

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,414

IN THE MATTER OF:

Served August 23, 2012

SHIRLINGTON LIMOUSINE &)
TRANSPORTATION, INC., Suspension)
and Investigation of Revocation of)
Certificate No. 259)

Case No. MP-2012-062

This matter is before the Commission on the response of respondent to Order No. 13,358, served July 23, 2012, revoking Certificate No. 259 pursuant to Article XI, Section 10(c), of the Compact for respondent's willful failure to pay a \$100 late fee under Regulation No. 67-03(c). Respondent paid the late fee and filed an application for reconsideration of Order No. 13,358 on August 8, 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 respondent paid the late fee within the 30-day application period, we will reopen this proceeding on our own initiative under Commission Rule No. 26-04 and reinstate Certificate No. 259.¹

II. CONTINUATION OF INVESTIGATION

Certificate No. 259 was automatically suspended on June 3, 2012, under Regulation No. 58-12 when the \$1.5 million primary and \$3.5 million excess WMATC Insurance Endorsements on file for respondent expired without replacement.

Respondent later filed an acceptable \$3.5 million excess WMATC Insurance Endorsement on July 11, 2012, and an acceptable \$1.5 million primary WMATC Endorsement on July 12, 2012.

The effective date of the primary replacement endorsement is June 3, 2012, but the effective date of the excess replacement endorsement is June 21, 2012. Under Regulation No. 58-14:

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

If a carrier's operating authority is suspended under Regulation No. 58-12 and the effective date of a 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 June 3, 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. 259 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 June 3, 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 March 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