

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 867

IN THE MATTER OF:

Served August 27, 1968

Application of WMA Transit)
Company to Amend Certificate)
of Public Convenience and)
Necessity to Extend Service)
to the Southwest Mall Area.)

Application No. 480

Docket No. 172

By Application No. 480, filed March 18, 1968, WMA Transit Company requested authority to extend service to the Southwest Employment area on all of its routes destined to Washington. The Commission considered this application in a consolidated proceeding in which it also entertained competitive applications of D. C. Transit System, Inc.

After extensive hearings and detailed consideration, we served Order No. 844 on the 26th of July, 1968. Order No. 844 ordered WMA and D. C. Transit to enter into an interline agreement similar to that established in Order No. 824 -- the Farragut Square case. Accordingly, the application of WMA was modified and granted, and those of D. C. Transit were denied.

By application filed August 12, 1968, WMA requests reconsideration of Order No. 844 to the extent that it relates to its Application No. 480. It raises basically three grounds of error: namely, (1) Article XII, Paragraph 7 of the Compact does not empower the Commission to order the said agreement; (2) An involuntary interline agreement is not a remedy within the meaning of Section 4(e) of the Compact and does not satisfy the requirements of that Section; (3) The evidence of record indicates that the public convenience and necessity dictates nothing less than a complete grant of WMA's application.

The allegations set forth in the instant application are general and unspecified. They lack that degree of specificity required by Section 16 of the Compact and applicable case law. This proceeding is strikingly similar to the Farragut Square case at least insofar as the legal issues are concerned. We considered in great detail in that proceeding, as well as in this one, the appropriateness of the remedy concerned in both proceedings and the Commission's obligations and authority pertaining thereto. Our determinations remain unchanged. There is no question in our minds but that the prescribed remedy is appropriate and that we have that requisite authority to order its implementation, especially in light of the clear language of Article XII, Section 7.

In Order No. 844 we presented a detailed and extensive analysis of the present and future transportation needs of this area. And, we also evaluated the posture of each company relevant to these needs. The issues raised in the instant application are not new to us; they were all considered in Order No. 844 and our minds remain unchanged. In our opinion, ~~nothing would be gained from re-opening this proceeding; accordingly, we will deny the instant application.~~

THEREFORE, IT IS ORDERED that the application of WMA Transit Company for reconsideration of Order No. 844 be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:



MELVIN E. LEWIS
Executive Director