

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,574

IN THE MATTER OF:

Served September 12, 2008

1ST CHOICE INVESTMENT GROUP, LLC,)
Trading as IT'S ABOUT U, Suspension)
and Investigation of Revocation of)
Certificate No. 1056)
Case No. MP-2008-013

This matter is before the Commission on respondent's response to Order No. 11,222, served March 18, 2008, which directed respondent to verify cessation of operations as of January 11, 2008, and corroborate with copies of respondent's business records.

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. 1056 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. 1056 was rendered invalid on January 11, 2008, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 11,071, served January 11, 2008, noted the automatic suspension of Certificate No. 1056 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 1056, and gave respondent thirty days to replace the cancelled endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 1056.

Respondent submitted a \$1.5 million primary WMATC Insurance Endorsement on January 22, 2008. But respondent did not pay the late fee, and the effective date of the endorsement was February 12, 2008, instead of January 11, 2008.

Order No. 11,131, served February 6, 2008, accordingly directed respondent to pay the late fee and verify cessation of operations as of January 11, 2008. Inasmuch as respondent's general tariff covers

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

service rendered to the general public, respondent's verification was to be corroborated with copies of respondent's general business records.

Respondent paid the late fee on February 11 and submitted a revised \$1.5 million replacement WMATC Insurance Endorsement on February 19. The revised replacement is effective January 11, 2008, thus eliminating the 32-day gap in coverage. Respondent, however, did not verify cessation of operations and did not produce any records.

Order No. 11,222 lifted the suspension based on respondent having reestablished compliance with Regulation No. 58 but directed respondent to: (1) file a written statement clearly stating whether respondent timely ceased all operations in the Metropolitan District; and (2) produce copies of all business records, including copies of bank deposit items and gas station receipts, for the period beginning December 1, 2007, and ending on March 18, 2008.

II. RESPONSE AND ORDER TO SHOW CAUSE

Respondent admits operating while suspended on and after January 11. Respondent defends its actions on the ground that allegedly respondent was not aware its insurance had been cancelled. But the record shows that the insurance was cancelled at respondent's request and that Order No. 11,071, the order noting the suspension of Certificate No. 1056, was delivered to respondent by the United States Postal Service on January 12, 2008.

Respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or revoke Certificate No. 1056, for knowingly and willfully conducting operations under a suspended certificate of authority.³

THEREFORE, IT IS ORDERED:

1. That respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or revoke Certificate No. 1056, for knowingly and willfully violating Article XI, Section 6(a), of the Compact, 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.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

³ See *In re Addis Transp., Inc.*, No. MP-07-164, Order No. 11,112 (Jan. 29, 2008) (same).