

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,696

IN THE MATTER OF:

Served January 23, 2013

OKAAS LLC, Suspension and)
Investigation of Revocation of)
Certificate No. 1839)

Case No. MP-2012-079

This matter is before the Commission on the response of respondent to Order No. 13,593, served November 27, 2012, revoking Certificate No. 1839 pursuant to Article XI, Section 10(c), of the Compact for respondent's willful failure to maintain on file with the Commission proof of \$1.5 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 Endorsements on December 20, 2012, and tendered payment of the late fee and an application for reconsideration of Order No. 13,593 on December 26, 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. 1839.¹

II. CONTINUATION OF INVESTIGATION

The effective date of respondent's replacement WMATC Endorsements is December 17, 2012, instead of September 12, 2012, the date coverage terminated under the previous WMATC Endorsements and Certificate No. 1839 became automatically suspended under Regulation No. 58-12 as a result. Under Regulation No. 58-14:

¹ See *In re Chukwunenye 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 September 12, 2012. The statement shall be corroborated by copies of respondent's pertinent business records

III. ANNUAL FEE & ANNUAL REPORT

To prevent circumvention of Regulation Nos. 60-01 and 67-02, respondent shall file a 2013 annual report and pay the 2013 annual fee within 30 days of the date of this order.²

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. 1839 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 September 12, 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 July 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;

² See *In re Destiny Tours, LLC*, No. MP-10-089, Order No. 12,726 (Feb. 15, 2011) (reinstating authority and requiring annual fee and report); *In re Martinsdale & Assocs., Inc.*, No. MP-08-225, Order No. 11,793 (Jan. 13, 2009) (same).

c. bank and credit card statements.

6. That respondent shall file a 2013 annual report and pay the 2013 annual fee within 30 days of the date of this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER, HOLCOMB, AND BELLAMY:

A handwritten signature in black ink, appearing to read 'W. S. Morrow, Jr.', written in a cursive style.

William S. Morrow, Jr.
Executive Director