THEREFORE, IT IS ORDERED: that the application of Sunrise Medical Trans LLC for a certificate of authority, irregular route operations, is hereby denied without prejudice.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS RICHARD, LOTT, AND LACKEY:



Jeffrey M. Lehmann
Executive Director