

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,876

IN THE MATTER OF:

Served April 19, 2013

Petitions to Waive Regulation )  
No. 67-03, Filed by: )

Case No. MP-2013-052

ELITE LIMO SERVICE LLC, WMATC )  
No. 1734 )

EASTON COACH COMPANY, WMATC )  
No. 1946 )

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.

Each of the above-captioned carriers held a certificate of authority on January 1, 2013. Each failed to comply with Regulation No. 60-01 and/or Regulation No. 67-02 on or before January 31. As a result, each carrier was automatically assessed \$150 for failing to pay the fee on time and/or \$150 for failing to file the report on time.

Each carrier has filed a petition to waive the late fee(s). Under Rule No. 20-02, the Commission may consolidate two or more proceedings involving a common question of law or fact. Here, the common question is whether the Commission should waive Regulation No. 67-03.

Commission Rule No. 29 provides that the Commission may waive its rules "upon the filing of a motion showing good cause." Hence, the question is whether any of these petitions shows good cause for waiving said late fees.<sup>1</sup>

After careful consideration of the grounds offered by each petition for waiving Regulation No. 67-03, we conclude that none constitutes good cause for granting the relief requested for the following reasons:

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<sup>1</sup> *In re Winter Growth, Inc.*, No. MP-08-084, Order No. 11,303 (Apr. 24, 2008).

**Carrier No. 1734, Elite Limo Service LLC**

Petitioner paid its 2013 annual fee on time but did not tender its 2013 annual report until February 6, 2013, and thus owes a \$150 late fee pursuant to Regulation No. 67-03(a). Petitioner notes that it filed an updated vehicle list on January 30, 2013, but that is not the same as filing an annual report, which also requires confirmation of current contact information, other carrier authority, and any changes in ownership or control. The petition therefore is denied.

**Carrier No. 1946, Easton Coach Company**

Petitioner did not tender its 2013 annual fee and report until February 27, 2013, and thus owes \$300 in late fees pursuant to Regulation No. 67-03(a),(b). Petitioner claims that the person to whom the Commission mailed a February 1, 2013, reminder letter had been on maternity leave "since January." First, the requirement to file an annual report and pay an annual fee is in the Commission's regulations, which are available on the internet. Second, the Commission mailed invoices and prepopulated annual reports to all carriers in early January 2013. Thus, "since January" is somewhat ambiguous as to whether this person had received the report form and invoice before departing on leave. Third, petitioner clearly should have had someone reviewing mail addressed to this person so that matters requiring immediate attention would not be ignored. The petition therefore is denied.

THEREFORE, IT IS ORDERED:

1. That the above-captioned petitions are hereby consolidated for decision pursuant to Commission Rule No. 20-02.
2. That all petitions are denied.

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



William S. Morrow, Jr.  
Executive Director