

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 13,808

IN THE MATTER OF:

Served March 15, 2013

Rulemaking to Amend Rules of)
Practice and Procedure and)
Regulations, Regulation)
No. 67-01, Fees)

Case No. MP-2013-036

Pursuant to Title II of the Compact, Article XIII, Section 3, and Commission Rule No. 30, the Commission hereby initiates a rulemaking for the purpose of amending Commission Regulation No. 67-01, which provides as follows:

67-01. Filing fees. The following fees shall be paid as indicated at the time of filing a tariff, one or more vehicle leases, a formal complaint or an application. The tariff and vehicle-lease filing fees shall not apply to any such filing made as part of an application to obtain, amend or transfer a certificate of authority or transfer control. In the case of a rejected filing, the Commission shall return half of the fee paid. (Fee amounts omitted).

The amendments in this order: (1) eliminate the half-fee refund for all rejected filings; and (2) apply the lease filing fee to each lease filed instead of "one or more" leases filed at the same time.

I. HALF-FEE REFUNDS

The half-fee refund for rejected filings originally applied to rejected applications only.¹ Over time, that policy was extended *sub silentio* to tariffs and then without explanation to leases and formal complaints.² Today, the half-fee refund policy clashes with Commission precedent dictating that no refund shall be due in the event a filing is withdrawn or dismissed. Although the concept of a "dismissed" or "withdrawn" filing, for practical reasons, does not apply to tariffs and leases, there does not seem to be any principled basis for justifying a half-fee refund for rejected tariff and lease filings but not for rejected application and complaint filings. It takes the Commission approximately the same amount of time to process a rejected tariff or lease as it does to process a rejected application or

¹ *In re Fee Schedule*, No. MP-91-05, Order No. 3601 (Jan. 17, 1991).

² *See Rules of Prac. & Proc. and Regs., Reg. No. 60, Reports, and Reg. No. 67, Fees*, No. MP-05-169, Order No. 9208 (Dec. 22, 2005); *Rules of Prac. & Proc. and Regs., Reg. No. 60, Reports, and Reg. No. 67, Fees*, No. MP-05-169, Order No. 9088 (Nov. 2, 2005).

complaint. The Commission therefore has determined that the half-fee refund provision shall be rescinded as to all rejected filings.

II. VEHICLE LEASES

The \$50 filing fee for leases applies to "one or more" leases filed at the same time. At the time it adopted this rule, the Commission did not explain why two leases filed at the same time should require the payment of only one fee when two tariffs filed at the same time require payment of two fees and two applications filed at the same time require payment of two fees.³ What is known at this time is that the amount of time the Commission spends processing leases is proportional to the number of leases filed. Accordingly, the fee for filing vehicle leases shall apply to each lease filed.

III. ADOPTION OF AMENDED REGULATION NO. 67-01

As amended consistent with the discussion above, Regulation No. 67-01 henceforth shall read as follows:

67-01. Filing fees. The following fees shall be paid as indicated at the time of filing a tariff, a vehicle lease, a formal complaint, or an application. The tariff and vehicle-lease filing fees shall not apply to any such filing made as part of an application to obtain, amend, or transfer a certificate of authority or transfer control.

Tariff:	\$50
Vehicle lease:	50
Formal complaint:	75
Applications:	
Irregular route authority:	
New certificate	250
Transfer of certificate/control	250
Expansive amendment	250
Restrictive amendment	75
Name change	75
Temporary authority	125
Temporary approval of transfer	125
Regular route authority:	\$500
Self-insurance:	
Approved by USDOT	250
Not approved by USDOT	5,000

³ See Order Nos. 9208, 9088.

THEREFORE, IT IS ORDERED:

1. That a rulemaking is hereby instituted for the purpose of amending the Commission's Rules of Practice and Procedure and Regulations, Regulation No. 67-01.

2. That the foregoing adoption of amended Regulation No. 67-01 shall be effective 30 days from the date of this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER, HOLCOMB, AND BELLAMY:

A handwritten signature in black ink, appearing to read "W. S. Morrow, Jr.", written in a cursive style.

William S. Morrow, Jr.
Executive Director