

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,492

IN THE MATTER OF:

Served May 17, 2007

Application of COACH ONE, INC., for )  
Voluntary Termination of )  
Certificate No. 430 )

Case No. AP-2007-079

COACH ONE, INC., Suspension and )  
Investigation of Revocation of )  
Certificate No. 430 )

Case No. MP-2007-097

By application filed April 11, 2007, Coach One, Inc., seeks voluntary termination of Certificate No. 430.

The Commission may terminate a certificate of authority under Title II of the Compact, Article XI, Section 10(b), upon application by the holder, provided applicant is in good standing.<sup>1</sup>

Coach One filed a similar application on January 31, 2007. That application was denied on February 8, 2007, in Order No. 10,276, because Coach One was not in good standing, having failed to pay the 2007 annual fee and file a complete 2007 annual report. The order also noted that Coach One owed \$200 in late fees under Regulation No. 67-03 as a result of not paying the annual fee and not filing the annual report. Coach One subsequently paid the 2007 annual fee and filed a complete 2007 annual report on March 29, 2007, and requests that the Commission waive the \$200 in late fees.

Subsequently, the \$1.5 million primary and \$4 million excess WMATC Insurance Endorsements on file for Coach One expired on April 30, 2007, and have not been replaced. Certificate No. 430, therefore, is automatically suspended under Regulation No. 58-02 and a \$50 late fee is due under Regulation No. 67-03(c).

Commission Rule No. 29 provides that the Commission may waive its rules "upon the filing of a motion showing good cause."<sup>2</sup> The question is, has Coach One shown good cause for waiving the late fees?

This year, the Commission sent each carrier an annual report form prepopulated with much of the information required. Because Coach One had no vehicles to report, the form should have taken only a few minutes to complete - about the same amount of time it took Coach

<sup>1</sup> In re Executive Mobile Servs., Inc., AP-03-41, Order No. 7236 (June 11, 2003).

<sup>2</sup> See In re Markos Asnake, t/a A&T Transport, No. MP-06-159, Order No. 10,112 (Nov. 30, 2006) (waiving Regulation No. 67-03(c)).

One to draft the letter explaining why it was not filing the report. We do not consider that good cause.

In any event, Coach One would have us waive the late fees on the ground that it has discontinued operating. The Commission has not viewed that as good cause in the past,<sup>3</sup> and Coach One offers no reason for changing that position.

We will however waive the \$50 late fee for not filing a replacement WMATC Insurance Endorsement on time inasmuch as Coach One requested voluntary termination well before its WMATC Insurance Endorsement expired.

Because Coach One is not in good standing, we shall deny the application for voluntary termination.<sup>4</sup> Because Coach One is not in compliance with Commission Regulation No. 58 and has discontinued operating, we shall revoke Certificate No. 430 pursuant to Article XI, Section 10(c), of the Compact.<sup>5</sup>

The \$200 in late fees shall remain due.

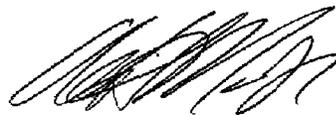
THEREFORE, IT IS ORDERED:

1. That Case Nos. AP-07-079 and MP-07-082 are hereby consolidated pursuant to Commission Rule No. 20-02.

2. That Certificate of Authority No. 430 is hereby revoked, effective this date.

3. That within 30 days from the date of this order Coach One shall surrender Certificate No. 430 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>3</sup> E.g. *In re Avery Transp., LLC*, No. AP-07-008, Order No. 10,319 (Mar. 9, 2007).

<sup>4</sup> Order No. 7236.

<sup>5</sup> See *In re Barbara Moss Gover, t/a You & Me Travel*, No. MP-06-196, Order No. 10,320 (Mar. 9, 2007) (voluntary termination denied and certificate revoked for failure to comply with insurance requirements).