

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1214

IN THE MATTER OF:

Served April 27, 1972

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

Application No. 752

Docket No. 241

On December 28, 1971, D. C. Transit System, Inc. (Transit) filed revisions to its Tariffs No. 41 and 45 to be effective January 27, 1972. Transit's revised tariffs were accompanied by required supporting data and were designated Application No. 752. Order No. 1193, served January 21, 1972, set that application for hearings commencing February 17, 1972.

On April 27, 1972, Julius W. Hobson filed a Petition to Intervene. The rules of this Commission provide:

14. Protests

14-01. Proceedings in Which Protest May be Filed.

A protest may be filed against the granting of any application or against any petition or other request for any authorization, certificate or permission, or for relief from any provision of the Act, rules, regulations, or orders thereunder, by any person having a substantial interest therein.

14-03. When Filed. Unless otherwise provided by order or notice, protests shall be filed at least ten (10) days before the hearing called on an application, petition, or other request, except tariffs proposing a change in fare(s), in which event a protest shall be filed at least ten (10) days before the proposed effective date of said tariff.

16. Intervention

16-01. By Petition. Any person not named as a party in a proceeding, but having a substantial interest therein, who has not timely filed a protest, may petition the

Commission for leave to intervene no later than the first day of the hearing. No such petition shall be granted except on good cause being shown for failure to file a protest.

We may waive the rule respecting time for filing for intervention only if sufficient grounds are presented. In support of his petition, Hobson states that he did not file a timely formal protest or petition for intervention under these rules, as he was content to present his views at informal public hearings. He now alleges that on April 25, 1972, the Commission's Chairman demonstrated such prejudices toward Petitioner Hobson that he and those associated with him cannot receive a fair hearing and his views cannot be fairly considered.

The grounds for intervention presented by Petitioner Hobson appear to be two: (1) that a remark made by the Chairman to Mr. Hobson outside the hearing room indicated a personal prejudice against Mr. Hobson, and (2) that the adjournment of the hearing was not justified, implying a predilection on the Chairman's part of disinterest in what petitioner would say if he testified.

We do not consider the remark to Mr. Hobson, alleged to have been made by the Chairman, a sufficient basis for assuming personal prejudice against Mr. Hobson.

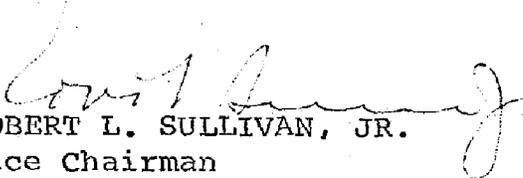
Furthermore, we believe that there was ample justification for adjournment of the hearing in the circumstances of Tuesday evening, allegations of petitioner to the contrary notwithstanding. Hence, we do not accept the fact of the adjournment of Tuesday's hearing as evidence of prejudice.

For several weeks, a hearing has been scheduled for Friday night, April 28, 1972, beginning at 7:30 p.m. at 8787 Georgia Avenue, Silver Spring, Maryland, in order to provide an opportunity for public comment on the proposed D. C. Transit fare increase. In addition, another hearing has been scheduled for Saturday morning, April 29th, at 10:00 a.m., in Hearing Room B of the Interstate Commerce Commission at 12th Street and

Constitution Avenue, N.W., for the same purpose. Any member of the public, including Petitioner Hobson, is welcome to attend either of those hearings to present his views.

THEREFORE, IT IS ORDERED that the petition of Julius W. Hobson to intervene, filed April 27, 1972, be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:


ROBERT L. SULLIVAN, JR.
Vice Chairman

WATERMAN, Chairman, not participating.