

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,217

IN THE MATTER OF:

Served March 14, 2008

FON PIUS NDE, Trading as PIUSMED)
WORLD TRANSPORT, Suspension and)
Investigation of Revocation of)
Certificate No. 1327)

Case No. MP-2007-187

This matter is before the Commission on respondent's response to Order No. 11,139, served February 6, 2008, which directed respondent 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.

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, with an effective date of September 25, 2007. Thus, as matters

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

stood on September 26, respondent apparently had been uninsured for an eight-day period from September 17, 2007, through September 24, 2007.

Under Commission Rule No. 28, respondent is required to verify that he has not operated since the suspension period commenced. 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 UCP and by copies of respondent's business records.

On February 6, 2008, having received no response from respondent, the Commission issued Order No. 11,139 directing respondent to show cause why the Commission should not assess a civil forfeiture against respondent, and/or revoke Certificate No. 1327.

II. RESPONSE

Respondent subsequently submitted a revised \$1.5 million replacement WMATC Insurance Endorsement on March 3, 2008. The revised replacement is effective September 17, 2007, thus eliminating the 8-day gap in coverage under the original replacement. Coverage under the revised replacement, however, expired January 14, 2008.

Respondent also subsequently filed a statement asserting that he did not operate during said 8-day period and another statement asserting that he has conducted no operations since October 2007, but neither statement is signed. And neither statement addresses the period from September 25 through the date in October, as yet unspecified, when according to respondent his vehicle developed transmission problems. Further, respondent has produced no corroborating statement from DC Medicaid, no corroborating statement from UCP, and no business records.

On the other hand, it appears the orders in this proceeding were all sent to an out of date address for respondent. No doubt, this has contributed to respondent's lack of timeliness, and perhaps respondent's lack of completeness.

III. EXTENSION OF SHOW CAUSE DEADLINE

Due to the extenuating circumstances caused by the misdirection of Commission orders, we shall extend the show cause deadline established in Order No. 11,139.

In addition, we will direct respondent to file a new tariff now that respondent's DC Medicaid rates are no longer effective.³

³ See *In re Ahmed Medical Transp., Inc.*, No. MP-08-051, Order No. 11,186 (Mar. 3, 2008) (same).

THEREFORE, IT IS ORDERED:

1. That respondent shall have thirty days from the date of this order 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 shall file a new tariff within thirty days.

3. 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