

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 15,050

IN THE MATTER OF:

Served September 12, 2014

METRO TRANSCARE LLC, Suspension and)
Investigation of Revocation of)
Certificate No. 1922)

Case No. MP-2014-042

This matter is before the Commission on the response of respondent to Order No. 14,848, served June 19, 2014, revoking Certificate No. 1922 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 and willful failure to pay a \$100 late fee under Regulation No. 67-03(c).

Respondent tendered payment of the late fee and a request for reconsideration of Order No. 14,848 on July 10, 2014. The request is supported by an acceptable \$1.5 million WMATC Insurance Endorsement submitted on July 21, 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 respondent filed the necessary WMATC Endorsement(s) within the 30-day application period, as extended by Rule No. 7-01, we will reopen this proceeding on our own initiative under Commission Rule No. 26-04 and reinstate Certificate No. 1922.¹

II. CONTINUATION OF INVESTIGATION

The effective date of respondent's replacement WMATC Endorsement is July 18, 2014, instead of March 21, 2014, the date coverage terminated under the previous WMATC Endorsement and Certificate No. 1922 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

¹ See *In re Chukwunenye 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 is directed to submit a statement verifying cessation of operations as of March 21, 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. 1922 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 from March 21, 2014, to 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, 2014, 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