

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8296

IN THE MATTER OF:

Served September 24, 2004

AMERIPARK, INC., Suspension and)
Investigation of Revocation of)
Certificate No. 921)

Case No. MP-2004-145

This matter is before the Commission on respondent's response to Order No. 8170, served July 20, 2004.

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 requires respondent to insure the revenue vehicles operated under Certificate No. 921 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. 921 became invalid on July 19, 2004, when the \$1.5 million WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 8170 noted the automatic suspension of Certificate No. 921 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 921, and gave respondent thirty days to replace the expired endorsement or face revocation of Certificate No. 921. Respondent submitted a \$1.5 million replacement endorsement on August 27, 2004. The effective date of the new endorsement is August 5, 2004. This means that respondent was without insurance coverage for seventeen days, from July 19, 2004, through August 4, 2004.

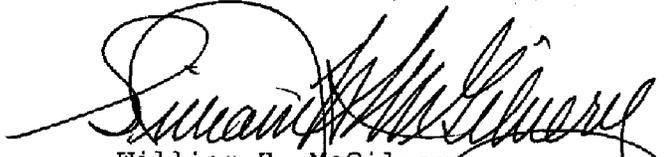
Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 921 as commanded by Order No. 8170. Inasmuch as respondent's only tariff is for service rendered to clients of the District of Columbia Department of Health, Medical Assistance Administration (DC Medicaid), proof that respondent ceased operations would need to include confirmation from DC Medicaid.

On September 10, 2004, respondent filed an affidavit confirming the absence of any operations during the suspension period. The affidavit is corroborated by a copy of an August 10, 2004, DC Medicaid letter returning respondent's application to become a DC Medicaid transportation provider. Based on this evidence, the suspension shall be lifted and this proceeding terminated.

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

IT IS SO ORDERED.

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



William H. McGilvery
Executive Director