

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7499

IN THE MATTER OF:

Served October 29, 2003

BITINY, INC., Suspension and)
Investigation of Revocation of)
Certificate No. 775)

Case No. MP-2003-74

This matter is before the Commission on the application of respondent for reconsideration of Commission Order No. 7386.

Certificate No. 775 was automatically suspended on July 7, 2003, pursuant to Regulation No. 58-02, 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.

Order No. 7292, served July 9, 2003, noted that Certificate No. 775 would be subject to revocation if respondent failed to file the necessary WMATC Insurance Endorsement(s) within thirty days. Respondent failed to produce the necessary Endorsement(s) within the allotted time, and Certificate No. 775 was revoked in Order No. 7386, served September 9, 2003, pursuant to Article XI, Section 10(c), of the Compact for respondent's willful failure to comply with Commission Regulation No. 58. Respondent now requests reconsideration of Order No. 7386.

Under Title II of the Compact, Article XIII, Section 4(a), an application for reconsideration of a Commission order must be filed within thirty days of its publication and state specifically the errors claimed as grounds for reconsideration. Respondent timely filed an application for reconsideration on September 26, 2003, and an acceptable \$1.5 million WMATC Insurance Endorsement was filed on October 16, 2003, but the application does not allege any error on the part of the Commission. The application therefore is denied. However, considering that respondent has filed the necessary WMATC Insurance Endorsement, we may consider reopening this proceeding on our own initiative and reinstating Certificate of Authority No. 775.¹

At this time we are unable to say reinstating Certificate No. 775 would be consistent with the public interest. The effective date of the new endorsement is October 8, 2003. This means that respondent was without insurance coverage for three months, from July 7, 2003, through October 7, 2003.

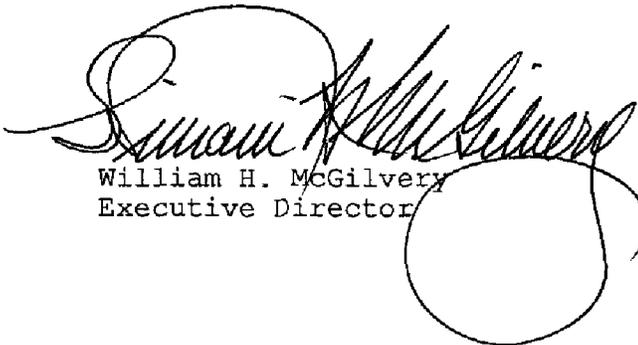
We will give respondent thirty days to furnish proof that respondent ceased operations as of July 7, 2003. Inasmuch as respondent's only tariff is for service rendered to clients of the District of Columbia Department of Health, Medical Assistance

¹ In re Safe Haven. Inc., No. MP-02-14, Order No. 6682 (June 4, 2002).

Administration, (DC Medicaid), such proof shall include documents from DC Medicaid and/or one or more notarized statements from DC Medicaid officials showing the period or periods of time during 2003 that respondent provided transportation services for DC Medicaid clients.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER, AND MCDONALD:



William H. McGilver
Executive Director