

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7669

IN THE MATTER OF:

Served January 14, 2004

JUNIOR'S ENTERPRISES, INC.,)
Suspension and Investigation of)
Revocation of Certificate No. 401)

Case No. MP-2003-165

This matter is before the Commission on the response of respondent to Commission Order No. 7567, served December 1, 2003, which gave respondent thirty days to effect compliance with Commission Regulation No. 58 (insurance).

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. 401 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. 401 became invalid on November 25, 2003, when the \$500,000 excess of \$1 million WMATC Insurance Endorsement on file for respondent expired without replacement. Order No. 7567 noted the automatic suspension of Certificate No. 401 pursuant to Regulation No. 58-02 and gave respondent thirty days to replace the expired endorsement or face revocation of Certificate No. 401. Respondent submitted a replacement endorsement on December 4, 2003, and a corrected replacement endorsement on December 11, 2003. Coverage under the corrected replacement endorsement is effective November 26, 2003. This brings the total coverage on file to \$1.5 million.

Normally, we would lift the suspension at this point, but the Commission is in receipt of records from the District of Columbia Department of Health, Medical Assistance Administration (DC Medicaid), indicating that respondent provided passenger transportation services between points in the Metropolitan District for clients of DC Medicaid on November 25, 2003, while Certificate No. 401 was invalid and respondent's operations were insured for less than the minimum \$1.5 million required under Regulation No. 58.

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

Respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent,² and/or revoke Certificate No. 401,³ for operating while Certificate No. 401 was invalid and respondent was underinsured.

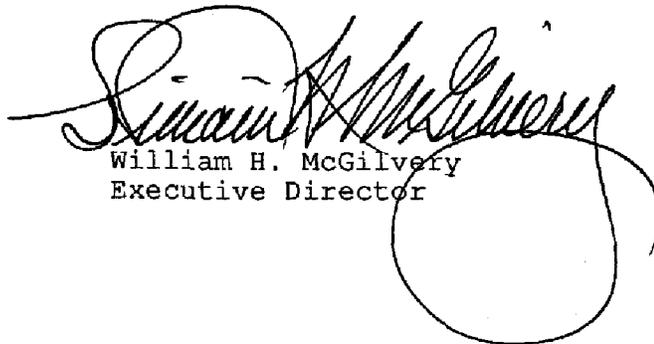
THEREFORE, IT IS ORDERED:

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

2. That respondent shall have thirty days to show cause why the Commission should not revoke Certificate No. 401 for willful failure to comply with Article XI, Section 6(a), of the Compact and Commission Regulation No. 58.

3. That respondent may file within 15 days from the date of this order a 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, MILLER, AND MCDONALD:



William H. McGilvery
Executive Director

² A person who knowingly and willfully violates a provision of the Compact, or a rule, regulation, requirement or order issued under it, or a term or condition of a certificate shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation. Compact, tit. II, art. XIII, § 6(f) (i).

³ The Commission, after notice and hearing, may suspend or revoke all or part of any certificate of authority for willful failure to comply with a provision of the Compact, an order, rule, or regulation of the Commission, or a term, condition, or limitation of the certificate. Compact, tit. II, art. XI, § 10(c).