

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1784

IN THE MATTER OF:

Served December 22, 1977

Application of OMNIBUS CORPORATION)
for a Certificate of Public Conve-)
nience and Necessity to Perform)
Charter Operations Pursuant to Six)
Contracts)

Application No. 996

Consolidated Docket No. 380

Application of OMNIBUS CORPORATION)
for Temporary Authority to Perform)
Charter Operations Pursuant to Five)
Contracts)

Application No. 999

Consolidated Docket No. 380

Application of McMICHAEL SCHOOL BUS)
SERVICE, INC., for Temporary Author-)
ity to Perform Charter Operations)
Pursuant to Contract - U.S. Customs)
Service)

Application No. 1017

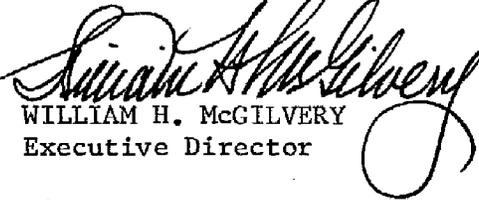
There are pending before us two unopposed motions to substitute Harold O. Miller, Esquire, of the law firm of Miller and Ralston as counsel for Omnibus in lieu of Donald J. Balsley, Jr., Esquire, of the same firm, and seeking acceptance of two rejected pleadings. The two pleadings at issue, a petition for modification of Order Nos. 1716 and 1762, and an application for reconsideration of Order No. 1768, were prepared and filed by Mr. Balsley, former General Counsel of this Commission. Mr. Balsley, who is now in private practice, represents the Commission as Special Counsel in certain proceedings which are totally unrelated to these dockets. Thus, there is no actual conflict between Mr. Balsley's representation of the Commission and his participation in these dockets on behalf of Omnibus. The latter endeavor, however, is prohibited by the terms of our written agreement with Mr. Balsley and Miller and Ralston. Relying on that agreement, the Executive Director declined to accept for filing the pleadings prepared by Mr. Balsley.

Mr. Miller's motion to substitute himself as counsel and seeking acceptance of the respective pleadings followed; subsequently Mr. Miller filed Omnibus' application for reconsideration of Order No. 1762. All three of the above-referenced pleadings shall be accepted for filing. The agreement mentioned above provides that the members of the firm of Miller and Ralston shall not appear before this Commission in any matter

in which Mr. Balsley participates on behalf of the Commission. Mr. Balsley has not participated in any of these dockets on behalf of the Commission; rather, he participated on behalf of Omnibus. This, while a lapse in compliance with the terms of his agreement with us, is not a bar to Miller and Ralston's participation as counsel herein. Accordingly, the motion to substitute counsel shall be granted.

THEREFORE, IT IS ORDERED that the above-referenced motions be, and they are hereby, granted.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

BARNES, Vice Chairman, not participating.