

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,966

IN THE MATTER OF:

Served May 4, 2009

Application of VEOLIA TRANSPORTATION)  
ON DEMAND, INC., to Acquire Control )  
of WASHINGTON SHUTTLE, INC., )  
Trading as SUPERSHUTTLE, WMATC )  
No. 369 )

Case No. AP-2007-006

This matter is before the Commission on applicant's request for reconsideration of the voiding of approval 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 satisfy the prescribed conditions within the allotted time. The record shows that as of March 17, 2009, applicant had yet to file an acceptable tariff for its operating subsidiary, Washington Shuttle, Inc., WMATC No. 369, as required by Order No. 11,580. In addition, applicant had not filed any leases for the vehicles not registered in Washington Shuttle's name and had not presented all Washington Shuttle 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.<sup>1</sup> Respondent timely filed an application for reconsideration on April 17, 2009, but the application does not allege any error on the part of the Commission. 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 because applicant did not fully satisfy the conditions of the grant on or before the deadline for requesting reconsideration.<sup>2</sup>

The rates filed in support of the application for reconsideration include airport rates for Washington Shuttle's National Harbor vehicles and SuperShuttle fares between National Harbor and local airports but no National Harbor rates for Washington Shuttle's

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<sup>1</sup> 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).

<sup>2</sup> See *In re BLS Limo Group, Inc.*, No. AP-07-056, Order No. 11,081 (Jan. 15, 2008) (declining to reopen where applicant failed to satisfy conditions on or before reconsideration deadline).

National Harbor vehicles and no other airport rates for Washington Shuttle's SuperShuttle vans.<sup>3</sup> Further, the leases filed in support of the application for reconsideration identify Washington Shuttle as the lessor instead of the lessee and identify neither the other parties to the leases nor the vehicles covered by the leases.

THEREFORE, IT IS ORDERED that the application for reconsideration is hereby denied without prejudice to applicant's right to reapply for approval.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS CHRISTIE AND BRENNER:



William S. Morrow, Jr.  
Executive Director

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<sup>3</sup> Although applicant filed several additional pages of "Washington Shuttle" rates, those rates are not denominated as SuperShuttle airport rates, do not include the SuperShuttle rules and regulations and many of the SuperShuttle rates described in the Washington Shuttle general tariff currently on file with the Commission, and correspond to specified points of origin but no specified points of destination.