

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 14,469

IN THE MATTER OF:

Served January 8, 2014

FIF TRANSPORTATION, LLC, Suspension)
and Investigation of Revocation of)
Certificate No. 1850)

Case No. MP-2013-015

This matter is before the Commission on respondent's response to Order No. 13,896, served May 7, 2013, directing respondent to show cause why the Commission should not assess a civil forfeiture against respondent and/or suspend or revoke Certificate No. 1850.

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. 1850 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. 1850 was rendered invalid on January 12, 2013, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 13,684, served January 14, 2013, noted the automatic suspension of Certificate No. 1850 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 1850, and gave respondent 30 days to replace the terminated endorsement and pay the \$100 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 1850.

Respondent thereafter paid the late fee and submitted a \$1.5 million primary WMATC Insurance Endorsement, and the suspension was lifted in Order No. 13,687, but because the effective date of the new endorsement is January 15, 2013, instead of January 12, 2013, the order gave respondent 30 days to verify cessation of operations as of

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

January 14, 2013,³ in accordance with Regulation No. 58-14. And because respondent's only tariff is for service rendered to the public, the order gave respondent 30 days to corroborate the verification with copies of respondent's pertinent business records.

Respondent filed a statement on January 29, 2013, but the statement did not indicate when respondent stopped operating, and respondent produced no records.

Considering that respondent had not denied operating its vehicle(s) on and after the suspension date, and considering that respondent had failed to produce the required documents, Order No. 13,896, served May 7, 2013, gave respondent 30 days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 1850, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.

II. RESPONSE AND ORDER TO TERMINATE PROCEEDING

On May 22, 2013, respondent's owner, Mr. Luis Ferman, filed a statement explaining that respondent's sole vehicle⁴ was out of service from January 8, 2013, when the vehicle was towed for repairs, until January 21, 2013, when repairs were completed. The statement is supported by a receipt from the towing company and a receipt from the repair facility.

We find that respondent has shown cause why a civil forfeiture should not be assessed and why Certificate No. 1850 should be neither suspended nor revoked.

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

³ This date is in error. The relevant date is the automatic suspension date of January 12, 2013.

⁴ The vehicle in question is the only vehicle listed on respondent's 2013 annual report.