

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8356

IN THE MATTER OF:

Served October 27, 2004

ACHU SERVICES GROUP LLC, Trading as )  
AMERICAN TRANSPORTATION UNLIMITED, )  
Suspension and Investigation of )  
Revocation of Certificate No. 658 )

Case No. MP-2004-116

This matter is before the Commission on respondent's failure to respond to Order No. 8225, served August 13, 2004.

Under the Compact, a certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.<sup>1</sup> Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 658 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. 658 became invalid on June 10, 2004, when the \$1.5 million WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 8090 noted the automatic suspension of Certificate No. 658 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 658, and gave respondent thirty days to replace the expired endorsement or face revocation of Certificate No. 658. Respondent submitted a \$1.5 million replacement endorsement on July 19, 2004. The effective date of the new endorsement is July 3, 2004. This means that respondent was without insurance coverage for twenty-three days, from June 10, 2004, through July 2, 2004.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 658 as commanded by Order No. 8090. Order No. 8225 accordingly gave respondent thirty days to furnish proof that respondent ceased operations as of June 10, 2004. Order No. 8225 also noted that respondent's annual fee for 2004<sup>2</sup> and annual report for 2003<sup>3</sup> were

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

<sup>2</sup> See Compact, tit. II, art. IV, § 4(a); Regulation No. 67; Order No. 3601 (\$100 annual fee due on or before January 31).

overdue and gave respondent thirty days to correct these omissions. In the alternative, respondent was given thirty days to show cause why Certificate No. 658 should not be revoked. Respondent has yet to respond to Order No. 8225.

Certificate No. 658 shall be revoked pursuant to Article XI, Section 10(c), of the Compact for respondent's willful failure to comply with: (1) Commission Regulation No. 58, governing insurance; (2) Regulation No. 67 and Order No. 3601, governing annual fees; (3) and Regulation No. 60-01, governing annual reports; provided, that the unpaid \$100 annual fee for 2004 shall remain due and payable; and further provided, that the unfiled 2003 annual report also shall remain due.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 658 is hereby revoked.
2. That within 30 days from the date of this order respondent shall:
  - a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
  - b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and
  - c. surrender Certificate No. 658 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER, AND GUNS:



William H. McGilvery  
Executive Director

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<sup>3</sup> See Compact, tit. II, art. XII, § 1(a); Regulation No. 60-01 (annual report due on or before April 30).