

BEFORE THE
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 322

IN THE MATTER OF:

Served October 22, 1963

Application of Dawson Charter Service,)
Inc., for a Certificate of Public)
Convenience and Necessity (grandfather))

Application No. 259

On September 4, 1963, the Dawson Charter Service, Inc., filed a "grandfather" application for a certificate of public convenience and necessity to authorize it to transport passengers and their baggage in charter operations in the same vehicle between all points and places in that portion of the Washington Metropolitan Area Transit District located in Prince Georges and Montgomery Counties, Maryland, as defined by the Washington Metropolitan Area Transit Regulation Compact ("Compact").

The Compact was adopted on December 22, 1960. Article VII, provides, in part, "This Compact shall become effective ninety (90) days after its adoption...." Thus, the Compact became effective March 22, 1961.

The applicant seeks a certificate "to continue operations authorized by the State of Maryland prior to the enactment of the Compact." The provision of the Compact which provides for the issuance of a certificate authorizing transportation performed

prior to the effective date of the Compact is Section 4(a). This section provides that:

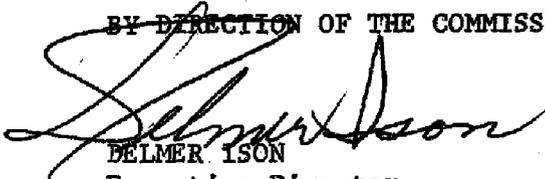
"...no person shall engage in transportation subject to this Act unless there is in force a certificate of public convenience and necessity issued by the Commission authorizing such person to engage in such transportation provided, however, that if any person was bona fide engaged in transportation subject to this Act on the effective date of this Act, the Commission shall issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the Commission within ninety (90) days after the effective date of this Act. Pending the determination of any such application, the continuance of such operation shall be lawful."

The ninety day period expired on June 20, 1961. Thus, this application is filed more than two years after the cut-off date stated in Section 4(a).

It is the opinion of the Commission that the time in which to file a "grandfather" application has passed and that the Commission does not have the discretion to waive the statutory requirement. The Commission concludes that this application must be dismissed.

THEREFORE, IT IS ORDERED that the application of Dawson Charter Service, Inc., be, and it is hereby, dismissed.

BY DIRECTION OF THE COMMISSION:


DELMER ISON
Executive Director