

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 934

IN THE MATTER OF:

Served March 10, 1969

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

Docket No. 194

On January 24, 1969, the Commission published Order No. 913 dismissing the application of Malaku J. Steen for reconsideration of Order No. 900, which had authorized an increase in the fares of D. C. Transit System, Inc.

By Application filed February 24, 1969, Mr. Steen requests reconsideration of Order No. 913, asserting that his original application was timely filed, that, according to certain provisions of the Federal Rules of Civil Procedure, the time limit imposed by the Commission is incorrect, and further asserting that he had in effect timely filed because of his statement at a public hearing that he intended to appeal any "adverse order of the Commission."

This application for reconsideration of Order No. 913 must be denied. An order of this Commission denying reconsideration is not a proper subject for reconsideration; with a denial of reconsideration, the matter is terminated at the Commission level -- otherwise there could be an endless procession of applications for reconsideration in any specific case. We therefore deny this application on the grounds that no application for reconsideration may be made with respect to an order denying reconsideration.

In the event Mr. Steen seeks to pursue his remedies elsewhere, some comment on the points he raises might be helpful.

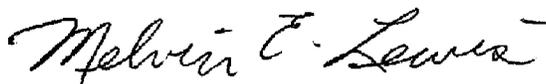
First, the date on which Mr. Steen placed his application in the mail is immaterial. To be timely filed, it must be received at the Commission offices within the prescribed period. Lewis - Hall Iron Works v. Blair 57 App D. C. 364, 23 F.2d 972. Mr. Steen's application was not received until January 24, 1969, two days after the thirty-day period expired.

Second, under Commission Rule 7-02, the thirty-day period commenced on December 23, 1968, the date on which Order No. 900 was placed in the mail to formal parties. The date on which Mr. Steen, who was not a formal party, received a copy is immaterial. In any event, the Federal Rules of Civil Procedure, relied upon by Mr. Steen, have no effect upon the statutory thirty-day period established by the Compact.

Finally, the application itself must actually be filed within the statutory period. Even assuming that Mr. Steen's testimony constituted notice of an intent to file, which we doubt, such notice would not be sufficient. Stebbins' Estate et. al. v. Helvering 121 F.2d 892.

THEREFORE, IT IS ORDERED that the application by Malaku J. Steen for reconsideration of Order No. 913, filed February 24, 1969, be, and it is hereby, dismissed.

BY DIRECTION OF THE COMMISSION:



MELVIN E. LEWIS
Executive Director