

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1187

IN THE MATTER OF:

Served December 14, 1971

Application of Washington,)
Virginia and Maryland Coach)
Company, Inc., for Authority)
to Discontinue Regular Route)
Bus Service on Routes 1, 2,)
3, 4, 5, 8 and 10 on Week-)
days After 8:00 P. M., and)
All Service All Day Saturday)
and All Day Sunday.)

Application No. 731

Docket No. 238

Order No. 1180, issued November 19, 1971, suspended the effective date of schedule changes proposed in Application No. 731 by Washington, Virginia and Maryland Coach Company, Inc. (W. V. & M.) The application was set for formal public hearing commencing on December 20, 1971, with an informal evening hearing set for December 22, 1971.

On December 1, 1971, Donald J. Shaw, Jr., appearing pro se, as a protestant to W. V. & M.'s application, moved for continuance and postponement of the hearing dates, which motion was denied by Order No. 1184, served December 2, 1971. Mr. Shaw has moved for reconsideration of Order No. 1184. After careful re-evaluation of Mr. Shaw's motion for continuance in light of all the arguments presented, we believe that his motion for reconsideration should be denied.

Some of the arguments advanced in the motion for reconsideration were fully discussed in Order No. 1184 denying Shaw's motion for continuance, and we are not persuaded that we should change our views on these matters.

The only new matter Shaw raises on reconsideration is that he did not receive notice of Order No. 1180 setting the hearing dates until December 1, 1971, nineteen days prior to the hearing, and that the Commission's Rule 6-01 states that the Commission will give twenty-five (25) days notice of hearings to parties. He argues that had he been so informed, he would have promptly

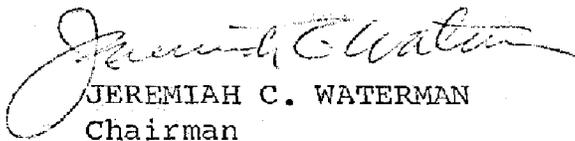
filed his motion for continuance and then it would have been relatively convenient for the Commission to reschedule the hearing. As we pointed out in our order denying his motion for continuance, an extremely crowded hearing calendar restricted the number of hearing dates available to the Commission. Even had Shaw's request for continuance been filed at an earlier date, we would still have been unable to set appropriate hearing dates convenient for him.

Although we are denying his motion for reconsideration, Shaw will not be precluded from participating in this proceeding. The December 20 hearing shall be for the presentation of the company's case and the cross-examination of its witnesses by the other formal parties. In order that Shaw will not be prejudiced by his absence from this hearing, we will permit him to prepare and submit to us written cross-examination of the company's witnesses to be posed to the company during the December 20 hearing. Further, we have established a procedure whereby additional hearing dates will be set for the presentation of the cases of the Commission staff and other formal parties, including Shaw, if he so desires.

THEREFORE, IT IS ORDERED:

1. That the Donald J. Shaw, Jr., motion for reconsideration filed December 7, 1971, be, and it is hereby, denied.
2. That written cross-examination received from protestant Shaw on or before 10:00 A. M., December 20, 1971, shall be accepted and posed to designated witnesses of applicant.

BY DIRECTION OF THE COMMISSION:


JEREMIAH C. WATERMAN
Chairman