

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,748

IN THE MATTER OF:

Served December 11, 2008

DEPENDABLE MEDICAL TRANSPORT INC.,)
Suspension and Investigation of)
Revocation of Certificate No. 533)

Case No. MP-2008-235

This matter is before the Commission on respondent's response to Order No. 11,647, served October 27, 2008.

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. 533 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. 533 was rendered invalid on October 25, 2008, when the \$500,000 excess WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 11,647 noted the automatic suspension of Certificate No. 533 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 533, and gave respondent thirty days to replace the terminated endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 533.

Respondent paid the late fee on November 21, 2008, and submitted a \$1.5 million primary WMATC Insurance Endorsement on December 10, 2008, but the effective date of the new endorsement is December 17, 2008, instead of October 25, 2008. This means that respondent has been without full insurance coverage since October 25 and will be without full coverage until December 17.

Under Regulation No. 58-14:

If a carrier's operating authority is suspended under Regulation No. 58-12 and the effective date of a

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

later-filed replacement Endorsement falls after the automatic suspension date, the carrier must verify timely cessation of operations in accordance with Commission Rule No. 28 and corroborate the verification with client statements and/or copies of pertinent business records, as directed by Commission order.

Given the lapse in coverage from October 25 through December 16, respondent will be directed to submit an affidavit in compliance with Regulation No. 58-14 verifying whether respondent ceased operating October 25, 2008. Inasmuch as respondent's only tariff covers service rendered to the general public, respondent's verification shall be corroborated with copies of respondent's general business records.³

Because Commission records indicate that respondent transports passengers under the Medicaid Transportation Program of Montgomery County, Maryland, respondent shall file an appropriate contract tariff for such service (unless respondent has permanently ceased such service) and written confirmation from an appropriate official of the Montgomery County Medicaid Program indicating whether respondent ceased operating under that program as of October 25, 2008.

THEREFORE, IT IS ORDERED:

1. That within thirty days from the date of this order, respondent shall submit an affidavit stating whether respondent ceased operating October 25, 2008.

2. That within thirty days from the date of this order, respondent shall submit a statement from an appropriate official of the Montgomery County Medicaid Program indicating whether respondent ceased operating under that program as of October 25, 2008.

3. That within thirty days from the date of this order, respondent shall submit a contract tariff for transportation under the Montgomery County Medicaid Program or a statement verifying that respondent no longer has a contract with the County.

4. That within thirty days from the date of this order, respondent shall produce any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, including any and all stored electronically, that are within respondent's possession, custody or control and which relate to the transportation of passengers for hire between points in the Metropolitan District during the period beginning, August 1, 2008, and ending on the date of this order, including, but not limited to any and all:

a. customer contracts and invoices;

³ See *In re Royal Airport Shuttle, Inc.*, MP-07-009, Order No. 10,374 (Apr. 3, 2007) (same).

- b. invoices from other carriers;
- c. calendars and itineraries;
- d. bank and payroll records;
- e. insurance documents;
- f. advertising materials;
- g. income tax and personal property returns.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director