

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8100

IN THE MATTER OF:

Served June 17, 2004

JOAC INTERNATIONAL ENTERPRISES,)
INC., Suspension and)
Investigation of Revocation of)
Certificate No. 827)

Case No. MP-2004-02

This matter is before the Commission on the response of respondent to Order No. 7953, served April 20, 2004.

I. BACKGROUND

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 827 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.

The \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement on January 7, 2004. Order No. 7649, served January 7, 2004, noted the automatic suspension of Certificate No. 827 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 827, and gave respondent thirty days to replace the expired Endorsement or face revocation of Certificate No. 827. Respondent failed to produce the necessary Endorsement(s) within the allotted time, and Certificate No. 827 was revoked in Order No. 7892, served March 23, 2004, pursuant to Article XI, Section 10(c), of the Compact for respondent's willful failure to comply with Commission Regulation No. 58. Respondent thereafter filed an acceptable \$1.5 million WMATC Insurance Endorsement and a request to reinstate Certificate No. 827.

Under Title II of the Compact, Article XIII, Section 4(a), a party to a proceeding affected by a final order or decision of the Commission may file within 30 days of its publication a written application requesting Commission reconsideration of the matter involved, and stating specifically the errors claimed as grounds for reconsideration.

Respondent timely filed the replacement endorsement on March 30, 2004, and its request for reinstatement on April 8, 2004, but the request did not allege any error on the part of the Commission. The request therefore was denied. However, considering that respondent had filed the necessary WMATC Insurance Endorsement, we decided to

consider reopening this proceeding on our own initiative and reinstating Certificate of Authority No. 827.¹

At that time, we were unable to say reinstating Certificate No. 827 would be consistent with the public interest. The effective date of the new endorsement is March 29, 2004. Thus it appeared respondent had been without insurance coverage for nearly three months, from January 7, 2004, through March 28, 2004.

Order No. 7953 gave respondent thirty days to furnish proof that it ceased operations as of January 7, 2004. 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), such proof was to include confirmation from DC Medicaid.

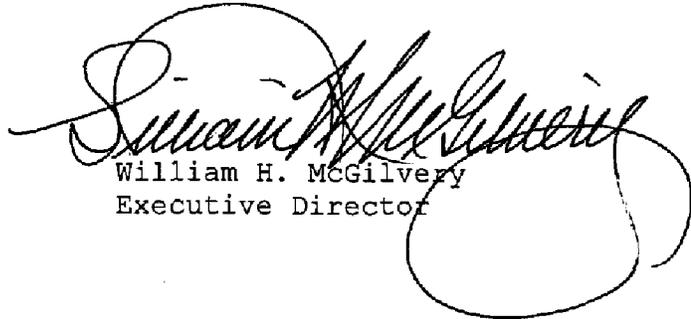
II. RESPONSE AND FINDINGS

Respondent has produced a non-WMATC certificate of insurance showing \$1.5 million in combined-single-limit coverage for scheduled autos effective January 7, 2004, through January 7, 2005. In addition, according to the sworn statement of respondent's president, Caroline Opabajo, respondent has yet to conduct any business under Certificate No. 827. Commission staff has confirmed that respondent has yet to enroll as a DC Medicaid provider.

For good cause shown, we hereby reinstate Certificate No. 827.

IT IS SO ORDERED.

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


William H. McGilver
Executive Director

¹ In re Safe Haven. Inc., No. MP-02-14, Order No. 6682 (June 4, 2002).