

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9383

IN THE MATTER OF:

Served March 8, 2006

CARING & CARRYING CORPORATION,)
Suspension and Investigation of)
Revocation of Certificate No. 441)

Case No. MP-2005-72

This matter is before the Commission on respondent's response to Order No. 9040, served October 13, 2005, which directed respondent to submit certain affidavits.

Under the Compact, a certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.¹ Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 441 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. 441 became invalid on June 29, 2005, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 8805, served July 1, 2005, noted the automatic suspension of Certificate No. 441 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 441, and gave respondent thirty days to replace the expired endorsement or face revocation of Certificate No. 441. Respondent submitted a \$1.5 million primary WMATC Insurance Endorsement on July 18, 2005. The effective date of the new endorsement is July 7, 2005. This means that respondent was without insurance coverage for eight days, from June 29, 2005, through July 6, 2005.

Despite the suspension and lack of insurance, respondent invoiced the District of Columbia Department of Health, Medical Assistance Administration, (DC Medicaid), for transportation services purportedly rendered from June 29 through July 1 and from July 5 through July 6. According to respondent, those invoices were submitted in error.

¹ Compact, tit. II, art. XI, § 7(g).

Order No. 9040, gave respondent thirty days to corroborate its contention of error by submitting affidavits from the passenger in question and the carrier that performed the transportation on the dates in question instead of respondent.

Respondent has since submitted affidavits from Heaven On Wheels LLC, WMATC No. 737, and the brother of the passenger in question. Both state that Heaven on Wheels transported the passenger in question on the dates in question. The affidavits are corroborated by ACS State Healthcare, DC Medicaid's agent for processing carrier invoices.

Accordingly, the suspension is lifted, and this proceeding is terminated.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND SMITH:



William S. Morrow, Jr.
Executive Director