

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,800

IN THE MATTER OF:

Served January 15, 2009

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

Case No. MP-2008-242

Certificate No. 1078 was revoked in Order No. 11,772, served December 30, 2008, pursuant to Article XI, Section 10(c), of the Compact for respondent's willful failure to pay the \$50 late insurance fee under Regulation No. 67-03(c). Respondent subsequently paid the fee and filed 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 an application for reconsideration on January 2, 2009 and an addendum on January 13, 2009.

The addendum to the application alleges the Commission revoked Certificate No. 1078 "without reasons". Order No. 11,772, however, states on its face that the reason for revocation was respondent had not paid the \$50 late insurance fee under Regulation No. 67-03(c). The application also alleges that respondent never received the suspension order because it was sent to the wrong address, but the record shows the U.S. Postal Service returned the order to the Commission because it was "unclaimed", not because of any wrong address.

In any event, the record shows Commission staff contacted respondent on December 19 and informed him that the \$50 late fee was due. Respondent did not pay the late fee until January 8. Respondent does not allege having paid the late fee on or before December 31. The application therefore is denied.

However, considering that respondent has paid the late fee, we will reopen this proceeding on our own initiative and reinstate Certificate No. 1078,¹ provided that to prevent circumvention of Regulation Nos. 60-01 and 67-02, respondent shall file a 2009 annual report and pay the 2009 annual fee on or before January 31, 2009.

Because the November 19 effective date of the replacement WMATC Insurance Endorsement filed by respondent prior to revocation falls

¹ See *In re Faith Transport Inc.*, No. MP-07-054, Order No. 10,549 (June 13, 2007) (reopening and reinstating authority upon payment of late fee).

after the automatic suspension date of November 8, respondent shall verify timely cessation of operations as required by Regulation No. 58-14. Because respondent's only rates are for service to the public, respondent shall corroborate the verification with copies of pertinent business records, in accordance with Regulation No. 58-14.

THEREFORE, IT IS ORDERED:

1. That Certificate No. 1078 is hereby reinstated.

2. That respondent shall file a 2009 annual report and pay the 2009 annual fee on or before January 31, 2009.

3. That within thirty days from the date of this order, respondent shall produce any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, including any and all stored electronically, that are within respondent's possession, custody or control and which relate to the transportation of passengers for hire between points in the Metropolitan District during the period beginning October 1, 2008, and ending on the date of this order, including, but not limited to any and all:

- a. customer contracts and invoices;
- b. invoices from other carriers;
- c. calendars and itineraries;
- d. bank and payroll records;
- e. insurance documents;
- f. advertising materials;
- g. income tax and personal property returns.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS CHRISTIE AND BRENNER:



William S. Morrow, Jr.
Executive Director