

BEFORE THE
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 705

IN THE MATTER OF:

Served April 27, 1967

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

Application No. 396

Docket No. 131

On March 13, 1967, the Commission published Order No. 684, which was the final order in the above-styled proceeding.

On April 18, 1967, 36 days after the publication of Order No. 684, Diana K. Powell, a party to the proceeding, filed a "Motion to Stay Order No. 684 Pending Appeal," pursuant to Rule 28-05.

It is difficult to determine whether the request is tied to the application of D. C. Transit for reconsideration or is an independent filing by movant for reconsideration, pursuant to Section 16. However, either way the request is untimely. Transit's application for reconsideration was denied by Order No. 692 on April 14, 1967, four days prior to movant's filing.

On the other hand, since the request refers vaguely to one of our rules concerning applications for reconsideration, we could treat the motion as such. Section 16, however, prescribes that an application for reconsideration be filed within 30 days of publication of the order complained of. The 30 day time limitation specified in Section 16 is a mandatory jurisdictional requirement, which cannot be waived by the Commission. If this is an application for reconsideration it was not timely filed, and must be dismissed.

THEREFORE, IT IS ORDERED that the motion of Diana K. Powell relating to Order No. 684 be, and it is hereby, dismissed.

BY DIRECTION OF THE COMMISSION:

Melvin E. Lewis

MELVIN E. LEWIS
Executive Director