

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,112

IN THE MATTER OF:

Served January 29, 2008

ADDIS TRANSPORTATION, INC., )  
Suspension and Investigation of )  
Revocation of Certificate No. 1314 )

Case No. MP-2007-164

Application of ADDIS TRANSPORTATION,) )  
INC., for Voluntary Termination of )  
Certificate No. 1314 )

Case No. AP-2007-232

This matter is before the Commission on the failure of Addis Transportation, Inc., (respondent) to respond to Order No. 10,767, served September 17, 2007, which directed respondent to furnish verification that it ceased operations as of August 13, 2007, and provide corroboration from the District of Columbia Department of Health, Medical Assistance Administration, (DC Medicaid).

**I. BACKGROUND**

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. 1314 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. 1314 was rendered invalid on August 13, 2007, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 10,703, served August 13, 2007, noted the automatic suspension of Certificate No. 1314 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 1314, and gave respondent thirty days to replace the cancelled endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 1314.

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

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

Respondent paid the \$50 late fee on September 5, 2007, and submitted a \$1.5 million primary WMATC Insurance Endorsement on September 4, 2007. The effective date of the new endorsement is September 14, 2007. This means that respondent was without insurance coverage for thirty two days, from August 13, 2007, through September 13, 2007.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 1314 as directed by Order No. 10,703. Order No. 10,767 accordingly gave respondent thirty days to verify cessation of operations as of August 13, 2007. Inasmuch as respondent's only tariff is for service rendered to DC Medicaid passengers, such verification was to be supported by confirmation from DC Medicaid.

## II. RESPONSE AND ORDER TO SHOW CAUSE

Instead of complying with Order No. 10,767, respondent filed an application for voluntary termination on November 16, 2007.

Considering that respondent has not denied operating its vans on and after August 13, 2007, and considering that respondent has failed to produce any statement from DC Medicaid, respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or revoke Certificate No. 1314, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.<sup>3</sup>

We will hold a decision on the voluntary termination application in abeyance until respondent has had an opportunity to respond to this order.<sup>4</sup>

THEREFORE, IT IS ORDERED:

1. That Case Nos. MP-07-164 and AP-07-232 are hereby consolidated pursuant to Commission Rule No. 20-02.

2. That respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or revoke Certificate No. 1314, for knowingly and willfully violating Article XI, Section 6(a), of the Compact, Regulation No. 58, and the orders issued in this proceeding.

3. That respondent may submit within 15 days from the date of this order a written request for oral hearing, specifying the grounds

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<sup>3</sup> See *In re Global Imex Incorporated*, No. MP-07-135, Order No. 10,843 (Oct. 19, 2007) (same); *In re Westview Medical & Rehab. Servs., P.C. Inc.*, No. MP-07-070, Order No. 10,734 (Sept. 5, 2007) (same).

<sup>4</sup> See *In re Husham Sayed Eltayeb, t/a Laila Transp. Serv.*, No. AP-07-202, Order No. 10,991 (Dec. 12, 2007) (voluntary termination not available if carrier not in good standing with Commission).

for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:

A handwritten signature in black ink, appearing to read 'W.S. Morrow, Jr.', written in a cursive style.

William S. Morrow, Jr.  
Executive Director