

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1402

IN THE MATTER OF:

Application of D. C. Transit	)	Served January 31, 1975
System, Inc., for Authority to	)	Application No. 613
Increase Fares.	)	Docket No. 216

By motion, filed January 28, 1975, counsel for D. C. Transit System, Inc. (Transit) requests that the date for its filing of direct testimony be extended to April 22, 1975, and concomitant therewith the date for filing of rebuttal testimony and the date for the public hearing be adjourned. On January 29, 1975, counsel for the Black United Front (BUF) filed in opposition to the motion.

Counsel for Transit states that the filing of motions by the Commission staff, BUF, and Transit created a considerable amount of uncertainty in the mind of Transit. Counsel further states that during the pendency of these motions Transit was unable to proceed with the preparation of its testimony. Counsel then states that, upon receipt of Order No. 1394, served January 7, 1975, and a copy of the Second Loconto Report, Transit immediately retained outside independent expert witnesses. Further counsel submits that the extension of time requested will expedite and not further delay the fulfillment of the directives set forth in the United States Court of Appeals for the District of Columbia Circuit (Court) decision of June 28, 1973, in Democratic Cent. Com. of D. C. v. Washington Met. A. T. Com'n., 485 F.2d 886. Finally, counsel submits that failure to grant the extension of time might subject Transit to substantial injury and damage as a result of the absence in the record of the material Transit believes necessary to comply with the Court's directives.

Counsel for BUF opposes the motion by counsel for Transit. BUF's counsel states that BUF is prepared to submit, according to schedule, testimony on the issues in question before the Commission. Counsel further asserts that the motion is only another effort to cause further delay.

Transit, like the other participants in this proceeding, has known since the Court's opinion of June 28, 1973, the basic requirements of this issue. The details of the hearing before the Commission on this issue were established on October 10, 1974, by Order No. 1354 and Order No. 1358. Order No. 1358 established matters relating to this issue which were reiterated on January 7, 1975, by Order No. 1394. The present schedule for proceedings on this issue has been firmly established since November 21, 1974. We perceive no valid reason for Transit not to be ready to proceed. Accordingly, Transit's motion shall be denied.

The hearing date, however, will be postponed one day to February 26, 1975, and maximum extension of filing dates for all parties will be effected herein so as not to prejudice any individual party.

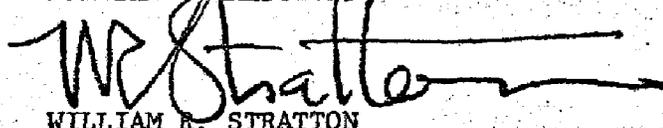
THEREFORE, IT IS ORDERED:

1. That the motion by D. C. Transit System, Inc., for modification of the schedule for the filing of testimony and the public hearing in the proceeding herein be, and it is hereby, denied.

2. That the public hearing scheduled for February 25, 1975, be, and it is hereby, rescheduled for Wednesday, February 26, 1975, at 2:00 p.m., in Hearing Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

3. That the Commission Staff, D. C. Transit System, Inc., Democratic Central Committee of the District of Columbia, Washington Construction Area Industry Task Force, the District of Columbia, and the Black United Front, shall file with the Commission and serve upon the parties, prepared direct testimony on or before Tuesday, February 18, 1975, and prepared rebuttal testimony on or before Monday, February 24, 1975.

FOR THE COMMISSION:



WILLIAM R. STRATTON  
Vice-Chairman