

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 11,986

IN THE MATTER OF:

Served May 14, 2009

ISAAC ANENE EGBE, Trading as)
ANDYSON TRANSPORTATION SERVICES,) Case No. MP-2009-023
Suspension and Investigation of)
Revocation of Certificate No. 1149)

This matter is before the Commission on respondent's response to Order No. 11,921, served April 7, 2009, revoking Certificate No. 1149 pursuant to Article XI, Section 10(c), of the Compact.

Under the Compact, a certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.¹ Commission Regulation No. 58 required respondent to insure the revenue vehicles operated under Certificate No. 1149 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. 1149 was rendered invalid on February 15, 2009, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 11,840, served February 17, 2009, gave respondent thirty days to replace the expired endorsement and pay the \$50 late fee imposed by Regulation No. 67-03(c) or face revocation of Certificate No. 1149.

Seven weeks later, having received neither the late fee nor the necessary endorsement(s), the Commission revoked Certificate No. 1149 in Order No. 11,921 for respondent's willful failure to comply with Regulation No. 58. Respondent subsequently paid the late fee and filed a \$1.5 million primary WMATC Endorsement and a request for reinstatement of Certificate No. 1149.

Title II of the Compact, Article XIII, Section 4(a), provides that: "A party to a proceeding affected by a final order or decision of the Commission may file within 30 days of its publication a written application requesting Commission reconsideration of the matter involved, and stating specifically the errors claimed as grounds for the reconsideration." Respondent's application for reconsideration was timely filed as of April 30 but does not allege any error on the part of the Commission.

¹ Compact, tit. II, art. XIII, § 7(g).

In addition, when seeking reconsideration of a revocation for failure to comply with Regulation No. 58, a carrier must be in compliance with Regulation No. 58 at the time the application is due.² Respondent's replacement endorsement is effective April 16, 2009, instead of February 15, 2009. 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.

Respondent has yet to file the requisite verification.

Finally, respondent has no effective tariff on file with the Commission as required by Article XI, Section 14, of the Compact.³

Therefore, the application for reconsideration shall be denied, and this proceeding shall not be reopened.⁴

THEREFORE, IT IS ORDERED: That the application for reconsideration is denied without prejudice to respondent's right to reapply for operating authority at a later date.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS CHRISTIE AND BRENNER:



William S. Morrow, Jr.
Executive Director

² *In re F&O Transport Serv., LLC*, No. MP-08-248, Order No. 11,872 (Mar. 4, 2009).

³ Respondent's two tariffs, Contract Tariff No. CT-1 and General Tariff No. GT-1, are not valid at this time. Respondent's General Tariff No. GT-1, for service rendered to clients of the District of Columbia Department of Health, Medical Assistance Administration, (DCMAA), is no longer in effect now that DCMAA has assigned all transportation contracts to MTM. *In re Sams Health Care Servs. Inc.*, No. MP-08-005, Order No. 11,947 (Apr. 23, 2009). Respondent's Contract Tariff No. CT-1 for service under contract with Medical Transportation Management, Inc., (MTM), expired October 18, 2008.

⁴ See Order No. 11,872 (same).