

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1887

IN THE MATTER OF:

Served September 27, 1978

Application of BLUE LINES, INC.,)
for Authority to Increase Rates -)
Tour K)

Case No. AP-78-36

By tendering for filing its WMATC Tariff No. 2, Supplement No. 5,^{1/} on August 28, 1978, Blue Lines, Inc., seeks authority to increase its per capita fares for its sightseeing tour "K" from \$9 to \$10 for adults and from \$4.50 to \$5 for Children. Tour "K" involves tours of the Lincoln Memorial and Arlington National Cemetery.

The Compact, Title II, Article XII, Section 5(e) provides, inter alia, that a carrier desiring to change any fare". . . shall give notice to the public of the proposed change by posting and filing such tariff in such manner as the Commission may by rule, regulation or order provide." Moreover, no tariff may take effect sooner than 30 days after the date of filing unless the Commission, by order, authorizes its taking effect on an earlier date. By cover letter, applicant seeks permission for the tariff supplement to become effective on September 11, 1978, rather than September 27, 1978. For the reasons set forth below, however, we are of the opinion that the tendered tariff is not acceptable for filing and must be held in abeyance pending receipt of additional supporting data.

Commission Regulation 56-02 requires that an irregular-route tariff be accompanied by detailed reasons for the proposed change. Obviously the Commission cannot make the determination required by Title II, Article XII, Section 6 of the Compact in a vacuum. To determine whether the proposed fare is just, reasonable and not unduly preferential or unduly discriminatory, we must give consideration to the financial condition of the carrier, its revenue requirements, whether it is being operated

^{1/} Only an original was filed. Rule 4-02 of our Rules of Practice and Procedure requires the filing of an original and four conformed copies. See General Order No. 19, served September 8, 1977.

economically and efficiently, and other appropriate criteria. In addition, Order No. 1639, served December 28, 1976, mandates that we disallow rates of commission in excess of 20 percent of the net transportation price paid to agents or others for the generation of passengers for sightseeing service. Although applicant filed a cover letter generally indicating that the reasons for the requested increase in fare are the increased costs of drivers' wages, parts, tools and fuel, we find a lack of detail as required by Regulation 56-02. Further, any changes in per-capita sightseeing fares must be considered in light of the requirements of Order No. 1639.

THEREFORE, IT IS ORDERED:

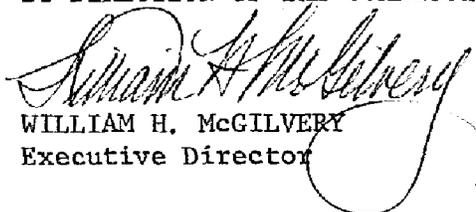
1. That WMATC Tariff No. 2, Supplement No. 5, is hereby held in abeyance pending the filing of additional copies thereof and the supporting data directed to be filed below.

2. That Blue Lines, Inc., is hereby directed to file with the Commission an additional three copies of its proposed WMATC Tariff No. 2, Supplement No. 5, and six copies each of (a) a detailed balance sheet showing the financial condition of the carrier as of August 31, 1978, (b) a detailed income and expense statement for the period September 1, 1977, through August 31, 1978, including operating ratio, (c) a projected statement of net earnings, after all taxes, for the period September 1, 1978, through August 31, 1979, under both the existing fares and the proposed fares, together with supporting details including operating ratio, (d) a schedule showing number of riders on each of the carrier's tours for the 12-month period ending August 31, 1978, and (e) the carrier's records and accounts concerning rates of commissions paid to agents and others required to be kept by Order No. 1639 for the 12-month period ending August 31, 1978, no later than Thursday, October 19, 1978.

3. That upon timely compliance with the requirements set forth above, WMATC Tariff No. 2, Supplement No. 5, shall be accepted for filing pursuant to Title II, Article XII, Section 5(e) of the Compact, to become effective 30 days therefrom unless otherwise ordered by the Commission.

4. That upon failure timely to comply as directed above, the said tariff shall stand rejected effective upon the expiration of the time set for compliance.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director