

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 11,943

IN THE MATTER OF:

Served April 20, 2009

Petitions to Waive Regulation) Case No. MP-2009-058
No. 67-03, Filed by:)

MALEK INVESTMENT, INC., Trading as)
MARYLAND SHUTTLE AND SEDAN, WMATC)
No. 202)

Petition of COMMUNITY MULTI-)
SERVICES, INC., Trading as CMS)
INC., WMATC No. 333)

TABI CLUB INTERNATIONAL, L.L.C.,)
Trading as FREE AMERICA WASHINGTON)
D.C., WMATC No. 340)

E-Z TRANSPORTATION, INC., WMATC)
No. 376)

IONA SENIOR SERVICES, WMATC No. 444)

A-GRAND LIMOUSINE SERVICE, INC.,)
WMATC No. 554)

NIGUSSIE G. MOGUS, Trading as)
BATMN, WMATC No. 596)

ROSS AND TINE TRANSPORTATION, INC.,)
WMATC No. 615)

HORIZON MEDICAL TRANSPORTATION,)
L.L.C., WMATC No. 1145)

TOP CHOICE TRANSPORTATION SERVICES)
LLC, WMATC No. 1167)

OFFEI ATTAH ENTERPRISES, L.L.C.,)
Trading as CAPITOL CITY LIMO, WMATC)
No. 1175)

HARVEY RODRIGUEZ CHESTER, Trading)
as OASIS LIMOUSINE AND SEDAN)
SERVICES, WMATC No. 1471)

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 of this year fell on a Saturday, Rule No. 7-01 extended these deadlines to Monday, February 2.

Each of the above-captioned carriers held a certificate of authority on January 1, 2009. Each 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 \$100 for failing to pay the fee on time and/or \$100 for failing to file the report on time.

Each carrier has filed a petition to waive Regulation No. 67-03. 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 the late fees assessed against petitioners.

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.¹

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:

Carrier No. 202, Malek - Petitioner claims not to have received the report form and invoice, but petitioner filed a prepopulated report. The prepopulated report forms were sent out to all carriers at the beginning of January. None were sent out after that. This is not the first time this carrier failed to file on time.

Carrier No. 333, Community Multi-Services - Petitioner claims the Commission sent the report form and invoice to the wrong address. Petitioner says its address changed on March 1 of last year, but no change of address was filed with the Commission until February 24 of this year.

Carrier No. 340, TABI - Petitioner changed its address within the past year but did not file change of address with Commission until March 9 of this year.

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

Carrier No. 376, E-Z Transportation - Petitioner acknowledges receiving report form and invoice in early January but waited until after January 31 to file report and pay fee.

Carrier No. 444, IONA - Petitioner sent check to WMATA instead of WMATC and did not attempt to file report until March 9.

Carrier No. 554, A Grand Limo - No reason given for being late.

Carrier No. 596, Mogus - Unintelligible.

Carrier No. 615, Ross & Tine - No reason given.

Carrier No. 1145, Horizon - Petitioner blames the Postal Service for unduly delaying its filing, but petitioner's check was not dated until February 4, and the report and check were not mailed out until February 7 according to the postmark on petitioner's envelope.

Carrier No. 1167, Top Choice - Petition discusses late insurance filing instead of late annual report/fee.

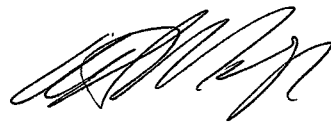
Carrier No. 1175, Capitol City Limo - Petitioner says that it mailed its fee and report to the Commission's old address and that USPS delayed forwarding, but postmark is February.

Carrier No. 1471, Oasis Limo - Petitioner tendered annual fee on time but not annual report. Petitioner blames bad back but does not explain how that prevented filing a prepopulated report on time when it did not prevent paying fee on time.

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 CHRISTIE AND BRENNER:



William S. Morrow, Jr.
Executive Director