

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2489

IN THE MATTER OF:

Served October 21, 1983

Application of HERBERT G. STEPHENS)
to Transfer Certificate of Public)
Convenience and Necessity No. 69 to)
COTTER LIMOUSINE OF WASHINGTON,)
INC.)

Case No. AP-83-44

By petition filed September 16, 1983, Executive Limousine Service, Inc., seeks leave to intervene in this case for the purpose of opposing the above-captioned application.

Executive states that it did not file a protest within the time therefor ". . . through the inadvertence of its counsel who has been away from the country for the past several weeks . . ." Executive further alleges (a) that the operating rights to be transferred are dormant, (b) that the operations to be conducted by the transferee ". . . are substantial and are completely different from those previously conducted by the transferor . . .," (c) that the transferee is unfit to consummate the proposed transaction and (d) that the transferee is not authorized to conduct business in all of the political jurisdictions contained in Certificate No. 69. Finally, Executive asserts that granting this petition will not delay the proceeding or prejudice the applicants.

On September 23, 1983, Cotter Limousine of Washington, Inc., filed a reply to the petition. Cotter correctly infers that Executive and its attorney were each served on July 27, 1983, with a copy of Order No. 2444 which directed that protests be filed by September 1, 1983. Cotter further states that notice of the application and protest date was published in The Washington Post on August 15, 1983.

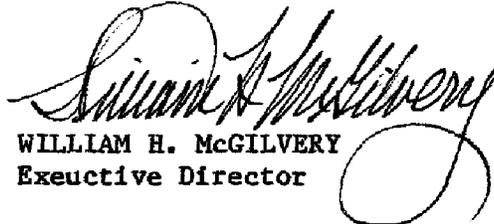
Even assuming, arguendo, that Executive's counsel was out of the country for the entire period from notice to protest deadline, Cotter contends that such absence does not excuse the failure to file a timely protest. Cotter also contends that Executive seeks to broaden the issues in this proceeding.

We are of the view that Executive has failed to show good cause for not filing a protest within the period prescribed therefor. Under Rule 14 of the Commission's Rules of Practice and Procedure, a protest is a very simple document to prepare and file. We see no reason why,

even with the absence of counsel for some or all of the protest period,
a protest could not have been filed on a timely basis.

THEREFORE, IT IS ORDERED that the petition for leave to
intervene be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS WORTHY, SCHIFTER AND
SHANNON:



WILLIAM H. MCGILVERY
Executive Director