

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,670

IN THE MATTER OF:

Served August 8, 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. 10,653, served July 24, 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, served June 4, 2007, 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.

Pursuant to Commission Rule No. 28, Order No. 10,653 gave respondent thirty days to verify cessation of operations as of June 2, 2007. Inasmuch as respondent's only tariff is for service rendered to

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

clients of the District of Columbia Department of Health, Medical Assistance Administration (DC Medicaid), such verification was to be corroborated by DC Medicaid.

Respondent has filed an affidavit confirming that respondent ceased operating as of June 2, 2007. The affidavit is corroborated by ACS State Healthcare, the claims agent for DC Medicaid. Based on the evidence, the suspension shall be lifted and this proceeding terminated.³

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

³ See *In re Pearlean Vivian Cook, t/a Pearl's Transp. Co.*, No. MP-06-178, Order No. 10,306 (Mar. 6, 2007) (lifting suspension based on affidavit and DC Medicaid confirmation).