

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3413

IN THE MATTER OF:

Served September 25, 1989

HENRY L. EPPS, JR., Suspension and)
Investigation of Revocation of)
Certificate No. 51)

Case No. MP-89-07

The Compact, Title II, Article XII, Section 9(a) mandates that no certificate of public convenience and necessity issued under Section 4 of said Article ". . . shall remain in force unless the person . . . holding such certificate complies with such reasonable regulations as the Commission shall prescribe governing the filing and approval of surety bonds, policies of insurance, [and] qualifications as a self-insurer . . . in such reasonable amount as the Commission may require" See also Commission Regulation No. 62, as amended by Order No. 2721, served June 19, 1985.

Henry L. Epps, Jr., holds WMATC Certificate No. 51. On May 11, 1989, Henry L. Epps, Jr., filed a certificate of insurance evidencing liability coverage by Maryland Automobile Insurance Fund in the amount of \$100,000/\$300,000/\$100,000. Also on May 11, 1989, Henry L. Epps, Jr., filed a separate certificate of insurance evidencing excess liability coverage by Guaranty National Insurance Company between \$100,000/\$300,000/\$100,000 and \$750,000 combined single limit for bodily injury and property damage. Together, these two insurance certificates, both issued by Norken & Son insurance agency of Washington, DC, indicated that Henry L. Epps, Jr., had the \$750,000 minimum insurance required by Commission Regulation No. 62 for the type of operations Henry L. Epps, Jr., is authorized to conduct.

A certificate of insurance issued by the Maryland Automobile Insurance Fund (MAIF) was filed on September 20, 1989. This certificate bears the same policy number and the same liability limits as the Norken certificate. However, the MAIF certificate shows the named insured as "EPPS TRANSPORTATION/BESSIE LOUISE EPPS" rather than "HENRY L. EPPS JR." as shown on the Norken certificate.

The latter filing, actually issued by MAIF rather than on its behalf, clearly shows the named insured as Bessie Louise Epps and does not show Henry L. Epps, Jr. Accordingly, it appears that Henry L. Epps, Jr., the holder of Certificate No. 51, is in violation of the Compact, Title II, Article XII, Section 9 and Commission Regulation No. 62.

THEREFORE, IT IS ORDERED:

1. That the above-captioned proceeding is instituted pursuant to Title II, Article XII, Section 4(g) of the Compact of the purpose of determining whether Certificate of Public Convenience and Necessity No. 51 of Henry L. Epps, Jr., shall be revoked.

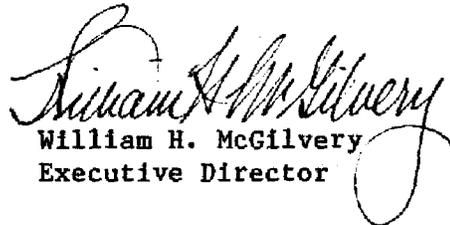
2. That Henry L. Epps, Jr., is made a party respondent to the above-captioned proceeding.

3. That Henry L. Epps, Jr., is directed, within 30 days from the date of service hereof, fully to comply with the provisions of the Compact, Title II, Article XII, Section 9(a) and Commission Regulation No. 62, and is further directed within the same 30 days to file with the Commission an appropriate certificate of insurance or such other evidence, in writing and under oath, as he may deem pertinent to show good cause why his Certificate of Public Convenience and Necessity No. 51 should not be revoked.

4. That Certificate of Public Convenience and Necessity No. 51 issued to Henry L. Epps, Jr., is hereby suspended until further order of the Commission, and Henry L. Epps, Jr., is directed to cease and desist from transportation subject to the Compact, until further order of the Commission.

5. That Henry L. Epps, Jr., is hereby provided an opportunity for hearing pursuant to the Compact, Title II, Article XII, Section 4(g), and is directed to file within 15 days of the service date of this order an appropriate motion pursuant to Commission Rule No. 15, if he desires an oral hearing on this matter.

FOR THE COMMISSION:


William H. McGilvery
Executive Director