

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,519

IN THE MATTER OF:

Served August 7, 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 response of Addis Transportation, Inc., (respondent) to Order No. 11,112, served January 29, 2008, which directed respondent to show cause why the Commission should not assess a civil forfeiture against respondent, and/or revoke Certificate No. 1314,

**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.

Respondent paid the \$50 late fee on September 5, 2007, and submitted a \$1.5 million primary WMATC Insurance Endorsement on

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

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

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 transportation under the District of Columbia Medicaid program, such verification was to be supported by confirmation from the DC Department of Health, Medical Assistance Administration (DCMAA), the agency overseeing that program.

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

Considering that respondent had not denied operating its vans on and after August 13, 2007, and considering that respondent had failed to produce any statement from DCMAA, Order No. 11,112 directed respondent 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>

The decision on the voluntary termination application was held in abeyance pending respondent's response.

## II. RESPONSE AND DECISION

Respondent's president, Fissaha Eshete, states that respondent has never provided any service under Certificate No. 1314. Mr. Eshete's statement is corroborated by supporting documents, a statement from DCMAA, and other Commission records. We therefore find that respondent has shown cause for not assessing a civil forfeiture. The record, however, supports revocation of Certificate No. 1314.

Respondent has no effective tariff on file as required by Article XI, Section 14, of the Compact. In addition, respondent's only vehicles failed inspection by Commission staff. Although granting voluntary termination at this point would have been an option, respondent has withdrawn its application.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 1314 is hereby revoked.

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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).

2. That within 30 days from the date of this order respondent shall:

- a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
- b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and
- c. surrender Certificate No. 1314 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director