

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,516

IN THE MATTER OF:

Served June 1, 2007

US TRANSCARE INC., Suspension and )  
Investigation of Revocation of )  
Certificate No. 1002 )

Case No. MP-2006-153

This matter is before the Commission on respondent's failure to comply with Order No. 10,279, served February 8, 2007.

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."<sup>1</sup> A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.<sup>2</sup>

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 1002 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. 1002 was rendered invalid on September 29, 2006, when the \$1 million primary and \$500,000 excess WMATC Insurance Endorsements on file for respondent expired without replacement. Order No. 9952, served October 2, 2006, noted the automatic suspension of Certificate No. 1002 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 1002, and gave respondent thirty days to replace the expired endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 1002.

Respondent tendered a \$50 cashier's check and submitted a \$1 million primary WMATC Insurance Endorsement on December 1, 2006. The effective date of the new endorsement is November 22, 2006. Thus, it appears that respondent was without insurance coverage for fifty-four days, from September 29, 2006, through November 21, 2006. Furthermore, because respondent has yet to submit a \$500,000 excess WMATC Insurance Endorsement, it appears that respondent has been underinsured since November 21.

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<sup>1</sup> Compact, tit. II, art. XI, § 6(a).

<sup>2</sup> Compact, tit. II, art. XI, § 7(g).

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 1002 as directed by Order No. 9952. Order No. 10,279 gave respondent thirty days to furnish proof that respondent ceased operations as of September 29, 2006, as corroborated by evidence from respondent's general business records. Respondent was also directed to file a \$500,000 excess insurance endorsement and present its vehicles for inspection. Finally, respondent was directed to file its overdue 2007 annual report, pay its overdue 2007 annual fee, and pay the associated late fees under Regulation No. 67-03. Respondent has yet to respond to Order No. 10,279.

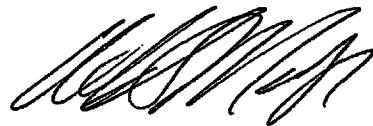
Inasmuch as Order No. 9952 put respondent on notice that failure to effect compliance with Regulation No. 58 on or before November 1, 2006, would place Certificate No. 1002 in jeopardy of revocation, and considering that respondent is still not in compliance with Regulation No. 58, Certificate No. 1002 shall be revoked pursuant to Article XI, Section 10(c), of the Compact, for respondent's willful failure to comply with Regulation No. 58 and Order No. 10,279.<sup>3</sup>

In accordance with Regulation Nos. 60 and 67, respondent's unpaid \$150 annual fee for 2007, unfiled 2007 annual report, and \$200 in late fees, shall remain due.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 1002 is hereby revoked.
2. That within 30 days from the date of this order respondent shall:
  - a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
  - b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and
  - c. surrender Certificate No. 1002 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>3</sup> See *In re MarBec LLC, t/a MarBec Limousine Services LLC*, No. MP-06-052, Order No. 10,346 (Mar. 23, 2007) (revoking for failure to comply with Reg. No. 58 and Commission corroboration order).