

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1792

IN THE MATTER OF:

Served January 3, 1978

Application of DAWSON'S CHARTER)
SERVICE, INC., to Amend Certificate)
of Public Convenience and Necessity)
No. 9 - Additional Intermediate)
Points)

Application No. 1029

Docket No. 402

Dawson's Charter Service, Inc. (Dawson's), holds Certificate of Public Convenience and Necessity No. 9 which authorizes, inter alia, operations over a described regular route extending between Washington, D. C., and Montgomery Village, Md., serving specified intermediate points in Montgomery County, Md.

By application (letter) filed November 25, 1977, Dawson's seeks to amend Certificate No. 9 to allow service at intermediate points located on that part of Wisconsin Avenue extending between the National Institutes of Health, Bethesda, Md., on the north, and the Montgomery County, Md.-District of Columbia line on the south. Dawson's also requests that formal hearing be waived pursuant to Rule 22-01 of the Commission's Rules of Practice and Procedure.

Inasmuch as this application may result in a grant of additional operating authority, the provisions of Title II, Article XII, Section 4(b) of the Compact are applicable. Pursuant to this statutory provision, a public hearing must be scheduled and the public shall be notified thereof. Dawson's shall be required to file certain supplemental data and a deposit to cover the costs which an applicant is required to bear pursuant to Title II, Article XII, Section 19 of the Compact.

Rule 22-01 states, in pertinent part, that

In any proceeding in which the Commission is authorized to act after opportunity for hearing, if the parties waive hearing, such opportunity shall be deemed to have been afforded by service or the giving of notice, as provided in Rules 5 and 6, of the application or other initial pleading, request, or other filing, such notice

fixing a reasonable period of time within which any person desiring to be heard may file a protest or petition. Upon the expiration of such period of time, in the absence of a request for hearing, the Commission may forthwith dispose of the matter upon the basis of the pleadings and other submittals and the studies and recommendations of the staff.

Dawson's request for a waiver of hearing, of course, cannot be granted until expiration of the notice period established herein, and said request will be held in abeyance.

THEREFORE, IT IS ORDERED:

1. That application No. 1029 of Dawson's Charter Service, Inc., be, and it is hereby, scheduled for public hearing to commence Wednesday, February 15, 1978, at 9:30 a.m., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

2. That Dawson's Charter Service, Inc., be, and it is hereby, required to publish once in a newspaper of general circulation in the Metropolitan District, notice of the application and hearing thereon in the form prescribed by the staff of the Commission no later than Friday, January 20, 1978, and present at the hearing a certificate of said publication from the selected newspaper.

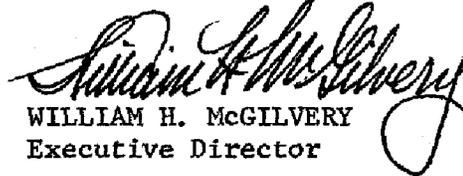
3. That Dawson's Charter Service, Inc., be, and it is hereby, required to post notice of the application and hearing in each of its vehicles operating over the affected route continuously from Friday, January 20, 1978, through the date of the hearing, and present at the hearing a certificate of said posting.

4. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall notify the Commission, in writing no later than Friday, February 3, 1978, and shall mail a copy of such protest or notice to Leonard D. Dawson, President, Dawson's Charter Service, Inc., Box 144, Sandy Springs, Md., 20860.

5. That Dawson's Charter Service, Inc., be, and it is hereby, assessed \$100 pursuant to the provisions of the Compact, Title II, Article XII, Section 19 and directed to deliver said amount to the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C., on or before 12 noon, Wednesday, February 8, 1978.

6. That Dawson's Charter Service, Inc., be, and it is hereby, directed to file with the Commission, no later than Wednesday, February 8, 1978, the following materials: (a) a proposed tariff supplement containing rates for service to and from the subject intermediate points; (b) a proposed time schedule for such service; and (c) a full and complete current financial statement of the applicant.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

