

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1461

IN THE MATTER OF:

Order Directing D. C. TRANSIT)	Served October 17, 1975
SYSTEM, INC., to Comply with)	
Regulation Nos. 55-08 and 65-03)	Docket No. 294

The Compact, Title II, Article XII, Section 5(d) and Regulation 55-08 prohibit a carrier from charging any fare other than the applicable fare specified in a tariff filed by it with the Commission and in effect at the time. Commission Regulation 55-08 provides as follows:

No carrier shall charge or demand or collect or receive a greater or less or different compensation for transportation, or for any service in connection therewith, than the rates, fares, and charges specified in its currently effective tariffs; and no carrier shall in any manner or by any device, directly or indirectly, or through any agent, or otherwise, refund or remit any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities with respect to matters required by the Commission to be specified in such tariffs, except those specified therein.

The Commission has received information that D. C. Transit System, Inc., (D. C. Transit) currently offers its tour service to individual members of the general public at fares other than those set forth in its WMATC Tariff No. 4. The charging of fares other than those set forth in D. C. Transit's current tariff on file with the Commission would be a violation of the Compact and Regulation 55-08.

The Compact, Title II, Article XII, Section 10(a) empowers the Commission to require annual or other periodic reports from any carrier. Commission Regulation 65-03 provides as follows:

Every carrier holding a certificate of public convenience and necessity issued by the Commission shall file with the Commission, on or before the 31st day of March of each year, an annual report, in such form as the Commission shall prescribe, setting forth financial, statistical and general information pertaining to its sightseeing operations.

The Commission revised the annual report form and, as a result, did not circulate the form until April 1, 1975. The filing date also was postponed until May 31, 1975. By letter dated June 26, 1975, the Commission staff notified D. C. Transit that failure to file an annual report constituted noncompliance with a provision of the Compact. The annual report has not been filed and this constitutes a violation of Commission Regulation 65-03, as modified.

The Commission shall direct D. C. Transit to file the annual report within ten (10) days of the service date of this order. The Commission also shall schedule a hearing not less than thirty (30) days after the service date of this order. The purpose of the hearing shall be to determine whether D. C. Transit charged members of the general public fares other than those set forth in its current WMATC Tariff No. 4 and whether D. C. Transit has wilfully failed to comply with this order, which commands obedience to its regulations. Cf. Compact, Title II, Article XII, Section 4(g). Accordingly, the Commission shall make D. C. Transit a formal party at that hearing.

THEREFORE, IT IS ORDERED:

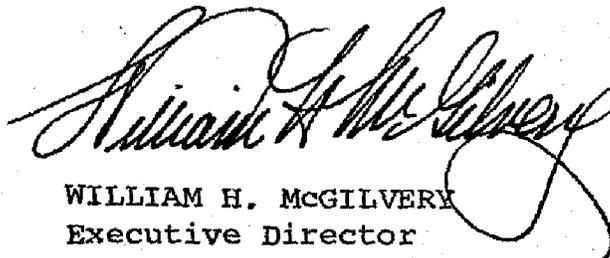
1. That D. C. Transit System, Inc., be, and it is hereby, directed to charge only those fares set forth in its current WMATC Tariff No. 4 and to file its annual report for the calendar year ended December 31, 1974, not less than ten (10) days from the date of service this order.

2. That D. C. Transit System, Inc., be, and it is hereby, made a formal party in a proceeding to determine whether it has charged members of the general public fares other than those set forth in its current WMATC Tariff No. 4.

3. That a public hearing be, and it is hereby, scheduled for Wednesday, November 26, 1975, at 9:30 A. M. in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006, for the purpose of determining whether D. C. Transit System, Inc., has charged members of the general public fares other than those set forth in its current WMATC Tariff No. 4 and has wilfully failed to comply with this order.

4. That D. C. Transit System, Inc., be, and it is hereby, assessed \$100 pursuant to the provisions of the Compact, Title II, Article XII, Section 19 and directed to deposit said amount in the name and to the credit of the Washington Metropolitan Area Transit Commission in the American Security and Trust Company, 1612 K Street, N. W., Washington, D. C., on or before Friday, November 14, 1975.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director

