

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 15,737

IN THE MATTER OF:

Served July 15, 2015

Investigation of Failure to Comply)
with Regulation Nos. 60 and/or 67,)
Governing Annual Reports, Annual)
Fees and Late Fees, Directed to:)
495LIMOUSINE LC, WMATC No. 2322)

Case No. MP-2015-096

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. 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.

Respondent held Certificate of Authority No. 2322 on January 1, 2015, but failed to comply with Regulation No. 60-01 on or before February 2. As a result, respondent was automatically assessed a \$150 late fee pursuant to Regulation No. 67-03(a), and because respondent did not pay the late fee on or before April 30, 2015, Certificate No. 2322 was suspended by operation of Regulation No. 67-04, as noted in Order No. 15,565, served May 5, 2015. In the meantime, respondent filed a petition to waive the late fee.

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 the instant petition shows good cause for waiving said late fees.¹

The record shows that respondent paid its annual fee electronically by the February 2 deadline. Respondent's annual report was filed electronically but not until April 8. The ground urged for waiver is that respondent's owner, Abraham Dawit, "was out of state for job training."

Being out of state does not constitute good cause for waiving late fees.² The petition therefore is denied.

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

² *In re Ride In Style, LLC*, No. MP-15-062, Order No. 15,535 at 5 (Apr. 21, 2015); *In re Landjet Transp. LLC*, No. MP-10-042, Order No. 12,399 at 3 (May 10, 2010).

If respondent does not pay the \$150 late fee within 30 days, the Executive Director shall issue an order revoking Certificate No. 2322.³

THEREFORE, IT IS ORDERED:

1. That the petition is denied.

2. That respondent shall pay \$150 to the Commission by check or money order within 30 days.

3. That the Executive Director shall issue an order revoking Certificate No. 2322 if respondent does not comply with the preceding paragraph.

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



William S. Morrow, Jr.
Executive Director

³ See Reg. Nos. 67-06 & 67-09(a) (authorizing Executive Director to issue revocation order on 30 days' notice for carrier's failure to pay overdue annual-report late fee).