

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,679

IN THE MATTER OF:

Served November 12, 2008

Application of BARNEY NEIGHBORHOOD)
HOUSE AND SOCIAL AND INDUSTRIAL)
SETTLEMENT, Trading as BARNEY)
NEIGHBORHOOD HOUSE, for a)
Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2008-151

Application of BARNEY NEIGHBORHOOD
HOUSE AND SOCIAL AND INDUSTRIAL
SETTLEMENT, Trading as BARNEY
NEIGHBORHOOD HOUSE, for Temporary
Authority -- Irregular Route
Operations

Case No. AP-2008-152

By request filed October 29, 2008, applicant seeks Commission approval to withdraw the above-captioned applications.

"The Commission cannot require one to apply for any specific operating authority, or to continue to pursue an application already filed, if [it] is under no legal compulsion to furnish the services.¹ Accordingly, the request to withdraw shall be granted.

Applicant also requests a refund of the \$375 in application fees it paid to initiate these proceedings. Regulation No. 67-01 specifies that a \$250 fee be paid at the time of filing an application to obtain a certificate of authority and a \$125 fee be paid at the time of filing an application for temporary authority. Regulation No. 67-01 further provides that: "In the case of a rejected filing, the Commission shall return half of the fee paid./I There is no other basis in Regulation No. 67-01 for refunding application fees.

Inasmuch as these applications were not rejected and there was no basis on the face of the applications for rejecting them, the request for refund shall be denied.²

¹ *In re Malek Investment of Virginia, Inc., tla Montgomery Airport Shuttle, No. AP-99-11. Order No. 5706 (Sept. 22 1999) (rrllnt.;nrr..... Mnnrrrrmpyv th's=>Y'reY' Serv. v. WMATC, 302 F.2d 906 (D.C. Cir. 1962)).*

² *See In re Napoleon Woldeyohannes, tla Napoleon Transp. Serv., AP-08-002, Order No. 11,241 (Mar. 31, 2008) (same).*

THEREFORE, IT IS ORDERED:

1. That applicant's request to withdraw its applications for temporary authority and a certificate of authority is hereby granted.

2. That applicant's request for a refund of application fees is denied.

BY DIRECTION OF THE COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director