

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 14,306

IN THE MATTER OF:

Served October 24, 2013

TRANSCOM, INC., Suspension and )  
Investigation of Revocation of )  
Certificate No. 582 )

Case No. MP-2013-108

Certificate No. 582 was automatically suspended on August 14, 2013, pursuant to Regulation No. 58-12, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement.

Order No. 14,157, served August 14, 2013, admonished that Certificate No. 582 would be subject to revocation if respondent failed to file the necessary insurance endorsement(s) and pay a \$100 late fee under Regulation No. 67-03(c) within 30 days.

Instead of filing the necessary insurance endorsement(s) and paying the late fee, respondent has requested a "stay from any suspension or revocation proceedings until such time as Transcom either can be shown to have violated any law or substantive rule concerning the maintenance of insurance on its vehicles, or alternatively, until it cannot provide appropriate certifications as may be required in the annual renewal forms." The request shall be denied.

"When the signatories and Congress approved the Compact, they designated noncompliance with Commission insurance requirements as the single offense that would automatically invalidate a certificate of authority.<sup>1</sup> They could not have sent a clearer message that maintaining proper insurance coverage is of paramount importance under the Compact.<sup>2</sup>"

Under Commission Regulation No. 58-12: "Failure to replace a WMATC Insurance Endorsement prior to termination shall result in immediate, automatic suspension of a carrier's WMATC operating authority. The carrier must suspend operations immediately and may not recommence operations unless and until otherwise ordered by the Commission."

---

<sup>1</sup> Compact, tit. II, art. XI, § 7(g).

<sup>2</sup> *In re Couples, LLC, t/a Couples Limos.*, No. MP-09-134, Order No. 12,330 (Mar. 8, 2010); *In re Skyhawk Logistics, Inc.*, No. MP-09-044, Order No. 12,101 (July 24, 2009); *In re Westview Med. & Rehab. Servs., P.C. Inc.*, No. MP-07-070, Order No. 10,882 (Nov. 2, 2007).

Under Commission Regulation No. 58-13: "The Commission may lift a suspension imposed under Regulation No. 58-12 once the carrier has filed the necessary replacement Endorsement(s) and paid the late fee under Regulation No. 67-03(c)." Inasmuch as respondent has neither filed the necessary insurance endorsement(s) nor paid the late fee, the suspension of Certificate No. 582 may not be lifted at this time.

Looking forward, respondent cites no authority for the proposition that WMATC carriers should be permitted to indefinitely retain WMATC certificates of authority that have been invalidated by operation of Article XI, Section 7(g), of the Compact for noncompliance with WMATC insurance requirements.

And the argument that revoking Certificate No. 582 would foreclose respondent from bidding on future transportation contracts is false. Although unlicensed operations are prohibited by the Compact, unlicensed bidding is not.<sup>3</sup> Indeed, there is typically a lag in time between the award date and the commencement date during which a successful bidder without WMATC authority may file and prosecute an application with the Commission. Existing WMATC carriers may be enlisted as subcontractors if and as necessary.<sup>4</sup>

Accordingly, without some evidence that respondent's compliance with Regulation No. 58 is imminent, we find that respondent has not shown good cause for extending the September 13, 2013, revocation deadline in Order No. 14,157.<sup>5</sup>

Certificate No. 582 shall therefore be revoked pursuant to Article XI, Section 10(c), of the Compact.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 582 is hereby revoked.
2. That the \$100 late insurance fee shall remain due.
3. That within 30 days from the date of this order, Transcom, Inc., 14905 Finegan Farm Drive, Darnestown, MD, 20874-3605, shall:

---

<sup>3</sup> See *In re Ruchman & Associates, Inc., t/a RAI, Inc.*, No. AP-91-31, Order No. 3839 (Nov. 4, 1991) (finding successful APHIS contract bidder fit for WMATC authority).

<sup>4</sup> See *In re Transcom, Inc.*, No. AP-05-113, Order No. 10,114 (Nov. 30, 2006) (approving lease and subcontract).

<sup>5</sup> See *In re Modupe Ayodeji Atanda-owo, t/a US One Transp.*, No. MP-12-008, Order No. 13,233 (Apr. 16, 2012) (denying extension); *In re E&H Transp., LLC*, No. MP-07-250, Order No. 11,143 (Feb. 6, 2008) (same); *In re Ostrich Transp. Corp.*, No. MP-06-174, Order No. 10,200 (Jan. 5, 2007) (same); *In re Safe Haven, Inc.*, No. MP-99-03, Order No. 5513 (Feb. 1, 1999) (same); *In re Ismael Hussein, t/a All Seasons Transp.*, No. MP-96-37, Order No. 4862 (May 30, 1996) (8 month extension denied) (citing *In re Japan Travelers Serv., Inc.*, No. MP-88-09, Order No. 3186 (June 28, 1988)).

- a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
- b. file a notarized affidavit and supporting photograph(s) with the Commission verifying compliance with the preceding requirement; and
- c. surrender Certificate No. 582 to the Commission.

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



William S. Morrow, Jr.  
Executive Director