

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1284

IN THE MATTER OF:

Application of Washington, Vir-	Served: November 16, 1973
ginia and Maryland Coach Com-	
pany, Inc. to Amend Its Certi-	Application No. 808
ificate of Public Convenience )	
and Necessity No. 4-A )	Docket No. 251

On November 14, 1973, The Gray Line, Inc. (petitioner) by counsel, filed a petition for reconsideration of our Order No. 1283, served November 8, 1973, which denied petitioner's motion for leave to intervene in the continued hearing in the subject proceeding. We have determined that it is not necessary to await a reply to the petition for reconsideration. See Rule of Practice and Procedure 28-04.

Petitioner's basis for seeking reconsideration of our prior order is that it has a material and pertinent interest in the disposition of the subject application, and in fact, has been a party therein, and in Docket No. 175-R, i.e., D. C. Transit System, Inc. v. Washington Metropolitan Area Transit Commission, remanded by the U. S. Court of Appeals for the District of Columbia in 429 F.2d 197 (D. C. Cir. 1970), for further consideration by us. Counsel asserts that the Commission's Order No. 1266, served June 29, 1973, had not been noticed by him until approximately the date of the motion for leave to intervene. The principal contention of petitioner is that it would be arbitrary and capricious and an abuse of administrative procedure to exclude petitioner from participating in the remanded proceeding involving joint or through sightseeing service of D. C. Transit System, Inc., and Washington, Virginia and Maryland Coach Company, Inc.

The contention of petitioner is fatally defective in that it fails to consider our Order No. 1274, served August 21, 1973, in which we dismissed the proceeding pending in Docket 175-R, in

which petitioner had established its interest. Prior to that order we had been advised by the carrier-applicants in the remanded proceeding that they had no plans to resume joint or through sightseeing service after January 31, 1974. On the basis of this advice, we determined that the issues involved in the remanded proceedings had become moot. We therefore terminated any further consideration of the issues involved in Docket 175-R.<sup>1/</sup> We have considered the other contentions of petitioner and do not believe they justify granting the petition for reconsideration. For these reasons, we shall deny the petition for reconsideration. The further relief requested by petitioner if we had decided to grant the petition for reconsideration has been mooted by our order herein.

THEREFORE, IT IS ORDERED that the petition for reconsideration of Order No. 1283 filed by The Gray Line, Inc., be, and it is hereby, denied.

BY THE DIRECTION OF THE COMMISSION:



HYMAN J. BLOND  
Executive Director

---

<sup>1/</sup> The issues involved in Docket 175-R, as framed in our Order No. 1173, served October 26, 1971, were (1) the exact details of the planned joint sightseeing operations and (2) whether such an operation constitutes a "through route", as that term is used in the Compact, Article XII, Section 7(a).