

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3533

IN THE MATTER OF:

Served July 31, 1990

Case No. FC-90-01

Formal Complaint of GOLD LINE,)
INC., Against ALL ABOUT TOWN, INC.,)
et al.)

On June 4, 1990, the Commission issued Order No. 3509 in the above-captioned case. On July 3, 1990, All About Town, Inc., and its owners, John Paris and Kathleen Paris (AAT or Respondents), filed an application for reconsideration of Order No. 3509. On July 10, 1990, Gold Line, Inc. (Gold Line or Complainant), filed a reply to the application for reconsideration. The Commission finds that the application for reconsideration does not lie, and it will be dismissed.

Upon complaint by Gold Line and admissions by AAT, Order No. 3509 found, among other things, ". . . that Respondents have and are engaged in transportation for hire of persons between points in the Metropolitan District, within the purview of the Compact, Title II, Article XII, Section 1(a), and without a certificate of public convenience and necessity as required by the Compact, Title II, Article XII, Section 4(a)." (Order No. 3509, p.6.) That order disposed of certain motions by the parties, directed Respondents to cease and desist unauthorized operations, made a tentative finding that the wilful violations found in this case may render Respondents unfit to receive expanded authority and could lead to revocation of AAT's very limited Certificate No. 131. (Order No. 3509, p.9.) Certain applications of AAT tendered for filing after the filing of this formal complaint were held in abeyance for 90 days to give Respondents an opportunity to show, and the Commission an opportunity to evaluate, Respondents' willingness and ability to comport in the future with the Compact and the Commission's orders, rules, and regulations. (Order No. 3509, p.9.) This proceeding was kept open so that Respondents could certify corrective measures, establish prospective compliance fitness, and report the status of their compliance. (Order No. 3509, p.10.) Finally, the order states that, upon consideration of those filings and other evidence, the Commission will determine how to proceed in this case and with the applications tendered for filing by AAT. (Order No. 3509, p.10.)

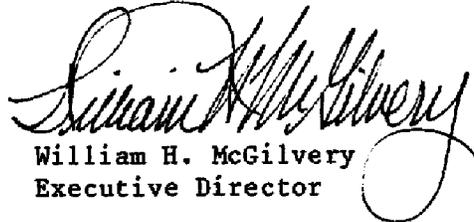
It is clear that this proceeding remains open and that Order No. 3509 is not the "final order or decision of the Commission" contemplated by the Compact, Title II, Article XII, Section 16. Order No. 3509 makes findings of facts not in dispute and sets the future

course of proceedings. The cease and desist aspect of Order No. 3509 adds emphasis to the fact that the admitted unauthorized operations are forbidden by law.

The application for reconsideration of Order No. 3509 filed by Respondents on July 3, 1990, does not lie and, therefore, is dismissed.

IT IS SO ORDERED.

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



William H. McGilvery
Executive Director