

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 11,914

IN THE MATTER OF:

Served April 3, 2009

WASHINGTON METRO SHUTTLE, INC.,)
Suspension and Investigation of) Case No. MP-2009-018
Revocation of Certificate No. 1443)

Certificate No. 1443 has been suspended since February 9, 2009, for respondent's willful failure to comply with the insurance requirements specified in Regulation No. 58. Order No. 11,828, served February 9, 2009, noted that Certificate No. 1443 would be subject to revocation if respondent failed to file the necessary insurance endorsement(s) and pay a \$50 late fee within thirty days. Respondent has yet to file the necessary insurance endorsement(s) and pay the late fee. Accordingly, Certificate No. 1443 shall be revoked pursuant to Article XI, Section 10(c), of the Compact.

In addition, because respondent held Certificate No. 1443 as of January 1 of this year, respondent was required to pay a \$150 annual fee for 2009 and file an annual report for 2009.¹ The fee and report were due February 2. Respondent paid the fee on time but did not submit the report on time. The report was not filed until March 5. Therefore, under Regulation No. 67-03, respondent now owes an additional \$100 in late fees.

Respondent requests a waiver of the annual report late fee on the ground that allegedly the annual report form was not included in the same envelope with the annual fee invoice. Respondent apparently contends it received the report form at a later date, impliedly after January 31, and mailed it in after that.

It is the Commission's practice to include an annual report form in the same envelope as the annual fee invoice. The report form is prepopulated with the carrier's name, contact information, and last known vehicle list. The filing deadline is noted in bold at the top. Supplemental mailings are made using forms that are not prepopulated. The form respondent filed March 5 is prepopulated. The likely explanation therefore is that respondent simply overlooked the prepopulated form when it arrived with the invoice.

In addition, the report that respondent eventually filed is not signed. The Commission noted this in a March 5 letter to respondent, and respondent has yet to reply. Accordingly, the request for waiver of the annual report late fee is denied.

¹ Regulation Nos. 67-02 and 60-01, respectively.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 1443 is hereby revoked.
2. That respondent's 2009 annual report and \$150 in late fees shall remain due.
3. That within 30 days from the date of this order respondent shall:
 - a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
 - b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and
 - c. surrender Certificate No. 1443 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS CHRISTIE AND BRENNER:



William S. Morrow, Jr.
Executive Director