

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 20,674

IN THE MATTER OF:

Served April 2, 2024

Application of A COMFORT)
TRANSPORTATION LLC for a) Case No. AP-2024-057
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's owner, Fasil Abay, was the managing member of Nilelimo LLC, which held WMATC Certificate of Authority No. 2884 from October 6, 2016, until December 30, 2020, when Certificate No. 2884 was voluntarily terminated at Mr. Abay's request.¹

This is the third application filed by this applicant. Applicant was first granted operating authority in 2022, 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.² Applicant was granted an extension of time to comply³ but ultimately failed to satisfy the conditions for issuance of operating authority within the time allotted, thereby voiding the Commission's approval.⁴

Applicant filed a second application and was granted operating authority again last year, 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.⁵

¹ *In re Nilelimo LLC*, No. AP-20-195, Order No. 19,190 (Dec. 30, 2020).

² *See In re A Comfort Transp. LLC*, No. AP-22-113, Order No. 19,886 (Sept. 12, 2022) (conditionally granting Certificate No. 2884).

³ *In re A Comfort Transp. LLC*, No. AP-22-113, Order No. 20,100 (Mar. 10, 2023).

⁴ *See* Order No. 19,886 (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).

⁵ *See In re A Comfort Transp. LLC*, No. AP-23-134, Order No. 20,272 (July 6, 2023) (conditionally granting Certificate No. 2884).

Applicant was again granted an extension of time to comply⁶ but ultimately failed to satisfy the conditions for issuance of operating authority within the additional time allotted, thereby voiding the Commission's approval for a second time.⁷

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 provides that an applicant which has three successive conditional grants voided for failure to satisfy the conditions for issuance of operating authority within 180 days shall be barred from reapplying for a period of one year as measured from the end of the third 180-day period.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 2884 shall be issued to A Comfort Transportation LLC, 13792 Autumn Glory Court, Chantilly, VA 20151-2356.

⁶ See *In re A Comfort Transp. LLC*, No. AP-23-134, Order No. 20,538 (Dec. 29, 2023).

⁷ See Order No. 20,272 (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).

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 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, appearing to read "Jeffrey M. Lehmann". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jeffrey M. Lehmann
Executive Director