

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1715

IN THE MATTER OF:

Served June 23, 1977

Application of RESTON COMMUTER BUS,)
INC., for Temporary Authority and a)
Certificate of Public Convenience)
and Necessity to Conduct Charter)
Operations - Reston, Virginia)
)
Order to Show Cause Directed to)
RESTON COMMUTER BUS, INC.)

Application No. 990

Docket No. 384

By Application No. 990 filed April 18, 1977, Reston Commuter Bus, Inc. (RCB), seeks temporary authority pursuant to Title II, Article XII, Section 4(d)(3) of the Compact and a certificate of public convenience and necessity pursuant to Section 4(b) of said Article for authority to conduct charter operations between Reston, Va., on the one hand, and, on the other, the following specified points in Montgomery County, Md.: National Institutes of Health, Naval Medical Center, Washington Service Center, and the Nuclear Regulatory Commission office at the intersection of Wisconsin Avenue and Old Georgetown Pike. RCB represents that it has been providing this service since February, 1974.

By letter dated April 29, 1977, the Commission's Executive Director advised counsel for RCB that its application was lacking certain evidentiary requirements and that operation of a common carrier service appeared to be beyond the scope of RCB's corporate powers as set forth in its articles of incorporation.

By letter dated June 2, 1977, the Executive Director reminded RCB's counsel that no response had been received to the prior letter. As of the date of this order, no response has been received which would permit the further processing of RCB's application for temporary authority. Also, applicant has failed to establish that its articles of incorporation would permit it to operate as a common carrier, therefore precluding ab initio any possibility of this Commission finding applicant fit, willing and able properly to perform the proposed service. See Compact, Title II, Article XII, Section 4(b). Accordingly, this application will be dismissed for want of proper prosecution.

The Compact, Title II, Article XII Section 4(a) states in pertinent part that: "No person shall engage in transportation subject to this act unless there is in force a certificate of public convenience and necessity issued by the Commission authorizing such person to engage in such

transportation. RCB, by providing since 1974 the service it seeks authority to perform herein, appears to be in direct violation of the Compact. Accordingly, the Commission deems it appropriate to order RCB to show cause why it should not be ordered to cease and desist from continuing to conduct the above-described operations.

RCB shall be assessed an amount preliminarily estimated to be sufficient to cover the expenses it is required to bear according to the Compact, Title II, Article XII, Section 19.

THEREFORE, IT IS ORDERED:

1. That Application No. 990 of Reston Commuter Bus, Inc., be, and it is hereby, dismissed for want of proper prosecution.

2. That Reston Commuter Bus, Inc., be, and it is hereby, directed to show cause why it should not be directed to cease and desist from continuing to conduct charter operations between Reston Va., on the one hand, and, on the other, specified points in Montgomery County, Md.

3. That a public hearing at which applicant shall show cause, if any there be, be, and it is hereby, scheduled to commence Monday, August 1, 1977, 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 Reston Commuter Bus, Inc., be, and it is hereby, assessed the sum of \$250 pursuant to the provisions of the Compact, Title II, Article XII, Section 19, and is directed to deliver said amount to the offices of the Commission, Room 316, 1625 I Street, N. W., Washington, D. C. 20006, on or before 12 noon Friday, July 22, 1977.

BY DIRECTION OF THE COMMISSION:



GREGORY P. BARTH
Acting Executive Director