

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,035

IN THE MATTER OF:

Served October 27, 2006

Application of UNITED)
TRANSPORTATION, INC., Trading as) Case No. AP-2006-106
U.T.I. MOTOR COACH, for a)
Certificate of Authority --)
Irregular Route Operations)

This matter is before the Commission on applicant's failure to comply with Order No. 9821, served August 11, 2006.

This is applicant's third application. Applicant first applied in October, 2005, but the application was rejected because it was incomplete. Applicant reapplied for operating authority in December, 2005, but the application was dismissed without prejudice for want of prosecution.¹

Notice of this application was served on June 30, 2006, in Order No. 9701. The order directed applicant to publish further notice in a newspaper of general circulation in the Metropolitan District no later than July 14, 2006, and established July 28, 2006, as the deadline for the public to file comments or protests and for applicant to file proof of publication and certain other documents.

On August 9, 2006, applicant filed a request for an extension of the publication deadline. The extension was granted in Order No. 9821, served August 11, 2006. The order directed applicant to publish notice no later than August 25, 2006, and established September 8, 2006, as the deadline for the public to file comments or protests and for applicant to file proof of publication and certain other documents. Applicant did not comply.

Finally, on October 23, 2006, applicant filed an affidavit attesting to publication of notice on July 10, 2006, in accordance with Order No. 9701, rather than Order No. 9821. Once the latter order was issued, however, applicant was obliged to comply with it.² The notice applicant published was defective, in any event, because it specified a protest deadline of July, 20, 2006, instead of July 28, 2006, as specified by Order No. 9701.

Under the Compact, an application to obtain a certificate of authority shall be made in writing, verified, and shall contain the

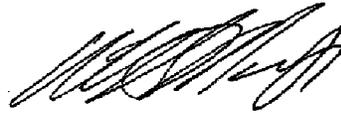
¹ In re United Transp., Inc., No. AP-05-204, Order No. 9389 (Mar. 15, 2006).

² See Commission Rule 7-03 (Commission order effective as of date issued).

information required by the application form and accompanying instructions.³ An applicant may be ordered to publish notice of the application in a newspaper of general circulation in the Metropolitan District⁴ and furnish any supplemental information necessary for a full and fair examination of the application.⁵ Failure to comply with the Commission's application requirements warrants dismissal.⁶

THEREFORE, IT IS ORDERED: that the application of United Transportation, Inc., trading as U.T.I. Motor Coach, is hereby dismissed without prejudice for want of prosecution.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director

³ Compact, tit. II, art. XI, § 8; Regulation No. 54-02.

⁴ Regulation No. 6-03; see also Commission Rule No. 54-03 (cost of publishing notice shall be borne by applicant).

⁵ Regulation No. 54-04(c).

⁶ *In re One, LLC, t/a Bon Voyage*, No. AP-04-103, Order No. 8212 (Aug. 5, 2004).