

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,260

IN THE MATTER OF:

Served February 1, 2007

DESTINY TOURS, LLC, Suspension and )  
Investigation of Revocation of )  
Certificate No. 1065 )

Case No. MP-2006-206

This matter is before the Commission on the motion of respondent to waive the \$50 late fee assessed in Order No. 10,172, served December 29, 2006.

The \$5 million WMATC Insurance Endorsement on file for respondent expired at 12:01 a.m. EST on December 29, 2006, without replacement. As a result, Certificate No. 1065 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 \$5 million WMATC Endorsement later in the day on December 29 and tendered \$50 cash on January 5. The suspension was lifted January 5.

Respondent requests that the Commission waive the late fee on the ground that the "insurance company is responsible" for "automatically" making the necessary filing.

First, respondent is the responsible party here, not the insurance company. The carrier on whose behalf a WMATC Insurance Endorsement is submitted is the party ultimately responsible for making sure the filing is made on time. To avoid a late filing, a carrier should bind coverage far enough in advance of the filing due date that a timely filing is reasonably calculated to occur without anyone in the insurance procurement chain expediting the process.

Second, in this case, the replacement endorsement was not executed until December 27 - the day before it was due. That timing did not leave respondent any room for error and put the onus on respondent to request expedited delivery. In any event, the endorsement was sent via 2-day delivery, which would appear to be the insurance company's ordinary, non-expedited means of delivery. We therefore find that respondent has not shown good cause for waiving Regulation No. 67-03(c) and, accordingly, deny the request.<sup>1</sup>

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>1</sup> See *In re Dan Allen, t/a Allen Limo Serv.*, No. MP-06-184, Order No. 10,208 (Jan. 8, 2007) (denying Reg. 67-03(c) waiver for failing to timely submit insurance application).