

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2746

IN THE MATTER OF:

Served August 9, 1985

Application of AMERICAN COACH)
LINES, INC., for Declaratory Order)
or, in the Alternative, Temporary)
Authority to Conduct Charter)
Operations between Points in the)
Metropolitan District)

Case No. AP-85-08

By Order No. 2738, served July 22, 1985, the Commission denied a petition of American Coach Lines, Inc. ("applicant"), for a declaratory order interpreting applicant's operating authority as being broader than the plain language of its certificate would indicate. By the same order, the Commission denied the temporary authority sought by applicant as an alternative to the requested declaratory order. In so doing we advised applicant, as we have done before, 1/ that its certificate means what it says and not more. Our admonition to this effect, rendered with cause when this corporation recently changed hands, 2/ apparently went unheeded. Even in the context of this current proceeding, applicant admits to operations which we have previously told it are beyond the scope of its operating authority. Admonition not having sufficed, our decision of July 22 ordered applicant to cease operations beyond the scope of its certificate.

By motion filed July 24, 1985, applicant seeks a stay of the effectiveness of Order No. 2738, intimating that such action would enable it to continue unauthorized operations while it prepares an application for reconsideration. First, we note that the Compact itself specifies the manner in which a final decision of this Commission may be stayed, i.e., by the timely filing of an appropriate application for reconsideration. 3/ Assuming that we could grant the motion now before us, 4/ to do so in this situation would be a nullity.

1/ See Order No. 2738, referencing at pages 13-14 Order No. 2550, served May 1, 1984, and referencing at page 13 Order No. 1525, served March 29, 1976.

2/ Id.

3/ Compact, Title II, Article XII, Section 16.

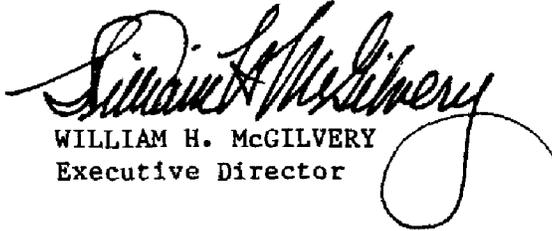
4/ See Commission Rule No. 15-01.

No stay of a denial of this petition for declaratory order, no stay of a denial of this application for temporary authority, no stay of an order to cease and desist unauthorized operations, nor all of these together will provide applicant with authority it lacks. Put otherwise, the stay of a denial is not the equivalent of a grant.

Out of an abundance of caution, and because of certain language contained in the motion now before us, we point out to applicant that orders of this Commission are effective on the date they are served. Counsel's assertion that applicant "has reason to believe" that our decision "may not become effective for 30 days" is contrary to the Compact, the Commission's rules, and agency practice. 5/

THEREFORE, IT IS ORDERED that the motion of American Coach Lines, Inc., for stay pending the filing of an application for reconsideration is hereby denied.

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


WILLIAM H. MCGILVERY
Executive Director

5/ See Compact, Title II, Article XII, Section 15 and Commission Rule No. 7-03.