

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,432

IN THE MATTER OF:

Served June 8, 2010

AI-EXECUTIVE LIMOUSINES, LLC,                    )  
Suspension and Investigation of                    )  
Revocation of Certificate No. 1398                )

Case No. MP-2010-023

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 1398 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. Under Regulation No. 67-03(c), \$50 is due and payable upon the failure of a carrier to timely file an acceptable WMATC Insurance Endorsement.

The \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated April 3, 2010, without replacement. As a result, Certificate No. 1398 was automatically suspended under Regulation No. 58-12, and a \$50 late insurance fee became due and payable under Regulation No. 67-03(c), as noted in Order No. 12,356, served April 5, 2010.

Order No. 12,356 also noted that respondent had filed its 2010 annual report late<sup>1</sup> and had yet to pay its \$150 2010 annual fee. The annual report and annual fee were due January 31, 2010, pursuant to Regulation Nos. 60-01 and 67-02, respectively. Because January 31 of this year fell on a Sunday, Rule No. 7-01 extended the deadline to Monday, February 1. Respondent failed to meet the extended deadline, generating \$200 in late fees under Regulation No. 67-03(a),(b).

Order No. 12,356 accordingly gave respondent 30 days to file the necessary WMATC Insurance Endorsement(s) and pay the sum of \$400 or show cause why Certificate No. 1398 should not be revoked pursuant to Article XI, Section 10(c), of the Compact.

Respondent filed a new \$1.5 million primary WMATC Insurance Endorsement on April 5 shortly after Order No. 12,356 had issued, but the Endorsement is not acceptable under Regulation No. 58-04(b) because the address on the Endorsement does not match the address on

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<sup>1</sup> An unacceptable report was filed February 16, 2010. An acceptable report was not filed until February 24, 2010.

file for respondent with the Commission.<sup>2</sup> No further filing has been forthcoming, and respondent has paid neither the \$150 annual fee for 2010 due under Regulation No. 67-02 nor the \$250 in late fees due under Regulation No. 67-03.

Respondent has requested a waiver of the \$150 annual fee due under Regulation No. 67-02 and a waiver of the \$200 in late fees due under Regulation No. 67-03(a),(b) for failure to tender the annual fee and report on time (but not the \$50 late fee due under Regulation No. 67-03(c) for failure to replace the WMATC Endorsement on time).

The Commission may waive its fees "upon the filing of a motion showing good cause."<sup>3</sup> Respondent's proffered grounds for waiving the fees are that allegedly respondent was "not . . . in operation" and had "not generated income" "from June 2009 - January 2010". Respondent's allegations are not under oath, however, as required by Rule No. 4-06, and respondent has offered no evidence from which a finding of financial distress might be made. Respondent's grounds fall apart upon examination, in any event.

First, filing the annual report requires no outlay of funds other than the cost of postage, and the form is prepopulated with the carrier's information. Respondent, therefore, has no excuse for not filing the report on time.

Second, respondent might have qualified for an extension of time to pay the annual fee and avoided the annual fee late fee had respondent made its case in January.<sup>4</sup> The grounds for granting an extension disappeared once respondent recovered sufficiently to purchase replacement insurance.

We therefore shall deny the request for waiver of fees.

Inasmuch as respondent has not brought its operations into compliance with Regulation Nos. 58 and 67 as directed by Order No. 12,356, we find that respondent has failed to show cause why Certificate No. 1398 should not be revoked.

THEREFORE, IT IS ORDERED:

1. That respondent's request for waiver of fees is denied.
2. That Certificate of Authority No. 1398 is hereby revoked.

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<sup>2</sup> According to Commission records, the address on the Endorsement ceased being a valid address for respondent in October 2008.

<sup>3</sup> See *In re David Timothy Robinson, t/a DR&W Transp. Servs.*, No. MP-09-010, Order No. 11,946 (Apr. 23, 2009) (citing Commission Rule No. 29).

<sup>4</sup> See *In re Sams Health Care Servs. Inc.*, No. MP-08-005, Order No. 11,947 at 4 (Apr. 23, 2009) (extending annual fee deadline and waiving annual fee late fee if annual fee paid by extended deadline).

3. That the \$150 annual fee for 2010 due under Regulation No. 67-02 and the \$250 in late fees due under Regulation No. 67-03 shall remain due.

4. 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. 1398 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director