

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 3033

IN THE MATTER OF:

Served May 21, 1987

Application of BABEL TRAVEL )  
SERVICE, INC., for a Certificate of )  
Public Convenience and Necessity to )  
Conduct Charter and Special )  
Operations between Points in the )  
Metropolitan District )

Case No. AP-87-07

On May 15, 1987, counsel for Spirit of '76 Tours, Inc., \*/ requested the issuance of a subpoena duces tecum pursuant to Rule 18. It was requested that "charter orders, assignment sheets and dispatch sheets for the period February 1, through May 15, inclusive, be brought to the hearing scheduled for May 22, 1987." The sole basis given for the request is that "it is protestant's knowledge and belief that applicant has been operating outside the scope of its existing authority," and that the requested documents will demonstrate this.

Commission Rule 18 states, in pertinent part:

"a subpoena to compel a witness to produce documentary evidence will be issued only upon petition showing general relevance and reasonable scope of the evidence sought, which petition must also specify with particularity the books, papers, or documents desired, and the facts expected to be proved thereby . . . ."

The instant request fails to show the general relevance and reasonable scope of the evidence sought, and it fails to specify with particularity the facts expected to be proved. Protestant has failed

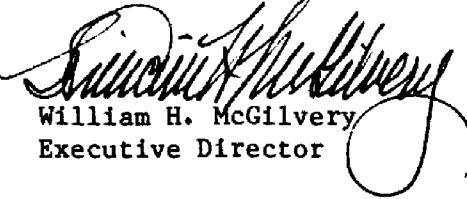
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\*/ Both the protest filed April 29, 1987, and this subpoena request were filed by counsel on behalf of "Spirit of '76 Tours, Inc." Presumably this refers to a trade name of Webb Tours, Inc., holder of WMATC Certificate No. 33. "Spirit of '76 Tours, Inc.," holds no operating authority from WMATC and, therefore, could lack standing either to protest this application or to seek a subpoena. Counsel will be expected to clarify this issue as a preliminary matter at the public hearing.

to meet the requirements for issuance of a subpoena duces tecum, and the request is denied.

IT IS SO ORDERED.

BY DIRECTION OF ADMINISTRATIVE LAW JUDGE FRANCIS A. WELCH:

  
William H. McGilvery  
Executive Director