

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,080

IN THE MATTER OF:

Served July 9, 2009

Application of AMERICAN SEDAN INC.) Case No. AP-2009-051
for a Certificate of Authority --)
Irregular Route Operations)

By letter dated May 7, 2009, applicant was directed to publish notice of this application in a newspaper of general circulation in the Metropolitan District no later than May 21, 2009, and file an affidavit of publication and certain other documents no later than June 4, 2009.

On May 27, 2009, applicant filed an affidavit attesting to publication of notice on May 15, 2009, but the notice did not match the form prescribed by the Commission. The notice published by applicant was defective because it did not contain information identifying this Commission as the agency before which this application was pending or specify the deadline for filing protests.

After being apprised of the defective notice, applicant requested an extension of the publication deadline, which the Commission granted by letter dated June 5, 2009. The letter directed applicant to publish an enclosed public notice no later than June 19, 2009, and file an affidavit of publication and a statement regarding common control relationships with existing WMATC carriers no later than July 3, 2009. The letter stated that no further extensions would be granted.

To provide adequate time for the public to comment on the application, the Commission also extended the deadline for public comments and protests to July 3, 2009, and posted notice of the extended protest period in its office.

On July 2, 2009, applicant filed an affidavit attesting to publication of notice on June 12, 2009, but the published notice did not match the prescribed notice enclosed with the Commission's June 5 letter. Applicant's notice specified a protest deadline of June 19, instead of July 3, 2009. Once a protest deadline has been extended, only a published notice specifying the extended date constitutes adequate notice.¹ Furthermore, applicant did not adequately address

¹ *In re K & C Medical Transportation, Inc.*, No. AP-08-153, Order No. 11,779 (Dec. 31, 2008); *In re U'nique Limousine and Transportation Services, L.L.C.*, No. AP-08-020, Order No. 11,307 (Apr. 24, 2008).

whether it has a control relationship with any existing WMATC carriers.

Under the Compact, an application to obtain a certificate of authority shall be made in writing, verified, and shall contain the information required by the application form and accompanying instructions.² An applicant may be required to publish notice of the application in a newspaper of general circulation in the Metropolitan District and furnish any supplemental information necessary for a full and fair examination of the application.³ Failure to comply with the Commission's application requirements warrants dismissal.⁴

THEREFORE, IT IS ORDERED: that the application of American Sedan Inc. for a certificate of authority is hereby dismissed without prejudice for want of prosecution.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director

² Compact, tit. II, art. XI, § 8; Regulation No. 54-02.

³ Regulation No. 54-04(b).

⁴ *In re One, LLC, t/a Bon Voyage*, No. AP-04-103, Order No. 8212 (Aug. 5, 2004).