

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1045

IN THE MATTER OF:

Served June 5, 1970

Application of The Gray Line,)
Inc., to Acquire the Certificate)
of Public Convenience and Neces-)
sity of Washington Sightseeing)
Tours, Inc.)

Application No. 632

Application of The Gray Line,)
Inc., for Temporary Authority)
to Operate the Certificate of)
Public Convenience and Neces-)
sity of Washington Sightseeing)
Tours, Inc.)

Application No. 633

Docket No. 219

By Application No. 632, submitted May 28, 1970, The Gray Line, Inc., (Gray Line) seeks authority to purchase from Washington Sightseeing Tours, Inc. (WST) Washington Metropolitan Area Transit Commission Certificate of Public Convenience and Necessity No. 3. Gray Line simultaneously filed Application No. 633 requesting temporary authority to operate WST under Certificate No. 3 pending determination of its application for authority to purchase.

Article XII, Section 12(b) of the Washington Metropolitan Area Transit Regulation Compact provides that a hearing be held on all applications to acquire control of a certificated carrier, and we therefore shall set Application No. 632 for hearing on June 19, 1970.

Application No. 633 seeks temporary authority under subsection (d) of Article XII, Section 12, which enables us to grant such authority:

"if it shall appear that failure to grant such temporary approval may result in destruction of, or injury to such

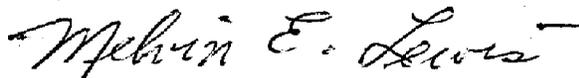
carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public."

In support of their petition for temporary authority, Gray Line has offered eleven arguments, all of which have bearing to some extent of the propriety of the proposed purchase, but none of which, even when considered cumulatively, meet the above-quoted statutory standard. Gray Line has not shown that injury to carrier properties, or substantial diminution of service to the public will result in the absence of the temporary authority sought.

THEREFORE, IT IS ORDERED:

1. That Application No. 633 be, and it is hereby, denied.
2. That Application No. 632 be, and it is hereby, set for public hearing on Friday, June 19, 1970, at 10:00 a.m. in the hearing room of the Commission, 1625 I Street, N. W., Room 314, Washington, D. C.
3. That applicant, The Gray Line, Inc., shall publish notice of the hearing in a newspaper of general circulation in the Metropolitan area, at least once, ten (10) days prior to said hearing.
4. That interested persons desiring to be heard shall so notify the Commission, in writing, with a copy to applicant's attorney of record, S. Harrison Kahn, Esquire, 1511 K Street, N. W., Washington, D. C. on or before June 18, 1970.

BY DIRECTION OF THE COMMISSION:



MELVIN E. LEWIS
Executive Director