

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 18,378

IN THE MATTER OF:

Served September 23, 2019

CIERGE LLC, Trading as CIERGE,)
Suspension and Investigation of)
Revocation of Certificate No. 3166)

Case No. MP-2019-116

This matter is before the Commission on the response of respondent to Order No. 18,338, served August 27, 2019, revoking Certificate No. 3166 pursuant to Regulation No. 58-15(a) for respondent's willful failure to pay a \$100 late fee under Regulation No. 67-03(c). On September 23, 2019, respondent paid the \$100 late fee and submitted an application for reconsideration of Order No. 18,338.

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. 3166 does not stand revoked for any other reason. Accordingly, this proceeding is hereby reopened, and Certificate of Authority No. 3166 is hereby reinstated.

II. CONTINUATION OF INVESTIGATION

The effective date of respondent's replacement WMATC Endorsement is August 6, 2019, instead of July 22, 2019, the date on which coverage terminated under the previous WMATC Endorsement and Certificate No. 3166 became automatically suspended under Regulation No. 58-12 as a result, leaving a 15-day gap in required insurance coverage. Under Regulation No. 58-14(a):

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(a), respondent will be directed to submit a statement verifying cessation of operations as of July 22, 2019. The statement shall be corroborated by copies of respondent's pertinent business records.

THEREFORE, IT IS ORDERED:

1. That this proceeding is reopened under Commission Regulation No. 58-15(b).

2. That Certificate No. 3166 is hereby reinstated.

3. That in accordance with Commission Regulation No. 58-14(a), respondent shall, within 30 days from the date of this order, state whether it conducted any operations in the Metropolitan District from July 22, 2019, to the date of this order.

4. That in accordance with Commission Regulation No. 58-14, respondent shall, within 30 days from the date of this order, 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 May 1, 2019, 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:



Jeffrey M. Lehmann
Executive Director