

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 857

IN THE MATTER OF:

Served August 23, 1968

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

Application No. 505

Docket No. 186

By petition filed August 16, 1968, Diana Kearny Powell requests leave to intervene as a protestant in the D. C. Transit System, Inc., bus fare increase proceeding. On August 22, 1968, applicant filed an answer in opposition.

~~In support of her request, petitioner asserts that she was unable to determine the closing date by which protests for this proceeding were to be filed; that she has participated in previous similar proceedings; that she presently has pending an appeal of a previous Transit fare increase application; and, that apparently she desires to present several economic and legal issues herein. In reply, Transit contends as follows: (1) Petitioner has failed to show good cause as required by Rule 16-01 of this Commission; (2) Petitioner has not shown reasonable cause for failing to file within the specified time; (3) Since there has already been one pre-hearing conference held in this matter, intervention at this point would be prejudicial and disruptive; (4) Due to the fact that the public is already adequately represented, a denial of the instant petition will not prove prejudicial to the public interest.~~

Pursuant to Article XII, Section 14 of the Washington Metropolitan Area Transit Regulation Compact, this Commission has formulated certain rules and regulations governing the conduct of proceedings and hearings held before it. Such rules were formulated for the purpose of insuring the orderly dispatch of all matters and we will not waive them lightly.

Specifically, Rule 14-03 requires a protest to be filed ten days prior to the effective date of tariffs, or in this case, August 8, 1968. Rule 6-03 requires notice to be published in a newspaper of general circulation. In addition, notice is required to be posted in all vehicles operated by the applicant (Reg. 56-01(b)).

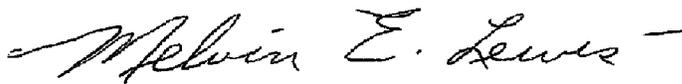
In our opinion, petitioner's request for intervention must be denied. The petitioner acknowledged in the instant petition that she has participated in similar proceedings before the Commission; thus, she is not new to this Commission and its requirements. To justify intervention in a proceeding in the event of failure to timely file a protest, our Rules require a showing of good cause. Petitioner fails to indicate even one substantive reason to justify intervention. Not only has no showing of good cause been made, but the instant petition is barren of the slightest pretense in this respect.

As related above, petitioner asserts that she was unable to determine the final filing date for protests in this proceeding. She states that she contacted applicant's main office but was not provided with any assistance. Exactly with whom or when this contact was made is not disclosed. We note that the notice provisions of our Rules have been complied with: namely, (a) notice was posted in all of applicant's vehicles; (b) notice was published in a newspaper of general circulation. At any rate, in view of petitioner's familiarity with this Commission and its procedures, we could reasonably have expected her to contact the Commission directly in order to determine the applicable date. Hence, we find no good cause for her to have failed to discover and comply with the deadline date established under our Rules.

Good cause not having been shown, we will deny the instant petition.

THEREFORE, IT IS ORDERED that the Petition for Leave to Intervene of Diana Kearny Powell be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:



MELVIN E. LEWIS
Executive Director