

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5766

IN THE MATTER OF:

Served December 8, 1999

Application of SAFE HAVEN, INC., )  
for a Certificate of Authority -- )  
Irregular Route Operations )

Case No. AP-99-73

Notice of this application was served on November 3, 1999, in Order No. 5738. The order directed applicant and its president, Cassandra White, to supplement the record with additional information pertaining to applicant's proposed rates and applicant's fitness for WMATC operating authority. The additional information filed by applicant and Ms. White on November 9 is not fully responsive.

On the issue of applicant's proposed rates, the application indicated applicant's intent to provide service under the Medicaid program. The application, however, did not contain appropriate rates. Order No. 5738 sought to remedy this omission by directing applicant to file an amended Exhibit D containing the proper Medicaid rates. Applicant responded on November 9 by filing some, but not all, of the relevant rates.

Applicant's amended Exhibit D contains DC Medicaid rates for transportation of individual ambulatory passengers (transmittal #97-26) and individual passengers in wheelchairs (transmittal #97-34) but fails to include the corresponding group rates (transmittals #97-27 and #94-23, respectively). Applicant will be directed to file the appropriate group rates.

On the issue of applicant's fitness, the order noted that Ms. White previously conducted passenger carrier operations in the Metropolitan District through Safe Haven, Incorporated, a corporation separate and distinct from applicant. The order also noted that Safe Haven, Incorporated, once held WMATC Certificate No. 382, and that Certificate No. 382 was suspended on January 14, 1999, and revoked on March 2, 1999, for Safe Haven, Incorporated's, willful failure to comply with the Commission's insurance requirements.<sup>1</sup>

After the revocation of Certificate No. 382, but before this application was filed, the Commission received a certificate of insurance in applicant's name showing coverage for transportation of senior citizens from June 26, 1999, through June 26, 2000. This raised the issue of post-revocation operations by Ms. White and/or the corporations she controls.

Order No. 5738 addressed this fitness issue by directing Ms. White to file an affidavit stating whether she had operated as a

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<sup>1</sup> In re Safe Haven, Incorporated, No. MP-99-03, Order No. 5538 (Mar. 2, 1999).

passenger carrier, or caused any other person to operate as a passenger carrier, including the two Safe Havens, since January 14.

On November 9, Ms. White filed an affidavit stating that "Safe Haven vans have been out of commission for over six months." Her affidavit, however, fails to assure that neither she nor anyone acting at her direction operated as a passenger carrier after January 14, 1999. Ms. White, therefore, will be directed to produce any and all records in her possession, custody or control relating to: (1) Safe Haven, Inc.; (2) the operations of Safe Haven, Incorporated, during 1999; and (3) Ms. White's personal finances.

Our decision to request these records is made in light of the following factors. First, Certificate No. 382 was revoked three times for noncompliance with the Commission's insurance requirements at a time when Ms. White was in control of its operations and its finances.<sup>2</sup> Second, Ms. White admits noncompliance with the provision in the latest revocation order, Order No. 5538, requiring the removal of all WMATC indicia from Carrier No. 382's vans. Third, the application and responses to Order No. 5738 are deficient. Fourth, no explanation has been offered for applicant procuring twelve months of commercial passenger carrier insurance four months before filing an application for WMATC authority. Fifth, Ms. White appears to be applicant's sole source of financing. Sixth, applicant intends to transport the handicapped and elderly.

Applicant also will be directed to file supporting documentation for Exhibits A and B, applicant's balance sheet and projected operating statement. Given Carrier No. 382's poor financial history, we need additional proof that applicant has sufficient resources to sustain operations for one year under WMATC authority.

THEREFORE, IT IS ORDERED:

1. That within thirty days applicant shall file five copies of group rates for transportation under the DC Medicaid program.

2. That within thirty days Cassandra White shall file any and all records in her possession, custody or control relating to: (1) Safe Haven, Inc.; (2) the operations of Safe Haven, Incorporated, during 1999; and (3) Ms. White's personal finances; including, but not limited to:

- a. any and all correspondence to or from 4260 Clay Street, N.E., Washington, DC 20019, during 1999;
- b. any and all customer invoices issued during 1999;
- c. any and all invoices received from other carriers during 1999;
- d. any and all bank records generated during 1999;

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<sup>2</sup> Order No. 5538; In re Safe Haven, Inc., No. MP-98-46, Order No. 5417 (Sept. 25, 1998); In re Safe Haven, Inc., No. MP-97-71, Order No. 5189 (Sept. 4, 1997).

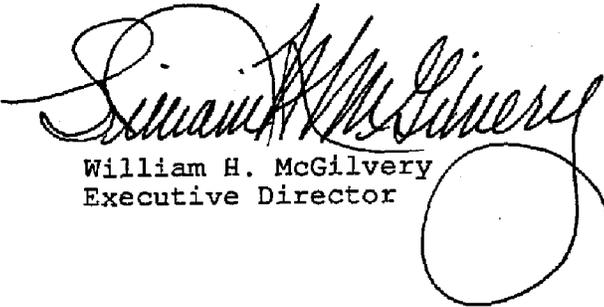
e. any and all tax returns for 1998;

f. any and all vehicle insurance records generated during 1999;

g. any and all vehicle registration cards and safety inspection certificates for vehicles operated during 1999.

3. That within thirty days applicant shall file five copies of any and all documents supporting the entries in applicant's Exhibits A and B.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:



William H. McGilvery  
Executive Director