

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,822

IN THE MATTER OF:

Served April 22, 2011

Application of ELLEN PROLIFIC )  
TRANSPORTS INC. for a Certificate )  
of Authority -- Irregular Route )  
Operations )

Case No. AP-2011-029

By letter dated March 3, 2011, applicant was notified of acceptance of its application for a certificate of authority and given 14 days to file certain documents, including the following statement addressing issues surrounding the termination of WMATC operating authority once held by Becton's Elite Getaway, Inc., (BEG), a carrier controlled by applicant's president at the time BEG's WMATC Certificate No. 760 was terminated:

a statement explaining why approving this application would be consistent with the public interest even though BEG has not: (1) paid the \$50 late fee; (2) surrendered Certificate No. 760 and filed an affidavit verifying removal of BEG vehicle markings as directed by Order No. 11,228, served March 24, 2008; and (3) filed an affidavit in accordance with Commission Rule No. 28 verifying BEG's timely cessation of operations as of the date Certificate No. 760 was last suspended.

The letter cautioned applicant that failure to address these issues would result in delay or dismissal of the application.

On March 16, applicant paid the \$50 late fee and filed a statement addressing the removal of vehicle markings and whereabouts of Certificate No. 760, but applicant filed no statement addressing cessation of operations as of the date Certificate No. 760 was last suspended.

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.<sup>1</sup> 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

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<sup>1</sup> Compact, tit. II, art. XI, § 8; Regulation No. 54-02.

and fair examination of the application.<sup>2</sup> Failure to comply with the Commission's application requirements warrants dismissal.<sup>3</sup>

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

FOR THE COMMISSION:



William S. Morrow, Jr.  
Executive Director

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<sup>2</sup> Regulation No. 54-04(b).

<sup>3</sup> *In re One, LLC, t/a Bon Voyage*, No. AP-04-103, Order No. 8212 (Aug. 5, 2004).