

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,346

IN THE MATTER OF:

Served March 23, 2007

MARBEC LLC, Trading as MARBEC)
LIMOUSINE SERVICES LLC, Suspension and)
Investigation of Revocation of)
Certificate No. 1140)

Case No. MP-2006-052

This matter is before the Commission on respondent's response to Order No. 9753, served July 19, 2006.

I. BACKGROUND

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force."¹ A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.²

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 1140 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 1140 became invalid on April 24, 2006, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 9511 noted the automatic suspension of Certificate No. 1140 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 1140, and gave respondent thirty days to replace the expired endorsement or face revocation of Certificate No. 1140. Respondent submitted a \$1.5 million primary WMATC Insurance Endorsement on June 16, 2006. The effective date of the new endorsement is June 15, 2006. This means that respondent was without insurance coverage for fifty-three days, from April 24, 2006, through June 15, 2006.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 1140 as directed by Order No. 9511. Accordingly, we gave respondent thirty days to verify that it ceased operations as of April 24, 2006. Inasmuch as respondent's general tariff covers service rendered to the general public, respondent's verification was to be corroborated by evidence from respondent's general business records.³

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

³ See Compact, tit. II, art. XII, § 1(b) (mandating Commission access to carrier records); Regulation No. 59-01 (carrier shall maintain books and

II. RESPONSE AND CONCLUSION

Respondent's president, Marv Allie states that respondent ceased operations as of February 25, 2006, but the statement is not under oath as required by Rule No. 4-06. In addition, respondent has produced no documents relating to events occurring after February 25, 2006, as required by Order No. 9753. Without any documents from the post-February 2006 period, we are unable to confirm respondent's Rule-28 statement regarding its lack of operations after the suspension took effect on April 24, 2006. In the meantime, respondent's replacement WMATC Insurance Endorsement was cancelled and has not been replaced.

Accordingly, pursuant to Article XI, Section 10(c), of the Compact, we shall revoke Certificate No. 1140 for respondent's willful failure to comply with Regulation No. 58 and Order No. 9753.

In addition, in accordance with Commission Regulation Nos. 60 and 67, respondent's unpaid \$150 annual fee for 2007, unfiled 2007 annual report, and associated \$200 in late fees, shall remain due.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 1140 is hereby revoked.
2. That within 30 days from the date of this order respondent shall:
 - a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
 - b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and
 - c. surrender Certificate No. 1140 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

records so that it can furnish at any time full and complete financial and statistical information about its activities, regardless of whether such activities constitute transportation subject to the Compact).