

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1381

IN THE MATTER OF:

REMANDS from United States Court) of Appeals for the District of) Columbia Circuit of D. C. Transit) System, Inc., Proceedings:)	Served: November 25, 1974
Application of D. C. Transit) System, Inc., for Authority to) Increase Fares)	Application No. 453 Docket No. 156
Application of D. C. Transit) System, Inc., for Authority to) Increase Its Fleet in Lieu of) Purchasing Buses)	Application No. 436 Docket No. 156
Application of D. C. Transit) System, Inc., for Authority to) Increase Fares)	Application No. 226 Docket No. 32
Application of D. C. Transit) System, Inc., for Authority to) Increase Fares)	Application No. 344 Docket No. 101
Application of D. C. Transit) System, Inc., for Authority to) Increase Fares)	Application No. 573 Docket No. 201
Application of D. C. Transit) System, Inc., for Suspension) of the Program for the Purchase) of New Buses)	Application No. 553 Docket No. 201
Application of D. C. Transit) System, Inc., for Authority to) Increase Fares)	Application No. 613 Docket No. 216

By petitions filed November 7, 1974, the Black United Front (BUF) requests that (A) a subpoena issue compelling the Washington Metropolitan Area Transit Authority (WMATA) to make available certain information and (B) a subpoena issue compelling D. C. Transit System, Inc. (Transit) to make available certain documents. On November 20, 1974, WMATA filed an answer to the petition.

The BUF submits that the information is essential for the preparation of rebuttal statements to be filed pursuant to our Order No. 1359, served October 10, 1974. With respect to the requested information to be made available by WMATA, BUF alleges that it is relevant to the determination of how the restitution fund may best be applied. With respect to the requested documents to be made available by Transit, BUF alleges that they are relevant to the determination of the ability of Transit to respond to restitution awards.

WMATA answers that several of the records pre-date the acquisition of Transit by WMATA 1/ and are not separated or categorized by District of Columbia ridership. To the extent that the records are available, WMATA indicates that it is ready, willing and able to supply the information requested. However, WMATA requests the Commission to require BUF to pay any costs incurred in the production of such information.

The basis for BUF's petitions for subpoenas was its allegation that the requested information was essential to the preparation and submission of a rebuttal statement. On November 12, 1974, BUF filed a rebuttal statement. Accordingly, we are of the opinion that these petitions should be dismissed without prejudice to BUF's filing other petitions requesting the same or similar information at some other time.

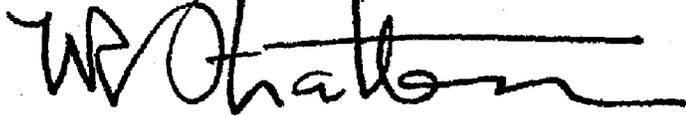
1/ WMATA states that it took over the operations, facilities, books and records of Transit under date of January 14, 1973.

THEREFORE, IT IS ORDERED:

1. That the petition by Black United Front requesting that a subpoena issue compelling the Washington Metropolitan Area Transit Authority to make available certain information be, and it is hereby, dismissed without prejudice.

2. That the petition by Black United Front requesting that a subpoena issue compelling D. C. Transit System, Inc., to make available certain documents be, and it is hereby, dismissed without prejudice.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in black ink, appearing to read "W. R. Stratton", with a long horizontal flourish extending to the right.

WILLIAM R. STRATTON
Vice-Chairman

