

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,779

IN THE MATTER OF:

Served December 31, 2008

Application of K & C MEDICAL )  
TRANSPORTATION, INC., for a )  
Certificate of Authority -- )  
Irregular Route Operations )

Case No. AP-2008-153

By letter dated October 6, 2008, applicant was directed to publish notice of this application in a newspaper of general circulation in the Metropolitan District no later than October 20, 2008, and file an affidavit of publication and current certificate of good standing no later than the November 3, 2008, protest deadline.

On November 4, 2008, applicant filed a current certificate of good standing and filed an affidavit attesting to publication of notice on October 25, 2008. Because the notice was not timely published, the Commission granted applicant an extension of the publication deadline by letter dated December 2, 2008. The letter directed applicant to publish an enclosed public notice no later than December 16, 2008, and file an affidavit of publication no later than December 30, 2008. 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 to December 30, 2008, and posted notice of the extended protest period in its office.

On December 29, 2008, applicant filed an affidavit attesting to publication of notice on December 13, 2008, but the notice specified a protest deadline of November 3, instead of December 30, 2008. Once a protest deadline has been extended, only a published notice specifying the extended date constitutes adequate notice.<sup>1</sup>

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>2</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> *In re U'nique Limousine and Transportation Services, L.L.C.*, No. AP-08-020, Order No. 11,307 (Apr. 24, 2008).

<sup>2</sup> Compact, tit. II, art. XI, § 8; Regulation No. 54-02.

and fair examination of the application.<sup>3</sup> Failure to comply with the Commission's application requirements warrants dismissal.<sup>4</sup>

Because applicant failed to publish the correct protest deadline, the application shall be dismissed.

THEREFORE, IT IS ORDERED: that the application of K & C Medical Transportation, 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>3</sup> Regulation No. 54-04(b).

<sup>4</sup> *In re One, LLC, t/a Bon Voyage*, No. AP-04-103, Order No. 8212 (Aug. 5, 2004).