

ADMINISTRATIVE PROCEEDING
FILE NO. 3-12380

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
August 11, 2006

In the Matter of	:	
	:	
DIGITAL TRANSMISSION SYSTEMS, INC.,	:	
MICROBEST, INC.,	:	ORDER POSTPONING HEARING
MIDWAY AIRLINES CORP.,	:	AND SCHEDULING PREHEARING
NEOMETRIX TECHNOLOGY	:	CONFERENCE
GROUP, INC., and	:	
WESTERN PACIFIC AIRLINES, INC.	:	

The Securities and Exchange Commission (Commission) initiated this proceeding on July 26, 2006, with an Order Instituting Proceedings (OIP) pursuant to Section 12(j) of the Securities Exchange Act of 1934. A hearing is scheduled for August 14, 2006. On August 8, 2006, the Division of Enforcement (Division) filed motions requesting postponement of the hearing date, scheduling of a prehearing conference, orders of default, and leave to file motions for summary disposition. The Division asserts that all Respondents were served with the OIP on July 28, 2006, pursuant to Rule 141(a)(2)(ii) of the Commission's Rules of Practice. To date, only Respondent Neometrix Technology Group, Inc. (Neometrix), has filed an Answer.

The Commission recently revised Rule 141(a)(2)(ii) to provide that corporations or entities that are issuers of securities registered with the Commission may be served with the OIP by sending a copy of the order addressed to the most recent address shown on the entity's most recent filing with the Commission by U.S. Postal Service certified, registered, or Express Mail and obtaining confirmation of attempted delivery. The new rule was designed specifically with Section 12(j) proceedings in mind as the Commission's staff was finding it nearly impossible to locate and serve various persons associated with respondents who were severely delinquent in filing their periodic reports. Exchange Act Release No. 52846.

In the instant case, the Division asserts that the proper date of service of the OIP was July 28, 2006, the date it first attempted service by U.S. Postal Service on each of the Respondents. However, in contrast to instances where respondents cannot be found and the OIP is returned undeliverable, actual delivery of the OIP was accomplished on all of the Respondents. With the Rule silent on which date to use, I will use the actual date Respondents received the OIP as the proper date for service. Pursuant to the Division's computation, the Respondents' time period in which to file Answers, an already abbreviated time of ten days, would be unfairly compressed further, in one instance, by five days.

Based on the Division's declaration regarding service, dated August 4, 2006, the OIP was served on Digital Transmission Systems, Inc., Microbest, Inc., Midway Airlines Corp., Neometrix, and Western Pacific Airlines, Inc., on August 2, July 31, July 31, July 28, and July 31, 2006, respectively. The Division's motions for default are DENIED for being premature. The Division may renew its motions for default at a later date.

Pursuant to 17 C.F.R § 201.161, the hearing is hereby postponed and a telephonic prehearing conference is scheduled for Monday, August 21, 2006, 10:00 a.m. EDT. At the prehearing conference, a new hearing date will be set and the issue of service of the OIP on all Respondents will be discussed. The Division's motion for leave to file motions for summary disposition is DENIED, pursuant to Rule 250 of the Commission's Rules of Practice.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Lillian A. McEwen". The signature is written in a cursive style with a large, looping initial "L".

Lillian A. McEwen
Administrative Law Judge