

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8092

IN THE MATTER OF:

Served June 16, 2004

Application of Q.T. TRANSPORT,)
INC., for a Certificate of)
Authority -- Irregular Route)
Operations)

Case No. AP-2004-27

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District. 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 an applicant does not make the required showing, the application must be denied under Section 7(b).

An application for a certificate of authority must be in writing, verified, and in the form and with the information that Commission regulations require.¹ Commission Regulation No. 54 requires applicants to complete and file the Commission's application form. The form itself requires supporting exhibits. The evidence thus submitted must establish a prima facie case of fitness and consistency with the public interest.² Material omissions are grounds for denial.³

The application indicates that applicant has no state passenger carrier authority and possesses only nine revenue vehicles. According to records obtained from the Maryland Public Service Commission

¹ Compact, tit. II, art. XI, § 8.

² In re Thomas B. Howell, t/a Presidential Ducks, No. AP-00-07, Order No. 5955 (Aug. 10, 2000); In re Washington Shuttle, Inc., t/a Supershuttle, No. AP-96-13, Order No. 4966 (Nov. 8, 1996); In re Double Decker Bus Tours, W.D.C., Inc., No. AP-95-21, Order No. 4642 (Aug. 9, 1995).

³ See In re Faith Servs. Transp., Inc., t/a Faith Transp., No. AP-03-61, Order No. 7458 (Oct. 7, 2003) (denying application in part for material omissions).

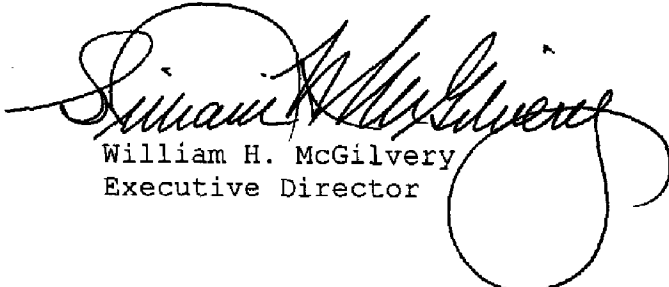
(MDPSC) website,⁴ however, applicant has eighteen vehicles and operates under MDPSC Carrier No. 2983. We consider these material omissions.

In addition, the first order in this proceeding noted that articles of incorporation obtained from the Maryland Department of Assessments and Taxation (MDAT) website⁵ revealed that one of applicant's directors is "Lilliana Helou", the president of Quality Tour Transport, Inc., WMATC No. 192. Such a control relationship requires Commission approval under Article XII, Section 3, of the Compact. Applicant responds that Ms. Helou's name has been removed from the Maryland articles, but a recent check of the MDAT website shows that not to be the case.⁶

We cannot say on this record that applicant is fit and that approving the application would be consistent with the public interest.

THEREFORE, IT IS ORDERED that the application of Q.T. Transport, Inc., for a certificate of authority, irregular route operations, is hereby denied without prejudice.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER AND MCDONALD:



William H. McGilvery
Executive Director

⁴ <www.psc.state.md.us/psc/>.

⁵ <sdatcert3.resiusa.org/ucc-charter>.

⁶ A closer examination reveals that the articles are not those of applicant, a Virginia corporation, but the articles of another corporation, a Maryland corporation with the same name as applicant and a director named Jean Agbey, who happens to be applicant's president. This complicates but does not eliminate the common control issue.