

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,349

IN THE MATTER OF:

Served March 23, 2007

M C T CHARTER TOURS INC.,)
Suspension and Investigation of)
Revocation of Certificate No. 236)

Case No. MP-2006-096

This matter is before the Commission on the petition of respondent for a partial refund of \$150 tendered to the Commission on January 25, 2007.

Respondent intended that the payment satisfy its obligation to pay a \$150 annual fee for 2007. The annual fee was due because respondent held Certificate No. 236 on January 1 of this year.¹ The revocation of Certificate No. 236 in this proceeding on January 5, 2007, did not alter that obligation.

Respondent is requesting a refund on the ground that it mistakenly believed its authority had been revoked last June. But respondent is seeking return of only \$100 in recognition of the \$50 insurance late fee under Regulation No. 67-03(c) declared due in the January 5 revocation order, Order No. 10,186.

Under Rule No. 26-04, the Commission may reopen a proceeding when "the Commission shall have reason to believe that conditions of fact or of law have so changed as to require" reopening. Under Commission Rule No. 29, the Commission may waive its rules "upon its own motion, or upon the filing of a motion showing good cause."

The record shows that Certificate No. 236 was automatically suspended on June 17, 2006, for respondent's willful failure to comply with the Commission's insurance requirements. Order No. 9669, served June 19, 2006, noted the suspension and admonished respondent that Certificate No. 236 would be "subject to revocation" if respondent failed to file the necessary WMATC Insurance Endorsement(s) and pay a \$50 late fee under Regulation No. 67-03(c) within thirty days.

We are unable to accept respondent's assertion that it mistook the June suspension order for a revocation order. For one thing, respondent's statement is not under oath as required by Rule No. 4-06. For another, the suspension order clearly indicated that respondent could avoid revocation by filing the necessary Endorsement(s) and paying the \$50 late fee within thirty days. It is not clear how this would help respondent if true, in any event.

¹ Commission Rule No. 67-02.

On the other hand, the record shows that Certificate No. 236 had been suspended for nearly seven months when it was revoked on January 5, 2007. There is nothing in the record that would explain why it took that long to convert respondent's status from suspended to revoked. Ordinarily, revocation occurs within 60 to 90 days after a routine insurance suspension, when, as here, respondent does not respond to the initial order. But for this delay, for which respondent was not responsible, respondent would not have held Certificate No. 236 on January 1, 2007, and thus would not owe an annual fee for 2007.

Inasmuch as respondent has paid a sum sufficient to cover the \$50 late fee declared due in Order No. 10,186, we shall reopen this proceeding to acknowledge payment of that fee. And because respondent was not responsible for the delay in revocation, we shall waive the annual fee for 2007.

THEREFORE, IT IS ORDERED:

1. That this proceeding is reopened.
2. That respondent's 2007 annual fee is waived.
3. That the Commission shall refund \$100 to respondent.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director