

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,520

IN THE MATTER OF:

Served June 1, 2007

SYDNEY SHUTTLE, LLC, Suspension and )  
Investigation of Revocation of )  
Certificate No. 489 )

Case No. MP-2007-064

This matter is before the Commission on respondent's response to Order No. 10,390, served April 6, 2007.

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."<sup>1</sup> A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.<sup>2</sup>

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 489 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. 489 was rendered invalid on April 6, 2007, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 10,390 noted the automatic suspension of Certificate No. 489 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 489, and gave respondent thirty days to replace the expired endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 489. Respondent submitted a \$1.5 million primary WMATC Insurance Endorsement on April 13, 2007, and paid the \$50 late fee on April 20, 2007. The effective date of the new endorsement is April 20, 2007. This means that respondent was without insurance coverage for fourteen days, from April 6, 2007, through April 19, 2007.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 489 as directed by Order No. 10,390. Acting on advice from WMATC staff, respondent's president has filed a statement asserting that respondent did not transport any clients from April 6, 2007, to April 26, 2007. Respondent also has caused to be filed a statement from ACS State Healthcare, the claims agent for DC Medicaid, respondent's client, or one of them in any event. ACS's statement asserts respondent has not filed any claims for payment "from 04/06/07 to present." Unfortunately, the ACS statement is not dated.

---

<sup>1</sup> Compact, tit. II, art. XI, § 6(a).

<sup>2</sup> Compact, tit. II, art. XI, § 7(g).

Also acting on advice from Commission staff, respondent produced copies of its checking account statement for the March-April 2007 period. But instead of corroborating respondent's assertion that respondent stopped operating on April 16, the deposit and debit activity is consistent with continued operations on behalf of clients other than DC Medicaid. Indeed, respondent has rates on file for non-Medicaid clients.

Under the circumstances, respondent will be directed to verify it has not operated in the Metropolitan District since before April 6, 2007, file a current statement from DC Medicaid or its agent corroborating respondent's verification with respect to DC Medicaid operations, and produce copies of all its business records, including bank records and gas station receipts, for the period beginning January 1, 2007, and ending on the date of this order.

THEREFORE, IT IS ORDERED:

1. That within thirty days from the date of this order, respondent shall verify it ceased all operations in the Metropolitan District as of April 6, 2007, and has not resumed operations since.

2. That within thirty days from the date of this order, respondent shall submit confirmation from DC Medicaid or its agent that respondent ceased its DC Medicaid operations as of April 6, 2007, and has not resumed such operations since.

3. 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 January 1, 2007, and ending on the date of this order, including, but not limited to any and all:

- a. gas station receipts;
- b. customer contracts and invoices;
- c. invoices from other carriers;
- d. calendars and itineraries;
- e. bank records, including copies of all deposit items;
- f. insurance documents;
- g. advertising materials; and
- h. income tax and personal property returns.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director