

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3257

IN THE MATTER OF:

Served November 30, 1988

Application of PETER PAN BUS LINES,) )  
INC., for a Certificate of Public )  
Convenience and Necessity -- )  
Charter Operations )

Case No. AP-88-36

This matter was scheduled for public hearing to begin December 6, 1988, by Order No. 3247, served October 31, 1988. Applicant was directed to publish notice in a newspaper no later than November 7, 1988, and protests were due no later than November 23, 1988.

On November 22, 1988, All About Town, Inc., protested the application and requested postponement of the hearing until after December 31, 1988, citing without elaboration "personal and business" commitments.

On November 23, 1988, a joint protest was filed by counsel for Gold Line, Inc.; Leatherwood Motor Coach Corporation trading as East Coast Parlor Car Tours; and National Coach Works, Inc. Joint protestants request postponement of the hearing until after December 10, 1988. In support of the request, counsel for joint protestants states that executives of two of the joint protestants have prior plans to attend an out-of-town trade association meeting from December 5 to 10, 1988, and that these are officials upon whom counsel will rely for assistance during the hearing and will serve as principal witnesses for presentation of joint protestants' case.

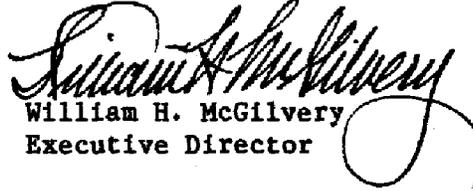
On November 28, 1988, counsel for applicant opposed both postponement requests. With respect to the request of All About Town, Inc., counsel for applicant states that the request is untimely, that protestant gave no substantive reason for the request, and that commitments of an individual do not preclude a corporation's attendance.

Concerning the request of joint protestants, counsel for applicant states that the request is untimely, coming some three weeks after the order scheduling the hearing. Counsel states that a postponement would disrupt applicant's presentation and that applicant's company witness is a director of the trade association conducting the out-of-town meeting and has made travel arrangements to attend both the hearing and the meeting. Counsel further asserts that the protesting corporations can be represented at both events. Relying on the scheduled hearing date, applicant has scheduled its witnesses.

It is apparent that someone will be inconvenienced no matter who prevails. The Compact [Title II, Article XII, Section 4(b)] instructs the Commission to act upon applications "as speedily as possible," and any postponement that would suit all of the protestants would carry this hearing beyond the holidays into the next calendar year. Notice of this hearing has been served and published more than a month in advance of the hearing date. In these circumstances the requests for postponement will be denied and the hearing will go forward as scheduled.

IT IS SO ORDERED.

FOR THE COMMISSION:

  
William H. McGilvery  
Executive Director