

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2750

IN THE MATTER OF:

Served August 16, 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 motion filed August 14, 1985, Gold Line, Inc., Eyre Bus Service, Inc., and National Coach Works, Inc., request on behalf of all protestants that the Commission grant an extension of time to file replies to the Petition for Reconsideration of Commission Order No. 2738 filed by American Coach Lines, Inc., on August 12, 1985. In support of the motion, the above-named protestants state that they have been represented in this case which presents a number of complicated issues by Russell R. Sage, Esquire, that Mr. Sage is currently out of the state and will not return to the area until late on Sunday, August 18, 1985, thereby making it impossible to prepare an adequate reply to the Petition submitted on behalf of American Coach Lines, Inc., by the present due date of Monday, August 19, 1985. Mr. Sage's partner, William F. King, states that no one in his firm has participated in or has any familiarity with this proceeding which covers an area in which Mr. Sage specializes on behalf of the firm. Thus, in order that the interest of Mr. Sage's clients may be properly represented in the preparation of an adequate reply and in view of other pressing matters which have accumulated during his absence, Mr. King asks that the time for filing replies be extended until Monday, August 26, 1985.

American Coach Lines, Inc., ("ACL" or "applicant") opposes protestants' motion on the ground that the arguments advanced in its petition for reconsideration are concisely stated, do not raise entirely new issues of which protestants have been unaware, and, thus, are not such as to require a period of time longer than that provided in the regulations. In addition, counsel for ACL asserts that a grant of additional time to protestants would condense the already brief decisional period provided for applications for reconsideration and

could impair applicant's interest in having the matter resolved promptly while depriving it of an opportunity to respond to the opposition. */

Commission Rule No. 28-04 provides five days for the filing of a reply to a petition for reconsideration. Under Rule 7-05 that time period may be extended for good cause shown. Protestants' motion indicates that counsel will have returned to his practice on Monday, August 19, 1985. His office is in receipt of the petition, and Mr. Sage has constructive, if not actual, knowledge of its existence. In light of these circumstances and upon consideration of the subject motion, an extension of time until Friday, August 23, 1985, is appropriate inasmuch as it will allow Mr. Sage five business days in which to file a reply, the amount of time provided by Commission rule.

Title II, Article XII, Section 16 of the Compact allows the Commission 30 days in which to decide whether to grant or deny a petition for reconsideration. The extension here granted allows the Commission sufficient time for deliberation and, by allowing full participation by all parties to the case, facilitates the consideration of all issues included in the extant proceedings.

THEREFORE, IT IS ORDERED:

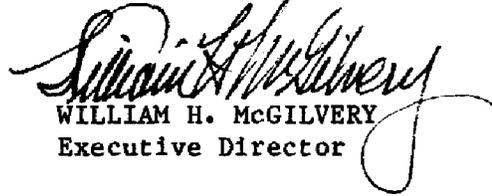
1. That the time for filing a reply to the Petition for Reconsideration of Order No. 2738 is extended to Friday, August 23, 1985, for Gold Line, Inc., Eyre Bus Service, Inc., and National Coach Works, Inc.

2. That replies from remaining protestants are due Monday, August 19, 1985.

*/ Applicant notes that counsel for protestants Gold Line, Eyre, and National Coach Works had submitted on behalf of two other protestants The Airport Connection, Inc., ("TAC") and T&S Bus Service, Inc., ("T&S") a joint opposition to applicant's motion for stay. He suggests that a joint filing be made by counsel for TAC and T&S since counsel for those protestants is available and should be filing within the appropriate time period. A review of the record indicates that counsel for Gold Line, et al., merely mentioned in a cover letter accompanying an Opposition to Motion for Stay filed on behalf of Gold Line, Eyre, and National Coach Works that he had been requested by counsel for TAC & T&S to advise the Commission of the fact of that attorney's opposition. Even had such a joint motion been made, it is not relevant. Protestants are entitled to representation by counsel of their choosing.

3. That any response of American Coach Lines, Inc., to the replies of protestants to Petition for Reconsideration of Order No. 2738 be filed by August 28, 1985.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

