

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1766

IN THE MATTER OF:

Served November 4, 1977

Order to Show Cause Directed to)
RESTON COMMUTER BUS, INC.)

Docket No. 384

By Order No. 1715, 1/ served July 23, 1977, the above-captioned proceeding was instituted and a public hearing was scheduled thereon. Respondent Reston Commuter Bus, Inc. (RCB), was ordered to show cause, if any there be, why it should not be ordered to cease and desist from conducting certain transportation operations in alleged violation of Title II, Article XII, Section 4(a) of the Compact. Respondent failed to appear at the hearing.

Subsequently, judicial proceedings were instituted and Civil Action No. 77-602-A is now pending before the United States District Court for the Eastern District of Virginia (Alexandria Division). Certain motions have been ruled on by the Court, 2/ and discovery has been scheduled as a prelude to trial.

By motion (styled petition) filed October 3, 1977, RCB requests that a new hearing date be scheduled in Docket No. 384. The Commission's legal department, on October 5, 1977, filed an opposition to said motion. We find that the motion should be denied.

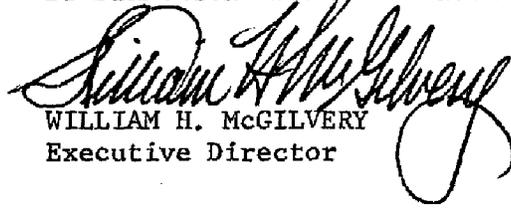
We note that counsel for respondent has asserted before the District Court that the Commission should not proceed with the same case at both the administrative and judicial levels. Inasmuch as any administrative action we might order would be subject to judicial review, it also appears to us that the interests of all parties would be best served by avoiding needless duplication.

1/ See also Order Nos. 1727 and 1738, served July 29 and August 29, 1977, respectively.

2/ The Commission has filed a notice of appeal on one ruling and that matter is now pending before the United States Court of Appeals for the Fourth Circuit.

THEREFORE, IT IS ORDERED That the above-referenced motion requesting a new hearing date be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director