

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,545

IN THE MATTER OF:

Served October 1, 2021

AQUILIT INC., Suspension and)
Investigation of Revocation of)
Certificate No. 3429)

Case No. MP-2021-079

This matter is before the Commission on respondent's response to Order No. 19,424, served July 9, 2021.

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. 3429 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. 3429 was automatically suspended on July 1, 2021, pursuant to Regulation No. 58-12, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 19,418, served July 1, 2021, noted the automatic suspension of Certificate No. 3429, directed respondent to cease transporting passengers for hire under Certificate No. 3429, and gave respondent 30 days to replace the terminated endorsement and pay the \$100 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 3429.

Respondent thereafter paid the late fee and submitted a \$1.5 million primary WMATC Insurance Endorsement, and the suspension was lifted in Order No. 19,424. However, because the effective date of the new endorsement was July 7, 2021, instead of July 1, 2021, leaving a 6-day gap in required insurance coverage, the order directed respondent to verify cessation of operations as of July 1, 2021, in accordance with Regulation No. 58-14. The statement was to be corroborated by copies

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

of respondent's pertinent business records from April 1, 2021, to July 9, 2021.

II. RESPONSE AND ORDER TO TERMINATE PROCEEDING

On July 16, 2021, as supplemented on July 30, 2021, respondent produced two statements from its president, Andrew Aquila, and copies of various business records, including: (a) copies of respondent's bank statements for the period beginning April 1, 2021, and ending July 27, 2021; (b) copies of Uber payment statements for the period beginning April 2, 2021, and ending July 12, 2021; and (c) copies of respondent's certificate of insurance.

Respondent states that it "did not engage in any activity between July 1 and July 9, 2021." This statement is corroborated by the Uber payment statements, which reflect trips performed before and after the suspension period, but show no trips while respondent's certificate of authority was suspended, and by the bank statements submitted by respondent, which show activity consistent with a halt in operations.

Based on the evidence, we find that respondent has demonstrated cessation of operations during the suspension period. Accordingly, this proceeding is hereby terminated.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS HOLCOMB, RICHARD, AND LOTT:

A handwritten signature in blue ink that reads "Jeffrey M. Lehmann". The signature is fluid and cursive, with the first name being the most prominent.

Jeffrey M. Lehmann
Executive Director