

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,606

IN THE MATTER OF:

Served November 29, 2012

SHIRLINGTON LIMOUSINE & )  
TRANSPORTATION, INC., Suspension )  
and Investigation of Revocation of )  
Certificate No. 259 )

Case No. MP-2012-062

This matter is before the Commission on respondent's failure to respond to Order No. 13,414, served August 23, 2012, directing respondent to submit a statement verifying cessation of operations as of June 3, 2012, 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. 259 for a minimum of \$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. 259 was rendered invalid on June 3, 2012, when the \$1.5 million primary and \$3.5 million excess WMATC Insurance Endorsements on file for respondent terminated without replacement. Order No. 13,303, served June 4, 2012, noted the automatic suspension of Certificate No. 259 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 259, and gave respondent 30 days to replace the terminated endorsements and pay the \$100 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 259.

Respondent failed to timely respond, and Certificate No. 259 was revoked on July 23, 2012, in Order No. 13,358. Respondent later paid the late fee, filed an acceptable \$1.5 million primary WMATC Endorsement and an acceptable \$3.5 million excess WMATC Endorsement, and submitted an application for reconsideration of the revocation of Certificate No. 259.

---

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

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

The effective date of the primary replacement endorsement is June 3, 2012, but the effective date of the excess replacement endorsement is June 21, 2012. Under Regulation No. 58-14:

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.

Consistent with WMATC precedent and Regulation No. 58-14, Order No. 13,414, served August 23, 2012, reinstated Certificate No. 259 and gave respondent 30 days to submit a statement verifying cessation of operations as of June 3, 2012. The statement was to be corroborated by 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 30 days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 259, 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 30 days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 259, 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 BRENNER, HOLCOMB, AND BELLAMY:



William S. Morrow, Jr.  
Executive Director

---

<sup>3</sup> See *In re Complete Transp. LLC*, No. MP-11-081, Order No. 13,116 (Jan. 12, 2012) (same).