

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1290

IN THE MATTER OF:

	Served: December 10, 1973
Application of DIAMOND TOURS, INC.,)	
for Amendment of Certificate of)	Application No. 797
Public Convenience and Necessity)	
)	
Application of THE GRAY LINE, INC.)	Application No. 799
for Amendment of Certificate of)	
Public Convenience and Necessity)	Consolidated Docket No. 254

On November 30, 1973, counsel for Atwood's Transport Lines, Inc., Greyhound Airport Service, Inc., and White House Sightseeing Corporation, protestants in the above-entitled consolidated proceeding, filed a motion for postponement of the hearing date previously postponed by Order No. 1286, served November 23, 1973, from December 18, 1973, to January 29, 1974. Counsel for The Gray Line, Inc. (Gray Line), an applicant in the above-entitled consolidated proceeding, filed an informal letter with the Commission on December 3, 1973, in which he stated on behalf of Gray Line that no objection would be interposed to the motion for reassignment of the consolidated proceedings to any date during the week of January 21-25 or February 4-8, 1974. No answer or objection to the motion has been received.

Protestants' counsel's reasons for seeking a postponement of the hearing date are that the motion to reassign this consolidated proceeding, filed by counsel for Gray Line on November 21, 1973, was not properly served upon protestants' counsel at his address of record and that, if service had been proper, he would have timely objected to any date during the entire week of January 28-February 1, 1974, because he would be involved in a hearing on an application before the Interstate Commerce Commission. In most instances, the Commission would not postpone a hearing at the request of a protestant who had been properly

served with a motion to reassign the date of hearing and who failed to file a timely answer or objection. See Rule of Practice and Procedure 15-02. However, in view of the uncontested statement that service of the motion for reassignment of the hearing date by counsel for Gray Line was not in compliance with Rule of Practice and Procedure 5-02, the date set for hearing shall be postponed.

THEREFORE, IT IS ORDERED:

1. That the motion for postponement of hearing date by counsel for Atwood's Transport Lines, Inc., Greyhound Airport Service, Inc., and White House Sightseeing Corporation, protestants herein, be, and it is hereby, granted.

2. That the public hearing before a presiding officer on a consolidated docket, postponed until Tuesday, January 29, 1974, by Order No. 1286, served November 23, 1973, be, and it is hereby, further postponed until Tuesday, February 5, 1974, at 10:00 A.M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

3. That the applicants post notice, in the form prescribed by the staff of the Commission, of the further postponed hearing in all their vehicles no later than Friday, January 4, 1974.

4. That the applicants publish notice, in the form prescribed by the staff of the Commission, of the further postponed public hearing in a newspaper of general circulation in the Metropolitan District no later than Friday, January 4, 1974.

5. That the portions of Order No. 1286, served November 23, 1973, not inconsistent with this order be, and they are hereby, incorporated herein.

FOR THE COMMISSION:



HYMAN J. BLOND
Executive Director