

BEFORE THE
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 712

IN THE MATTER OF:

Served June 1, 1967

Application of Horse Buses,)
Inc., for a Certificate of)
Public Convenience and)
Necessity.)

Application No. 391

Docket No. 130

On March 1, 1967, the Commission issued Order No. 682, granting Horse Buses, Inc., a certificate of public convenience and necessity. As stated therein, the grant of authority was conditioned upon the applicant's meeting certain financial conditions. Specifically, the Commission found, at page 9:

[T]he grant of authority should issue, conditioned upon the receipt of the promised financial means by the corporation. Under these circumstances, no certificate shall issue nor shall commence until applicant has furnished proof to the Commission and all persons of record that its financial support has been made firm. As a minimum requirement thereto, applicant shall be in receipt of the sum of \$15,000, of which at least \$5,000 shall emanate from the sale of its stock. Provided, however, that submissions of such proof shall be filed on or before May 31, 1967; otherwise, an appropriate order shall issue denying the application.

On April 14, 1967, Order No. 694 was issued, granting the application of D. C. Transit System, Inc., (a protestant) for reconsideration, and re-opening the proceeding for the receipt of the financial evidence.

On May 31, 1967, in lieu of the receipt of documentation that the financial conditions had been met, the Commission received a terse communique that the applicant "respectfully requests a sixty (60) day extension of time to comply with Order No. 694 in properly arranging the finances of the corporation." No reason or cause was given to support the request.

In the normal case, the applicant bears the burden of proving its financial fitness as part of the overall presentation of its case. In this case, the Commission departed from the norm for the reasons carefully spelled out in Order No. 682.

Based upon the oral testimony assuring the Commission of its ability to secure prompt and adequate financing, the Commission established the financial requirements quoted above, and the time in which those requirements had to be fulfilled. Moreover, the consequence of the failure to meet those requirements was crystal clear.

Good cause not having been shown, the Commission is of the opinion and finds that the request for extension of time should be denied.

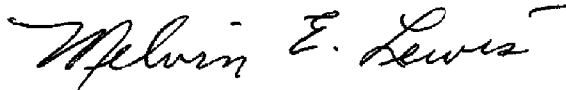
The Commission further finds that the applicant has failed to submit proof of satisfaction of the financial conditions laid down in Order No. 682; accordingly, the application should be denied.

THEREFORE, IT IS ORDERED:

1. That the request of Horse Buses, Inc., for an extension of time be, and it is hereby, denied.
2. That the authority conditionally granted in Order No. 682 be, and it is hereby, set aside for failure to meet the conditions specified therein.

3. That the application of Horse Buses, Inc., for a certificate of public convenience and necessity be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in cursive script that reads "Melvin E. Lewis". The signature is written in dark ink and is positioned above the printed name and title.

MELVIN E. LEWIS
Executive Director