

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8049

IN THE MATTER OF:

Served June 1, 2004

Application of SYDNEY SHUTTLE, )  
LLC, to Acquire Certificate )  
No. 489 from SIDNEY MILES PURNELL, )  
Trading as SYDNEY SHUTTLE )

Case No. AP-2003-95

This matter is before the Commission on applicant's request for reconsideration of the voiding of the transfer of authority conditionally approved in Commission Order No. 7454, served October 7, 2003.

Commission Regulation No. 66 provides that: "The time for compliance with the requirements for a conditional grant of authority will not be extended beyond a maximum of 180 days from the date the conditional grant of authority is issued. Such conditional grant of authority shall be considered void effective on the 181<sup>st</sup> day." As of April 5, 2004, applicant had not fully complied with the condition in Order No. 7454 that applicant file certain documents. Accordingly, the conditional grant became void on April 6, 2004.

Under Article XIII, Section 4(a), a 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 publication of a final decision is normally accomplished by issuing an order, the voiding of a conditional grant occurs automatically by application of Regulation No. 66. There is no tangible utterance other than the rule itself. Deeming publication to occur on the 181<sup>st</sup> day, when an applicant knows or should know that the Commission now considers the conditional grant void, is reasonable under the circumstances.<sup>1</sup>

As of May 6, 2004, applicant had filed the remaining required documents and an application for reconsideration. The application thus is timely,<sup>2</sup> but the application does not allege any error on the part of the Commission. Accordingly, the application is denied.

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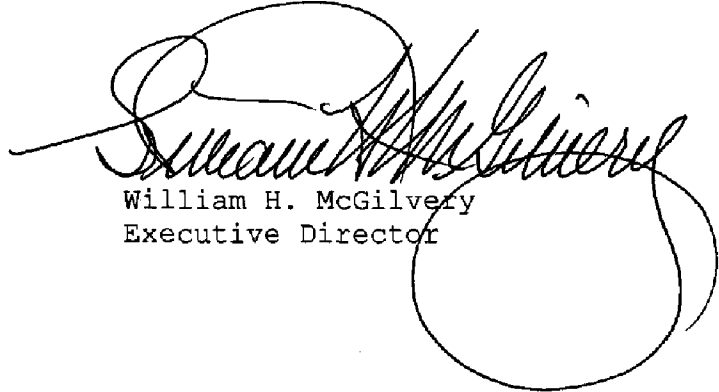
<sup>1</sup> In re Life Stride, Inc., No. AP-02-98, Order No. 7235 (June 11, 2003); In re Boone-McNair Transp., LLC, No. AP-02-66, Order No. 7063 (Mar. 4, 2003).

<sup>2</sup> See In re Worku G. Legesse, t/a Phyladelphia Transport,

However, considering that applicant has fully satisfied the condition of reissuance prescribed in Order No. 7454, we will reopen this proceeding on our own initiative<sup>3</sup> and reissue Certificate of Authority No. 489 to Sydney Shuttle, LLC, 2812 Needlewood Lane, Bowie, MD 20716.<sup>4</sup>

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER, AND MCDONALD:



William H. McGilvery  
Executive Director

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No. MP-03-80, Order No. 7514 (Nov. 5, 2003) (to be considered part of an application for reconsideration supporting documents must be filed within statutory period for filing the application itself).

<sup>3</sup> Commission Rule No. 26-04.

<sup>4</sup> See Order No. 7235 (proceeding reopened to issue certificate of authority); Order No. 7063 (same).