

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2497

IN THE MATTER OF:

Served November 15, 1983

Application of LEO LAGANA for a)
Certificate of Public Convenience)
and Necessity to Conduct Special)
Operations -- Sightseeing)

Case No. AP-83-51

On October 24, 1983, applicant filed a motion to postpone the public hearing in the above-captioned case. That motion also indicated that applicant had asked one of his witnesses to represent him at the hearing. The witness had already advised the staff that he is willing to represent Mr. Lagana, but that he is neither an attorney (Rule 3-02) nor a person permitted to appear by Rule 3-01.

By Order No. 2490, served October 25, 1983, the public hearing was postponed until further order of the Commission, and the question of representation was referred to the Commission.

Applicant depends upon Rule 3-03, which says:

3-03. Authority to Appear in Representative Capacity. Any person appearing before or transacting business with the Commission in a representative capacity may be required by the Commission or the presiding officer to file evidence of his authority to act in such a capacity.

It is our finding that Rule 3-03 does not enlarge upon the group of persons who are permitted to appear under Rules 3-01 and 3-02, but simply says that those persons may be required to file evidence of their authority to appear. Accordingly, applicant's request to be represented by this particular individual will be denied. Applicant, of course, may represent himself, and we take this opportunity to remind applicant that he may be represented by an attorney.

Order No. 2490, served October 25, 1983, postponed the public hearing in this case until further order of the Commission. Applicant stated a preference for a hearing date in "early December," and we shall honor that request.

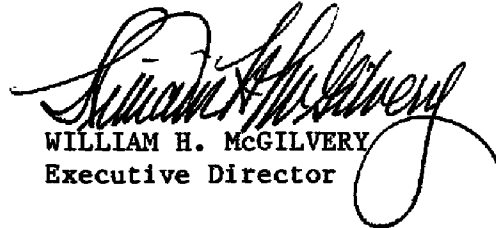
THEREFORE, IT IS ORDERED:

1. That the above-described request of applicant pursuant to Commission Rule 3 is hereby denied.

2. That the public hearing in Case No. AP-83-51 of Leo Lagana is hereby scheduled to commence Thursday, December 8, 1983, at 1:30 p.m. in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

3. That in all other particulars Order No. 2466, served September 13, 1983, remains in full effect.

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


WILLIAM H. MCGILVERY
Executive Director