

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3216

IN THE MATTER OF:

Served August 16, 1988

Application of U.S. SHUTTLE, INC., )  
for a Certificate of Public )  
Convenience and Necessity to )  
Conduct Special Operations )

Case No. AP-88-13

The Airport Connection, Inc. (TAC), timely filed a protest in the above-captioned case. Counsel for TAC appeared and participated at the public hearing held June 7 and 8, 1988. At the conclusion of the hearing the Administrative Law Judge provided a longer-than-usual deadline of July 25, 1988, for the filing of post hearing briefs in the form of proposed orders, specifying that

Requests for extension of time for the filing of briefs ordinarily will not be granted unless there is a showing of unusual cause or unless a stipulation is agreed upon by all the parties. [Transcript page 464.]

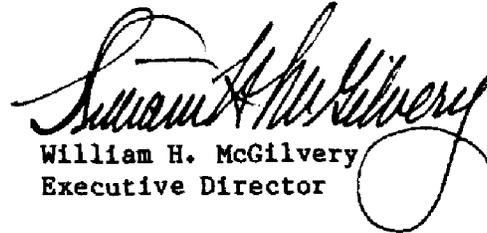
TAC failed timely to file a brief. On August 3, 1988, a different attorney filed an appearance in this case for TAC, a motion for extension of time to file a proposed order, a declaration of counsel, and a proposed order. On August 8, 1988, applicant U.S. Shuttle, Inc., filed a reply in opposition to TAC's motion.

The motion claims that TAC was not able to file its proposed order in a timely manner due to extenuating circumstances. Counsel's declaration states that he is counsel for Airport Transit, Inc. (not a party to this case); that on December 30, 1987, TAC filed for Chapter 11 reorganization; that on July 11, 1988, the bankruptcy court approved the appointment of Airport Transit, Inc., as the "managing agent for TAC"; that since July 11 Airport Transit, Inc., has been exhaustively engaged in the reorganization of TAC; that on July 21 counsel became aware that a proposed order was due on July 25; that Airport Transit, Inc., was unable to comply with that deadline; and that these facts constitute unusual grounds for extension of time.

TAC has been aware of this case from its inception. The original appearance of counsel for TAC has not been rescinded. Even assuming for the sake of discussion that counsel for Airport Transit, Inc., is entitled to represent the interest of TAC in this proceeding, TAC has shown no good cause -- much less unusual cause -- why TAC was unable to file a timely brief or why its motion should be granted.

THEREFORE, IT IS ORDERED that the motion for extension of time to file a proposed order in Case No. AP-88-13 is hereby denied.

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



William H. McGilvery  
Executive Director