



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

July 21, 1975

D. P. U. 18331

Petition of Vocell Bus Co., Inc., for a certificate of public convenience and necessity to authorize the operation of motor vehicles for the carriage of passengers for hire over routes in the Cities of Cambridge, Somerville, Medford and Woburn and the Towns of Stoneham, Reading, Wilmington and Andover, limited to the transportation of students of Lesley College located in the City of Cambridge to and from the West Elementary School and Sanborn School, both located in Andover, Massachusetts.

Appearances: Frank Daniels, Esquire, 15 Court Square,
Boston, Massachusetts, appearing on
behalf of the Petitioner.

John J. Coffey, Esquire (Assistant General
Counsel) 45 High Street, Boston, Massachusetts,
appearing on behalf of the Massachusetts Bay
Transportation Authority.

A public hearing was held upon the above-entitled petition on May 12,
1975 in the hearing room of the Department, 100 Cambridge Street, Boston,
Massachusetts.

The petitioner seeks authorization from the Department to transport
students and/or teachers from Lesley College in Cambridge to Andover in
motor vehicles under a contract with the Andover Department of Public
Schools between February 3, 1975 through May 23, 1975.

Paul Goodman, Clerk of Vocell Bus Company, Inc., of Billerica, testifying for the petitioner, stated that it is a certificated common carrier and a licensed charter operator. It has been transporting the student teachers from Lesley College to Andover under temporary authority issued by the Department on February 11, 1975 and seeks permanent authority to be in effect only for the duration of the contract.

Samuel R. Cidy, Transportation Assistant for the Andover School Department, stated that contract bids are accepted by the School Department for the duration of one year. He further stated that in the future the posting of such bids would be advanced in order to allow the successful bus contractor to secure proper authorization to perform this service.

The evidence adduced at this hearing indicates that the granting of the authority would be moot. The Department initially recognized the need for the service and granted temporary authority under the provisions of Chapter 159A, section 5. The carrier was tardy in securing the local licenses and in petitioning the Department for a public hearing. The assurance by the representative of the Andover Public Schools that bids would be sought at an earlier date in the ensuing year will assist in allowing adequate time to comply with the statutory provisions.

Accordingly, after due notice, public hearing and consideration, it is

ORDERED: That the petition of Vocell Bus Company, Inc., for a certificate of public convenience and necessity to authorize the operation of motor vehicles for the carriage of passengers for hire over routes in the Cities of Cambridge, Somerville, Medford and Woburn and the Towns of Stoneham, Reading, Wilmington and Andover, limited to the

transportation of students of Lesley College located in the City of Cambridge to and from the West Elementary School and Sanborn School, both located in Andover, Massachusetts, be and hereby is DISMISSED AS BEING MOOT.

By Order of the Department,

/s/ FRANCIS J. HICKEY, JR.

Francis J. Hickey, Jr.
Secretary

A true copy
Attest:


Secretary

Appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the order of the Commission be modified or set aside in whole or in part.

Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such further time as the Commission may allow upon request filed prior to the expiration of the twenty days after the date of service of said decision, order or ruling. (Sec. 5, Chapter 25, G. L., Ter. Ed., as most recently amended by Chapter 485 of the Acts of 1971)

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Notice from the department of Public
Utilities of the decision of said Depart-
ment to dismiss as the petition of Vocell
Bus Company for the carriage of passengers
through certain public ways in Cambridge.

In City Council,

July 28, 1975

7/28/75 Placed
on
File