

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 16,908

IN THE MATTER OF:		Served March 27, 2017
Application of SEABURY RESOURCES)		Case No. AP-2016-152
FOR AGING for a Certificate of)		
Authority -- Irregular Route)		
Operations)		
Application of SEABURY RESOURCES)		Case No. AP-2016-200
FOR AGING to Add Trade Name,)		
SEABURY CONNECTOR, to Certificate)		
No. 2957)		
Application of SEABURY RESOURCES)		Case No. AP-2016-224
FOR AGING for Restrictive Amendment)		
of Certificate of Certificate of)		
Authority No. 2957)		

This matter is before the Commission on applicant's request for an extension of time to satisfy the conditions of the grant of WMATC operating authority issued in Case No. AP-2016-152 and on applicant's request to withdraw its application in Case No. AP-2016-224 seeking an amendment to that authority.

I. PROCEDURAL BACKGROUND

Certificate of Authority No. 2957 was conditionally granted to Seabury Resources for Aging on October 11, 2016, in Order No. 16,615, in Case No. AP-2016-152. At applicant's request, the grant of authority was issued free of any restriction regarding the seating capacity of vehicles that applicant may use in WMATC operations once the conditions of the grant have been satisfied and a certificate of authority has issued.

On November 30, 2016, in Case No. AP-2016-200, Order No. 16,712 approved the request of applicant to add a trade name to the certificate of authority conditionally granted in Case No. AP-2016-152, subject to applicant's timely satisfaction of the conditions of approval prescribed in Order No. 16,615.

On December 29, 2016, applicant applied in Case No. AP-2016-224 to add a seating capacity restriction to the certificate of authority already approved but not yet issued. The restriction would confine applicant's WMATC operations to vehicles with a seating capacity of less than 16 persons, including the driver, thereby reducing from \$5 million to \$1.5 million applicant's minimum insurance requirement.

At this time, no decision has been issued in the restrictive amendment proceeding, and applicant has yet to satisfy the conditions

of the original grant. Certificate No. 2957 therefore has yet to issue.

II. WITHDRAWAL OF RESTRICTIVE AMENDMENT APPLICATION

The Commission cannot require a person to apply for any specific operating authority, or continue pursuing an application already filed, if the person is under no legal compulsion to furnish the services.¹ There is nothing in the record that would indicate applicant is under any legal compulsion to refrain from operating vehicles seating more than 15 persons each. On the contrary, the record indicates that applicant has entered into a contract with the District of Columbia government to provide services in buses seating more than 15 persons each. Accordingly, the request to withdraw the restrictive amendment application in Case No. AP-2016-224 shall be granted.

III. EXTENSION OF COMPLIANCE DEADLINE IN ORDER NO. 16,615

Order No. 16,615 stipulates that applicant shall have the full 180 days available under Commission Regulation No. 66, or until April 10, 2017, under Rule No. 7-01, to satisfy the conditions of the original grant of authority. Regulation No. 66-01 states: "Except as provided in Regulation No. 66-02, 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." Regulation No. 66-02 states: "Upon timely request for an extension of the 180-day deadline in Regulation No. 66-01, the Commission's Executive Director may grant a maximum extension of 31 days."

The request having been timely filed, an extension of 31 days shall be granted.

THEREFORE, IT IS ORDERED:

1. That the request of applicant to withdraw the restrictive amendment application in Case No. AP-2016-224 is hereby granted.

2. That pursuant to Regulation No. 66-02, an extension of 31 days shall be granted and applicant shall have until May 11, 2017, to satisfy the conditions of the grant stipulated in Order No. 16,615.

FOR THE COMMISSION



William S. Morrow, Jr.
Executive Director

¹ *In re Nike Bogale Lambano, t/a N and E Transp.*, No. AP-15-198, Order No. 15,864 (Sept. 23, 2015).