

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7684

IN THE MATTER OF:

Served January 22, 2004

BITINY, INC., Suspension and )  
Investigation of Revocation of )  
Certificate No. 775 )

Case No. MP-2003-74

This matter is before the Commission on respondent's response to Order No. 7499, served October 29, 2003.

Certificate No. 775 was automatically suspended on July 7, 2003, pursuant to Regulation No. 58-02, 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.

Order No. 7292, served July 9, 2003, noted that Certificate No. 775 would be subject to revocation if respondent failed to file the necessary WMATC Insurance Endorsement(s) within thirty days. Respondent failed to produce the necessary Endorsement(s) within the allotted time, and Certificate No. 775 was revoked in Order No. 7386, served September 9, 2003. Respondent subsequently requested reconsideration of Order No. 7386.

Under Title II of the Compact, Article XIII, Section 4(a), an application for reconsideration of a Commission order must, among other things, state specifically the errors claimed as grounds for reconsideration. The application did not allege any error on the part of the Commission and was denied, but given that respondent had filed the necessary WMATC Insurance Endorsement, we reopened the proceeding to consider reinstating Certificate of Authority No. 775.<sup>1</sup>

We were unable at the time, however, to say reinstating Certificate No. 775 would be consistent with the public interest. The effective date of the new endorsement was October 10, 2003, leaving respondent without insurance coverage for three months, from July 7, 2003, through October 9, 2003.

Order No. 7499 therefore gave respondent thirty days to furnish proof that respondent ceased operations as of July 7, 2003. Inasmuch as respondent's only tariff is for service rendered to clients of the District of Columbia Department of Health, Medical Assistance Administration, (DC Medicaid), such proof was to include documents from DC Medicaid and/or one or more notarized statements from DC Medicaid officials showing the period or periods of time during 2003 that respondent provided transportation services for DC Medicaid clients.

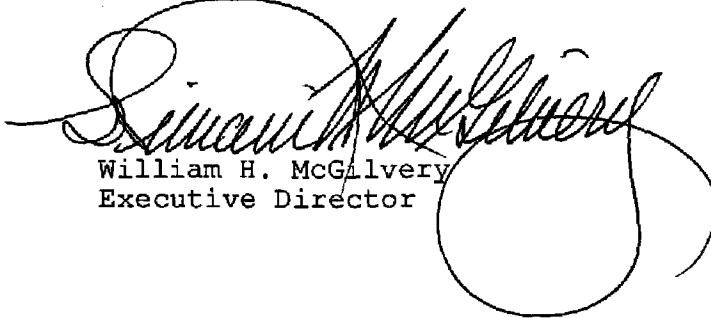
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<sup>1</sup> In re Safe Haven, Inc., No. MP-02-14, Order No. 6682 (June 4, 2002).

On November 6, 2003, the Commission received evidence from DC Medicaid that respondent continued operating on July 7 and 8, 2003, while suspended and uninsured. Under the circumstances, we find that reinstating Certificate No. 775 would not be consistent with the public interest.<sup>2</sup> Accordingly, this proceeding shall be terminated without reinstating Certificate No. 775.

IT IS SO ORDERED.

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



William H. McGilvery  
Executive Director

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<sup>2</sup> See In re Baron Transp., Inc., No. MP-02-42, Order No. 7067 (Mar. 4, 2003) (reinstatement denied where carrier continued operating while suspended and uninsured).