

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,653

IN THE MATTER OF:

Served July 24, 2007

CALISTUS T. FOLEM, Trading as ABANG)
HEALTH TRANSPORTATION, Suspension)
and Investigation of Revocation of)
Certificate No. 1189)

Case No. MP-2007-113

This matter is before the Commission on respondent's response to Order No. 10,524, served June 4, 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."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. 1189 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. 1189 was rendered invalid on June 2, 2007, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 10,524 noted the automatic suspension of Certificate No. 1189 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 1189, 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. 1189.

Respondent paid the \$50 late fee on June 11, 2007, and submitted a \$1.5 million primary WMATC Insurance Endorsement on June 25, 2007. The effective date of the new endorsement is June 29, 2007. This means that respondent was without insurance coverage for twenty-seven days, from June 2, 2007, through June 28, 2007.

When a gap in the period of coverage under a carrier's WMATC Insurance Endorsement occurs, the Commission requires the carrier to

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

verify timely cessation of operations.³ The Commission also requires corroboration.⁴ If, as here, the carrier's tariff only covers service rendered to clients of the District of Columbia Department of Health, Medical Assistance Administration (DC Medicaid), corroboration shall consist of written confirmation from DC Medicaid.⁵

Respondent filed a written verification on July 19, 2007, asserting that respondent has not transported any clients for DC Medicaid since June 1, 2007. Respondent shall be directed to file written confirmation from DC Medicaid.

THEREFORE, IT IS ORDERED: That within thirty days from the date of this order, respondent shall submit confirmation from DC Medicaid that respondent ceased operations as of June 2, 2007.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

³ In re Handi-Pro Transp., Inc., No. MP-07-060, Order No. 10,515 (June 1, 2007).

⁴ *Id.*

⁵ *Id.*