

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,539

IN THE MATTER OF:

Served June 7, 2007

Application of CUSTOM TOURS OF)
WASHINGTON, INC., for Voluntary) Case No. AP-2007-089
Termination of Certificate No. 43)

CUSTOM TOURS OF WASHINGTON, INC.,) Case No. MP-2007-071
Suspension and Investigation of)
Revocation of Certificate No. 43)

On April 15, 2007, Certificate No. 43 was automatically suspended pursuant to Regulation No. 58-02 for the failure of Custom Tours of Washington, Inc., (CTW) to maintain on file with the Commission proof of \$5 million in combined-single-limit, motor vehicle liability insurance as required by Commission Regulation No. 58.

Order No. 10,405, served April 16, 2007, noted that Certificate No. 43 would be subject to revocation if CTW failed to file the necessary insurance endorsement(s) and pay the \$50 late fee due under Regulation No. 67-03(c) within thirty days. CTW has yet to file the necessary insurance endorsement(s) and pay the late fee.

Instead, on April 17, 2007, CTW filed an application requesting voluntary termination of Certificate No. 43. CTW states that it is no longer operating and has returned its license plates to the Maryland Motor Vehicle Administration (MVA). CTW also furnished the Commission a receipt showing that it returned the license plates from one of its vehicles to the MVA.

Although the Commission may terminate a certificate of authority under Title II of the Compact, Article XI, Section 10(b), upon application by the holder, voluntary termination is not available if the carrier is not in good standing with the Commission.¹

Because CTW is not in good standing with the Commission, having failed to pay the \$50 late fee, we shall deny the application for voluntary termination.²

Because CTW has failed to file the necessary insurance endorsement(s) and pay the \$50 late fee, Certificate No. 43 shall be revoked pursuant to Article XI, Section 10(c), of the Compact for CTW's willful failure to comply with Regulation No. 58, Regulation

¹ *In re Barbara Moss Gover, t/a You & Me Travel*, No. MP-06-196, Order No. 10,320 (Mar. 9, 2007).

² See *Id.* (denying voluntary termination in part because fees not paid).

No. 67-03(c), and Order No. 10,405. The unpaid \$50 late fee shall remain due.

THEREFORE, IT IS ORDERED:

1. That the application of Custom Tours of Washington, Inc., for voluntary termination of Certificate No. 43 is hereby denied.

2. That Certificate of Authority No. 43 is hereby revoked.

3. That within 30 days from the date of this order Custom Tours of Washington, Inc., 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. 43 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director