

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1776

IN THE MATTER OF:

Application of VINCENT FERGUSON GIBSON )  
T/A CONTINENTAL LIMOUSINE for a )  
Certificate of Public Convenience and )  
Necessity to Perform Special Opera- )  
tions - Dulles International Airport )  
----- )  
EXECUTIVE LIMOUSINE SERVICE, INC. )

v. )

VINCENT FERGUSON GIBSON )  
T/A CONTINENTAL LIMOUSINE )  
----- )  
Application of EXECUTIVE LIMOUSINE )  
SERVICE, INC., for a Certificate of )  
Public Convenience and Necessity to )  
Perform Special Operations )  
----- )  
Application of VINCENT FERGUSON GIBSON )  
T/A CONTINENTAL LIMOUSINE for Tempo- )  
rary Authority to Conduct Special )  
Operations - TWA Flight Crews )

Served December 5, 1977

Application No. 986

Docket No. 366

Formal Complaint No. 77-2

Docket No. 373

Application No. 994

Docket No. 371

Application No. 1006

By application filed December 2, 1977, Executive Limousine Service, Inc. (Executive), seeks reconsideration of Order No. 1772, served November 30, 1977. Said order, which is incorporated by reference herein, granted to Vincent Ferguson Gibson trading as Continental Limousine (Continental) an extension up to February 10, 1978, of temporary authority to transport domestic aircrews of Trans World Airlines, Inc., in special operations, over irregular routes, between Dulles International Airport, Chantilly, Va., on the one hand, and, on the other, two specified hotels in the District of Columbia, subject to a restriction.

Executive contends initially that its Certificate of Public Convenience and Necessity No. 18, as reissued November 7, 1977, authorizes the specific service for which temporary authority is sought. Hence, Executive argues, there is no immediate and urgent need for Continental's service. This argument is based on a faulty premise as we shall now describe.

Reissuance of the certificate relied on by Executive was authorized by Order No. 1765, served November 1, 1977. On November 30, 1977, Continental filed a petition for reconsideration of Order No. 1765. The Compact, Title II, Article XII, Section 16, provides that the filing of an application for reconsideration within a 30-day period after publication of a final order "shall act as a stay upon the execution of the order". Accordingly, during the pendency of Continental's application for reconsideration, the revised certificate issued to Executive in "execution" of the "stayed" order is vitiated. The finding of immediate and urgent need in Order No. 1772 is affirmed because no other carrier (including Executive) presently has authority to conduct the operations described while we deal with Continental's petition for reconsideration.

Executive next argues that our finding that Continental is unfit precludes extension of the subject temporary authority. As discussed in Order No. 1772, Continental has asserted that the Commission erred in making this finding. Irrespective of the merits of this contention, we are disposed to exercise our discretion under Title II, Article XII, Section 4(d)(3) of the Compact, and we will not consider the assailed finding of unfitness as an absolute bar to the granting of temporary authority to Continental.

Similarly, we are not persuaded by Executive's contention that it will suffer undue hardship by virtue of the extension of temporary authority. Continental's application for reconsideration will be disposed of within 30 days and our extension merely preserves the status quo between the parties pending a speedy resolution on the merits.

Finally, Executive moves to strike certain documents appended as Exhibit A to Continental's Motion for Continuance of Temporary Authority. The propriety of these documents has already been ruled on in Order No. 1765 wherein the documents were excluded. Accordingly, they shall be rejected herein.

THEREFORE, IT IS ORDERED:

1. That the above-referenced motion to strike Appendix A to the Motion for Continuance of Temporary Authority filed by Vincent Ferguson Gibson trading as Continental Limousine, be and it is hereby, granted.
2. That, except to the extent granted herein, the above-referenced Application for Reconsideration filed by Executive Limousine Service, Inc., be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director