

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,139

IN THE MATTER OF:

Served February 6, 2008

FON PIUS NDE, Trading as PIUSMED) Case No. MP-2007-187
WORLD TRANSPORT, Suspension and)
Investigation of Revocation of)
Certificate No. 1327)

This matter is before the Commission on respondent's failure to respond to Order No. 10,842, served October 19, 2007, which directed respondent to verify cessation of operations as of September 17, 2007, and corroborate the verification with a statement from the District of Columbia Department of Health, Medical Assistance Administration, (DC Medicaid) and copies of respondent's business records.

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."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. 1327 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. 1327 was rendered invalid on September 17, 2007, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 10,762, served September 17, 2007, noted the automatic suspension of Certificate No. 1327 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 1327, 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. 1327.

Respondent paid the \$50 late fee on October 5 and submitted a \$1.5 million primary WMATC Insurance Endorsement on September 26, 2007. The effective date of the new endorsement is September 25,

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

2007. This means that respondent was without insurance coverage for eight days, from September 17, 2007, through September 24, 2007.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 1327 as directed by Order No. 10,762. Order No. 10,842 accordingly gave respondent thirty days to verify cessation of operations as of September 17. Inasmuch as respondent's clients included the District of Columbia Department of Health, Medical Assistance Administration (DC Medicaid), and United Cerebral Palsy of Washington, D.C. and Northern Virginia, Inc. (UCP), such verification was to be supported by confirmation from DC Medicaid and copies of respondent's business records.

Respondent has yet to respond.

II. ORDER TO SHOW CAUSE

Considering that respondent has not denied operating its vans on and after the suspension date, and considering that respondent has failed to produce the required documents, respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or revoke Certificate No. 1327, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.³

THEREFORE, IT IS ORDERED:

1. 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. 1327, for knowingly and willfully violating Article XI, Section 6(a), of the Compact, Regulation No. 58, and the orders issued in this proceeding.

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



William S. Morrow, Jr.
Executive Director

³ See *In re Addis Transp., Inc.*, No. MP-07-164, Order No. 11,112 (Jan. 29, 2008) (same); *In re Heaven on Wheels LLC.*, No. MP-07-238, Order No. 11,110 (Jan. 29, 2008) (same).