

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,110

IN THE MATTER OF:

Served January 29, 2008

HEAVEN ON WHEELS LLC, Suspension)
and Investigation of Revocation of)
Certificate No. 737)

Case No. MP-2007-238

This matter is before the Commission on respondent's response to Order No. 11,003, served December 13, 2007.

I BACKGROUND

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

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 737 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. 737 was rendered invalid on November 11, 2007, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 10,909, served November 13, 2007, noted the automatic suspension of Certificate No. 737 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 737, and gave respondent thirty days to replace the cancelled endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 737.

Respondent paid the \$50 late fee on November 19 and submitted a \$1.5 million primary WMATC Insurance Endorsement on November 14, with an effective date of November 22, 2007, instead of November 11, 2007. Thus, as matters stood then, respondent was without insurance coverage for eleven days, from November 11, 2007, through November 21, 2007.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 737 as directed by Order No. 10,909. Order No. 11,003 accordingly

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

gave respondent thirty days to verify cessation of operations as of November 11, 2007. Inasmuch as respondent's only tariff is an out of date DC Medicaid tariff,³ respondent also was directed to corroborate its verification with copies of its general business records. Finally, respondent was directed to file a new tariff replacing the invalid DC Medicaid tariff.

II. RESPONSE AND ORDER TO SHOW CAUSE

Respondent submitted a revised \$1.5 million replacement WMATC Insurance Endorsement on January 11, 2008. The revised replacement Endorsement is effective November 11, 2007, thus eliminating the 11-day gap in coverage under the original replacement endorsement.

Respondent, however, has yet to comply with any of the requirements of Order No. 11,003. Respondent has filed no statement concerning cessation of operations as of November 11, 2007. Respondent has produced no copies of its relevant business records. Respondent has filed no tariff.

Considering that respondent has not denied operating its vans on and after November 13, 2007, and considering that respondent has failed to produce copies of its business records and file a new tariff, respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or revoke Certificate No. 737, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.⁴

THEREFORE, IT IS ORDERED:

1. That respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or revoke Certificate No. 737, for knowingly and willfully violating Article XI, Section 6(a), of the Compact, Regulation No. 58, and Order No. 11,003.

2. That respondent may submit within 15 days from the date of this order a written request for oral hearing, specifying the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

³ Respondent's DC Medicaid rates are no longer valid now that the DC Medical Assistance Administration has assigned all transportation contracts to Medical Transportation Management, Inc.

⁴ See *In re Westview Medical & Rehab. Servs., P.C. Inc.*, No. MP-07-070, Order No. 10,734 (Sept. 5, 2007) (same).