

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,723

IN THE MATTER OF:

Served August 24, 2007

FOWLER TRIO, L.L.C., Trading as AAA)
TRANSPORT AND ALL AMERICAN)
ADVENTURES & TOURS, Revocation of)
WMATC Insurance Endorsement and)
Investigation of Suspension and)
Revocation of Certificate NO. 576)

Case No. MP-2007-153

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 576 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.

Under Regulation No. 58-09, the Commission may, upon thirty (30) days' notice, revoke its approval of any WMATC Insurance Endorsement if, in the judgment of the Commission, such security does not comply with the Commission's regulations or for any reason fails to provide satisfactory or adequate protection for the public.

Respondent currently has on file with the Commission a \$1.5 million primary WMATC Insurance Endorsement from The Travelers Indemnity Company of Connecticut with an expiration date of December 1, 2007.

On July 11, 2007, respondent filed a \$1 million primary WMATC Insurance Endorsement from American Home Assurance Company.¹ On July 18, 2007, respondent filed a \$4 million excess WMATC Insurance Endorsement from C.V. Starr & Co. The \$1 million primary and \$4 million excess endorsements appear calculated to replace the \$1.5 million primary already on file, but the \$4 million excess endorsement is not acceptable for filing because it is not signed by a recognized underwriter² and appears to amend a policy issued by a company not licensed to issue insurance policies in one of the fifty states.³

¹ An amended endorsement from American Home Assurance was filed on July 24 inasmuch as the July 11 filing did not display respondent's full name as required by Regulation No. 58-06.

² See *In re Washington Shuttle, Inc., t/a Supershuttle*, No. MP-04-151, Order No. 8235 (Aug. 24, 2004) (rejecting endorsement not signed by recognized underwriter).

³ See *id.* (citing 49 C.F.R. § 387.35(c): insurer must be legally authorized to issue policy in any State of the United States -- adopted by Commission Regulation No. 64).

Accordingly, Order No. 10,658, served July 25, 2007, revoked respondent's \$1.5 million WMATC Insurance Endorsement from Travelers, effective August 24, 2007.⁴

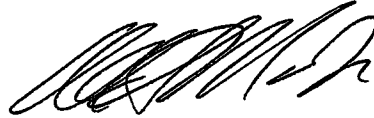
Respondent has yet to file the necessary replacement endorsement (s). Certificate No. 576, therefore, is automatically suspended under Regulation No. 58-02 and may be revoked if respondent fails to file the necessary WMATC Insurance Endorsement(s) and pay the \$50 late fee within thirty days.

THEREFORE, IT IS ORDERED:

1. That respondent shall not transport passengers for hire under Certificate No. 576, unless and until otherwise ordered by the Commission.

2. That Certificate No. 576 shall be subject to revocation pursuant to Article XI, Section 10(c), of the Compact, if respondent fails to file the necessary WMATC Insurance Endorsement(s) and pay \$50 by money order, certified check, or cashier's check within thirty days.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director

⁴ See *id.* (revoking endorsement under same circumstances).