

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,279

IN THE MATTER OF:

Served February 8, 2007

US TRANSCARE INC., Suspension and)
Investigation of Revocation of)
Certificate No. 1002)

Case No. MP-2006-153

This matter is before the Commission on respondent's response to Order No. 9952, served October 2, 2006.

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. 1002 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. 1002 was rendered invalid on September 29, 2006, when the \$1 million primary and \$500,000 excess WMATC Insurance Endorsements on file for respondent expired without replacement. Order No. 9952 noted the automatic suspension of Certificate No. 1002 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 1002, and gave respondent thirty days to replace the expired endorsement or face revocation of Certificate No. 1002. Respondent submitted a \$1 million primary WMATC Insurance Endorsement on December 1, 2006. The effective date of the new endorsement is November 22, 2006.

Thus, it appears that respondent was without insurance coverage for fifty-four days, from September 29, 2006, through November 21, 2006, and because respondent has yet to submit a \$500,000 excess WMATC Insurance Endorsement, it further appears that respondent has been underinsured since November 21.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 1002 as directed by Order No. 9952. We will give respondent thirty days to verify that it ceased operations as of September 29, 2006, and to file a \$500,000 excess WMATC Insurance Endorsement. Inasmuch as respondent's only tariff is for service rendered to the general public, proof that respondent ceased operations shall be

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

corroborated by evidence from respondent's general business records.³ Respondent also will be directed to present its vehicles for inspection.

Finally, respondent has yet to pay its \$150 annual fee for 2007 and file its 2007 annual report. Under Commission Regulation No. 67-03, applicant now owes \$200 in late fees. Accordingly, respondent shall file the report and pay all fees within thirty days.

THEREFORE, IT IS ORDERED:

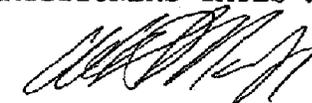
1. That within thirty days from the date of this order, respondent shall:

- a. verify it ceased all operations in the Metropolitan District as of September 29, 2006;
- b. file a \$500,000 excess WMATC Insurance Endorsement;
- c. present its vehicles for inspection; and
- d. file its 2007 annual report and pay its \$150 annual fee for 2007 and \$200 in late fees.

2. That within thirty days from the date of this order, respondent shall 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 July 1, 2006, and ending on the date of this order, including, but not limited to any and all:

- e. customer contracts and invoices;
- f. invoices from other carriers;
- g. calendars and itineraries;
- h. bank and payroll records;
- i. insurance documents;
- j. advertising materials;
- k. income tax and personal property returns.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

³ See Compact, tit. II, art. XII, § 1(b) (mandating Commission access to carrier records).