

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8727

IN THE MATTER OF:

Served May 19, 2005

AMAN TRANSPORT, LLC, Suspension)
and Investigation of Revocation)
of Certificate No. 915)

Case No. MP-2004-219

This matter is before the Commission on respondent's response to Order No. 8641, served April 7, 2005, which directed respondent to furnish proof that it ceased operations as of December 20, 2004, as corroborated by respondent's general business records for the period October 1, 2004, to April 7, 2005.

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. 915 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. 915 became invalid on December 20, 2004, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 8478 noted the automatic suspension of Certificate No. 915 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 915, and gave respondent thirty days to replace the expired endorsement or face revocation of Certificate No. 915. Respondent submitted a \$1.5 million primary WMATC Insurance Endorsement on February 18, 2005. The effective date of the new endorsement is January 25, 2005. This means that respondent was without insurance coverage for thirty-six days, from December 20, 2004, through January 24, 2005.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 915 as directed by Order No. 8478. Order No. 8641 gave respondent thirty days to furnish proof that respondent ceased operations as of

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

December 20, 2004, as corroborated by evidence from respondent's general business records.³

II. RESPONSE TO ORDER NO. 8641

According to respondent's annual report, respondent had only one vehicle in 2004, a 1999 Dodge van. Respondent claims that "at the time in question" its van was in the shop for "a complete overhaul and comprehensive service," but respondent has provided no documentation to support this claim. Indeed, respondent has filed none of its general business records as directed by Order No. 8641. Further, respondent stops short of saying he ceased operating altogether as of December 20, 2004. This leaves open the possibility that respondent provided service using a rental vehicle while its van was in for repairs, if in fact it was. Under the circumstances, we will give respondent thirty days to show cause why the Commission should not revoke Certificate No. 915 for respondent's willful failure to comply with Rule No. 28, Regulation No. 58, and Order No. 8641.⁴

THEREFORE, IT IS ORDERED:

1. That respondent shall have thirty days to show cause why the Commission should not revoke Certificate No. 915 for respondent's willful failure to comply with Commission Rule No. 28, Commission Regulation No. 58 and Commission Order No. 8641.

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.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND MILLER:



William S. Morrow, Jr.
Executive Director

³ See Compact, tit. II, art. XII, § 1(b) (mandating Commission access to carrier records).

⁴ The Commission may suspend or revoke all or part of any certificate of authority for willful failure to comply with a provision of the Compact, an order, rule, or regulation of the Commission, or a term, condition, or limitation of the certificate. Compact, tit. II, art. XI, § 10(c).