

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,208

IN THE MATTER OF:

Served January 8, 2007

DAN ALLEN, Trading as ALLEN LIMO)
SERVICE, Suspension and)
Investigation of Revocation of)
Certificate No. 1074)

Case No. MP-2006-184

This matter is before the Commission on the motion of respondent to waive the \$50 late fee assessed in Order No. 10,070, served November 15, 2006.

Commission Regulation No. 58 requires respondent to maintain on file with the Commission at all times one or more WMATC Insurance Endorsements totaling \$1.5 million. The \$1.5 million WMATC Insurance Endorsement on file for respondent expired on November 15, 2006, without replacement. As a result, Certificate No. 1074 was automatically suspended under Regulation No. 58-02, and a \$50 late fee became due and payable under Regulation No. 67-03(c). Respondent submitted a \$1.5 million WMATC Insurance Endorsement on November 15 and tendered a \$50 money order on November 20. The suspension was lifted November 20.

Respondent requests that the Commission waive the late fee on the ground that respondent renewed coverage before it expired but did not "have any control" over when the WMATC Endorsement would be filed.

We disagree with the premise that respondent had no control over when the endorsement would be filed. An endorsement cannot be filed before coverage is bound, and a carrier controls when coverage is bound in the first instance by determining when an application for insurance will be submitted. The record shows that respondent submitted his renewal application on November 14. The record also shows that the entity filing the renewal endorsement had filed two previous endorsements on respondent's behalf -- and in each case there was a one-day lag between signing and filing, as there was in this case. Based on this experience, respondent should have applied for renewal coverage on November 13 at the very latest. By not submitting the renewal application until the day the filing was due, respondent practically guaranteed that the filing would be late.

We therefore find that respondent has not shown good cause for waiving Regulation No. 67-03(c) and, accordingly, deny the request.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director