

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 550

IN THE MATTER OF:

Served November 26, 1965

Application of Ernest Keller, Jr., )  
Waldorf, Maryland, for a Certificate )  
of Public Convenience and Necessity )

Application No. 339

Docket No. 99

**APPEARANCES:**

FRANCIS ORTMAN, Attorney for Applicant, Ernest Keller, Jr.

DAVID C. VENABLE, Attorney for Protestant, Atwood's Transport Lines, Inc.

ROBERT T. MITCHELL, JR., Attorney for Protestants, A.B.&W. Transit Company, The Gray Line, Inc., and Dawson Charter Service, Inc.

Ernest Keller, Jr., Waldorf, Maryland, filed an application for a certificate of public convenience and necessity to authorize irregular route, round trip charter operations, from points in Prince Georges County, Maryland, located in that area bound on the south by the Charles County-Prince Georges County Line, on the west by that portion of U. S. Highway 301 between said Line and junction Maryland Highway 382, on the north by Maryland Highway 382 and an unnumbered county road southeast of Croom Station, and on the east by the Patuxent River, to Montgomery and Prince Georges County, Maryland, and that portion of Virginia located within the Metropolitan District, and return.

Notice of the application and hearing ordered thereon for September 13, 1965, was published in compliance with Commission instruction. Protests to the application were filed by WMA Transit Company, Atwood's Transport Lines, Inc., A. B. & W. Transit Company, and The Gray Lines, Inc. At the hearing, all the protestants were present except WMA Transit Company. Before any evidence was adduced at the hearing, protestants A. B. & W. and The Gray Line withdrew their protests. At the conclusion of applicant's testimony, Atwood's Transport Lines, Inc., withdrew its opposition to the application.

Five witnesses, including the applicant, testified in favor of the application, and four exhibits were presented by the applicant.

Mr. Keller presented testimony relating to the scope of the proposed operations, indicating that the transportation would be irregular route, unscheduled, on-call charter operations confined to a source of origin as described in the application and from that area of origin to all other points and places in the Metropolitan District; that the authority sought would complement authority previously received from the Interstate Commerce Commission; that he has 11 vehicles available to render the proposed transportation; that he has competent drivers available to drive the vehicles; and that his insurance satisfies the Commission's minimum requirements. The other four witnesses appeared as representatives of various organizations located within the originating territory. They testified that there was a need for the proposed service; that they knew of no other similar service to be available, that they had previously used the applicant's service and found it to be excellent, trust-worthy, and dependable; that it was performed in clean and mechanically safe equipment, which was driven by well qualified and courteous drivers.

The Commission is of the opinion and finds that the proposed transportation is and will be required by the public convenience and necessity; that the applicant is fit, willing, and able to perform such transportation properly and that he will comply with the provisions of the Compact, and the rules, regulations, and requirements of the Commission promulgated thereunder; and that a certificate of public convenience and necessity should be issued unto the applicant, granting the authority requested.

On September 21, 1965, WMA Transit Company filed a petition to re-open the proceeding, in order to cross-examine applicant's witnesses and present its own evidence, for the reasons stated therein. Good cause not existing, the petition should be denied.

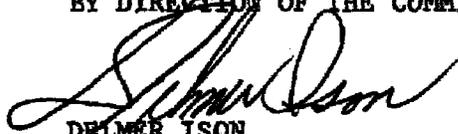
**THEREFORE, IT IS ORDERED:**

1. That the application of Ernest Keller, Jr. for a certificate of public convenience and necessity be, and it is hereby, granted.
2. That upon compliance by the applicant with all requirements of the Commission, including, but not limited to, insurance, tariffs, and safety, within thirty (30) days after the effective date of this order, a certificate of public convenience and necessity be issued authorizing the transportation as herein above described.
3. That unless compliance with the above paragraph is made by the applicant within the time prescribed therein, the grant of authority made herein should be considered null and void and the application denied in its entirety, effective upon the expiration of the said compliance time.

4. That the petition of WMA Transit Company to re-open the proceeding be, and it is hereby, denied.

5. That this order become effective thrity (30) days after the date of issuance hereof.

BY DIRECTION OF THE COMMISSION

A handwritten signature in cursive script, appearing to read "Delmer Ison", written over the typed name.

DELMER ISON  
Executive Director