

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 14,186

IN THE MATTER OF:

Served August 26, 2013

HOME HEALTH TRANSPORTATION ) Case No. MP-2012-099  
SERVICES, LLC, Suspension and )  
Investigation of Revocation of )  
Certificate No. 1683 )

This matter is before the Commission on the failure of respondent to comply with Order No. 14,030, served June 20, 2013, directing respondent to file a complete 2013 annual report and pay \$150 by check or money order within 30 days or face revocation of Certificate No. 1683.

Certificate of Authority No. 1683 had been previously revoked in this proceeding in Order No. 13,642, issued December 26, 2012, for respondent's failure to pay a \$100 late insurance fee under Regulation No. 67-03(c). On January 25, 2013, within the 30-day period for seeking reconsideration of Order No. 13,642, respondent tendered a \$100 check and submitted a request for reinstatement of Certificate No. 1683. The request was granted in Order No. 13,728, issued February 5, 2013. However, to prevent circumvention of the Commission's annual report and fee requirements that apply to carriers holding WMATC authority on the first day of each year, Order No. 13,728 directed respondent to file a 2013 annual report and pay a \$150 annual fee within 30 days, or by March 7, 2013. Respondent failed to comply.

Respondent's failure to timely file a 2013 annual report and pay the \$150 annual fee caused two things to happen. First, respondent was automatically assessed \$300 in late fees pursuant to Regulation No. 67-03, effective March 8, 2013. Second, Certificate No. 1683 was placed in jeopardy of suspension under Regulation Nos. 60-03 and 67-04. Regulation No. 60-03 provides that a carrier's operating authority shall stand suspended upon the carrier's failure to file an annual report within 90 days of the due date. Regulation No. 67-04 provides that a carrier's operating authority shall stand suspended upon the carrier's failure to pay an annual fee or late fee within 90 days of the due date. This meant that to avoid suspension, respondent was required to: (1) file the annual report and pay the \$150 annual fee on or before June 5, 2013; and (2) pay the \$300 in late fees on or before June 6, 2013. Respondent did neither.

Respondent later filed a 2013 annual report on June 14, but the report is incomplete. The vehicle license plate number and seating capacity information are missing, and the report is not dated.

Respondent also tendered a check on June 14, but the check was made payable to the Commission in the amount of \$300 instead of \$450.

Order No. 14,030, served June 20, 2013, accordingly noted that respondent's operating authority stood suspended under Regulation Nos. 60-03 and 67-04 and gave respondent 30 days to file a complete 2013 annual report and pay the outstanding \$150 or face revocation of Certificate No. 1683. Respondent has yet to comply.

Certificate No. 1683 shall be revoked pursuant to Article XI, Section 10(c), of the Compact for respondent's willful failure to comply with Commission Regulation Nos. 60 and 67 and Commission Order Nos. 13,728 and 14,030. The report and \$150 in unpaid fees shall remain due.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 1683 is hereby revoked.
2. That respondent's 2013 annual report and \$150 in unpaid 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. 1683 to the Commission.

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



William S. Morrow, Jr.  
Executive Director