

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,274

IN THE MATTER OF:

Served May 17, 2012

Petitions to Waive Regulation)
No. 67-03, Filed by: HAZEM EL) Case No. MP-2012-028
SAMAHY, T/A ROYAL USA TOURS AND)
TRANSPORTATION, WMATC No. 743)

This matter is before the Commission on petitioner's request for reconsideration of Order No. 13,227, served April 10, 2012, which denied petitioner's request to waive \$300 in late fees assessed under Regulation No. 67-03 (a), (b).

I. ORDER NO. 13,227

Commission Regulation No. 60-01 provides that each carrier holding a certificate of authority on the first day of the calendar year shall file an annual report on or before January 31 of that year. Regulation No. 67-02 provides that each carrier holding a certificate of authority on the first day of the calendar year shall pay an annual fee of \$150 on or before January 31 of that year.

Petitioner held a certificate of authority on January 1, 2012. Petitioner failed to comply with Regulation No. 60-01 and Regulation No. 67-02 on or before January 31. As a result, petitioner was automatically assessed \$150 for failing to pay the fee on time and \$150 for failing to file the report on time. When advised of this, petitioner filed a request to waive the late fees.

Commission Rule No. 29 provides that the Commission may waive its rules "upon the filing of a motion showing good cause." Hence, the question before the Commission was whether petitioner had shown good cause for waiving said late fees.¹

The Commission held that petitioner failed to make that showing for the following reasons:

Petitioner [Royal USA Tours] did not pay the 2012 annual fee until February 14, 2012, which petitioner accomplished by accessing an electronic payment link on the Commission's website. Petitioner has yet to file a 2012 annual report. Petitioner blames this noncompliance on an accident involving "one of [petitioner's] vans,"

¹ Order No. 13,227 (citing *In re Winter Growth, Inc.*, No. MP-08-084, Order No. 11,303 (Apr. 24, 2008)).

which according to petitioner was "totaled". The accident report accompanying the petition states that the accident occurred December 15, 2011, and that petitioner was operating the vehicle at the time. The report, however, characterizes the damage to petitioner's van as "cosmetic", and the report states that neither driver was injured.

We find that petitioner's evidence does not support the claim that petitioner was personally unable to access the Commission's website to pay the 2012 annual fee and file the 2012 annual report on or before January 31, 2012. We further find that petitioner has failed to explain how he was able to compose and mail the instant request in February but is still unable to complete and file an annual report today. The petition therefore is denied.

II. APPLICATION FOR RECONSIDERATION

Title II of the Compact, Article XIII, Section 4(a), provides that: "A party to a proceeding affected by a final order or decision of the Commission may file within 30 days of its publication a written application requesting Commission reconsideration of the matter involved, and stating specifically the errors claimed as grounds for the reconsideration." "The application will be denied to the extent it relies on arguments previously considered."²

Respondent's application for reconsideration was timely filed on May 8, but the application does not specify any error on the part of the Commission. The sole ground alleged for reconsideration consists of the following sentence: "My vehicle was total (sic) in accident, and I was seriously injured." To the extent this might be considered an allegation of error, the Commission already fully considered this argument in Order No. 13,227. Petitioner offers no new argument or analysis of the Commission's holding.

THEREFORE, IT IS ORDERED, that the application for reconsideration is denied.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND HOLCOMB:



William S. Morrow, Jr.
Executive Director

² *In re Double Decker Bus Tours, W.D.C., Inc.*, No. AP-95-21, Order No. 4666 at 2 (Sept. 22, 1995).