

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 16,761

IN THE MATTER OF:

Served December 23, 2016

THAMI OUBENALI, Trading as DC)
METROPOLITAN LIMOS AND CAR SERVICE,)
Suspension and Investigation of)
Revocation of Certificate No. 1945)
Case No. MP-2016-186

This matter is before the Commission on the response of respondent to Order No. 16,741, served December 12, 2016, revoking Certificate No. 1945 and declaring that an unpaid \$100 late insurance fee assessed against respondent on November 7, 2016, shall remain due. The response requests that the Commission waive the late fee on the ground that it was "incorrectly" assessed.

Under Article XIII, Section 4, of the Compact, a party affected by a final order or decision of the Commission may file within 30 days of its publication a written application requesting Commission reconsideration of the matter involved.¹ The application must state specifically the errors claimed as grounds for reconsideration.² The Commission must grant or deny the application within 30 days after it has been filed.³ If the Commission does not grant or deny the application by order within 30 days, the application shall be deemed denied.⁴ If the application is granted, the Commission shall rescind, modify, or affirm its order or decision with or without a hearing, after giving notice to all parties.⁵

The response to Order No. 16,741 was timely filed on December 15, 2016, and it alleges error on the part of the Commission, but it does not specify the nature of the error. A review of the record shows that no error was committed, in any event.

The record in this proceeding shows that respondent filed a \$1.5 million primary WMATC Insurance Endorsement on June 17, 2016, with an effective date of June 20, 2016, and an expiration date of June 20, 2017. The endorsement amends policy no. AWRA949573 issued by Citizens Insurance Company of America and is countersigned by Howard Eales, Inc. The record further shows that the Commission received a notice from Howard Eales, Inc., on October 6, 2016, canceling said endorsement effective November 7, 2016. Finally, the record shows that the Commission issued notice to respondent on October 11, 2016,

¹ Compact, tit. II, art XIII, § 4(a).

² Compact, tit. II, art XIII, § 4(a).

³ Compact, tit. II, art XIII, § 4(b).

⁴ Compact, tit. II, art XIII, § 4(c).

⁵ Compact, tit. II, art XIII, § 4(d).

informing respondent that respondent's WMATC Endorsement had been cancelled effective November 7, 2016, and advising respondent that Certificate No. 1945 would stand suspended, and a \$100 late fee would be assessed, if respondent did not file a new WMATC Endorsement before November 7, 2016.

On November 7, 2016, having received no new WMATC Endorsement for respondent, the Commission issued Order No. 16,670, which noted the automatic suspension of Certificate No. 1945 under Regulation No. 58-12 and the assessment of a \$100 late fee under Regulation No. 67-03(c). The order gave respondent 30 days to file the necessary insurance endorsement(s) and pay the late fee or face revocation of Certificate No. 1945. On December 12, 2016, having received neither a new endorsement nor payment of the \$100 late fee, the Commission issued Order No. 16,741, which, as noted above, revoked Certificate No. 1945 and declared that the \$100 late fee would remain due.

Respondent does not contest these facts. On the contrary, the response includes a copy of the October 11 notice sent by WMATC to respondent advising respondent to file a new endorsement before November 7 or face assessment of a \$100 late fee.

Respondent ultimately asserts that "shortly after" canceling the policy and surrendering tags on a Lincoln town car in mid-September,⁶ respondent called WMATC and was advised that respondent had the option of filing an application for voluntary termination. Commission records show that respondent eventually attempted to avail himself of this option but not until December 7, 2016. By then, the late fee had already been assessed and in place for a month, and because it had not been paid, applicant was no longer in good standing with the Commission, and voluntary termination was not available.⁷

We therefore find that respondent has failed to establish grounds for granting reconsideration. The request for waiver of the \$100 late fee assessed in this proceeding under Regulation No. 67-03(c) is accordingly denied.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS HOLCOMB, DORMSJO, AND RICHARD:



William S. Morrow, Jr.
Executive Director

⁶ Commission records indicate that respondent had two WMATC vehicles, not one.

⁷ In re Thami Oubenali, t/a DC Metro. Limos and Car Serv., No. AP-16-208, Order No. 16,726 (Dec. 7, 2016).