

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1945

DAWSON'S CHARTER SERVICE, INC.,)	Served December 22, 1978
Proposed Supplement No. 5 to WMATC)	
Tariff No. 2)	Case No. AP-78-54

On November 29, 1978, Dawson's Charter Service, Inc. (Dawson), filed the above-captioned tariff supplement bearing a proposed effective date of January 1, 1979. The effect would be to adopt the following schedule of fares for its regular route service:

- (a) \$2.00 per passenger for a one-way trip,
- (b) \$15.00 weekly commuter ticket, valid for ten (10) separate one-way trips all during a single calendar week,
- (c) \$12.00 weekly commuter ticket, valid for eight (8) separate one-way trips all during a single calendar week in which there falls a federal holiday.

The proposed schedule would replace the following schedule in Dawson's currently effective tariff:

- (a) \$2.00 per passenger for a one-way trip,
- (b) \$15.00 weekly commuter ticket (valid for ten separate one-way trips).

Dawson also filed a copy of the notice to the riders which was prepared for posting in the buses. Among other things, this notice advised the riders that, "[a]ny person affected may object to the proposed change by filing notice thereof with the Commission on or before January 1, 1979." Since that date was the same as the proposed effective date, the staff immediately advised Dawson to change the date for comments to December 15, 1978. The Commission received 11 letters and a petition bearing about 162 signatures, all objecting to the proposed change.

There is an apparent division between Dawson and its riders concerning the nature of the proposal. Dawson apparently views the matter as a change of rule or practice dealing with the applicability of its existing fares and introducing a new fare -- the 8-ride ticket -- still at the same 25 percent discount as the 10-ride ticket. The practice which would be changed is that the now non-expiring 10-ride ticket, as well as the new

8-ride ticket, would expire at the end of each calendar week. This view is reinforced by the fact that Dawson captioned its window notice "NOTICE OF CHANGE IN APPLICATION OF CHARGES", rather than "NOTICE OF INCREASED FARES" as contemplated by Commission Regulation 56.

Many riders who wrote -- and all who signed the petition -- seem primarily concerned with the financial implication of the proposed change. The petition portends a 500 percent increase in rates and discrimination against Dawson's riders as compared with Metrobus riders. Some letters contain constructive proposals which merit serious consideration.

The Commission has determined that the proposed tariff should be suspended and the matter should be scheduled for public hearing inasmuch as an issue has been raised regarding the justness and reasonableness of the proposed tariff and the possible discriminatory effects thereof. Dawson will be required to submit the following exhibits:

- (A) A schedule showing the contingent liability for sold but unused 10-ride commuter tickets as of November 18, 1978;
- (B) An explanation of any abuses to which the existing commuter ticket is subject, together with a quantification, if possible, of any such abuse, and any proposal for alleviation thereof;
- (C) A detailed income statement for the latest 12-month period available, including operating ratios;
- (D) A projected statement of net earnings after all taxes for the year ending December 31, 1979, under the existing tariff, including operating ratio;
- (E) A schedule showing the projected changes to (D) which would be occasioned by adoption of the proposed tariff change; and
- (F) A schedule showing the projected changes to (D) which would be occasioned by a 10-ride commuter ticket, sold from the 20th of one month (month "A") to the 20th of the next month (month "B"), and valid from the date of sale through the last day of month "B".

Further, Dawson will be required to post notice of the public hearing in its vehicles and will be assessed an amount preliminarily estimated to cover the cost of the proceedings.

The correspondence and petition already received have been included in the file on this matter. New or additional written comments may be similarly included and should be received at the Commission's office no later than Monday, January 22, 1979.

THEREFORE, IT IS ORDERED:

1. That WMATC Tariff No. 2, Supplement No. 5, of Dawson's Charter Service, Inc., is hereby suspended for a period of 90 days from the date of service hereof, pending further order of the Commission.

2. That Case No. AP-78-54 is hereby scheduled for public hearing to commence Wednesday, January 31, 1979, at 9:30 a.m. in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

3. That Dawson's Charter Service, Inc., is hereby directed to post notice of the public hearing conspicuously and continuously in each of its vehicles operating over the affected route, in the form prescribed by the staff of the Commission, no later than Monday, January 8, 1979, and produce an affidavit of such posting at the public hearing.

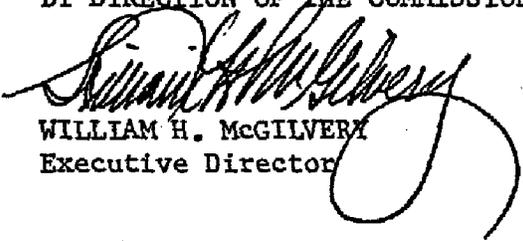
4. That Dawson's Charter Service, Inc., is hereby directed to file with the Commission six copies each of the previously described exhibits (A) through (F) no later than 12 noon, Friday, January 26, 1979, and produce the original at the public hearing.

5. That Dawson's Charter Service, Inc., is hereby directed pursuant to Title II, Article XII, Section 19 of the Compact to deliver the sum of \$250 to the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than 12 noon, Friday, January 26, 1979.

6. That any person desiring to protest shall file a protest pursuant to Commission Rule 14 or any person desiring to be heard shall so notify the Commission, in writing, no later than Monday, January 22, 1979, and shall serve a copy of such protest or notice upon counsel for Dawson's Charter Service, Inc., Maxwell A. Howell, Esquire, 1511 K Street, N. W., Washington, D. C. 20005.

7. That Dawson's Charter Service, Inc., shall make an effort to provide a copy of this order to each passenger boarding its regular route service on the morning of Monday, January 8, 1979, and that the staff make available to Dawson's for this purpose copies of this order at the Commission's office during regular office hours from January 2 through January 4, 1979.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERA
Executive Director

