

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 15,535

IN THE MATTER OF:

Served April 21, 2015

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

Case No. MP-2015-062

VICTORIOUS, INC., Trading as )  
NATIONWIDE LIMO SERVICE, WMATC )  
No. 1491 )

MARK ASIBEY AMPOFO, Trading as )  
HEAVENS BRIDGES TRANSPORTATION, )  
WMATC No. 1629 )

ALEXANDER TOURS LLC, WMATC No. 1753 )

AMERICAN BLUE LIMOUSINE & SEDAN )  
SERVICES LLC, WMATC No. 2156 )

CAPITOL CAR SERVICE, LLC, WMATC )  
No. 2230 )

RIDE IN STYLE, LLC, WMATC No. 2267 )

TESEAYE ANTEW WONDEMU, T/A US LIMO )  
COMPANY, WMATC No. 2382 )

MNB TRANSPORTATION SERVICES, LLC, )  
WMATC No. 2395 )

S.T.S SEDAN SERVICE, LLC, WMATC )  
No. 2615 )

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. Because January 31 fell on a Saturday this year, the January 31 deadline was automatically extended to Monday, February 2, by operation of Rule No. 7-01.

Each of the above-captioned carriers held a certificate of authority on January 1, 2015. Each of the above-captioned carriers

failed to comply with Regulation No. 60-01 and/or Regulation No. 67-02 on or before February 2. 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.

**I. Carrier No. 1491, Victorious, Inc.**

The Commission did not receive petitioner's 2015 annual report and 2015 annual fee payment until February 5, 2015. Under Regulation No. 67-03, petitioner consequently owes \$300 in late fees.

In support of its request to waive the late fees, petitioner claims to have mailed the report and fee on January 5, 2015, but offers no proof. Indeed, the report and check are dated January 15, 2015, which undermines petitioner's allegation of having mailed them on January 5. Without proof of mailing, we are disinclined to find that the U.S. Postal Service delayed delivery.

Accordingly, the petition is denied.

**II. Carrier No. 1629, Mark Asibey Ampofo**

The Commission did not receive petitioner's 2015 annual report and 2015 annual fee payment until February 10, 2015. Under Regulation No. 67-03, petitioner consequently owes \$300 in late fees.

In support of his request to waive the late fees, petitioner claims to have tendered the report and fee payment online through the Commission's website on January 21, 2015, and the Commission has evidence that petitioner logged onto the website on that date, but a review of the Commission's electronic files reveals that no report was filed and that no payment was tendered during that session, and petitioner has not produced the confirmation messages carriers receive when they successfully file a report and pay a fee through the Commission's website.

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

Accordingly, the petition is denied.

**III. Carrier No. 1753, Alexander Tours LLC**

The Commission has yet to receive petitioner's 2015 annual report and 2015 annual fee payment. Under Regulation No. 67-03, petitioner owes \$300 in associated late fees, as well.

Petitioner requests that the report, the \$150 annual fee, and \$300 in late fees, be waived on the ground that petitioner discontinued operations in October 2014.

"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."<sup>2</sup> Respondent held certificate No. 1753 as of January 1, 2015, and therefore is subject to the Commission's annual report and fee requirements for 2015. Indeed, petitioner was given advance warning of this.

On December 24, 2014, the Commission emailed the following notice to all carriers with email addresses on file with the Commission, including petitioner:

You are reminded that each WMATC carrier holding a certificate of authority on January 1, 2015, must file a 2015 annual report and pay a 2015 annual fee on or before February 2nd to avoid late fees. This requirement applies to all WMATC carriers in active or suspended status, regardless of whether they operate within the Metropolitan District. (If your company will not be operational in 2015, you may wish to consider filing an application for voluntary termination by December 30, 2014, to avoid the 2015 annual report and fee filing requirements.)

Accordingly, the petition is denied.

**IV. Carrier No. 2156, American Blue Limousine & Sedan Services**

The Commission did not receive petitioner's 2015 annual report and 2015 annual fee payment until February 18, 2015. Under Regulation No. 67-03, petitioner consequently owes \$300 in late fees.

In support of petitioner's request to waive the late fees, petitioner's president states that he was traveling when the Commission issued its annual report/annual fee notice for 2015 and did not see it until he returned in the last week of January. He further

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<sup>2</sup> *In re Pat Frierson Enters., Inc., t/a La Fleur Limo.*, No. MP-12-010, Order No. 13,236 (Apr. 19, 2012); *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).

states that he phoned the Commission on January 29 and 30, and again on February 2, but was unable to reach anyone, or leave a message, so that he could ask whether petitioner would still be required to file the report and pay the fee if it chose not to operate a vehicle in 2015.

As noted above: "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."<sup>3</sup> Respondent held certificate No. 2156 as of January 1, 2015, and therefore is subject to the Commission's annual report and fee requirements for 2015.

Petitioner is one of the carriers to whom the Commission emailed the December 24 notice quoted above. That notice should have left no doubt in petitioner's mind that the report and fee would still be due if petitioner held WMATC authority on January 1, 2015, and later decided not to operate.

Accordingly, the petition is denied.<sup>4</sup>

**V. Carrier No. 2230, Capitol Car Service, LLC**

The Commission has yet to receive petitioner's 2015 annual report and 2015 annual fee payment. Under Regulation No. 67-03, petitioner owes \$300 in associated late fees, as well.

Petitioner requests that the report, the \$150 annual fee, and \$300 in associated late fees, be waived on the ground that petitioner discontinued operations in 2014.

As noted above: "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."<sup>5</sup> Petitioner was given advance warning of this through the above-noted December 24 email. Respondent held certificate No. 2230 as of January 1, 2015, and therefore is subject to the Commission's annual report and fee requirements for 2015.

Accordingly, the petition is denied.

**VI. Carrier No. 2267, Ride In Style, LLC**

The Commission did not receive petitioner's 2015 annual report and 2015 annual fee payment until February 5, 2015. Under Regulation No. 67-03, petitioner consequently owes \$300 in late fees.

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<sup>3</sup> Order No. 13,236; Order No. 12,024; Order No. 11,970.

<sup>4</sup> Petitioner paid the late fees on April 10, 2015. Petitioner was granted voluntary termination on April 13, 2015. *In re American Blue Limousine & Sedan Services, LLC*, No. AP-15-094, Order No. 15,503 (Apr. 13, 2015).

<sup>5</sup> Order No. 13,236; Order No. 12,024; Order No. 11,970.

In support of petitioner's request to waive the late fees, petitioner's owner states that he was "out of town for three weeks." Being out of town does not constitute good cause for waiving late fees.<sup>6</sup>

Petitioner's owner further states that he attempted to file the report and pay the fee online through the Commission's website on Monday, February 2, 2015, but was unsuccessful. A review of the Commission's Website server log reveals that petitioner has never logged into the Commission's electronic filings and payments system. In addition, petitioner had the option to tender the report and fee in person.

Accordingly, the petition is denied.

**VII. Carrier No. 2382, Teseaye Antew Wondemu**

The Commission did not receive petitioner's 2015 annual report and 2015 annual fee payment until February 5, 2015. Under Regulation No. 67-03, petitioner consequently owes \$300 in late fees.

In support of his request to waive the late fees, petitioner blames his children for misplacing the annual fee invoice and prepopulated annual report.

Petitioner is one of the carriers to whom the Commission emailed the December 24 notice mentioned above reminding carriers of the deadline for tendering annual reports and fee payments.

Accordingly, the petition is denied.

**VIII. Carrier No. 2395, MNB Transportation Services, LLC**

The Commission did not receive petitioner's 2015 annual report until February 13, 2015. The Commission has yet to receive petitioner's 2015 annual fee. Under Regulation No. 67-03, petitioner consequently owes \$300 in late fees.

In support of petitioner's request to waive the late fees, petitioner's CEO claims he did not receive notice of the January 31 (February 2) deadline until after the deadline had passed.

The January 31 deadline is published in the Commission's regulations on the WMATC website.<sup>7</sup> The Commission advised petitioner by email on December 24, 2014, that the deadline had been extended to February 2. Invoices and prepopulated annual reports noting the February 2 deadline were mailed to all carriers on January 2. Petitioner, therefore, had adequate notice of the deadline.

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<sup>6</sup> *In re Landjet Transp. LLC*, No. MP-10-042, Order No. 12,399 at 3 (May 10, 2010).

<sup>7</sup> [www.wmatc.gov](http://www.wmatc.gov).

**IX. Carrier No. 2615, S.T.S Sedan Service, LLC**

The Commission received petitioner's 2015 annual fee payment and an incomplete 2015 annual report electronically on February 2, 2015. The Commission did not receive a complete 2015 annual report until April 7. Under Regulation No. 67-03, petitioner consequently owes a \$150 late fee.

The record shows that petitioner was advised by email on February 2, 2015, that the annual report had been rejected for petitioner's failure to list its vehicle(s). The email advised petitioner to efile a complete report that day to avoid a late charge.

In support of petitioner's request to waive the late fee, petitioner's manager claims he did not receive any email, but Commission records show that the Commission received confirmation on February 2 that the email sent that day had been received by petitioner.

Accordingly, the petition 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 AND HOLCOMB:



William S. Morrow, Jr.  
Executive Director