

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2512

IN THE MATTER OF:

Served December 13, 1983

Application of FREDERICK LIMOUSINE,))
INC., for a Certificate of Public)
Convenience and Necessity to)
Conduct Special Operations --)
Airports and Union Station)

Case No. AP-83-50

On December 2, 1983, protestant Airport Limo, Inc., tendered for filing an interlocutory appeal from an evidentiary ruling of the Administrative Law Judge presiding over this case. That filing cited Commission Rule 23-02 which does not provide for the filing of an interlocutory appeal by a party. On that basis, the Executive Director refused acceptance for filing pursuant to Commission Rule 8-02.


On December 12, 1983, protestant again tendered the same pleading, citing specific authorization to file an interlocutory appeal granted on the record by the presiding officer. (Transcript, p. 582.)

Under the circumstances, this on-the-record authorization must be viewed as a conditional exercise of the Administrative Law Judge's discretion under Rule 23-02 to refer the matter to the Commission for determination.

Pending determination of the interlocutory appeal, the deadline for filing post-hearing briefs, now set for December 19, 1983, must be continued.

THEREFORE, IT IS ORDERED that the deadline for filing post-hearing briefs in the above-captioned case is hereby continued pending further order of the Commission.

FOR THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director