

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 14,809

IN THE MATTER OF:

Served June 3, 2014

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

Case No. MP-2014-086

FT AIRPORT SHUTTLE, INC., T/A FT)
AIRPORT SHUTTLE, WMATC No. 1251)

ST. JOHNS COMMUNITY SERVICES)
(DISTRICT OF COLUMBIA), WMATC)
No. 1354)

ALL WAYS LIMOUSINE & SEDAN SERVICE)
INCORPORATED, T/A ALL WAYS LIMO &)
SEDAN SVC, WMATC No. 1494)

ABC WORLDWIDE CHAUFFEURED)
TRANSPORTATION, LLC, WMATC No. 2144)

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.

Each of the above-captioned carriers held a certificate of authority on January 1, 2014. Each failed to comply with Regulation No. 60-01 and/or Regulation No. 67-02 on or before January 31. 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.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:

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

Carrier No. 1251, FT Airport Shuttle, Inc.

The record shows that petitioner mailed its annual report and annual fee to the Commission on January 13, but petitioner failed to put the Commission's street number, street name, and suite number on the envelope, and it was returned to petitioner marked undeliverable as addressed. The record also shows that petitioner was advised by Commission staff on January 31, 2014, that WMATC had not received the report and payment. Petitioner took no further action until February 5. The petition therefore is denied.

Carrier No. 1354, St. Johns Community Services

Petitioner explains that "a recent administration change" caused petitioner not to tender the annual report and fee on time. The record further shows that petitioner did not correct its error until February 25, notwithstanding a reminder mailed by WMATC on February 3. The petition therefore is denied.

Carrier No. 1494, ALL Ways Limousine & Sedan Service Inc

The record shows that petitioner timely paid the annual fee on line but failed to file the annual report at the same time. The record further shows that petitioner did not correct its error until February 18, notwithstanding a reminder mailed by WMATC on February 3. The petition therefore is denied.

Carrier No. 2144, ABC Worldwide Chauffeured Transportation, LLC

Petitioner explains that it did not know the fee and report were due until receiving a phone call from Commission staff on January 31, 2014. In late December 2013, however, the Commission reminded all carriers of their annual fee and annual report obligations and encouraged carriers to tender their 2014 annual reports and fee payments electronically through the Commission's website. In addition, the email informed all carriers that an invoice and blank report would be mailed in early January. Our records show that the mailing was sent out on January 3, 2014. The petition therefore 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, HOLCOMB, AND BROWN:



William S. Morrow, Jr.
Executive Director