

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 17,111

IN THE MATTER OF:

Served July 20, 2017

PRIMO EXECUTIVE TRANSPORTATION ) Case No. MP-2017-044  
SERVICES, LLC, Suspension and )  
Investigation of Revocation of )  
Certificate No. 2728 )

This matter is before the Commission on respondent's failure to respond to Order No. 17,053, served June 19, 2017.

**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. 2728 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. 2728 was automatically suspended on April 27, 2017, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent expired without replacement. Order No. 16,973, served April 27, 2017, noted the automatic suspension of Certificate No. 2728 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 2728, and gave respondent 30 days to replace the terminated endorsement and pay a \$100 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 2728.

Respondent filed the necessary insurance endorsement(s) but failed to pay the late fee, and Certificate No. 2728 was revoked in Order No. 17,033 on June 8, 2017, pursuant to Regulation No. 58-15(a). Respondent thereafter paid the late fee and filed a timely application for reconsideration of Order No. 17,033, and Certificate of Authority No. 2728 was reinstated in Order No. 17,053, in accordance with Regulation No. 58-15(b).

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

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

However, respondent's replacement Endorsement did not take effect until May 10, 2017, instead of April 27, 2017, the expiration date of the prior Endorsement, thereby creating a 13-day gap in required coverage. Order No. 17,053 accordingly directed respondent to submit a statement verifying cessation of operations as of April 27, 2017, as required by Regulation No. 58-14(a). The order also directed respondent to produce copies of its business records pertaining to any and all operations under WMATC authority from February 1, 2017, through June 19, 2017.

Respondent has yet to respond.

## II. ORDER TO SHOW CAUSE

Regulation No. 58-14(b) states that upon the failure of a carrier to comply timely with the requirements of Regulation No. 58-14(a), "the Executive Director shall issue an order directing the carrier to show cause why a civil forfeiture should not be assessed against the carrier and/or why the carrier's operating authority should not be suspended or revoked."

Pursuant to 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. 2728.

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. 2728, for knowingly and willfully violating 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