

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,078

IN THE MATTER OF:

Served January 14, 2008

Application of CANNANLAND)	Case No. AP-2007-185
TRANSPORTATION INC. for a)	
Certificate of Authority --)	
Irregular Route Operations)	

By letter dated October 10, 2007, applicant was directed to publish notice of this application in a newspaper of general circulation in the Metropolitan District no later than October 24, 2007, and file an affidavit of publication and certain other documents no later than November 7, 2007.

On November 8, 2007, applicant filed a request for an extension of these deadlines. The Commission granted applicant's request by letter dated November 16, 2007. The letter directed applicant to publish an enclosed public notice no later than November 30, 2007, and file an affidavit of publication and certain other documents no later than December 14, 2007. 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 of this application to December 14, 2007, and posted notice of the extended protest period on its website and in its office.

On November 19, 2007, applicant filed an affidavit attesting to publication of notice on November 3, 2007, but the notice specified a protest deadline of November 7, 2007, instead of December 14, 2007. Once the protest deadline was extended, however, only a published notice specifying the extended date comprises adequate notice.¹ The notice applicant published was defective, in any event, because it did not comply with either the Commission's letters of October 10th or November 16th.²

Furthermore, applicant has yet to produce certain other documents requested by the Commission, including a statement regarding

¹ Cf. *In re United Transportation, Inc., t/a U.T.I. Motor Coach*, No. AP-06-106, Order No. 10,035 (Oct. 27, 2006) (Once new protest deadline was established by Commission, applicant's published notice must state the extended deadline).

² See Commission Regulation No. 54-04(b) (The Commission "may require applicant to publish further notice in a newspaper of general circulation in the Metropolitan District . . .")

control relationships with other WMATC carriers, evidence of other state and federal operating authority, and a statement designating an agent for service of process in accordance with the application form and Commission Rule No. 5-04.

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.³ 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.⁴ Failure to comply with the Commission's application requirements warrants dismissal.⁵

THEREFORE, IT IS ORDERED: that the application of Cannanland Transportation Inc. is hereby dismissed without prejudice for want of prosecution.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director

³ Compact, tit. II, art. XI, § 8; Regulation No. 54-02.

⁴ Regulation No. 54-04(b).

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