

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9603

IN THE MATTER OF:

Served June 2, 2006

Application of AVERY TRANSPORTATION, )  
LLC, for a Certificate of Authority )  
-- Irregular Route Operations )

Case No. AP-2006-100

By application accepted for filing May 31, 2006, Avery Transportation, LLC, a District of Columbia entity, seeks a certificate of authority for irregular route operations in vehicles with a seating capacity of less than 16 persons only, including the driver.

Applicant was granted operating authority last year, but the issuance of a certificate of authority was expressly made contingent on applicant filing additional documents.<sup>1</sup> Applicant failed to file the necessary documents in a timely manner, thereby voiding the Commission's approval.<sup>2</sup>

Applicant proposes commencing operations with one van. Applicant proposes operating under a tariff containing rates for transportation under the District of Columbia Medicaid program.

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than June 16, 2006, notice in the form prescribed by the staff of the Commission.

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<sup>1</sup> See *In re Avery Transportation, LLC*, No. AP-05-087, Order No. 8967 (Sep. 7, 2005) (conditionally granting Certificate No. 1111).

<sup>2</sup> See *id.* (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).

2. That applicant shall file with the Commission, no later than June 30, 2006, an affidavit that notice has been published as required in the preceding paragraph.

3. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing is June 30, 2006, and that copies must be served on applicant's secretary, Corlie Avery, 1631 A Street, S.E., Washington, DC 20019.

FOR THE COMMISSION:

A handwritten signature in cursive script, appearing to read "Jeff M. Lehmann".

Jeffrey M. Lehmann  
Acting Executive Director