

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 931

IN THE MATTER OF:

Served March 3, 1969

Order of Investigation of )  
Fares of D. C. Transit )  
System, Inc. )

Docket No. 194

On January 23, 1969, the Commission issued Order No. 911 denying an application for reconsideration of Order No. 900 filed by Joel Yohalem. We held that the application was not timely filed. On January 28, 1969, Mr. Yohalem sought to have his application accepted by filing a motion for waiver of Commission Rule 8-01, the rule which requires that the application for reconsideration be filed during normal business hours of the Commission. That motion was denied by our Order No. 930. Now Mr. Yohalem has filed an application for reconsideration of Order No. 911, the order which initially denied his application for reconsideration.

The present application for reconsideration of Order No. 911 must also be denied. We do not believe that the Compact intended that an application for reconsideration could be filed with regard to an order denying reconsideration. At some point, the litigation must end. If the present motion lies, there could be an endless procession of applications for reconsideration and we would never be able to conclude a matter before us. Hence, we deny the present application on the ground that no such application may be made with regard to an order denying reconsideration of a prior order.

We assume that Mr. Yohalem may be considering the possibility of pursuing his remedies further. Hence, in order to save time, we will comment on the points he raises in the present application. The 30-day period for filing for reconsideration of Order No. 900 did in fact expire on January 22, 1969. Under Commission Rules, the date of publication was fixed by the mailing of the order to the parties on December 23, 1968. See Commission Rule 7-02. Mr. Yohalem

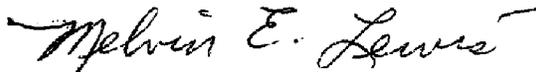
himself acknowledges that this is a reasonable rule as applied to parties to the proceeding. His complaint as to the supposed unreasonableness of the rule as applied to non-parties is without merit. Some point in time must be fixed as the date of publication. The Commission's obligation is to ensure that the date of publication takes into account reasonable notice to interested persons.

The present procedures do that. When the Commission's orders are mailed to the parties, they are also made available to the press. In fact, Order No. 900, the order here in question, was widely covered in all of the mass media on December 23, the operative date here in question. On that day, it was publicized on radio and television, and in local newspapers. We are sure that if Mr. Yohalem stated the date on which he received actual notice of Order No. 900, it would appear that he received such notice on December 23. Hence, we do not believe his argument in this regard has merit.

The only other point made by Mr. Yohalem is the claim that, if the original application was filed late, it was not late by a very wide margin. We have discussed this argument in length in our Order No. 930. It needs no further discussion.

THEREFORE, IT IS ORDERED that the application for reconsideration of Order No. 911, filed by Joel Yohalem on February 24, 1969, be, and it is hereby, dismissed.

BY DIRECTION OF THE COMMISSION:



MELVIN E. LEWIS  
Executive Director

(T-P) Time-Passengers

Regular Route Pay Hours

D. C.	65,643	17.37% (n)
Maryland	237,697	62.88% (o)
Other Than Mass Transit	<u>74,650</u>	<u>19.75% (p)</u>
Total Regular Route Time	<u>377,990</u>	<u>100.00%</u>

Factors To Be Used:

D. C. Local	(n) x (i)	9.95%
Md. and Interstate	(o) + ((n) x (j))	70.30%
Other Than Mass Transit	(p)	<u>19.75%</u>
		<u>100.00%</u>

(M-T) Average of Mileage-Passengers and Time-Passengers

	<u>(M-P)</u>	<u>(T-P)</u>	<u>Average</u>
D. C. Local	9.17%	9.95%	9.56%
Md. and Interstate	73.86%	70.30%	72.08%
Other Than Mass Transit	<u>16.97%</u>	<u>19.75%</u>	<u>18.36%</u>
	<u>100.00%</u>	<u>100.00%</u>	<u>100.00%</u>

D. C. Local to Md and Interstate Ratio:

D. C. Local	9.56%	11.71%
Md. and Interstate	72.08%	<u>88.29%</u>
		<u>100.00%</u>