

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,691

IN THE MATTER OF:

Served November 19, 2008

ABEBE TEKLEMARIAM ALEMU, Trading as) Case No. MP-2008-172
EXPRESS RIDE, Suspension and)
Investigation of Revocation of)
Certificate No. 1365)

This matter is before the Commission on respondent's failure to respond to Order No. 11,481, served July 21, 2008, which directed respondent to verify cessation of operations as of July 5, 2008, and corroborate the verification with written confirmation from Logisticare Solutions, LLC.

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. 1365 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. 1365 was rendered invalid on July 5, 2008, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 11,463, served July 7, 2008, noted the automatic suspension of Certificate No. 1365 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 1365, 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. 1365.

Respondent paid the late fee on July 17, 2008, and submitted a \$1.5 million primary WMATC Insurance Endorsement on July 14, 2008, but the effective date of the new endorsement is July 15, 2008, instead of July 5, 2008. This means that respondent was without insurance coverage for ten days, from July 5, 2008, through July 14, 2008.

¹ Compact, tit. II, art. XI, § 6(a).

² 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. 11,481 accordingly gave respondent thirty days to verify that it ceased operations as of July 5, 2008. Inasmuch as respondent's only tariff is for service rendered under contract with Logisticare Solutions, LLC, respondent was to corroborate the verification with written confirmation from Logisticare.

Respondent has yet to respond, and the WMATC Endorsement filed July 14 has been cancelled in the meantime, effective August 20, 2008.

II. ORDER TO SHOW CAUSE

Considering that respondent has not denied operating its vehicle(s) 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. 1365, 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. 1365, 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).