

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7352

IN THE MATTER OF:

Served August 13, 2003

Application of EMTUB TRANSPORT)
L.L.C. for a Certificate of)
Authority -- Irregular Route)
Operations)

Case No. AP-2003-32

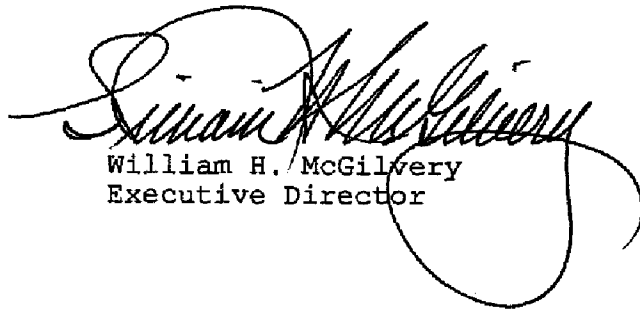
This application was conditionally granted in Order No. 7242, served June 16, 2003, subject to the requirement that applicant file certain documents within thirty days. The order provided that the application would stand denied upon applicant's failure to timely file the necessary documents. On August 11, 2003, applicant filed a request to withdraw the application.

"The Commission cannot require one to apply for any specific operating authority, or to continue to pursue an application already filed, if he is under no legal compulsion to furnish the services."¹ Applicant is under no legal compulsion to furnish services requiring a certificate of authority. Therefore, the motion shall be granted.

THEREFORE, IT IS ORDERED:

1. That by operation of Order No. 7242, the application stands denied.
2. That in accordance with applicant's request, this proceeding is terminated.

FOR THE COMMISSION:



William H. McGilvery
Executive Director

¹ Montgomery Charter Serv. v. WMATC, 302 F.2d 906 (D.C. Cir. 1962).