

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,321

IN THE MATTER OF:

Served May 1, 2008

PEARLEAN VIVIAN COOK, Trading as)
PEARL'S TRANSPORTATION COMPANY,) Case No. MP-2007-283
Suspension and Investigation of)
Revocation of Certificate No. 1118)

This matter is before the Commission on respondent's response to Order No. 11,053, served December 28, 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."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. 1118 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. 1118 was rendered invalid on December 28, 2007, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 11,053 noted the automatic suspension of Certificate No. 1118 pursuant to Regulation No. 58-02, (now Regulation No. 58-12),³ directed respondent to cease transporting passengers for hire under Certificate No. 1118, and gave respondent thirty days to replace the expired endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 1118. Respondent also was directed to file a new tariff because respondent's preexisting tariff was no longer effective.

Respondent paid the \$50 late fee on April 9 and filed a contract tariff on April 11. The tariff was not acceptable for filing because it did not specify a termination date as required by Regulation No. 55-08(b). Respondent also filed a new \$1.5 million primary WMATC Insurance Endorsement on April 11. The effective date

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

³ See *In re Rulemaking to Amend Rules of Prac. and Proc. and Regs.: Reg. No. 58*, No. MP-08-017, Order No. 11,254 (Apr. 2, 2008).

Metropolitan District during the period beginning November 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.

4. That within thirty days from the date of this order, respondent shall file a 2008 annual report and pay the \$150 annual fee for 2008 and \$200 in associated late fees.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director