

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1570

IN THE MATTER OF:

Application of ANNETTE H. MILLING)	Served June 21, 1976
T/A MILLING TOURS for Certificate)	
of Public Convenience and Necessity)	Application 933
to Perform Special Operations)	Docket No. 322

By Order No. 1562, served May 28, 1976, the Commission required Annette H. Milling trading as Milling Tours (Milling) to publish notice of its proposal to render per capita sightseeing in motor coaches and permitted any person desiring to protest to file out of time. Milling properly published the notice. On June 11, 1976, two protests were filed.

The protest filed by The Gray Line, Inc. (Gray Line) indicates that it is opposed to Milling's request for authority to conduct sightseeing operations from points in the Crystal City complex of Arlington, Va., and other portions of Arlington, Va. Gray Line submits that it provides special sightseeing service three times daily from the Marriott Motor Hotel, Stouffers Motel, the Holiday Inn Motel, the Howard Johnson's Motel and the Pentagon Quality Inn Motel. Gray Line also submits that it provides special sightseeing service daily from the Holiday Inn and the South Gate Motel at Interstate Highway 95 and Glebe Road in Arlington, Va.

Gray Line contends that public convenience and necessity do not justify the certification of any additional sightseeing service from the specified portions of Arlington, Va., and that there is not sufficient tour passenger business to justify and profitably support duplicating or competitive sightseeing operations and service by more than one carrier. Gray Line also contends that Milling currently is engaged in conducting extensive unlawful sightseeing operations without possessing appropriate operating authority and that such operations have been

knowingly and wilfully conducted in violation of the Compact. Gray Line submits that such operations render Milling unfit to hold operating authority.

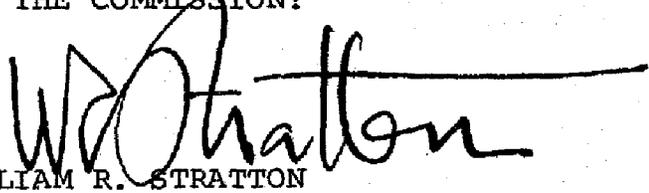
The protest filed by White House Sightseeing Corporation (White House) indicates that it is interested in the provision of sightseeing service throughout the Virginia territory embraced by Milling's application. White House states that it knows of no public need or demand for any existing sightseeing service which cannot be provided either by itself or other existing authorized sightseeing carriers. White House further states that, insofar as it is aware, there is not sufficient traffic available to justify and profitably support any further sightseeing services from the Virginia area involved in Milling's application. White House contends that the granting of Milling's application would result in the creation of a totally unwarranted sightseeing service for which there is no real or substantial public need and demand.

The Commission shall schedule a further public hearing with respect to Milling's Application No. 933. The purposes of the further hearing are to develop an appropriate record substantiating with proper evidence the contentions, statements, and submissions of the protestants Gray Line and White House and to permit Milling to proffer evidence indicating that the public convenience and necessity require the operation of leased motor coaches in the proposed service. The presiding officer at the further public hearing shall have control of the proceeding for the purpose of developing an appropriate record.

Although Gray Line, White House and their counsel have not taken the opportunity to examine the transcript of record for the first day of hearing, they apparently desire to cross-examine all the witnesses who have appeared and presented testimony in support of Milling's application. However, the protests do not set forth a proper basis for the issuance of a subpoena. There is no statement of the general relevance and the reasonable scope of the evidence sought and the facts expected to be proved thereby. See Rule of Practice 18-01. Thus, no subpoena will be issued at this time by the Commission requiring Milling to recall all the witnesses who have appeared and presented testimony.

THEREFORE, IT IS ORDERED that a further public hearing with respect to Application No. 933, Docket No. 322, of Annette H. Milling trading as Milling Tours be, and it is hereby, scheduled for Friday, July 9, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C.

FOR THE COMMISSION:

A handwritten signature in black ink, appearing to read "W. R. Stratton", with a long horizontal line extending to the right from the end of the name.

WILLIAM R. STRATTON
Vice Chairman