

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1600

IN THE MATTER OF:

Application of RODWELL BUCKLEY T/A)
ELROD TRANSPORTATION SERVICE for a)
Certificate of Public Convenience and)
Necessity to Perform Non-Emergency)
Medical Transportation)

Application of THOMAS A. PICKENS T/A)
P.T. TRANSPORTATION for a Certificate)
of Public Convenience and Necessity)
to Perform Non-Emergency Medical)
Transportation)

Application of JOHN W. BROWN for a)
Certificate of Public Convenience and)
Necessity to Perform Non-Emergency)
Medical Transportation)

Application of OTIS F. SMITH T/A)
SPEEDY TRANSPORTATION for a Certifi-)
cate of Public Convenience and)
Necessity to Perform Non-Emergency)
Medical Transportation)

Application of ALFRED L. GAINES T/A)
MEDICO TRANSPORTATION for a Certifi-)
cate of Public Convenience and)
Necessity to Perform Non-Emergency)
Medical Transportation)

Application of ELLIS B. HARRISON T/A)
AREA TRANSPORTATION for a Certificate)
of Public Convenience and Necessity to)
Perform Non-Emergency Medical)
Transportation)

Application of NORAL HARVEY for a)
Certificate of Public Convenience)
and Necessity to Perform Non-Emergency)
Medical Transportation)

Served September 2, 1976

Application No. 946

Docket No. 337

Application No. 951

Docket No. 343

Application No. 952

Docket No. 338

Application No. 953

Docket No. 344

Application No. 955

Docket No. 340

Application No. 956

Docket No. 341

Application No. 960

Docket No. 342

Application of JOHN OTIS PICKENS, JR.,)
for a Certificate of Public Conve-)
nience and Necessity to Perform Non-)
Emergency Medical Transportation)

Application No. 961
Docket No. 347

By separate motions for continuance of the hearing dates, filed August 31, 1976, counsel for each of the above-named applicants seeks a postponement of the several hearings scheduled to commence September 1, 1976. The motion sets forth that counsel has only recently been retained by each applicant, that the counsel for each protestant has consented to the continuance, and that the continuance is essential to provide counsel with adequate time to prepare for the public hearing. Pursuant to the provisions of Rule of Practice 7-06, a continuance shall be granted for the public hearings scheduled by Order No. 1583, served August 4, 1976, Order No. 1591, served August 11, 1976, Order No. 1584, served August 4, 1976, Order No. 1592, served August 11, 1976, Order No. 1586, served August 4, 1976, Order No. 1587, served August 4, 1976, Order No. 1590, served August 10, 1976, and Order No. 1597, served August 18, 1976.

The Commission has reviewed the several applications being rescheduled and shall direct an orderly procedure for the presentation of evidence at the hearing by the applicants, protestants and staff. The procedure is based upon common questions of fact. The Compact, Title II, Article XII, Section 4(b) mandates that the Commission make two separate findings with respect to each application. First, the Commission must find that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of the Compact and the rules, regulations and requirements of the Commission. Probative evidence to support this finding with respect to each applicant necessarily will require separate presentations. Second, the Commission must find that the proposed transportation is or will be required by the public convenience and necessity. This finding may be supported by probative evidence applicable to all applications. Thus, a single presentation by the applicants will be permitted for any evidence common to all applications. In addition, a single presentation by each protestant will be permitted for any evidence pertaining to this second finding.

The Commission shall schedule each of the several applications for public hearing to commence at 9:30 A. M. on Wednesday, September 29, 1976. At the hearing, the initial presentation will relate to the requirements of the public convenience and necessity. Accordingly, any evidence common to all applications will be first presented. The protestants will be afforded the opportunity to submit evidence relating to the applicants' common evidentiary presentation. Then the separate applicants will be permitted to present probative evidence on the first finding set forth hereinbefore and any additional probative evidence relating to public convenience and necessity. The applicants shall present individual evidence in the following order.

- (A) Rodwell Buckley
- (B) John W. Brown
- (C) Alfred L. Gaines
- (D) Ellis B. Harrison
- (E) Noral Harvey
- (F) Thomas A. Pickens
- (G) Otis F. Smith
- (H) John Otis Pickens, Jr.

The protestants will be permitted to cross-examine each witness sponsored. Following the presentation of the evidence by all the applicants, the protestants will be permitted to present probative evidence with respect to any or all applications. The protestants shall be permitted to present the evidence in the following order.

- (1) Ironsides Medical Transportation Corporation
- (2) Rehab Transportation, Inc.

The applicants will be permitted to cross-examine each witness sponsored. In addition, the applicants will be permitted to present rebuttal evidence in the same order as set forth hereinbefore for the presentation of individual evidence. Following the presentation by the protestants, the staff will be permitted to present evidence of a probative nature.

The administrative law judge presiding at the hearing shall make additional directives as deemed necessary and shall have discretion to direct the order of witnesses presented by any party.

THEREFORE, IT IS ORDERED:

1. That the motion for continuance of the public hearing scheduled to commence September 1, 1976, at 9:30 A. M., be, and it is hereby, granted and the public hearing on Application No. 946 of Rodwell Buckley T/A Elrod Transportation Service be, and it is hereby, continued to September 29, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

2. That the motion for continuance of the public hearing scheduled to commence September 1, 1976, at 2:00 P. M., be, and it is hereby, granted and the public hearing on Application No. 952 of John W. Brown be, and it is hereby, continued to September 29, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

3. That the motion for continuance of the public hearing scheduled to commence September 2, 1976, at 9:30 A. M., be, and it is hereby, granted and the public hearing on Application No. 955 of Alfred L. Gaines T/A Medico Transportation be, and it is hereby, continued to September 29, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

4. That the motion for continuance of the public hearing scheduled to commence September 3, 1976, at 9:30 A. M., be, and it is hereby, granted and the public hearing on Application No. 956 of Ellis B. Harrison T/A Area Transportation be, and it is hereby, continued to September 29, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

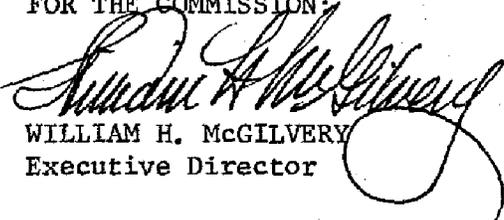
5. That the motion for continuance of the public hearing scheduled to commence September 3, 1976, at 2:00 P. M., be, and it is hereby, granted and the public hearing on Application No. 960 of Noral Harvey be, and it is hereby, continued to September 29, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

6. That the motion for continuance of the public hearing scheduled to commence September 7, 1976, at 9:30 A. M., be, and it is hereby, granted and the public hearing on Application No. 951 of Thomas A. Pickens T/A P.T. Transportation be, and it is hereby, continued to September 29, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

7. That the motion for continuance of the public hearing scheduled to commence September 7, 1976, at 2:00 P. M., be, and it is hereby, granted and the public hearing on Application No. 953 of Otis F. Smith T/A Speedy Transportation be, and it is hereby, continued to September 29, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

8. That the motion for continuance of the public hearing scheduled to commence September 8, 1976, at 9:30 A. M., be, and it is hereby, granted and the public hearing on Application No. 961 of John Otis Pickens, Jr., be, and it is hereby, continued to September 29, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director