

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8251

IN THE MATTER OF:

Served August 26, 2004

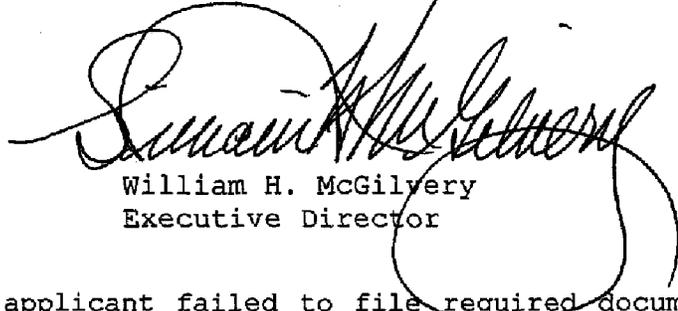
Application of ELLERBE GROUP ) Case No. AP-2004-109  
CORPORATION, Trading as ELLERBE )  
TRANSPORTATION SERVICE, for a )  
Certificate of Authority -- )  
Irregular Route Operations )

Notice of this application was served on June 21, 2004, in Order No. 8121, and applicant was directed to publish further notice in a newspaper of general circulation in the Metropolitan District no later than July 6, 2004, and to file proof of publication no later than July 20, 2004. The application was dismissed in Order No. 8213 when applicant filed its affidavit of publication after the deadline.<sup>1</sup> Applicant now requests that the Commission accept the late-filed affidavit by extending the filing deadline to and including July 27, 2004, the date the affidavit was filed.

Inasmuch as the dismissal order incorrectly stated that no proof of publication had been filed as of August 5, 2004, and considering that notice of this application was timely published in a newspaper of general circulation in the Metropolitan District and that the application is unopposed, for good cause shown, the proof of publication filing deadline shall be extended to July 27, 2004, pursuant to Commission Rule No. 7-05, and this proceeding shall be reopened pursuant to Commission Rule No. 26.

IT IS ORDERED.

FOR THE COMMISSION:



William H. McGilvery  
Executive Director

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<sup>1</sup> This is the second time applicant failed to file required documents in a timely manner. The first occurred in connection with applicant's first application for a certificate of authority, which was conditionally approved but subsequently denied when applicant failed to file the required fitness documents. See In re Ellerbe Group Corp., t/a Ellerbe Corp. Transp. Serv., No. AP-96-56, Order No. 4968 (Nov. 14, 1996) (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66 (failure to comply with conditions of grant within 180 days voids approval).