

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,483

IN THE MATTER OF:

Served May 10, 2007

CHUKWUNENYE NNAKWU, Trading as)
PROGRESSIVE MEDICAL CARE SERVICES,)
Suspension and Investigation of)
Revocation of Certificate No. 1078)

Case No. MP-2007-077

This matter is before the Commission on the motion of respondent to waive the \$50 late fee assessed in Order No. 10,414, served April 20, 2007.

The \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated on April 20, 2007, without replacement. As a result, Certificate No. 1078 was automatically suspended under Regulation No. 58-02, and a \$50 late fee became due and payable under Regulation No. 67-03(c), as noted in Order No. 10,414. Respondent filed an acceptable \$1.5 million primary WMATC Insurance Endorsement on April 24, 2007, and paid the late fee the next day. The suspension was lifted, and this proceeding terminated, in Order No. 10,422, on April 25.

Respondent requests that the Commission waive the \$50 late fee on the grounds that respondent acted timely in securing the replacement WMATC Insurance Endorsement, but the insurance company did not act timely in filing the replacement Endorsement. The request is supported by a statement from the insurance company admitting that respondent timely renewed coverage and accepting responsibility for not timely filing the replacement Endorsement on respondent's behalf.

The Commission may reopen a proceeding under Rule No. 26-04 if it has "reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires . . . reopening." Commission Rule No. 29 provides that the Commission may waive its rules "upon the filing of a motion showing good cause."

We find that the record as augmented by respondent supports reopening this proceeding and waiving Regulation No. 67-03(c).

THEREFORE, IT IS ORDERED: That the \$50 late fee paid by respondent shall be refunded.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director