

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,638

IN THE MATTER OF:

Served July 18, 2007

Application of TRANSCOM, INC.,)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-05-113

Application of TRANSCOM, INC.,)
for Temporary Authority --)
Irregular Route Operations)

Case No. AP-05-114

This matter is before the Commission on applicant's request for an extension of time to comply with Commission Order No. 10,114, served November 30, 2006.

Order No. 10,114 conditionally granted Certificate of Authority No. 582 and stipulated that applicant would have the full 180 days available under Commission Regulation No. 66, or until May 30, 2007, to satisfy the conditions of the grant. On May 29, 2007, applicant requested an extension of the compliance deadline.

Regulation No. 66 provides that: "The time for complying with the conditions of a grant of authority shall not be extended beyond 180 days from the date of the grant. A conditional grant of authority shall be void on the 181st day following the date of the grant if full compliance has not been achieved at that time." The Commission, however, may waive Regulation No. 66 in its discretion or for good cause shown under Rule No. 29.¹

The Commission has waived Regulation No. 66 in the past where: (1) applicant requested an extension of time within the aforementioned 180 days; and (2) satisfied the conditions of the grant within thirty days beginning on the aforementioned 181st day.²

The record shows that applicant requested the extension before its 180 days had run, but applicant has not satisfied all of the conditions of the grant. None of applicant's vehicles have for-hire registrations as required by Order No. 10,114. Applicant requests that we waive this requirement until the registrations are renewed in October and November. Applicant asserts that amending the registrations now would be "extremely expensive."

Allowing applicants an additional thirty-one days to satisfy the conditions of a grant "strikes an appropriate balance between the

¹ *In re City Sightseeing Buses LLC*, No. AP-06-013, Order No. 10,305 at 3 (Mar. 6, 2007).

² *See In re JBT Enterprise, LLC, t/a Access Mobility Transp.*, No. AP-05-111, Order No. 9755 (July 19, 2006) (explaining 30-day rationale).

public interest in conserving resources . . . , on the one hand, and the need for closure and maintaining the integrity of the Commission's fitness findings as promoted by Regulation No. 66, on the other."³ We do not believe that extending an application proceeding another four to five months strikes the right balance. Further, whether the expense of amending the registrations is "extreme" is a question of fact that could have and should have been raised before applicant's 180 days had run.⁴

Accordingly, we decline to reopen this proceeding. Applicant may reapply for a certificate of authority and raise the for-hire registration issue at that time.

THEREFORE, IT IS ORDERED:

1. That the waiver of Regulation No. 66 is denied.
2. That this proceeding is terminated.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

³ Order No. 10,305.

⁴ See *In re Linda & Family Limo Serv. Inc.*, No. AP-06-160, Order No. 10,548 (June 13, 2007) (declining to resolve fundamental factual issue on reconsideration).