

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,679

IN THE MATTER OF:

Served August 8, 2007

Application of NMS TRANSIT SERVICES )  
INC., Trading as METRO MED, for )  
Voluntary Termination of )  
Certificate No. 724 )

Case No. AP-2007-113

NMS TRANSIT SERVICES INC., Trading )  
as METRO MED, Suspension and )  
Investigation of Revocation of )  
Certificate No. 724 )

Case No. MP-2007-112

On June 3, 2007, Certificate No. 724 was automatically suspended pursuant to Regulation No. 58-02 for the failure of NMS Transit Services Inc., trading as Metro Med, (NMS) to maintain on file with the Commission proof of \$1.5 million in combined-single-limit, motor vehicle liability insurance as required by Commission Regulation No. 58.

Order No. 10,523, served June 4, 2007, noted that Certificate No. 724 would be subject to revocation if NMS failed to file the necessary insurance endorsement(s) and pay the \$50 late fee due under Regulation No. 67-03(c) within thirty days. NMS has yet to file the necessary insurance endorsement(s) and pay the late fee.

Instead, on June 4, 2007, NMS filed an application requesting voluntary termination of Certificate No. 724.

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.<sup>1</sup> Here, NMS was not in good standing as of 12:01 a.m. on June 3, when its primary WMATC Insurance Endorsement expired.

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

Because NMS has failed to file the necessary insurance endorsement(s) and pay the \$50 late fee, Certificate No. 724 shall be revoked pursuant to Article XI, Section 10(c), of the Compact for

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<sup>1</sup> See, e.g., *In re Custom Tours of Washington, Inc.*, No. AP-07-089, Order No. 10,539 (June 7, 2007).

<sup>2</sup> See *id.* (denying voluntary termination because late fee not paid).

NMS's willful failure to comply with Regulation No. 58, Regulation No. 67-03(c), and Order No. 10,523. The unpaid \$50 late fee shall remain due.

THEREFORE, IT IS ORDERED:

1. That the application of NMS Transit Services Inc., trading as Metro Med, for voluntary termination of Certificate No. 724 is hereby denied.

2. That Certificate of Authority No. 724 is hereby revoked.

3. That within 30 days from the date of this order NMS Transit Services Inc., trading as Metro Med, 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. 724 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director