

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,109

IN THE MATTER OF:

Served January 29, 2008

Application of LINKS ENTERPRISES AND)
INVESTMENTS, LLC, for a Certificate)
of Authority -- Irregular Route)
Operations)

Case No. AP-2007-046

This matter is before the Commission on applicant's request for reconsideration of the voiding of authority conditionally granted to applicant in Commission Order No. 10,458, served May 8, 2007.

Order No. 10,458 specified that applicant would have the full 180 days available under Commission Regulation No. 66 to satisfy the conditions of the grant. Applicant did not fully comply with the prescribed conditions within the allotted time. The conditional grant consequently became void on November 6, 2007. Under Article XIII, Section 4(a), applicant had until December 6, 2007, to file an application for reconsideration.¹

Respondent filed an application for reconsideration on December 6, 2007, but the application does not allege any error on the part of the Commission as required by statute.² The application therefore is denied. Although we may reopen this proceeding on our own initiative under Rule No. 26-04, we shall not exercise that option in this case because applicant did not fully satisfy the conditions of the grant on or before the deadline for requesting reconsideration.³

Applicant has yet to present for inspection by Commission staff two of the three vans on applicant's vehicle list. Applicant contends that it did not control those vehicles on and after November 30, but there is much evidence in the record to the contrary. In any event, we think it inadvisable to measure an applicant's compliance with a conditional grant based on a vehicle list altered after the record has closed.⁴ In this case the record closed November 5, 2007. Thus, we measure applicant's compliance against the vehicle list as of November 5, not the list as of November 30, and conclude that we should not reopen on our own initiative.

¹ See *In re Boone-McNair Transp., LLC*, No. AP-02-66, Order No. 7063 (Mar. 4, 2003) (30-day reconsideration filing period begins running on the day the conditional grant becomes void).

² Compact, tit. II, art. XIII, § 4(a).

³ See *In re BLS Limo Group, Inc.*, No. AP-07-056, Order No. 11,081 (Jan. 15, 2008) (same).

⁴ See *In re Linda & Family Limo Service Inc.*, No. AP-06-160, Order No. 10,548 (June 13, 2007) (reconsideration not appropriate forum for resolving fundamental factual discrepancies in record).

Applicant may reapply for a certificate of authority if it so chooses. In the meantime, applicant shall remove all markings from the one van that passed inspection, the one registered in applicant's name, and present it for re-inspection to confirm removal.

THEREFORE, IT IS ORDERED:

1. That the application for reconsideration is denied.
2. That within thirty days of the date of this order, applicant shall remove all markings placed on the van registered in applicant's name and present it for inspection by Commission staff.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director