

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 11,965

IN THE MATTER OF:

Served April 30, 2009

Application of VEOLIA TRANSPORTATION)
SERVICES, INC., to Merge with)
YELLOW BUS SERVICE, INC., Trading)
as YELLOW TRANSPORTATION, WMATC)
No. 280)

Case No. AP-2007-001

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. 11,580, served September 18, 2008.

Order No. 11,580 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 record shows that as of March 17, 2009, applicant had yet to file a valid tariff, had not filed a complete vehicle list, had not furnished registrations and safety inspection certificates for all vehicles, and had not presented all vehicles for inspection. The conditional grant consequently became void on March 18, 2009.

Under Article XIII, Section 4(a), applicant had until April 17, 2009, to file an application for reconsideration, stating specifically the errors claimed as grounds for the reconsideration.¹ Applicant timely filed an application for reconsideration as of April 17, 2009. The application is supported by a valid general tariff and a valid contract tariff for service under contract with King Farm Transportation Demand Management Company, L.L.C., and the record now shows that all King Farm vehicles have passed a safety inspection and inspection by Commission staff. The application for reconsideration is also supported by a contract tariff for service under contract with Prince George's County, Maryland, and three vehicles operated under that contract have passed inspection.²

Applicant contends that it had satisfied the tariff filing condition as of March 17, but applicant does not contend that all buses, registrations and safety certificates had been presented to the Commission as of March 17. The voiding of the conditional grant in Order No. 11,580 therefore stands. However, considering that as of April 17 applicant had filed acceptable tariffs and applicant's King

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 It is not clear, however, whether applicant has presented all vehicles to be operated by applicant under the Prince George's contract.

Farm vehicles had all passed safety inspection and inspection by Commission staff, we will reopen this proceeding on our own initiative³ and reissue Certificate of Authority No. 280.⁴

In closing, we note that applicant requests the Commission to reconsider whether applicant must file contract tariffs for service rendered under its contracts with Arlington and Fairfax Counties in Virginia. Applicant is admonished that except as to transportation solely within Virginia,⁵ until such time as applicant files additional contract tariffs, applicant may only provide service in the Metropolitan District under its general tariff, its King Farm contract tariff, and its Prince George's County contract.

THEREFORE, IT IS ORDERED that Certificate of Authority No. 280 shall be reissued to Veolia Transportation Services, Inc., 720 E. Butterfield Road, #300, Lombard, IL 60148.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS CHRISTIE AND BRENNER:



William S. Morrow, Jr.
Executive Director

³ Commission Rule No. 26-04.

⁴ See Order No. 7063 (proceeding reopened to issue certificate of authority) ; see also *In re Platinum Limo. Serv., Inc.*, No. AP-08-085, Order No. 11,797 (Jan. 15, 2009) (Reg. No. 66 waived where applicant substantially complied with conditions of grant within reconsideration period).

⁵ Compact, art. XI, § 3(g).