

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 20,053

IN THE MATTER OF:

Served January 25, 2023

Application of PRIVATE DRIVER LLC )  
for Temporary Authority - Irregular )  
Route Operations )

Case No. AP-2022-160

By request filed November 10, 2022, applicant seeks withdrawal of its November 4, 2022, application for temporary authority.

Because "[t]he Commission cannot require one to apply for any specific operating authority, or to continue to pursue an application already filed, if [it] is under no legal compulsion to furnish the services,"<sup>1</sup> the request to withdraw shall be granted.

Applicant also requests a refund of the \$150 application filing fee it paid to initiate this proceeding. Regulation No. 67-01 specifies that a \$150 fee be paid at the time of filing an application to obtain temporary authority. Commission Rule No. 29 provides that the Commission may waive its rules "upon the filing of a motion showing good cause."

It has been the consistent policy of this Commission to deny requests for refunds of application fees once an application is accepted for filing, even if the application is later withdrawn or dismissed.<sup>2</sup> Filing fees are "essentially non-refundable."<sup>3</sup> There is good reason for that. The filing of an application for authority:

necessitates an expenditure by the Commission of resources necessary to process that application. Filing fees help defray a portion of the cost of the Commission's operating expenses, the remainder of which is borne by the taxpayers of the Compact signatories. The Commission's fee schedule, adopted through notice-and-comment rulemaking, effects an

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<sup>1</sup> *In re Malek Inv. of Va., Inc., t/a Montgomery Airport Shuttle*, No. AP-99-11, Order No. 5706 (Sept. 22, 1999) (quoting *Montgomery Charter Serv. v. WMATC*, 302 F.2d 906 (D.C. Cir. 1962)).

<sup>2</sup> See *In re DC NY Tours LLC*, No. MP-18-016, Order No. 17,460 (Feb. 14, 2018) (denying request for refund of application filing fee); *In re Whites Transit Serv.*, No. AP-14-153, Order No. 15,422 (Mar. 3, 2015) (same); *In re Elias Zeleke*, No. AP-14-019, Order No. 15,421 (Mar. 3, 2015) (same); *In re Nam Jo Limousine*, No. AP-12-219, Order No. 13,607 (Nov. 29, 2012) (same); *In re G & M Limos and Bus Servs. Inc., t/a G & M Limo Servs.*, No. AP-09-124, Order No. 12,283 (Jan. 14, 2010) (same); *In re Barney Neighborhood House and Social and Indus. Settlement, t/a Barney Neighborhood House*, No. AP-08-151, Order No. 11,679 (Nov. 12, 2008) (same); *In re Napoleon Woldeyohannes, t/a Napoleon Transp. Serv.*, No. AP-08-002, Order No. 11,241 (Mar. 31, 2008) (same).

<sup>3</sup> Order No. 15,421 at 2.

allocation of the administrative expenses of the Commission between carriers subject to WMATC regulation and other filers, on the one hand, and taxpayers on the other. Excusing the payment of filing fees based on the individualized circumstances faced by hundreds of filers not only would upset the filer/taxpayer balance struck by the Commission's fee schedule, it would quickly prove administratively unworkable.<sup>4</sup>

Accordingly, we find that applicant has not shown good cause to waive the application filing fee.

THEREFORE, IT IS ORDERED:

1. That the request of Private Driver LLC to withdraw its application for temporary authority is hereby granted.

2. That the request of Private Driver LLC for a refund of the \$150 application filing fee paid in this proceeding is denied.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS RICHARD AND LOTT:



Jeffrey M. Lehmann  
Executive Director

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<sup>4</sup> *Id.* at 2 (citation omitted).