

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,724

IN THE MATTER OF:

Served March 22, 2022

Application of TREMMAS INC for a)
Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2021-145

This matter is before the Commission on the request of applicant, Tremmas Inc, for reconsideration of Order No. 19,689, served February 9, 2022, denying without prejudice the above-captioned application for a certificate of authority.

I. STANDARD FOR RECONSIDERATION

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 Filing an application for reconsideration may not act as a stay upon the execution of a Commission order or decision, or any part of it, unless the Commission orders otherwise.⁶

II. DISCUSSION

Applicant's request for reconsideration of Order No. 19,689 was timely filed in this proceeding on March 8, 2022.

In Order No. 19,689, after considering applicant's history of regulatory violations, we found that applicant failed to carry its burden of establishing regulatory compliance fitness. In the span of less than two years, Certificate No. 3276, previously held by applicant, was

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).

⁶ Compact, tit. II, art XIII, § 4(e).

suspended four times: three times for insurance violations⁷ and once for failure to pay the Commission's 2021 annual fee and an associated late fee and dishonored payment fee.⁸ Applicant's authority was revoked in one of those proceedings in November 2020 for failure to maintain proof of insurance on file with the Commission and pay a late fee,⁹ subsequently reinstated,¹⁰ then revoked again in November 2021 after applicant failed to clearly confirm whether it ceased operating during the suspension/revocation period, including a 56-day period when applicant had no insurance coverage in place, and failed to produce all corroborating business records and documents, as directed.¹¹ In another of those proceedings, applicant had a 1-day gap in required insurance coverage and was found to have operated on January 23, 2020, while Certificate No. 3276 was still suspended.¹²

In its request for reconsideration, applicant chiefly contends that its violations were not flagrant and were less serious than those of another applicant whose application for a certificate of authority we denied, states that it is likely to comply with the Commission's regulations in the future, and cites as a mitigating circumstance personal family issues of applicant's owner relating to the present pandemic and the pandemic's effect on applicant's employees and level of business.

Having considered all of applicant's arguments, we do not find any error in law or fact in reaching our determination that applicant failed to carry its burden of regulatory compliance fitness. The violations committed by applicant were serious, frequent, and persistent. Applicant's failure to produce all business records and documents corroborating its avowed cessation of operations as directed in Order No. 19,174 in Case No. MP-2020-189 is ongoing. Applicant's conclusory statement that it is likely to comply with Commission requirements in the future is entitled to little weight in light of its prior demonstrated behavior. Finally, applicant's pattern of violations began before the first cases in the present pandemic were reported in the United States and while the pandemic has affected all carriers licensed by the Commission, the vast majority maintained compliance with the provisions violated by applicant.

We note that applicant's request for reconsideration is accompanied by additional documents responsive to our directive in Order

⁷ *In re Tremmas Inc*, No. MP-20-012, Order No. 18,616 (Jan. 16, 2020); *In re Tremmas Inc*, No. MP-20-068, Order No. 18,800 (Apr. 27, 2020); *In re Tremmas Inc*, No. MP-20-189, Order No. 19,029 (Oct. 9, 2020).

⁸ *In re Tremmas Inc*, No. MP-21-062, Order No. 19,351 (May 3, 2021).

⁹ *In re Tremmas Inc*, No. MP-20-189, Order No. 19,143 (Nov. 12, 2020).

¹⁰ *In re Tremmas Inc*, No. MP-20-189, Order No. 19,174 (Dec. 8, 2020).

¹¹ *In re Tremmas Inc*, No. MP-20-189, Order No. 19,595 (Nov. 2, 2021).

¹² *Id.* at 2-3.

No. 19,174 in Case No. MP-2020-189, but applicant has still failed to address all the deficiencies in its response elucidated in our previous orders. It is sufficient here to observe that at the time we rendered a decision in this proceeding, applicant's ongoing failure to fully comply with Order No. 19,174 demonstrated that applicant was unwilling or unable to comply with Commission requirements.

III. CONCLUSION

Accordingly, we shall grant applicant's application for reconsideration and affirm Order No. 19,689.

THEREFORE, IT IS ORDERED:

1. That the application of Tremmas Inc for reconsideration of Order No. 19,689 is granted.

2. That Order No. 19,689 is affirmed.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS RICHARD AND LOTT:



Jeffrey M. Lehmann
Executive Director