

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1621

IN THE MATTER OF:

Served November 9, 1976

MONTGOMERY CHARTER SERVICE, INC.,)
Compliance with Certificate of)
Public Convenience and Necessity)
No. 13)

Docket No. 235

Order No. 383, served September 11, 1964, granted Montgomery Charter Service, Inc. (Montgomery), Certificate of Public Convenience and Necessity No. 13 authorizing specified irregular-route operations. The certificate was granted on the condition that the holder thereof provide reasonable, continuous and adequate service to the public and further provided that failure to so operate would constitute sufficient grounds for revocation thereof.

Compact Title II, Article XII, Section 4(g) provides that a certificate, on the Commission's own initiative after notice and hearing, may be revoked if the holder fails to comply with any condition thereof. That section further provides that no certificate shall be revoked unless the holder thereof wilfully fails to comply within a reasonable time, not less than 30 days, with a lawful order of the Commission commanding obedience to the condition found by the Commission to have been violated by the holder.

Order No. 1174, served October 29, 1971, ordered Montgomery to provide reasonable, adequate, and continuous service to the public, and to comply with said condition by December 3, 1971. Further, said order scheduled a public hearing on December 21, 1971, for the purpose of determining whether Certificate of Public Convenience and Necessity No. 13 should be revoked for failure of the holder thereof to render reasonable, continuous and adequate service to the public.

Hearing on the above-described matter was held on December 21 and 22, 1971. Pursuant to Commission Rule 16-01, Greyhound Airport Service, Inc., was granted leave to intervene and participate in the proceeding.

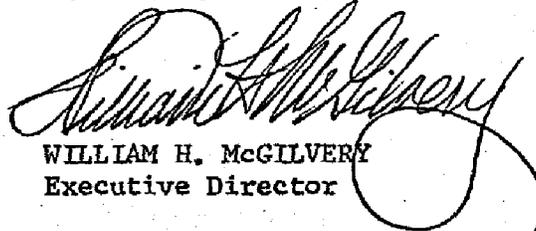
Montgomery's president testified that the company had provided service on 23 occasions during 1971, generating revenues of \$106.25 plus approximately \$40 in tips. Expenses, concededly, exceeded income. This witness also described Montgomery's operations and related some operating problems encountered by the company. He denied, however, that Montgomery's certificate had become dormant.

Mrs. Ruth Indritz also testified on Montgomery's behalf. She stated that both she and her husband had regularly used Montgomery's service for a period of about five years. During 1971, Mrs. Indritz used Montgomery's service from her home in Silver Spring, Maryland, to National Airport approximately six times.

The sole purpose of the above-referenced hearing was to determine whether Montgomery was providing reasonable, continuous, and adequate service to the public as of December 3, 1971. Our review of the record reveals that there is insufficient evidence to warrant revocation of Montgomery's certificate for dormancy. Irrespective of the small number of trips made and the lack of revenue generated, it appears that Montgomery provides service when called upon, however infrequently such calls may occur. Accordingly, the investigation of Montgomery's compliance instituted by Order No. 1174 shall be discontinued.

THEREFORE, IT IS ORDERED that the above-entitled matter be, and it is hereby, discontinued.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director