

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1216-B

IN THE MATTER OF:

Served May 25, 1972

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

Application No. 752

Docket No. 241

Following is the Supplemental Opinion of Chairman Waterman and Commissioner Shannon in response to the dissenting opinion of Vice Chairman Sullivan.

Vice Chairman Sullivan, in his dissenting opinion received by us today and published as Order No. 1216-A, construes our action in Order No. 1216, issued May 19, 1972, as an attempt to extend the suspension period of Article XII, Section 6(a)(2) of the Compact beyond one hundred twenty (120) days.

We, of course, are aware that Section 6(a)(2) provides that the suspension period terminates no later than one hundred twenty (120) days after the date "the fare, regulations or practices involved was suspended."

When we issued our opinion in Order No. 1216 and ordered that the record in Docket No. 241 remain open for ninety (90) days for receipt of evidence from D. C. Transit System, Inc. (Transit) indicating compliance with the financial requirements set forth in that order, we were in no way extending the time within which we were required to act under the Compact. In Order No. 1216, we found the fares proposed in Application No. 752 by Transit to be unjust and unreasonable and issued an order prescribing the lawful fare to be in effect. These actions met all the requirements of Section 6(a)(2) and were all taken before the expiration of the one hundred twenty (120) day period.

The sole purpose of leaving the record open as provided in Order No. 1216 was to advise Transit that, if the financial requirements of that order were satisfied within ninety (90) days, the Commission would institute a proceeding under Section 6(b) of the Compact and utilize in that proceeding, to the extent feasible, the record established in Docket No. 241.