

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8034

IN THE MATTER OF:

Served May 27, 2004

REHOBOTH TRANSPORTATION )  
SERVICES LLC, Suspension and ) Case No. MP-2003-171  
Investigation of Revocation of )  
Certificate No. 822 )

This matter is before the Commission on respondent's response to Order No. 7898, served March 25, 2004, which directed respondent to furnish proof, including confirmation from District of Columbia Department of Health, Medical Assistance Administration, (DC Medicaid), that respondent ceased operations as of December 9, 2003.

**I. BACKGROUND**

Certificate No. 822 was automatically suspended on December 9, 2003, pursuant to Regulation No. 58-02, for respondent's willful failure to maintain on file with the Commission proof of \$1.5 million in combined-single-limit, motor vehicle liability insurance as required by Commission Regulation No. 58.

Order No. 7602, served December 11, 2003, noted that Certificate No. 822 would be subject to revocation if respondent failed to file the necessary WMATC Insurance Endorsement(s) within thirty days. Respondent failed to produce the necessary Endorsement(s) within the allotted time, and Certificate No. 822 was revoked in Order No. 7747, served February 17, 2004, pursuant to Article XI, Section 10(c), of the Compact for respondent's willful failure to comply with Commission Regulation No. 58. Respondent thereafter filed an acceptable \$1.5 million WMATC Insurance Endorsement and requested reinstatement of Certificate No. 822.

Under Title II of the Compact, Article XIII, Section 4(a), 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 reconsideration.

Respondent timely filed its application on March 15, 2004, and the replacement endorsement on March 16, 2004, but the application did not allege any error on the part of the Commission. The application therefore was denied. However, considering that respondent had filed

the necessary WMATC Insurance Endorsement, we decided to consider reopening this proceeding on our own initiative and reinstating Certificate of Authority No. 822.<sup>1</sup>

We were unable to say reinstating Certificate No. 822 would be consistent with the public interest. The effective date of the new endorsement is March 2, 2004. This means that respondent was without insurance coverage for nearly three months, from December 9, 2003, through March 1, 2004.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 822 as commanded by Order No. 7602. Order No. 7898 gave respondent thirty days to furnish proof that it ceased operations as of December 9, 2003. Inasmuch as respondent's only tariff is for service rendered to clients of the District of Columbia Department of Health, Medical Assistance Administration, (DC Medicaid), such proof was to include confirmation from DC Medicaid.

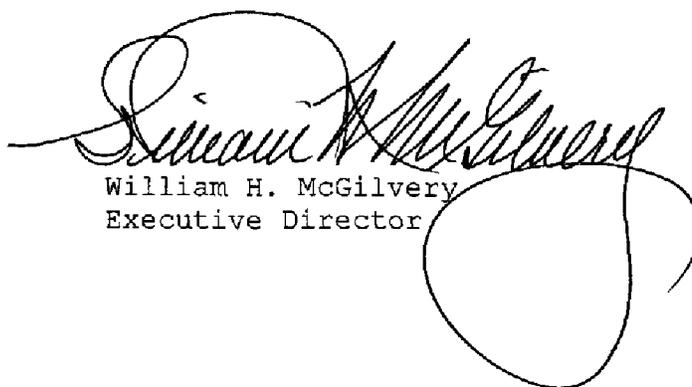
## II. RESPONSE

According to the sworn statement of respondent's director, Adeyinka Olajide, dated April 26, 2004, respondent "has never transported any passenger for Medicaid or any other entity since [Certificate No. 822] was issued." DC Medicaid's fiscal agent, ACS State Healthcare, confirms in a statement dated April 13, 2004, that respondent has not provided service or submitted claims for service on or after December 9, 2003.

For good cause shown, Certificate of Authority No. 822 is hereby reinstated.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER, AND MCDONALD:

  
William H. McGilvery  
Executive Director

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<sup>1</sup> See In re Safe Haven, Inc., No. MP-02-14, Order No. 6682 (June 4, 2002) (denying reconsideration but reopening on own motion).