

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3608

IN THE MATTER OF:

Served February 6, 1991

LANCASTER ENTERPRISES, INC., )  
Trading as DIAL-OF-WHEELS SHUTTLE, )  
Suspension and Investigation of )  
Revocation of Certificate No. 155 )

Case No. MP-90-01

Certificate of Public Convenience and Necessity No. 155 of Lancaster Enterprises, Inc., trading as Dial-of-Wheels Shuttle (Lancaster), was revoked effective December 11, 1990, by action of Order No. 3561, served September 21, 1990.

On December 7, 1990, Lancaster filed a motion requesting an extension of time, which motion was denied by Order No. 3594, served December 21, 1990, which order noted that Certificate No. 155 stood revoked according to the terms of Order No. 3561.

On January 15, 1991, Lancaster filed an application for reconsideration of Order No. 3594. The Compact, Title II, Article XIII, Section 4(a), states in pertinent part:

Any party to a proceeding affected by a final order or decision of the Commission may file within 30 days of its publication a written application requesting Commission reconsideration of the matter involved, and stating specifically the errors claimed as grounds for the reconsideration.

Although the application for reconsideration was filed within 30 days of the issuance of Order No. 3594, the only action taken by that order was to deny a motion for an extension of time. The "final order" of the Commission effecting revocation of Certificate No. 155 was Order No. 3561, served September 21, 1990. An application for reconsideration of that action could only have been filed within 30 days of that date. Accordingly, the application for reconsideration will be dismissed as untimely filed.

Assuming, arguendo, that this application for reconsideration were timely filed, it fails to specify any error, legal or factual, by the Commission based upon the evidence of record before it, including the application for reconsideration and the materials submitted with it. Moreover, after reviewing this case, the Commission finds no legal or factual error.

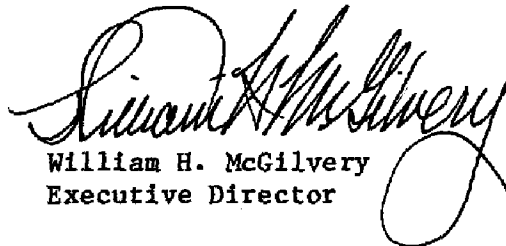


Although Certificate No. 155 stands revoked, the Commission maintains interest in the service Lancaster wants to provide. It appears from Lancaster's submissions that the exact nature of the proposed service may have changed or at least been refined. In addition, Lancaster has apparently changed its idea of the rates at which it wants to provide service. Further, the Commission has recently published new regulations that would eliminate the category of minimum liability insurance into which Lancaster's operations previously fell.

Effective February 1, 1991, the Commission began operating pursuant to amended legislation which changes the market entry standards. Recently, Lancaster was sent the Commission's new rules and regulations and new application form. The Commission encourages Lancaster to file a new application for a certificate and hereby waives any filing fee that would pertain to the next certificate application filed by Lancaster.

THEREFORE, IT IS ORDERED that the application for reconsideration filed by Lancaster Enterprises, Inc., trading as Dial-of-Wheels Shuttle on January 15, 1991, is hereby dismissed.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:

  
William H. McGilvery  
Executive Director

SHANNON, Commissioner, concurring in part.

I agree with the majority that the application for reconsideration must be dismissed. However, I do not concur in the prospective waiver of the filing fee by which the majority seeks to encourage this applicant to file a new application. This entire matter arises over applicant's failure to comply with Commission requirements. Therefore, in my judgement, it is not in order for the Commission to waive its fee requirements on the facts of this case.

