

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9307

IN THE MATTER OF:

Served February 8, 2006

Application of NICK & FRANK STEIN )  
LLC for a Certificate of )  
Authority -- Irregular Route )  
Operations )  
Case No. AP-2004-187

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. 8600, served March 21, 2005.

Order No. 8600 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 conditional grant consequently became void on September 20, 2005. Under Article XIII, Section 4(a), applicant had until October 20 to file an application for reconsideration.<sup>1</sup>

Respondent timely filed an application for reconsideration as of October 12, 2005, but the application does not allege any error on the part of the Commission as required by statute.<sup>2</sup> The application therefore is denied. However, considering that applicant has fully satisfied the conditions of issuance prescribed in Order No. 8600, we will reopen this proceeding on our own initiative<sup>3</sup> and issue Certificate of Authority No. 1044.<sup>4</sup>

THEREFORE, IT IS ORDERED that Certificate of Authority No. 1044 shall be issued to Nick & Frank Stein LLC, 2118 Kearney Street, N.E., Washington, DC 20018.

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



William S. Morrow, Jr.  
Executive Director

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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 181<sup>st</sup> day).

<sup>2</sup> Compact, tit. II, art. XIII, § 4(a).

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

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