

BEFORE THE
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 668

IN THE MATTER OF:

Served February 1, 1967

Application of D. C. Transit)
System, Inc., for Authority)
to Increase Fares.)

Application No. 396

Docket No. 131

On October 17, 1966, D. C. Transit System, Inc., ("Transit") filed certain tariffs proposing increases and decreases in existing fares. By Order No. 651, issued November 15, 1966, pursuant to Section 6(a)(1) of the Washington Metropolitan Area Transit Regulation Compact, ("Compact"), 74 Stat. 1031, the Commission suspended the tariffs and deferred the use of the rates thereof until February 13, 1967, unless otherwise ordered.

By Order No. 667, issued February 1, 1967, the Commission further suspended the tariffs until Wednesday, March 15, 1967, unless otherwise ordered.

Transit has filed an application for reconsideration of said Order No. 667 alleging that the Commission erred in suspending the tariffs beyond a date subsequent to February 13, 1967, on the ground that the provisions of Section 6(a)(2) of the Compact were limited in applicability by Section 5 of Public Law 84-757 70 Stat. 598 (1956) ("Franchise").

Basically, Transit contends that under the terms of the Franchise, if a final order has not been entered within one hundred twenty (120) days of the filing of the tariffs,

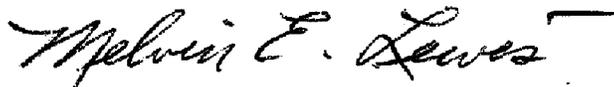
Transit is entitled to put the suspended schedule of fares into effect by the end of the one hundred twenty (120) days provided for in said Franchise, instead of the one hundred fifty (150) day period specified in Section 6 of the Compact, and that said schedule of fares shall remain in effect until the Commission has issued an appropriate order.

The Commission is of the opinion that the time provisions of Section 5 of the Franchise are procedural in nature, rather than substantive, and were subject to modification by the Congress in legislation subsequent to the granting of the Franchise to Transit. The Commission further finds that such a procedural modification was in fact made by the enactment of the Compact and that the administrative process before the Commission in fare proceedings involving Transit should be governed by the procedural provisions of the Compact.

Accordingly, the Commission finds that the application of D. C. Transit System, Inc., for reconsideration of Order No. 667 should be denied.

THEREFORE, IT IS ORDERED that the application of D. C. Transit System, Inc., for reconsideration of Order No. 667 be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:



MELVIN E. LEWIS
Acting Executive Director