

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,586

IN THE MATTER OF:

Served September 24, 2008

MOBILITY EXPRESS INC., Suspension )  
and Investigation of Revocation of )  
Certificate No. 668 )

Case No. MP-2008-189

This matter is before the Commission on respondent's response to Order No. 11,526, served August 15, 2008.

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. 668 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. 668 was rendered invalid on August 15, 2008, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 11,526 noted the automatic suspension of Certificate No. 668 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 668, and gave respondent thirty days to replace the terminated endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 668.

Respondent paid the late fee on September 23, 2008, and submitted a \$1.5 million primary WMATC Insurance Endorsement on September 19, 2008, but the effective date of the new endorsement is September 30, 2008, instead of August 15, 2008. This means that respondent was without insurance coverage for forty-five days, from August 15, 2008, through September 29, 2008.

Under Regulation No. 58-14:

If a carrier's operating authority is suspended under Regulation No. 58-12 and the effective date of a

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

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

later-filed replacement Endorsement falls after the automatic suspension date, the carrier must verify timely cessation of operations in accordance with Commission Rule No. 28 and corroborate the verification with client statements and/or copies of pertinent business records, as directed by Commission order.

We will give respondent thirty days to verify that it ceased operations as of August 15, 2008. Inasmuch as respondent's only tariff is for service rendered under contract with Medical Transportation Management, Inc., (MTM), respondent shall corroborate the verification with written confirmation from MTM.

THEREFORE, IT IS ORDERED:

1. That within thirty days from the date of this order, respondent shall verify it ceased all operations in the Metropolitan District as of August 15, 2008.

2. That within thirty days from the date of this order, respondent shall submit written confirmation from MTM that respondent ceased operations as of August 15, 2008.

FOR THE COMMISSION:



William S. Morrow, Jr.  
Executive Director