

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 18,996

IN THE MATTER OF:

Served September 21, 2020

A STAR TRANSIT LLC, Suspension and)
Investigation of Revocation of)
Certificate No. 3203)

Case No. MP-2020-076

This matter is before the Commission on the motion of respondent to waive a \$100 late fee. The Commission may waive its fees upon the filing of a motion showing good cause.¹

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 3203 for a minimum of \$5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

The \$5 million primary WMATC Insurance Endorsement on file for respondent was canceled on April 6, 2020, effective May 6, 2020, and terminated without replacement. As a result, Certificate No. 3203 was automatically suspended under Regulation No. 58-12, and a \$100 late insurance fee became due and payable under Regulation No. 67-03(c), as noted in Order No. 18,816, served May 6, 2020.

Respondent requests a waiver of the late fee on the grounds that respondent has "suffered 100% business loss" and "[does] not have income" to pay the fee. However, this statement is not supported by any evidence of the underlying facts from which such a determination may be drawn. A generalized claim of financial hardship unsupported by evidence of a petitioner's financial condition does not constitute good cause for waiving late fees.²

The late fees under Regulation No. 67-03 attach immediately upon the triggering event because: "Carriers that file late or pay late place more demands on Commission resources than those who file and pay on time."³ If respondent was unable to maintain the minimum levels of insurance

¹ *In re Stream-Line Limousine Serv. Inc.*, No. MP-09-047, Order No. 12,024 at 2 (June 4, 2009).

² *In re Robert Earle Goode Jr, t/a Reliable Transp.*, No. MP-17-101, Order No. 17,118 (July 27, 2017).

³ *In re Rulemaking to Amend Rules of Practice and Procedure and Regulations, Regulation No. 60, Reports, and Regulation No. 67, Fees*, No. MP-05-169, Order No. 9088 at 3 (Nov. 2, 2005).

coverage required by Regulation No. 58, it could have requested voluntary termination of its operating authority before its WMATC Insurance Endorsement terminated on May 6, 2020, to avoid the \$100 late insurance fee. Waiving fees under these circumstances would only encourage other carriers to engage in the same dilatory behavior.⁴ Accordingly, the request is denied.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS MAROOTIAN, HOLCOMB, AND RICHARD:



Jeffrey M. Lehmann
Executive Director

⁴ See Order No. 12,024 at 3 (same).