

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9472

IN THE MATTER OF:

Served April 13, 2006

Application of TOTAL CARE SERVICES,)
INC., for a Certificate of)
Authority -- Irregular Route)
Operations)
Case No. AP-2005-38

This matter is before the Commission on applicant's request for reconsideration of the voiding of authority conditionally granted to applicant in Commission Order No. 8762, served June 8, 2005.

Order No. 8762 specified that applicant would have the full 180 days available under Commission Regulation No. 66 to satisfy the conditions of the grant. Applicant did not fully comply with the prescribed conditions within the allotted time. The conditional grant consequently became void on December 6, 2005. Under Article XIII, Section 4(a), applicant had until January 5, 2006, to file an application for reconsideration.¹

Respondent timely filed an application for reconsideration as of January 4, 2006, but the application does not allege any error on the part of the Commission as required by statute.² The application therefore is denied. However, considering that applicant has fully satisfied the conditions of issuance prescribed in Order No. 8762, we will reopen this proceeding on our own initiative³ and issue Certificate of Authority No. 1071⁴ on the condition that applicant present its van for inspection to ensure compliance with the vehicle marking requirements of Regulation No. 61. Applicant's van displays two names: applicant's legal name and a non-WMATC approved trade name. Under Regulation No. 61, applicant must obtain WMATC approval for the trade name, remove the trade name or precede applicant's legal name with the phrase "Operated By."

¹ See *In re Boone-McNair Transp., LLC*, No. AP-02-66, Order No. 7063 (Mar. 4, 2003) (30-day reconsideration filing period begins running on 181st day).

² Compact, tit. II, art. XIII, § 4(a).

³ Commission Rule No. 26-04.

⁴ See Order No. 7063 (proceeding reopened to issue certificate of authority).

THEREFORE, IT IS ORDERED that Certificate No. 1071 shall be issued to Total Care Services, Inc., 5780 2nd Street, N.E., Washington, DC 20011 upon applicant's compliance with Regulation No. 61.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, SMITH, AND CHRISTIE:



William S. Morrow, Jr.
Executive Director