

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,061

IN THE MATTER OF:

Served June 26, 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 failure to respond to Order No. 12,001, served May 18, 2009, directing respondent to submit a statement verifying cessation of operations as of March 29, 2009, and corroborate the statement with copies of respondent's pertinent business records.

**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."<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. 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, , served March 31, 2009, 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 subsequently paid both late fees on April 23, filed a 2009 annual report on May 5, and submitted a \$1.5 million primary

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

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

WMATC Insurance Endorsement on May 15, and the suspension was lifted in Order No. 12,001, but because the effective date of the new endorsement is April 24, 2009, instead of March 29, 2009, the order directed respondent to verify cessation of operations as of March 29, 2009, in accordance with Regulation No. 58-14. And because respondent's only tariff is for service rendered to the public, the order directed respondent to corroborate the verification with copies of respondent's pertinent business records.

Respondent has yet to respond.

## II. ORDER TO SHOW CAUSE

Considering that respondent has not denied operating its vehicle(s) on and after the suspension date, and considering that respondent has failed to produce the required documents, respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 1312, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.<sup>3</sup>

THEREFORE, IT IS ORDERED:

1. That respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 1312, for knowingly and willfully violating Article XI, Section 6(a), of the Compact, Regulation No. 58, and the orders issued in this proceeding.

2. That respondent may submit within 15 days from the date of this order a written request for oral hearing, specifying the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS CHRISTIE AND BRENNER:



William S. Morrow, Jr.  
Executive Director

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<sup>3</sup> See *In re Olalekan Salami, t/a Startime Ventures*, No. MP-08-147, Order No. 11,690 (Nov. 19, 2008) (same).