

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9039

IN THE MATTER OF:

Served October 13, 2005

GBADE FEMI TOKAN, Trading)
as U-FIRST TRANSPORTATION,)
Suspension and Investigation)
of Revocation of Certificate)
No. 777)

Case No. MP-2004-207

This matter is before the Commission on respondent's response to Order No. 8685, served May 4, 2005, which required respondent to show cause why the Commission should not revoke Certificate No. 777 for willful failure to comply with Rule No. 28, Regulation No. 58, and Order No. 8561.

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. 777 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. 777 became invalid on November 21, 2004, when the \$500,000 primary and \$1 million excess WMATC Insurance Endorsements on file for respondent terminated without replacement. Order No. 8429, served November 23, 2004, noted the automatic suspension of Certificate No. 777 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 777, and gave respondent thirty days to replace the terminated endorsements or face revocation of Certificate No. 777. Respondent submitted a \$500,000 primary endorsement and a \$1 million excess endorsement on January 21, 2005. The effective date of the new endorsements is January 20, 2005.

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

This means that respondent was without insurance coverage for sixty days, from November 21, 2004, through January 19, 2005.

Accordingly, Order No. 8561 gave respondent thirty days to verify in accordance with Commission Rule No. 28 that he ceased operating as of November 21, 2004, as directed by Order No. 8429. Inasmuch as respondent's only tariff is for service rendered to clients of the District of Columbia Department of Health, Medical Assistance Administration, (DC Medicaid), such verification was to include confirmation from DC Medicaid.

Respondent submitted evidence that his application to become a DC Medicaid Transportation Provider was returned by DC Medicaid on December 8, 2004, and respondent clearly stated that he never transported any passengers for DC Medicaid, but respondent stopped short of saying he ceased operating altogether as of November 21. This left open the possibility that respondent provided service to other clients while suspended. Accordingly, Order No. 8685 gave respondent thirty days to show cause why the Commission should not revoke Certificate No. 777 for willful failure to comply with Rule No. 28, Regulation No. 58, and Order No. 8561.

II. RESPONSE TO ORDER NO. 8685

Respondent has submitted a notarized statement that avers respondent has "never transported passenger[s] in the Metropolitan Area" and has "not operated since receiving [his] license" from the Commission. Based on this evidence, and for good cause shown, the suspension shall be lifted and this proceeding terminated.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER, AND SMITH:



William S. Morrow, Jr.
Executive Director