

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,337

IN THE MATTER OF:

Served July 5, 2012

WASHINGTONIAN COACH CORPORATION, )  
Suspension and Investigation of )  
Revocation of Certificate No. 247 )

Case No. MP-2012-026

This matter is before the Commission on the response of respondent to Order No. 13,291, served May 30, 2012, revoking Certificate No. 247 pursuant to Article XI, Section 10(c), of the Compact for respondent's willful failure to maintain on file with the Commission proof of \$5 million in combined-single-limit, motor vehicle liability insurance as required by Commission Regulation No. 58 and willful failure to pay a \$100 late fee under Regulation No. 67-03(c).

Respondent filed the necessary WMATC Insurance Endorsement(s) on June 20, 2012, tendered payment of the late fee on June 25, 2012, and filed an application for reconsideration of Order No. 13,291 on June 27, 2012.

**I. REINSTATEMENT**

Under Title II of the Compact, Article XIII, Section 4(a), and Commission Rule No. 27, an application for reconsideration of a Commission order must be filed within 30 days of its publication and state specifically the errors claimed as grounds for reconsideration. The instant application was timely filed, but it does not allege any error on the part of the Commission. The application therefore is denied.

However, considering that within the 30-day application period respondent paid the late fee and filed the necessary WMATC Endorsement(s), we will reopen this proceeding on our own initiative under Commission Rule No. 26-04 and reinstate Certificate No. 247.<sup>1</sup>

**II. CONTINUATION OF INVESTIGATION**

The effective date of respondent's replacement WMATC Endorsement is June 22, 2012, instead of April 2, 2012, the date coverage terminated under the previous WMATC Endorsement and Certificate No. 247 became automatically suspended under Regulation No. 58-12 as a result. Under Regulation No. 58-14:

If a carrier's operating authority is suspended under Regulation No. 58-12 and the effective date of a

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<sup>1</sup> See *In re Chukwunyenye Nnakwu, t/a Progressive Med. Care Servs.*, No. MP-08-242, Order No. 11,800 (Jan. 15, 2009) (same).

later-filed replacement Endorsement falls after the automatic suspension date, the carrier must verify timely cessation of operations in accordance with Commission Rule No. 28 and corroborate the verification with client statements and/or copies of pertinent business records, as directed by Commission order.

In accordance with Regulation No. 58-14, respondent will be directed to submit a statement verifying cessation of operations as of April 2, 2012. The statement shall be corroborated by copies of respondent's pertinent business records

THEREFORE, IT IS ORDERED:

1. That reconsideration is denied in accordance with Commission Rule No. 27-04.

2. That this proceeding is reopened under Commission Rule No. 26-04.

3. That Certificate No. 247 is hereby reinstated.

4. That in accordance with Commission Regulation No. 58-14, respondent shall, within 30 days from the date of this order, state whether it conducted any operations in the Metropolitan District between April 2, 2012, and the date of this order.

5. That in accordance with Commission Regulation No. 58-14, respondent shall, within 30 days from the date of this order, 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 January 1, 2012, and ending on the date of this order, including, but not limited to any and all:

- a. customer contracts and invoices;
- b. calendars and itineraries;
- c. bank and credit card statements.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND HOLCOMB:



William S. Morrow, Jr.  
Executive Director