

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1479

IN THE MATTER OF:

Application of EXECUTIVE)	
LIMOUSINE SERVICE, INC.,)	Served December 10, 1975
for Certificate of Public)	
Convenience and Necessity)	Application No. 877
to Perform Charter Operations)	
)	
Application of EXECUTIVE)	Application No. 866
LIMOUSINE SERVICE, INC.,)	
for Temporary Authority)	Consolidated Docket
to Perform Charter Operations)	No. 290

By Order No. 1457, served September 30, 1975, Application No. 877 of Executive Limousine Service, Inc. (Executive) for a Certificate of Public Convenience and Necessity to perform charter operations throughout the Metropolitan District was scheduled for public hearing to commence on November 24, 1975. Executive then filed Application No. 886 for temporary authority to perform charter operations throughout the Metropolitan District pending a decision by the Commission with respect to Application No. 877. Executive also filed a motion requesting that the public hearing be postponed to any date in the month of December except specified days during the second week thereof. By Order No. 1467, served October 31, 1975, the Commission granted Executive's motion for a postponement of the hearing date on Application No. 877, scheduled Application No. 886 for public hearing, and consolidated Applications No. 877 and 886 for the purpose of public hearing. By Order No. 1473, served November 5, 1975, the Commission postponed the consolidated public hearing from December 4, 1975 until December 12, 1975.

By Application No. 889, filed November 12, 1975, Beltway Limousine Service, Inc. (Beltway) seeks a Certificate of Public Convenience and Necessity to perform charter operations throughout the Metropolitan District. By Order No. 1474, served November 20, 1975, the Commission has scheduled that application for public hearing to commence on January 8, 1976. On November 21, 1975, Beltway also filed a protest to the separate applications of Executive.

On December 3, 1975, Beltway, through its counsel, filed a motion to consolidate for public hearing the applications of Executive and the application of Beltway. The applications of Executive and Beltway seek authority to perform similar services within the identical confines of the Metropolitan District. Beltway submits that a consolidated hearing in this matter would serve the interests of not only the Commission but also both of the applicants. According to Beltway, if separate hearings are held, there will be unnecessary duplication of evidence both on the part of the Commission and on the part of both applicants. Beltway submits that the relative merits of the two cases will be more easily presented and compared by the Commission at a consolidated hearing. In the alternative event that its motion be denied, Beltway requests the Commission to stay any decision which it might render after the hearing on Executive's applications until the Commission has an opportunity to hear and review the evidence as presented by Beltway at the public hearing on Application No. 889.

Rule of Practice 20-02 empowers the Commission to order proceedings involving a common question of law or fact to be consolidated for hearings or for determination of any or all the matters in issue in such proceedings. In addition, Rule of Practice 7-06 empowers the Commission, prior to the convening of a hearing, to postpone any hearing for good cause. The separate applications by Executive and Beltway do present a common question of fact. That question relates directly to the Compact requirement that the Commission find that the "transportation is or will be required by the public convenience and necessity". Cf. Title II, Article XII, Section 4(b). To this limited extent, Beltway's motion to consolidate will be granted. The Commission shall postpone Executive's public hearing scheduled for December 12, 1975 until January 8, 1976 and shall postpone the filing and deposit provisions of Order No. 1457. By a separate notice to the parties served contemporaneously herewith, the procedures to be followed at this unique consolidated public hearing are set forth.

THEREFORE, IT IS ORDERED:

1. That the motion to consolidate filed by Beltway Limousine Service, Inc., be, and it is hereby, granted.

2. That Applications No. 877 and 886 of Executive Limousine Service, Inc., be, and they are hereby, consolidated merely for the purpose of public hearing with Application No. 889 of Beltway Limousine Service, Inc.

3. That the consolidated public hearing scheduled by Order No. 1473, served November 5, 1975, to commence on Friday, December 12, 1975, and to be continued, if necessary, not later than Wednesday, December 17, 1975, be, and it is hereby, cancelled.

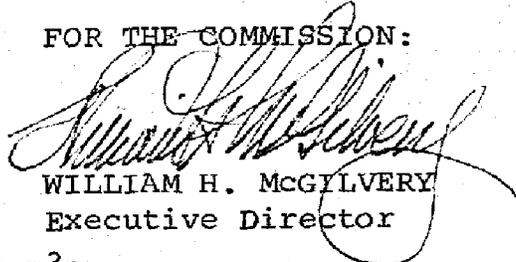
4. That the consolidated public hearing on Applications No. 877 and 886 of Executive Limousine Service, Inc., be, and they are hereby, scheduled for public hearing to commence Thursday, January 8, 1976, at 10:00 A.M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

5. That the directives set forth in three (3) and five (5) of Order No. 1457, served September 30, 1975, be, and they are hereby, cancelled.

6. That six (6) copies, the original to be submitted at the hearing, of the statements and exhibits required by Order No. 1457, served September 30, 1975, be filed by Executive Limousine Service, Inc., with the Commission and one copy served on each party of record on or before Wednesday, December 31, 1975.

7. That Executive Limousine Service, Inc., be, and it is hereby, assessed \$300 pursuant to the provisions of the Compact, Title II, Article XII, Section 19 and directed to deposit said amount in the name and to the credit of the Washington Metropolitan Area Transit Commission in the American Security and Trust Company, 1612 K Street, N. W., Washington, D. C., on or before Friday, January 2, 1976.

FOR THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director

