

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,002

IN THE MATTER OF:

Served December 13, 2007

WESTVIEW MEDICAL & REHABILITATION)
SERVICES, P.C. INC., Suspension and)
Investigation of Revocation of)
Certificate No. 510)

Case No. MP-2007-070

This matter is before the Commission on respondent's response to Order No. 10,882, served November 2, 2007, which assessed a civil forfeiture against respondent and revoked Certificate No. 510.

Certificate No. 510 was rendered invalid on April 13, 2007, when the \$1 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 10,404, served April 13, 2007, noted the automatic suspension of Certificate No. 510 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 510, and gave respondent thirty days to replace the cancelled endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 510.

Respondent paid the \$50 late fee on May 14, 2007, and submitted a \$1 million primary WMATC Insurance Endorsement on June 15, 2007, with an effective date of June 13, 2007, creating a sixty-one day gap in coverage, from April 13, 2007, through June 12, 2007. The Commission thereafter found in Order No. 10,882 that respondent operated while suspended, including during the gap while underinsured, and accordingly assessed a \$500 civil forfeiture and revoked Certificate No. 510.

Respondent has since paid the forfeiture and filed a \$1 million primary WMATC Insurance Endorsement for the period April 13, 2007, through June 14, 2007, and an application for reconsideration.

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 and state specifically the errors claimed as grounds for reconsideration.

Respondent timely filed the application for reconsideration as of November 29, 2007. In it, respondent repeats its argument that its operations while suspended were not "willful" within the meaning of the Compact, but there is nothing in this filing to disturb our finding in Order No. 10,882 that respondent continued operating even after it became aware that the \$1 million primary WMATC Endorsement on

file with the Commission had terminated without replacement. The application therefore is denied.

However, considering that respondent has paid the forfeiture and closed the gap, we will reopen this proceeding on our own initiative and reinstate Certificate of Authority No. 510,¹ subject to a one-year period of probation.²

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

¹ See *In re Yahweh & H.L.R. Corp.*, No. MP-01-97, Order No. 6487 (Jan. 9, 2002).

² See *In re Zee Transp., Serv. Inc.*, No. MP-07-120, Order No. 10,671 (Aug. 8, 2007) (carrier placed on probation after closing gap).