

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 16,567

IN THE MATTER OF:

Served September 14, 2016

A & W SERVICES, LLC, Suspension and )  
Investigation of Revocation of )  
Certificate No. 2217 )

Case No. MP-2016-120

This matter is before the Commission on respondent's failure to respond to Order No. 16,521, served August 12, 2016.

**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. 2217 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. 2217 was rendered invalid on July 19, 2016, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 16,475, served July 19, 2016, noted the automatic suspension of Certificate No. 2217 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 2217, 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. 2217.

Respondent paid the late fee on August 12, 2016, and submitted a \$1.5 million primary WMATC Insurance Endorsement on August 12, 2016, and the suspension was lifted on August 12, 2016, in Order No. 16,521. However, because the effective date of the new endorsement is August 4, 2016, instead of July 19, 2016, the order gave respondent 30 days to verify cessation of operations as of July 19, 2016, and 30 days to produce copies of respondent's pertinent business records from

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

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

May 1, 2016, to August 12, 2016, in accordance with Regulation No. 58-14(a).

Respondent has yet to produce said statement and documents.

**II. ORDER TO SHOW CAUSE**

In accordance with Regulation No. 58-14(b), 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. 2217, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.

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. 2217, 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.

FOR THE COMMISSION:



William S. Morrow, Jr.  
Executive Director