WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9810

IN THE MATTER OF: Served August 8, 2006

DAVID C. PEARSON, Trading as E&H TRANSPORTATION COMPANY, Suspension and Investigation of Revocation of Certificate No. 53) Case No. MP-2006-021

This matter is before the Commission on respondent's challenge to Order No. 9662, served June 16, 2006, revoking Certificate No. 53 pursuant to Article XI, Section 10(c), of the Compact.

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 required respondent to insure the revenue vehicles operated under Certificate No. 53 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. 53 was rendered invalid on February 5, 2006, when the $1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 9302, served February 6, 2006, gave respondent thirty days to replace the cancelled endorsement and pay the $50 late fee imposed by Regulation No. 67-03(c) or face revocation of Certificate No. 53. Over four months later, having received neither an insurance filing nor the $50 late fee, the Commission issued Order No. 9662 on June 16, 2006, revoking Certificate No. 53 for respondent's willful failure to comply with the Commission's insurance and fee regulations.

Respondent challenges the finding in Order No. 9662 that the violation of Regulation No. 58 was willful. Respondent's challenge, however, is untimely.

Under Title II of the Compact, Article XIII, Section 4(a), an application for reconsideration of a Commission order must be filed within thirty days of its publication. When seeking reconsideration of a revocation for failure to comply with Regulation No. 58, a carrier must file both the application and an acceptable replacement WMATC Insurance Endorsement within the 30-day statutory filing period.[2]

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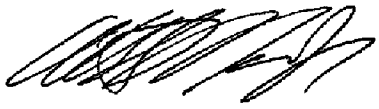
[1] Compact, tit. II, art. XIII, § 7(g).

[2] *In re Worku G. Legesse, t/a Phyladelphyia Transport*, MP-03-80, Order No. 7514 (Nov. 5, 2003).

Respondent therefore had until July 17 to file an acceptable application and endorsement. Although respondent's request to "rescind" the revocation was timely filed on July 14, the replacement endorsement was not filed until July 26. Consequently, respondent's challenge is untimely.

THEREFORE, IT IS ORDERED: That the application for reconsideration is denied without prejudice to respondent's right to reapply for operating authority at a later date.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director