

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,632

IN THE MATTER OF:

Served October 16, 2008

SUKA MEDICAL TRANSPORT, INC., )  
Suspension and Investigation of )  
Revocation of Certificate No. 1110 )

Case No. MP-2008-155

This matter is before the Commission on respondent's response to Order No. 11,426, served June 25, 2008, which directed respondent to verify cessation of operations as of June 7, 2008, and corroborate with 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."<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. 1110 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. 1110 was rendered invalid on June 7, 2008, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 11,401, served June 10, 2008, noted the automatic suspension of Certificate No. 1110 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 1110, 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. 1110.

Respondent paid the late fee on June 23, 2008, and submitted a \$1.5 million primary WMATC Insurance Endorsement on June 10, 2008, but the effective date of the new endorsement is June 19, 2008, instead of June 7, 2008. This means that respondent was without insurance coverage for twelve days, from June 7, 2008, through June 18, 2008.

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

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

Under Regulation No. 58-14:

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

Order No. 11,426 accordingly directed respondent to verify cessation of operations as of June 7, 2008. Inasmuch as respondent's only tariff covers service rendered to the general public, respondent's verification was to be corroborated with copies of respondent's general business records.

## **II. RESPONSE**

Respondent has filed a statement verifying cessation of operations as of June 5, 2008, but respondent's bank records show a substantial number of purchases from gasoline retailers after June 7, 2008.

## **III. ORDER TO LIFT SUSPENSION AND CONTINUE INVESTIGATION**

Inasmuch as respondent is currently in compliance with Regulation No. 58, we will lift the suspension.<sup>3</sup> But given the state of this record, respondent will be directed to submit statements from its clients corroborating respondent's cessation of operations from June 7 until the date of this order.

THEREFORE, IT IS ORDERED:

1. That the suspension of Certificate No. 1110 is hereby lifted.
2. That within thirty days from the date of this order, respondent shall produce statements from its clients stating whether and to what extent they received transportation service from respondent during the period beginning June 7, 2008, and ending on the date of this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>3</sup> See *In re Epps Transp. Co., Inc.*, No. MP-08-124, Order No. 11,613 (Oct. 6, 2008) (same).