

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,001

IN THE MATTER OF:

Served May 18, 2009

ANGEL ENTERPRISE INC, Trading as) Case No. MP-2009-049
THE ANGELS, Suspension and)
Investigation of Revocation of)
Certificate No. 1312)

This matter is before the Commission on respondent's response to Order No. 11,903, served March 31, 2009.

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. 1312 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. 1312 was rendered invalid on March 29, 2009, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 11,903 noted the automatic suspension of Certificate No. 1312 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 1312, and gave respondent thirty days to replace the terminated endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 1312. The order also noted that respondent owed a 2009 annual report pursuant to Regulation No. 60-01 and a \$100 late fee pursuant to Regulation No. 67-03(a) for failing to file the annual report on or before February 2, 2009.

Respondent paid both late fees on April 23, filed a 2009 annual report on May 5, and submitted a \$1.5 million primary WMATC Insurance Endorsement on May 15, but the effective date of the new endorsement is April 24, 2009, instead of March 29, 2009.

II. ORDER TO LIFT SUSPENSION AND CONTINUE INVESTIGATION

Regulation No. 58-14 provides that:

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

If a carrier's operating authority is suspended under Regulation No. 58-12 and the effective date of a later-filed replacement Endorsement falls after the automatic suspension date, the carrier must verify timely cessation of operations in accordance with Commission Rule No. 28 and corroborate the verification with client statements and/or copies of pertinent business records, as directed by Commission order.

In accordance with Regulation No. 58-14, respondent will be directed to submit a statement verifying cessation of operations as of March 29, 2009. The statement shall be corroborated by copies of respondent's pertinent business records.

Inasmuch as respondent has paid the late insurance fee under Regulation No. 67-03(c) and reestablished compliance with Regulation No. 58, we will lift the suspension.³

THEREFORE, IT IS ORDERED:

1. That the suspension of Certificate No. 1312 is hereby lifted.

2. That within thirty days from the date of this order, respondent shall submit an affidavit stating whether respondent operated during the period beginning March 29, 2009, and ending on the date of this order.

3. 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, January 1, 2009, and ending on the date of this order, including, but not limited to any and all:

- a. customer contracts and invoices;
- b. calendars and itineraries; and
- c. bank and credit card statements.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director

³ See *In re Epps Transp. Co., Inc.*, No. MP-08-124, Order No. 11,613 (Oct. 6, 2008) (same).