

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 16,606

IN THE MATTER OF:

Served October 7, 2016

BURLINGTON BREW TOURS, LLC,)
Suspension and Investigation of)
Revocation of Certificate No. 2534)

Case No. MP-2016-136

Certificate No. 2534 was revoked pursuant to Regulation No. 58-15(a), in Order No. 16,584, served September 21, 2016, for respondent's willful failure to comply with the Commission's insurance requirements in Regulation No. 58 and willful failure to pay a \$100 late fee under Regulation No. 67-03(c).

Respondent filed the necessary WMATC Insurance Endorsement on October 6, 2016, and tendered payment of the late fee and an application for reconsideration of Order No. 16,584 on September 30, 2016.

I. REINSTATEMENT

Under Regulation No. 58-15(b), if a carrier's authority is revoked for failure to comply with Regulation No. 58, or an order issued thereunder, the Executive Director shall reopen the proceeding and reinstate said authority if the following two conditions are met: (i) the carrier files a timely application for reconsideration in accordance with Rule No. 27; and (ii) the application is supported by the necessary Endorsement(s) and by payment of the late fee under Regulation No. 67-03(c); provided, that reinstatement shall not be available if the carrier's WMATC operating authority stands revoked for other reasons, as well.

Respondent's request was filed within the 30-day deadline established for seeking reconsideration under Rule No. 27; the request is supported by the necessary Endorsement(s) and by payment of the late fee under Regulation No. 67-03(c); and Certificate No. 2534 does not stand revoked for any other reason.

Accordingly, this proceeding is hereby reopened, and Certificate of Authority No. 2534 is hereby reinstated.

II. CONTINUATION OF INVESTIGATION

The effective date of respondent's replacement WMATC Endorsement is September 8, 2016, instead of August 17, 2016, the date on which coverage terminated under the previous WMATC Endorsement and Certificate No. 2534 became automatically suspended under Regulation No. 58-12 as a result. Under Regulation No. 58-14:

If a carrier's operating authority is suspended under Regulation No. 58-12 and the effective date of a later-filed replacement Endorsement falls after the automatic suspension date, the carrier must verify timely cessation of operations in accordance with Commission Rule No. 28 and corroborate the verification with client statements and/or copies of pertinent business records, as directed by Commission order.

In accordance with Regulation No. 58-14, respondent will be directed to submit a statement verifying cessation of operations as of August 17, 2016. The statement shall be corroborated by copies of respondent's pertinent business records.

THEREFORE, IT IS ORDERED:

1. That the suspension of Certificate No. 2534 is hereby lifted.

2. That within 30 days from the date of this order, respondent shall verify it ceased all operations in the Metropolitan District as of August 17, 2016.

3. That within 30 days from the date of this order, respondent shall produce any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, including any and all stored electronically, that are within respondent's possession, custody or control and which relate to the transportation of passengers for hire between points in the Metropolitan District during the period beginning June 1, 2016, and ending on the date of this order, including, but not limited to any and all:

- a. customer contracts and invoices;
- b. calendars and itineraries;
- c. bank and credit card statements.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director