

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2982

IN THE MATTER OF:

Served March 2, 1987

GAITHERSBURG LIMOUSINE SERVICE,)
INC., Suspension and Investigation)
of Revocation of Certificate)
No. 106)

Case No. MP-86-33

By petition filed January 21, 1987, and completed on January 28, 1987, Gaithersburg Limousine Service, Inc. ("GLS" or "petitioner"), seeks reconsideration of Order No. 2960, served January 14, 1987, revoking Certificate No. 106 for willful failure to comply with lawful Commission orders and regulations.

Specifically, GLS failed to file a certificate of insurance with the Commission in violation of Title II, Article XII, Section 9(a) of the Compact and Commission Regulation No. 62. An investigation into the matter was instituted pursuant to Title II, Article XII, Section 4(g) of the Compact by Order No. 2941, served November 25, 1986. The order directed GLS to produce evidence of insurance as required by the Compact and Commission regulations within 30 days or to show good cause why Certificate No. 106 should not be revoked. GLS failed to respond to Order No. 2941.

As a basis for its petition GLS states that "the transportation industry has been caught in what has been characterized as an 'insurance crisis.' As a result of this crisis, transportation companies, and particular passenger carriers, have found it difficult, and in many cases impossible to obtain insurance." The petitioner further states that its former insurance carrier was unwilling to reissue its insurance policy. Petitioner's search for new insurance coverage took "in excess of six weeks." Subsequent to the issuance of Order No. 2960, GLS obtained insurance and filed a certificate of insurance with the Commission which reflects the required minimum insurance coverage for transportation in GLS's vehicle for operations formerly authorized by Certificate No. 106.

Title II, Article XII, Section 16 of the Compact and Commission Rule No. 28 which govern the reconsideration of orders provides that any person affected by a final order or decision of the Commission may seek reconsideration of the matters involved on the basis of specific factual or legal error. In this case petitioner has not alleged that the Commission committed error in revoking Certificate No. 106,

and the Commission finds no error in its handling of MP-86-33. Since no error has been alleged or committed, reconsideration does not lie from the decision handed down by the Commission in Order No. 2960. GLS's Petition for Reconsideration, therefore, will be denied.

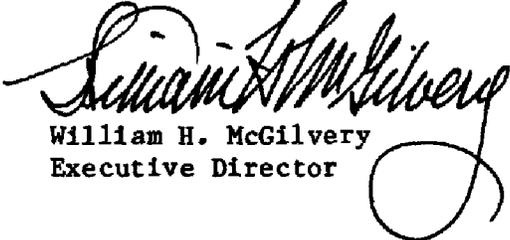
However, after reviewing the issues in this matter, and carefully considering the statements made by GLS, we have determined that conditions of fact in this case have so changed as to warrant a reopening of the proceeding pursuant to Commission Rule No. 27-02.

We shall reopen this case and accept the insurance certificate into the record. GLS is admonished that its failure to respond at all to Order No. 2941 within the allotted 30 days was ill-advised, necessarily leading us to a conclusion of willful failure to comply. Given the specific circumstances of this case, a finding of dormancy of Certificate No. 106 is not warranted. We shall reissue Certificate No. 106 to Gaithersburg Limousine Service, Inc.

THEREFORE, IT IS ORDERED:

1. That the Petition for Reconsideration of Gaithersburg Limousine Service, Inc., is hereby denied.
2. That Case No. MP-86-33 is hereby reopened by the Commission pursuant to Commission Rule No. 27-02.
3. That Certificate of Public Convenience and Necessity No. 106 shall be reissued to Gaithersburg Limousine Service, Inc., simultaneously herewith.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director