

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,003

IN THE MATTER OF:

Served December 13, 2007

HEAVEN ON WHEELS LLC, Suspension )  
and Investigation of Revocation of )  
Certificate No. 737 )

Case No. MP-2007-238

This matter is before the Commission on respondent's response to Order No. 10,909, served November 13, 2007.

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."<sup>1</sup> A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.<sup>2</sup>

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 737 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. 737 was rendered invalid on November 11, 2007, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 10,909 noted the automatic suspension of Certificate No. 737 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 737, and gave respondent thirty days to replace the cancelled endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 737.

Respondent paid the \$50 late fee on November 19 and submitted a \$1.5 million primary WMATC Insurance Endorsement on November 14. The effective date of the new endorsement is November 22, 2007. This means that respondent was without insurance coverage for eleven days, from November 11, 2007, through November 21, 2007.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 737 as directed by Order No. 10,909. Inasmuch as respondent's only tariff is an out of date DC Medicaid tariff, respondent shall corroborate its verification with copies of its general business

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<sup>1</sup> Compact, tit. II, art. XI, § 6(a).

<sup>2</sup> Compact, tit. II, art. XI, § 7(g).

records.<sup>3</sup> Respondent also shall have thirty days to file a new General Tariff in accordance with Regulation Nos. 55 and 56, and pay the \$50 filing fee pursuant to Regulation No. 67-01.

THEREFORE, IT IS ORDERED:

1. That within thirty days from the date of this order, respondent shall verify it ceased all operations in the Metropolitan District as of November 11, 2007.

2. That within thirty days from the date of this order, respondent shall produce any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, including any and all stored electronically, that are within respondent's possession, custody or control and which relate to the transportation of passengers for hire between points in the Metropolitan District during the period beginning September 1, 2007, and ending on the date of this order, including, but not limited to any and all:

- a. customer contracts and invoices;
- b. invoices from other carriers;
- c. calendars and itineraries;
- d. bank and payroll records;
- e. insurance documents;
- f. advertising materials;
- g. income tax and personal property returns.

3. That, within thirty days, respondent shall file a new General Tariff in accordance with Regulation Nos. 55 and 56, and pay the \$50 filing fee pursuant to Regulation No. 67-01.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>3</sup> See *In re Second to None Tour & Travel Inc.*, No. MP-06-135, Order No. 10,278 (Feb. 8, 2007) (requiring business records from carrier without DC Medicaid tariff).