

BEFORE THE
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 148

Served May 2, 1962

IN THE MATTER OF:

Application of Montgomery Charter)
Service, Inc., for a Certificate)
of Public Convenience and)
Necessity.)

Application No. 172

Montgomery Charter Service, Inc., filed an application for a certificate of public convenience and necessity to authorize transportation of passengers in charter, sightseeing, contract, and airport terminal operations within the Metropolitan District, limited, however, to transportation of not more than eight (8) passengers in any one vehicle, excluding the driver or children under ten (10) years of age.

The Applicant then filed a motion to dismiss the application on the basis that the Commission had jurisdiction over this type of transportation only as to the rates and minimum amounts of liability insurance, and thus had no jurisdiction to require or issue a certificate of operating authority for this type of transportation.

By Order No. 107, served December 4, 1961, the Commission denied the motion to dismiss and at the same time, ordered the Applicant to cease and desist from transporting passengers in charter, sightseeing, contract, and airport terminal operations until it had received appropriate authority from the Commission.

The Applicant filed a petition for reconsideration and this in turn was denied. Thereupon, the Applicant filed a petition before the United States Court of Appeals for the District of Columbia Circuit. The Court assigned this matter No. 16798.

The Court, in a decision handed down on April 27, 1962, set aside Order No. 107 and remanded the case to the Commission to dismiss the application.

THEREFORE, IT IS ORDERED that the application of Montgomery Charter Service, Inc., for a certificate of public convenience and necessity be, and it is, hereby dismissed.

FOR THE COMMISSION:



DELMER ISON
Executive Director