

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,607

IN THE MATTER OF:

Served November 29, 2012

Application of NAM JO LIMOUSINE,)
INC., for a Certificate of) Case No. AP-2012-219
Authority -- Irregular Route)
Operations)

The application of Nam Jo Limousine, Inc., for a certificate of authority was conditionally approved on October 5, 2012, in Order No. 13,515. Approval was conditioned on applicant passing a vehicle inspection and filing certain documents on or before April 3, 2013. Applicant has yet to satisfy these conditions. On November 8, 2012, applicant filed a request to withdraw the application and a request for refund of the \$250 application fee paid September 17, 2012.

"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 \$250 application fee 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. Regulation No. 67-01 further provides that: "[i]n the case of a rejected filing, the Commission shall return half of the fee paid." There is no other basis in Regulation No. 67-01 for refunding application fees.

Inasmuch as this application was not rejected - indeed, it was conditionally approved - the request for refund shall be denied.²

THEREFORE, IT IS ORDERED:

1. That the request of Nam Jo Limousine, Inc., to withdraw its application for a certificate of authority is hereby granted.

¹ *In re Malek Inv. of Va., Inc., t/a Montgomery Airport Shuttle*, No. AP-99-11, Order No. 5706 (Sept. 22, 1999) (quoting *Montgomery Charter Serv. v. WMATC*, 302 F.2d 906 (D.C. Cir. 1962)).

² See *In re Barney Neighborhood House and Social and Indus. Settlement, t/a Barney Neighborhood House*, No. AP-08-151, Order No. 11,679 (Nov. 12, 2008) (same); *In re Napoleon Woldeyohannes, t/a Napoleon Transp. Serv.*, AP-08-002, Order No. 11,241 (Mar. 31, 2008) (same).

2. That the request of Nam Jo Limousine, Inc., for a refund of the \$250 application fee paid in this proceeding is denied.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER, HOLCOMB, AND BELLAMY:

A handwritten signature in black ink, appearing to read 'W. S. Morrow, Jr.', written in a cursive style.

William S. Morrow, Jr.
Executive Director