

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,236

IN THE MATTER OF:

Served April 19, 2012

PAT FRIERSON ENTERPRISES, INC.,)
Trading as LA FLEUR LIMOUSINE,)
Suspension and Investigation of)
Revocation of Certificate No. 1672)

Case No. MP-2012-010

Certificate No. 1672 was automatically suspended on January 21, 2012, pursuant to Regulation No. 58-12, for the willful failure of respondent to maintain on file with the Commission proof of \$5 million in combined-single-limit, motor vehicle liability insurance, as noted in Order No. 13,126, served January 23, 2012.

Order No. 13,126 gave respondent 30 days to file the necessary WMATC Insurance Endorsement(s) and pay the \$50 late insurance fee or show cause why Certificate No. 1672 should not be revoked pursuant to Article XI, Section 10(c), of the Compact. Respondent has yet to respond.

In the meantime, the Commission notified respondent by letter that as of February 2, 2012, the Commission had received neither respondent's 2012 annual report nor respondent's \$150 2012 annual fee, which were both due on or before January 31, 2012, under Regulation Nos. 60-01 and 67-02, respectively. The letter further advised respondent that the failure to timely tender an annual report and annual fee had triggered \$300 in associated late fees under Commission Regulation No. 67-03. Respondent responded by faxing the letter back to the Commission with the following handwritten note: "No Longer in business as of 8/2011 Sent Several Replies". Replies to whom or what is not explained.

That respondent may have discontinued operating in 2011 is irrelevant. "The annual fee and report requirements apply to each carrier holding a certificate of authority on the first day of the calendar year - not just to those who hold authority and are operating."¹ Respondent held certificate No. 1672 as of January 1, 2012, and therefore is subject to the Commission's annual report and fee requirements for 2012.

The late fees under Regulation No. 67-03 attach immediately upon the triggering event because: "Carriers that file late or pay late

¹ *In re Stream-Line Limo. Serv. Inc.*, No. MP-09-047, Order No. 12,024 (June 4, 2009); *In re Addis Transp., Inc.*, No. MP-09-067, Order No. 11,970 (May 8, 2009).

place more demands on Commission resources than those who file and pay on time."² Simply discontinuing operations does not change that.

Inasmuch as respondent has yet to file the necessary insurance endorsement(s) and pay the \$50 late insurance fee, Certificate No. 1672 shall be revoked pursuant to Article XI, Section 10(c), of the Compact.

The 2012 annual report and outstanding fees shall remain due.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 1672 is hereby revoked.
2. That respondent's 2012 annual report and \$500 in fees shall remain due under Regulation Nos. 60 and 67, respectively.
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 and supporting photograph(s) with the Commission verifying compliance with the preceding requirement; and
 - c. surrender Certificate No. 1672 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND HOLCOMB:



William S. Morrow, Jr.
Executive Director

² *In re Rulemaking to Amend Rules of Prac. and Proc. and Regs., Reg. No. 60, Reports, and Reg. No. 67, Fees*, No. MP-05-169, Order No. 9088 at 3 (Nov. 2, 2005).