

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7514

IN THE MATTER OF:

Served November 5, 2003

WORKU G. LEGESSE, Trading as)
PHYLADELPHYIA TRANSPORT,)
Suspension and Investigation of)
Revocation of Certificate No. 714)

Case No. MP-2003-80

Certificate No. 714 was revoked in Order No. 7422, served September 24, 2003, pursuant to Article XI, Section 10(c), of the Compact for respondent's willful failure to maintain on file with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. Respondent now seeks reconsideration of Order No. 7422.

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 October 23, 2003, but there is no allegation of error, and the application offers no basis for reinstating Certificate No. 714.

Article XI, Section 7(g), of the Compact states that a certificate of authority is not valid unless the holder is in compliance with the insurance requirements of the Commission. Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 714 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

The \$1 million primary and \$500,000 excess WMATC Insurance Endorsements on file for respondent terminated on August 1, 2003, and have not been replaced. Inasmuch as respondent is not in compliance with the insurance requirements of the Commission, we are unable to reinstate Certificate No. 714 at this time.

We acknowledge that the Commission of late had begun accepting late-filed WMATC Insurance Endorsements on a case-by-case basis where the applications themselves were timely filed.¹ But this change in course cut against long-standing Commission precedent without any

¹ See In re Bitiny, Inc., No. MP-03-74, Order No. 7499 (Oct. 29, 2003) (application filed 17 days after revocation; acceptable endorsement filed 37 days after revocation); In re Achu Servs. Group LLC, t/a American Transp. Unltd., No. MP-02-47, Order No. 6847 (Oct. 9, 2002) (application filed 29 days after revocation; acceptable endorsement filed 34 days after revocation).

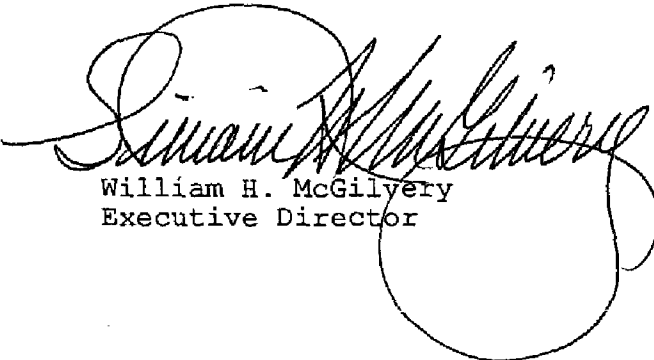
explanation for the deviation. Upon reflection, we think upholding that precedent makes more sense.

For twenty years, Commission precedent held that to be considered part of an application for reconsideration the insurance filing had to be made within the statutory period for filing the application itself.² Upholding this precedent appears more in keeping with the signatories' preference for repose.³ It also appears the wiser course given the Commission's thirty-day statutory deadline for deciding such applications.⁴ No late-filed endorsement is before the Commission, in any event.

The application therefore shall be denied.

IT IS SO ORDERED.

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



William H. McGilvery
Executive Director

² See In re Diamond Tours, Inc., No. MP-82-06, Order No. 2347 (June 24) (reinstatement denied where insurance certificate was filed after statutory deadline for filing application for reconsideration), aff'd on reconsideration, Order No. 2354 (Aug. 5, 1982).

³ When the Compact was amended in 1990, effective 1991, the reconsideration provision was amended so that an application for reconsideration no longer acted as an automatic stay of the underlying decision.

⁴ Compact, tit. II, art. XIII, § 4(b).