

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 14,946

IN THE MATTER OF:

Served July 25, 2014

DANIEL M MANNA, Trading as DANIEL)
MANNA LIMO SERVICE, Suspension and)
Investigation of Revocation of)
Certificate No. 2158)

Case No. MP-2014-027

This matter is before the Commission on the response of respondent to Order No. 14,814, served June 5, 2014, revoking Certificate No. 2158 pursuant to Article XI, Section 10(c), of the Washington Metropolitan Area Transit Regulation 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.

Respondent filed the necessary WMATC Insurance Endorsement on June 9, 2014, and tendered an application for reconsideration of Order No. 14,814 on June 25, 2014.

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 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. 2158.¹

II. CONTINUATION OF INVESTIGATION

The effective date of respondent's replacement WMATC Endorsement is June 9, 2014, instead of February 18, 2014, the date coverage terminated under the previous WMATC Endorsement and Certificate No. 2158 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 later-filed replacement Endorsement falls after the

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

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 February 18, 2014. 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. 2158 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 February 18, 2014, 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 December 1, 2013, 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, HOLCOMB, AND BROWN:



William S. Morrow, Jr.
Executive Director