

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,636

IN THE MATTER OF:

Served December 21, 2012

WASHINGTONIAN COACH CORPORATION,)
Suspension and Investigation of)
Revocation of Certificate No. 247)

Case No. MP-2012-026

This matter is before the Commission on the response of respondent to Order No. 13,337, served July 5, 2012, directing respondent to verify cessation of operations as of April 2, 2012, and corroborate with copies of respondent's pertinent business records from January 1, 2012, to July 5, 2012.

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. 247 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. 247 was rendered invalid on April 2, 2012, when the \$5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 13,216, served April 2, 2012, noted the automatic suspension of Certificate No. 247 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 247, and gave respondent 30 days to replace the canceled endorsement and pay the \$100 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 247. Respondent failed to timely respond, and Certificate No. 247 was revoked in Order No. 13,291, on May 30, 2012.

Respondent subsequently paid the late fee, submitted an acceptable \$5 million primary WMATC Insurance Endorsement, and filed an application for reconsideration of the revocation order. Reconsideration was denied, but the proceeding was reopened under Rule

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

No. 26-04, and Certificate No. 247 was reinstated in Order No. 13,337, on July 5, 2012.

Because the effective date of the replacement endorsement is June 22, 2012, instead of April 2, 2012, Order No. 13,337 directed respondent to verify cessation of operations as of April 2, 2012, and required respondent to corroborate its verification statement with copies of pertinent business records from January 1, 2012, to July 5, 2012, in accordance with Regulation No. 58-14.

II. RESPONSE AND ORDER TO TERMINATE PROCEEDING

Respondent has submitted a statement verifying cessation of operations as of January 27, 2012, the date that respondent states it transferred possession of its sole vehicle to Allen Chapel A.M.E. Church pursuant to a sales agreement signed December 24, 2011. The statement is supported by a copy of the sales agreement, evidence of payment, a bill of sale, and a letter from the church. Respondent also has submitted copies of a bill of sale and Arizona non-resident vehicle permit indicating that respondent did not replace the vehicle sold to the church until June 22, 2012.

Based on the evidence, we find that respondent has demonstrated cessation of operations as of April 2, 2012. Accordingly, this proceeding is hereby terminated.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER, HOLCOMB, AND BELLAMY:



William S. Morrow, Jr.
Executive Director