

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,237

IN THE MATTER OF:

Served January 18, 2007

LIDLAW TRANSIT SERVICES, INC.,)
Suspension and Investigation of)
Revocation of Certificate No. 447)

Case No. MP-2006-137

Certificate No. 447 was suspended in Order No. 9879, served September 1, 2006, and revoked in Order No. 10,191, served January 5, 2007, pursuant to Article XI, Section 10(c), of the Compact for respondent's apparent 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.

On January 12, 2007, respondent filed an affidavit asserting that the necessary WMATC Insurance Endorsement was delivered to the Commission on August 9, 2006. A search of Commission records reveals that a \$5 million WMATC Insurance Endorsement in respondent's name was stamped received by Commission staff on August 10, 2006, but misfiled in the insurance folder for respondent's parent, Laidlaw Transit, Inc., WMATC Carrier No. 100. The suspension and revocation of Certificate No. 447 were, therefore, in error.

Respondent does not request that the Commission reconsider Order No. 10,191. Indeed, respondent has largely complied with the order by filing the affidavit and paying the \$50 late fee assessed in Order No. 9879 pursuant to Regulation No. 67-03(c). Instead, respondent requests that Certificate No. 447 remain terminated and that the Commission's 2007 annual fee and report requirements be waived.

Commission Rule No. 26-04 provides that:

If, after the hearing in a proceeding, the Commission shall have reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires, the reopening of such proceeding, the Commission will issue an order reopening.

Under the circumstances, we shall reopen this proceeding, rescind Order No. 10,191, vacate Order No. 9879, terminate Certificate No. 447, waive the annual fee and report for 2007, and order a refund of the \$50 late fee.

THEREFORE, IT IS ORDERED:

1. That this proceeding is hereby reopened pursuant to Commission Rule No. 26-04.

2. That Commission Order No. 10,191 is hereby rescinded as being in error.

3. That Commission Order No. 9879 is hereby vacated as being in error.

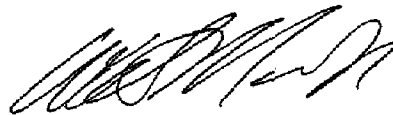
4. That Certificate of Authority No. 447 is hereby terminated pursuant to Title II of the Compact, Article XI, Section 10(b).

5. That the Commission's annual fee and report requirements in Regulation Nos. 60-01 and 67-02 are hereby waived as to respondent for 2007 pursuant to Commission Rule No. 29.

6. That payment of the \$50 late fee assessed in Order No. 9879 shall be promptly refunded to respondent.

7. That within 30 days from the date of this order respondent shall surrender Certificate No. 447 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director