

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1174

IN THE MATTER OF:

Served October 29, 1971

Montgomery Charter Service, Inc.,)
Compliance with Certificate of) Docket No. 235
Public Convenience and Necessity)
No. 13.)

Order No. 383, served September 11, 1964, granted Montgomery Charter Service, Inc., Certificate of Public Convenience and Necessity No. 13, authorizing irregular route, scheduled or non-scheduled special operations. The certificate was granted on the condition that the holder provide reasonable, continuous and adequate service to the public. The certificate further provided that failure to so operate would constitute sufficient grounds for revocation.

Compact Article XII, Section 4(g) provides that a certificate, on the Commission's own initiative, after notice and hearing, may be revoked if the holder wilfully fails to comply with any condition of its certificate. Section 4(g) further provides that no certificate shall be revoked unless the holder thereof wilfully fails to comply within a reasonable time, not less than thirty (30) days, to be fixed by the Commission, with a lawful order of the Commission commanding obedience to the condition found by the Commission to have been violated by the holder.

Investigation by the Commission staff has shown that Montgomery Charter Service has ceased to perform any operations under the authority of Certificate No. 13. Thus, they have not complied with the condition of this certificate requiring the provision of reasonable, continuous and adequate service to the public. Subsequent efforts by the staff have failed to locate a responsible official of the company or a successor who could state whether operations pursuant to that certificate are planned for the foreseeable future.

Having found Montgomery Charter Service, Inc. in violation of the condition of its certificate to provide reasonable, continuous and adequate service to the public, we are hereby ordering it to comply with said condition by December 3, 1971. Notice of such compliance, as required by Commission Rule 29, shall be submitted to the Commission on or before December 10, 1971. Moreover, we are scheduling a public hearing to examine what actions, if any, Montgomery Charter Service, Inc. has taken in response to our order commanding them to comply with the condition of its certificate and to decide whether, in view of the evidence presented, its certificate should be revoked.

THEREFORE, IT IS ORDERED:

1. That Montgomery Charter Service, Inc., be, and it hereby is, ordered to comply, by December 3, 1971, with the condition of Certificate of Public Convenience and Necessity No. 13 requiring reasonable, continuous and adequate service to the public in pursuance of the authority granted it to conduct irregular route, scheduled or non-scheduled special operations. Notice of such compliance shall be submitted to the Commission on or before December 10, 1971.

2. That a public hearing be, and it hereby is, set to determine whether Certificate of Public Convenience and Necessity No. 13 should be revoked, to be held Tuesday, December 21, 1971, at 10:00 A. M., in the Hearing Room of the Commission, Room 314, 1625 Eye Street, N. W., Washington, D. C. 20006.

BY DIRECTION OF THE COMMISSION:


DOUGLAS N. SCHNEIDER, JR.
Executive Director