

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8235

IN THE MATTER OF:

Served August 24, 2004

WASHINGTON SHUTTLE, INC., Trading )  
as SUPERSHUTTLE, Revocation of )  
Certificate of Insurance and )  
Investigation of Suspension and )  
Revocation of Certificate No. 369 )

Case No. MP-2004-151

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 369 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 million primary WMATC Insurance Endorsement and a \$3 million excess WMATC Insurance Endorsement. On August 23, 2004, the Commission received a \$4 million excess WMATC Insurance Endorsement intended to replace the \$3 million excess endorsement already on file. The \$4 million replacement endorsement is not acceptable for filing because it has been substantively altered,<sup>1</sup> is not signed by a recognized underwriter,<sup>2</sup> and appears to amend a policy issued by an insurance company not licensed in one of the fifty states.<sup>3</sup>

Although the preexisting \$3 million excess endorsement has not been cancelled in writing as required by the terms of the endorsement

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<sup>1</sup> See In re LogistiCare Solutions, LLC t/a LogistiCare, No. MP-03-33, Order No. 7228 (June 4, 2003) (revoking authority where excess endorsement substantively altered).

<sup>2</sup> See In re Dav-El Transportation, Inc., No. MP-03-07, Order No. 7011 (Jan. 23, 2003) (rejecting endorsement not signed by recognized underwriter).

<sup>3</sup> See 49 C.F.R. § 387.35 (insurer must be legally authorized to issue policy in any State of the United States) (adopted by Commission Regulation No. 64).

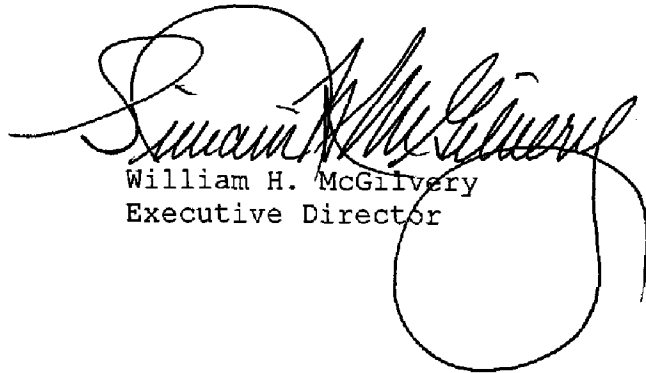
itself, the filer of that endorsement has indicated that the underlying policy has been cancelled. Accordingly, respondent's \$3 million excess WMATC Insurance Endorsement shall be revoked.

THEREFORE, IT IS ORDERED:

1. That respondent's \$3 million excess WMATC Insurance Endorsement is hereby revoked, effective thirty days from the date of this order.

2. That Certificate No. 369 shall be automatically suspended under Regulation No. 58-02, and subject to revocation pursuant to Article XI, Section 10(c), of the Compact, if respondent fails to file the necessary replacement WMATC Insurance Endorsement(s) within thirty days.

FOR THE COMMISSION:



William H. McGlivery  
Executive Director