

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1482

IN THE MATTER OF:

Order Directing D. C. TRANSIT)	Served December 30, 1975
SYSTEM, INC., to Comply with)	
Regulations No. 55-08 and 65-03)	Docket No. 294

By Order No. 1461, served October 17, 1975, the Commission directed D. C. Transit System, Inc. (D. C. Transit) to charge only those fares set forth in its current WMATC Tariff No. 46 and Supplement No. 1 thereto and to file its annual report for the calendar year ended December 31, 1974. The Commission also scheduled a public hearing for November 26, 1975, for the purpose of determining whether D. C. Transit has charged members of the general public fares other than those set forth in its current WMATC Tariff No. 46 and Supplement No. 1 thereto and whether D. C. Transit complied with Order No. 1461. D. C. Transit was made a formal party in the proceeding.

The Compact, Title II, Article XII, Section 4(g) contains the following proviso with respect to the revocation of any certificate of public convenience and necessity:

"provided, however, that no certificate shall be revoked (except upon application of the holder) unless the holder thereof wilfully fails to comply, within a reasonable time, not less than 30 days, to be fixed by the Commission, with a lawful order of the Commission commanding obedience to the rules or regulations or orders of the Commission, or to the terms, conditions, or limitations of such certificate found by the Commission to have been violated by such holder."

D. C. Transit has complied with the Commission's directive to file its annual report for the calendar year ended December 31, 1974.

A public hearing was held on November 26, 1975. D. C. Transit presented no evidence at the hearing to indicate that it had neither charged fares in excess of the fares set forth in its current tariff nor conducted operations consisting of individually ticketed sightseeing during the period July 18, 1973 to October 17, 1975. Rather, D. C. Transit filed and argued a motion to postpone the hearing. The administrative law judge presiding at the hearing properly denied that motion.

The hearing involved argument presented by the general counsel for the Commission and counsel for D. C. Transit. Counsel for the Commission requested that an investigation proceeding be instituted to show cause why D. C. Transit's operating authority should not be suspended or revoked for failure to comply with the rules or regulations of the Commission or the terms, conditions or limitations of Certificate of Public Convenience and Necessity No. 5-A. Counsel for D. C. Transit stated that a new tariff was being prepared for filing and that the filing of the new tariff would moot the question of compliance.

The filing of a new tariff would present to the Commission the question of the prospective fare structure for D. C. Transit. The submission of a new tariff would not excuse D. C. Transit from any prior operations that were not in compliance. Accordingly, a second hearing will be convened to determine whether D. C. Transit assessed fares other than those set forth in its WMATC Tariff No. 46, Supplement No. 1 during the period July, 1973, to October, 1975; whether D. C. Transit conducted any operations under its Certificate of Public Convenience and Necessity No. 5-A during the period July, 1973, to October, 1975; and whether D. C. Transit conducted any operations subject to the Commission's jurisdiction which were not authorized during the period July, 1973, to October, 1975.

The initial consideration is a result of comparing D. C. Transit's WMATC Tariff No. 46, effective July 14, 1973, and Supplement No. 1 thereto, effective July 18, 1973, with D. C. Transit's advertising brochure. That comparison indicates the following:

<u>TOUR</u>	<u>BROCHURE</u>	<u>TARIFF</u>
3		
adult with boat	10.50	NONE
child with boat	6.00	NONE
5		
adult with boat	17.50	NONE
child with boat	9.50	NONE
7		
adult	16.00	8.00
adult with boat	17.50	NONE
child	8.00	4.00
child with boat	9.50	NONE
10a		
adult	NONE	16.00
child	NONE	12.00
11		
adult with boat	30.00	NONE
child with boat	15.75	NONE
12		
adult	NONE	7.00
child	NONE	3.50
14		
adult	NONE	4.00
child	NONE	2.00

At the hearing, D. C. Transit should be prepared to present records, sponsored by a witness, indicating the revenues received from the sale of individual

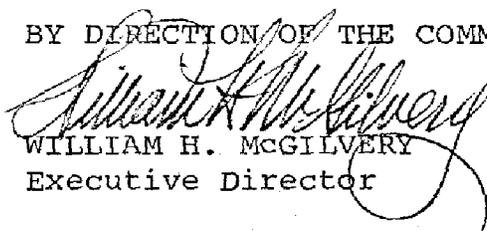
tickets for the foregoing tours during the period July, 1973, to October, 1975. These records shall be reviewed for the purpose of determining the amount received from the farepaying public.

D. C. Transit's Certificate of Public Convenience and Necessity No. 5-A authorizes the transportation of passengers and their baggage, over irregular routes, in special operations limited to individually ticketed sightseeing service, from points in the District of Columbia to points in the Metropolitan District and from points in Montgomery County, Maryland, and that portion of Prince George's County, Maryland, north of the John Hanson Highway to points in the Metropolitan District. D. C. Transit's annual report for the calendar year ended December 31, 1974, indicates that D. C. Transit received no revenues from individually ticketed sightseeing during that period. At the hearing, D. C. Transit should be prepared to sponsor a witness with knowledge of the individually ticketed operations rendered during the period July, 1973, to October, 1975.

D. C. Transit's annual report for the calendar year ended December 31, 1974 indicates revenues from group charter (non-sightseeing) \$975,980, contract charter \$17,617, charter sightseeing \$74,628 and special operations (individual ticket non-sightseeing) \$47,448. D. C. Transit holds no authority from this Commission to perform any of these services. D. C. Transit should be prepared to present a witness with knowledge of these operations as rendered during the period July, 1973, to October, 1975.

THEREFORE, IT IS ORDERED that a public hearing be, and it is hereby, scheduled for Monday, January 26, 1976, 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 showing cause that Certificate of Public Convenience and Necessity No. 5-A of D. C. Transit System, Inc., should not be suspended or revoked.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director