

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,222

IN THE MATTER OF:

Served March 18, 2008

1ST CHOICE INVESTMENT GROUP, LLC,)
Trading as IT'S ABOUT U, Suspension)
and Investigation of Revocation of)
Certificate No. 1056)

Case No. MP-2008-013

This matter is before the Commission on respondent's response to Order No. 11,131, served February 6, 2008.

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. 1056 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. 1056 was rendered invalid on January 11, 2008, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 11,071, served January 11, 2008, noted the automatic suspension of Certificate No. 1056 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 1056, 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. 1056.

Respondent submitted a \$1.5 million primary WMATC Insurance Endorsement on January 22, 2008. But respondent did not pay the late fee, and the effective date of the endorsement was February 12, 2008, instead of January 11, 2008.

Order No. 11,131 accordingly directed respondent to pay the late fee and verify cessation of operations as of January 11, 2008. Inasmuch as respondent's general tariff covers service rendered to the

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

general public, respondent's verification was to be corroborated with copies of respondent's general business records.

Respondent submitted a revised \$1.5 million replacement WMATC Insurance Endorsement on February 19, 2008. The revised replacement is effective January 11, 2008, thus eliminating the 32-day gap in coverage.

Respondent, however, has yet to verify cessation of operations and has yet to produce any business records.

II. ORDER TO LIFT SUSPENSION AND CONTINUE INVESTIGATION

Inasmuch as respondent has closed the 32-day coverage gap and is currently in compliance with Regulation No. 58, we will lift the suspension.³ But given the state of this record, respondent will be directed to: (1) file a written statement clearly stating whether respondent timely ceased all operations in the Metropolitan District; and (2) produce copies of all business records, including copies of bank deposit items and gas station receipts, for the period beginning December 1, 2007, and ending on the date of this order.⁴

THEREFORE, IT IS ORDERED:

1. That within thirty days from the date of this order, respondent shall file a written statement clearly stating whether respondent ceased all operations in the Metropolitan District from January 11, 2008, to the date of this order.

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 December 1, 2007, and ending on the date of this order, including, but not limited to any and all:

- a. gas station receipts;
- b. customer contracts and invoices;
- c. invoices from other carriers;
- d. calendars and itineraries;
- e. bank records, including copies of all deposit items;
- f. insurance documents;

³ See *In re Ibrahim A. Fahadi*, No. MP-07-117, Order No. 10,850 (Oct. 19, 2007) (same).

⁴ See *id.* (same).

g. advertising materials; and

h. income tax and personal property returns.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director