

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 15,770

IN THE MATTER OF:

Served July 28, 2015

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

Case No. MP-2015-142

PARAMED MEDICAL TRANSPORTATION,)
INC., Trading as PARA-MED, WMATC)
No. 206)

THREE POINTS, INC., Trading as)
CAPITAL AREA TRANSPORT SERVICE,)
WMATC No. 1703)

GOD'S WILL TRANSPORTATION LLC,)
WMATC No. 2212)

DC PATH TRANSPORTATION SERVICES)
LLC, WMATC No. 2286)

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 fell on a Saturday this year, the January 31 deadline was automatically extended to Monday, February 2, by operation of Rule No. 7-01.

Each of the above-captioned carriers held a certificate of authority on January 1, 2015. Each of the above-captioned carriers 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 \$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.

I. Carrier No. 206, PARA-MED

According to Commission records, the Commission did not receive a complete 2015 annual report from Carrier No. 206 by the February 2 deadline. The Commission advised PARA-MED of this by letter dated February 3, 2015. PARA-MED responded by filing a copy of its annual report on February 9, 2015. The Commission advised PARA-MED by email dated February 9, 2015, that the report was not acceptable because it was a photocopy and not an original as required by WMATC Rule No 4-05. PARA-MED eventually filed an original report on April 29, 2015.

In support of its petition to waive the \$150 late fee assessed by operation of Regulation No. 67-03 and paid April 29, 2015, PARA-MED contends that it filed an original report on or about January 22, 2015. The Commission has no record of such a filing, and when PARA-MED was informed that the copy it filed February 9 was not acceptable because it was not an original, PARA-MED inexplicably waited almost three months to rectify the matter.

Accordingly, the petition is denied.

II. Carrier No. 1703, Capital Area Transport Service

According to Commission records, the Commission did not receive a 2015 annual report and 2015 annual fee from Capital Area Transport Service until February 3, 2015.

In support of its petition to waive the \$300 in late fees assessed by operation of Regulation No. 67-03 and paid on May 1, 2015, Capital Area Transport Service contends that it filed the annual report and paid the annual fee on February 2, 2015, and that the two transactions "somehow cleared to WMATC on February 3rd."

Because Capital Area Transport Service tendered its annual report and annual fee payment electronically, Commission records show not only the date of tender but the time as well. The report was filed at 8:48 a.m. on February 3. The payment was made at 8:50 a.m. on February 3. Indeed, payment was confirmed by the credit card processor, Authorize.net, as having been made at 8:49:40 on February 3.

Carriers paying fees electronically through the WMATC website are diverted to the Authorize.net website prior to entering their

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

credit card information. WMATC has no influence on when such payments are recorded by Authorize.net. The Authorize.net payment record thus tends to confirm that Capital Area Transport Service's annual report and fee were tendered on February 3.

Accordingly, the petition is denied.

III. Carrier No. 2212, God's Will Transportation

According to Commission records, the Commission did not receive a 2015 annual report and 2015 annual fee from God's Will Transportation until February 6, 2015.

In support of its petition to waive the \$300 in late fees assessed by operation of Regulation No. 67-03 and paid on April 27, 2015, God's Will Transportation explains that it relocated to a new address in January 2015 and that mail regarding the 2015 annual report and fee sent to its old address were not received at the new address in time to meet the February 2, 2015, deadline. Commission records show that God's Will Transportation did not file a notice of change of address with the Commission until February 6, 2015.

According to WMATC Regulation No. 68, "Any person holding or applying for a certificate of authority, temporary authority, or temporary approval shall keep its official address on file with the Commission at all times." It thus appears that God's Will Transportation is arguing that its failure to comply with one rule (Reg. No. 68) should excuse its failure to comply with another rule (Reg. Nos. 60 & 67). We disagree.

In any event, Commission records show that on December 24, 2014, the Commission emailed annual report and fee reminders to all carriers with email addresses on file with the Commission, including God's Will Transportation.

Accordingly, the petition is denied.

IV. Carrier No. 2286, DC Path Transportation Services

According to Commission records, the Commission did not receive DC Path Transportation Services' 2015 annual report and 2015 annual fee until March 4, 2015.

In support of its petition to waive the \$300 in late fees assessed by operation of Regulation No. 67-03 and paid on April 30, 2015, DC Path Transportation Services LLC explains that it relocated to a new address and that mail regarding the 2015 annual report and fee sent to its old address in January 2015 was not received at the new address in time to meet the February 2, 2015, deadline. Commission records show that DC Path Transportation Services LLC did not file a notice of change of address with the Commission until February 6, 2015.

According to WMATC Regulation No. 68, "Any person holding or applying for a certificate of authority, temporary authority, or temporary approval shall keep its official address on file with the Commission at all times." It thus appears that DC Path Transportation Services LLC is arguing that its failure to comply with one rule (Reg. No. 68) should excuse its failure to comply with another rule (Reg. Nos. 60 & 67). We disagree.

In any event, Commission records show that on December 24, 2014, the Commission emailed annual report and fee reminders to all carriers with email addresses on file with the Commission, including DC Path Transportation Services LLC.

Accordingly, the petition 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 DORMSJO:



William S. Morrow, Jr.
Executive Director