

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3600

IN THE MATTER OF:

Served January 17, 1991

Adoption of RULES OF PRACTICE AND )  
PROCEDURE AND REGULATIONS )

Case No. MP-91-05

Pursuant to the amended Compact <sup>1/</sup> effective February 1, 1991, Title II, Article XIII, Sections 2 and 3, the Commission hereby promulgates its Rules of Practice and Procedure and Regulations to be effective February 19, 1991. The Rules of Practice and Procedure here promulgated will supersede those currently in effect. Copies of the Rules of Practice and Procedure and Regulations are available at the office of the Commission, Suite 703, 1828 L Street, N.W., Washington, DC 20036-5104, during business hours.

Regulation Nos. 55 and 56 concerning tariffs become effective February 19, 1991. However, for carriers holding WMATC operating authority and having tariff(s) on file with the Commission on the date this order is issued, existing tariff(s) may remain in effect through May 31, 1991, at the latest. Such existing WMATC carriers must file all tariffs in complete compliance with Regulation Nos. 55 and 56 upon the earlier of the following events: (1) any new or amended tariff filing or (2) May 24, 1991. Filing fees (see Order No. 3601, served January 17, 1991) do not apply to tariffs filed on or before May 24, 1991.

Regulation No. 58-03(c) eliminates the \$750,000 category of insurance currently in effect for carriers exclusively conducting special operations in vehicles seating 15 persons or fewer, including the driver. This category is replaced by a uniform requirement of \$1.5 million for all carriers conducting operations exclusively in vehicles seating 15 persons or fewer, including the driver. This action makes the minimum insurance requirements for WMATC carriers consistent with the requirements of the U.S. Department of Transportation and the Interstate Commerce Commission. For existing WMATC carriers to which the \$750,000 category is applicable and which have \$750,000 certificates of insurance on file with the Commission on the date this order is issued, the \$1.5 million requirement of Regulation No. 58-03(c) will become applicable upon the earlier of the following events: (1) the date upon which the carrier places in service a vehicle seating more than 15 persons, including the driver, or (2) the expiration date of the carrier's \$750,000 insurance currently on file or such earlier date as such insurance is cancelled or terminated for any reason prior to the expiration date.

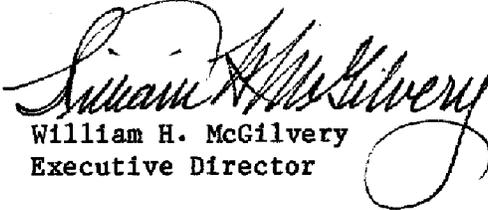
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<sup>1/</sup> Public Law 86-794, 74 Stat. 1031, as amended by Public Law 87-767, 76 Stat. 764, as amended by Public Law 101-505, 104 Stat. 1300.

Regulation No. 58-05 prescribes certain insurance forms found in the appendix to the Rules and Regulations. The Commission will, in the future, accept only these forms or documents other than the Commission's own forms that are worded identically to the prescribed forms. Acceptance of alternative forms has become administratively unmanageable. For a carrier holding WMATC operating authority on the date this order is issued, the new forms will become effective (1) upon the first expiration date of any certificate of insurance such carrier has on file with the Commission, or (2) such earlier date as such insurance is cancelled or terminated for any reason prior to the expiration date.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:

  
William H. McGilvery  
Executive Director

R U L E S   O F   P R A C T I C E  
A N D   P R O C E D U R E

A N D

R E G U L A T I O N S

O F   T H E

W A S H I N G T O N   M E T R O P O L I T A N  
A R E A   T R A N S I T   C O M M I S S I O N

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## RULES OF PRACTICE AND PROCEDURE

### 1. The Commission.

1-01. Seal. The Commission hereby prescribes as its official seal the imprint illustrated below and described as follows:

The imprint of the seals of the Commonwealth of Virginia, the District of Columbia and the State of Maryland, encircled by the words, "Washington Metropolitan Area Transit Commission."

1-02. Office and Hours. The offices of the Commission are located at Suite 703, 1828 L Street, N.W., Washington, DC 20036-5104. The offices of the Commission will be open from 8:00 a.m. to 4:30 p.m. of each day, except Saturdays, Sundays, and legal holidays.

1-03. Sessions. Sessions of the Commission for the transaction of its business will be held at the offices of the Commission at any time and place within the Metropolitan District as may be scheduled by the Commission.

1-04. Action by Members or Representatives. The Commission may designate and authorize one or more of its members, employees, or representatives to conduct any inquiry, investigation, hearing, or other process or act necessary to its duties and function.

2. Definitions. Definitions contained in these Rules shall have the same meaning as definitions contained in the Compact and shall also be applicable to the Commission's regulations.

2-01. Compact and Act. The terms "Compact" and "Act" mean the Washington Metropolitan Area Transit Regulation Compact.

2-02. "Commission" and "Commissioner" mean the Washington Metropolitan Area Transit Commission and a member thereof, respectively.

2-03. "Person" means any individual, firm, partnership, corporation, company, association, joint stock association or joint venture; and includes any trustee, receiver, assignee, or personal representative thereof; and shall also include any municipality, county, or other political subdivision of the State of Maryland, Commonwealth of Virginia, and District of Columbia.

2-04. "State Commission" means the Public Service Commission of the District of Columbia, the Virginia State Corporation Commission, and the Maryland Public Service Commission.

2-05. "Party" means any person who is an applicant, complainant, petitioner, respondent, protestant, replicant, intervenor, or staff counsel in a proceeding.

2-06. "Proceeding" shall include procedures initiated by the filing of an application, complaint, petition, or initiated by the Commission on its own motion as an investigation, order to show cause, or other procedure.

2-07. "Applicant" means a person filing an application; "complainant" means a person filing a complaint; "respondent" means a person against whom a complaint is made or an order of investigation or an order to show cause is directed; "petitioner" means any other person seeking relief other than by complaint or application; "intervenor" means a person permitted to intervene as provided in Rule 16; "protestant" means a person opposed to the granting of an application or any pleading seeking affirmative relief, or to any tariff or schedule becoming effective; and "replicant" means a person, other than a respondent who is required to file a reply in a proceeding.

2-08. "Pleading" includes applications, complaints, petitions, answers, replies, written motions and protests, and amendments thereto.

2-09. "Staff Counsel" means counsel on the staff of the Commission.

2-10. "Attorney" means an attorney-at-law, admitted to active practice before the highest court of any state or the District of Columbia.

2-11. "Legal Holiday" means the days on which the following holidays are observed: New Year's Day, Martin Luther King, Jr. Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas, or such other holidays as may be authorized by the Commission.

### 3. Appearances and Practice Before the Commission.

3-01. Personal Appearance. A party may appear in any proceeding in person. An individual may appear in his own behalf; a member of a partnership may represent the partnership; a bona fide officer of a corporation, trust, association or organized group may represent the corporation, trust, association or group; and any officer or employee of a county, municipality, or other political subdivision of the State of Maryland, Commonwealth of Virginia, or the District of Columbia, or other governmental authority, may represent the county, municipality, political subdivision, or other governmental authority in any proceeding.

3-02. Representation by Attorney. A person may otherwise be represented in any proceeding before the Commission only by an attorney as defined in Rule 2-10.

3-03. Authority to Appear in Representative Capacity. Any person appearing before or transacting business with the Commission in a representative capacity may be required by the Commission or the presiding officer of a hearing to file evidence of his authority to act in such a capacity.

3-04. Standard of Conduct. All attorneys and other representatives appearing before the Commission or a presiding officer must conform to the standards of ethical conduct required of practitioners before the Courts of the United States.

3-05. Disqualification or Suspension. The Commission may deny, temporarily or permanently, the privilege of appearing or practicing before it in any way, to any person who is found by the Commission after hearing, not to possess the requisite qualifications to represent others, or to have engaged in unethical or improper professional conduct, or otherwise to be not qualified. Conduct amounting to contempt at any hearing shall be ground for exclusion from the hearing and for summary suspension without a hearing for the duration of the hearing or of the proceedings.

3-06. Written Appearances. Persons appearing in a proceeding before the Commission shall deliver a written notation of such appearance to the office of the Commission or shall cause such notification to appear on the application, protest, complaint, or other initial pleading filed on behalf of the person for whom the appearance is entered. Persons who appear at any formal hearing shall deliver a written notation of appearance to the reporter. All notations of appearance shall state for whom the appearance is made, the address and telephone number of such person, and the name, signature, address, and telephone number of the person making the appearance. All notations of appearance shall be made a part of the record.

3-07. Withdrawal. If a hearing date has not been set, a representative may withdraw his or her appearance by filing a motion, signed by the representative and the party being represented, moving such withdrawal, provided that another representative enters or has

entered an appearance on behalf of the party being represented at that time. If a hearing date has been set, or if the party's written consent is not obtained, or if the party is not represented by another representative, a representative may withdraw his or her appearance only by order of the Commission upon motion of the representative served upon all parties to the proceeding, including the party represented by the representative seeking leave to withdraw. The Commission may deny a representative's motion for leave to withdraw if such withdrawal would unduly delay the proceeding, be unduly prejudicial to any party, or otherwise not be in the interests of justice or the efficient handling of the Commission's docket.

4. Formal Requirements as to Pleadings, Documents, and Other Papers Filed in Proceedings.

4-01. Title. Pleadings, documents, or other papers filed with the Commission in any proceeding shall clearly show the case designation, title of the proceeding before the Commission and a general description of the filing, such as "Complaint," "Motion," etc.

4-02. Copies. Except as may be otherwise required by the rules or regulations of the Commission or ordered or requested by the Commission, there shall be filed with the Commission an original and four conformed copies of all pleadings, documents, or other papers; provided, however, that when service of such pleadings, documents, or other papers is required to be made by the Commission, the Commission may require the filing of sufficient additional copies for service upon all those required to be served. A conformed copy of all pleadings, documents, or other papers filed in any proceeding shall be served on each party of record or the party's resident agent by the person making the filing.

4-03. Form. Pleadings, documents, or other papers (except informal complaints) shall be printed, typewritten, or otherwise duplicated in permanently legible form. Such material shall be on paper cut or folded to letter size, 8-1/2 inches wide by 11 inches long, with left-hand margin not less than 1-1/2 inches wide and other margins not less than 1 inch. The impression shall be on only one side of the paper. Informal complaints may either conform to the foregoing provisions or simply be in legible writing.

4-04. Binding. Bound pleadings, documents, and other papers shall be bound at the left side.

4-05. Signature. The original of each pleading, document, or other paper filed, including amendments, shall be signed in ink by the party in interest, or by the party's attorney, and shall show the telephone number and postal address of the person signing. All other copies filed shall be fully conformed thereto.

4-06. Subscription and Verification. All pleadings, documents or other papers filed by a party in interest or by a person in a representative capacity on behalf of a party in interest, other than

by an attorney, shall be subscribed to and verified under oath. Any facts alleged in any filing shall be verified under oath by a person having knowledge of the matters set forth.

When signed by an attorney, the signature constitutes a certification that the attorney has read the pleading, document or paper; that the attorney is authorized to file it; that to the best of the attorney's knowledge, information, and belief there is good ground for it; and that it is not interposed for delay.

4-07. Certificate of Service. Except when service is required to be made by the Commission, every pleading, document, or other paper must, when filed or tendered to the Commission, include a certificate showing service and the method thereof upon all parties to the proceeding, and the name and address of each person served.

## 5. Service.

5-01. By the Commission. Formal complaints, orders, and all forms of Commission actions and notices shall be served by the Executive Director by mailing a copy to the person to be served, addressed to the person designated in the initial pleadings, at the person's principal office or place of business. Service may also be made by anyone duly authorized by the Commission or by the Executive Director, by (1) delivering a copy of the document to the person to be served or the person's resident agent, or to the president, secretary, attorney, or other executive officer or a director of a corporation to be served, or to the representative of the trust, association or other organized group to be served, or (2) leaving a copy at the principal office or place of business of such person, partnership, corporation, trust, association, or other organized group to be served. When a person is represented by an attorney of record, service upon such attorney shall be deemed service upon the person.

5-02. By the Parties. Except as otherwise provided, all pleadings, documents or other papers shall be served by the party making the filing. Service shall be made as set forth in Rule 5-01.

5-03. Date of Service. The date of service shall be the date when the matter served is deposited in the United States mail, first class postage prepaid, or is delivered in person, as the case may be. In computing the time from such date, the applicable provisions of Rule 7 shall apply.

5-04. Agent for Service. Any person, subject to the jurisdiction of the Commission, which does not maintain its principal place of business within the Metropolitan District, shall designate an agent for service residing in the Metropolitan District.

## 6. Notice.

6-01. To Parties. When required by statute or these Rules, the Commission shall give notice to the parties to a proceeding by mailing to each of them a copy of a notice or order, as the case may

require. If such order relates to the setting of a matter for hearing or to the adoption of any substantive rules of general application, such notice shall be given to the parties not less than twenty-five (25) days prior to the date of hearing or the date for adoption or consideration of such general substantive rules, unless the Commission provides otherwise by order.

6-02. Posting. When a matter is set for hearing, notice thereof will be posted at the office of the Commission. Notice of all postponements of such hearings, if such action is ordered other than upon the record during a hearing, shall be posted and served upon all parties of record.

6-03. Publication. The Commission, by order, may give, or require to be given, general notice of the substance of a formal proceeding. The expense of such notice shall be borne by the carrier or carriers initiating the proceedings or against which the proceedings are directed.

6-04. Contents. Every notice or order for hearing shall state the time, place and nature of the proceeding, and indicate briefly the substance of the matter.

## 7. Time.

7-01. Computation of Time. Except as otherwise provided by law, in computing any period of time prescribed or allowed by any rule, regulation, or order of the Commission or by the Compact, the day of the act, event, or default from or after which the designated period of time begins to run shall not be included, but the last day of the period so computed shall be included, unless it is a Saturday, Sunday or a legal holiday designated in Rule 2-11, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or a legal holiday. In the event the period of time to be computed does not exceed ten days, Saturdays, Sundays, and holidays shall not be counted.

7-02. Computing Time Involving an Order of Commission. In computing any period of time involving the date of publication of an order of the Commission, the date of publication of an order shall be the date the Executive Director mails copies of the order (full text) to the parties or their attorneys of record. The Executive Director shall clearly indicate on each order the date of its service.

7-03. Effective Dates of Orders. An order of the Commission shall be effective as of the date of issuance, unless otherwise specifically provided in the order.

7-04. Effective Dates of Rules and Regulations. Unless a different date is specified therein, rules and regulations of the Commission shall be effective thirty (30) days after publication.

7-05. Extensions. Except when fixed by statute, whenever by any rule, regulation, or order of the Commission, or any notice given thereunder, an act is required or allowed to be done at or in a specified time, the time fixed or the period of time prescribed may for good cause be extended by the Executive Director or the presiding officer upon motion made, except as provided by Regulation Nos. 65 and 66.

7-06. Postponements and Continuances. Prior to the convening of a hearing, the Commission or the Executive Director may for good cause, with or without motion, postpone any hearing. A hearing shall begin at the time and place ordered, but thereafter may be adjourned from time to time or from place to place by the Commission, or by the presiding officer.

7-07. Requests for Postponements, Continuances and Time Extensions. Requests for postponement and continuance of hearings or for extensions of time in which to perform any act required or allowed to be done at or within a specified time by any rule, regulation, or order, shall be made by motion in writing, timely filed, stating the facts on which the motion rests, except that during the course of a hearing in a proceeding, such request may be made by oral motion at the hearing before the Commission or the presiding officer. Written motions filed under this section shall conform to the requirements of Rule 4.

## 8. Filings; Dockets; Hearing Calendar.

8-01. Filing With the Commission. The filing with the Commission as required or allowed by any rule, regulation, or order of the Commission, or by applicable statute, of applications, complaints, petitions, protests, answers, motions, briefs, exceptions, tariffs, schedules, notices, reports, or other pleadings, amendments to pleadings, documents, or papers shall be made by filing them with the Executive Director of the Commission at its principal office during the normal business hours as set forth in Rule 1-02. Any such filings must be received by the Executive Director at the office of the Commission within the time limit, if any, for such filing.

8-02. Acceptance for Filing. The pleadings, documents, or other papers, referred to in Rule 8-01, permitted or required to be filed, will be accepted for filing only if such pleadings, documents, or other papers conform to the requirements of these Rules and any other applicable rule, regulation, or order of the Commission or applicable statute. Such pleadings, documents, or other papers tendered for filing that fail so to conform may be refused acceptance for filing and may be returned by the Executive Director with an indication of the deficiencies of the tendered filing and the reasons for nonacceptance and return. Acceptance for filing shall not waive any failure to comply with any requirements and such failure may be cause for striking all or any part of such filing.

8-03. Docket. The Executive Director shall maintain a docket of all formal proceedings filed with or initiated by the Commission.

8-04. Hearing Calendar. The Executive Director shall maintain a hearing calendar of all proceedings set for hearing. Proceedings pending upon this calendar will, in their order of assignment, so far as is practicable, be heard at the times and places fixed by the Commission, giving due regard to the convenience and necessity of the parties or their attorneys. The Commission, in its discretion, with or without motion, however, may for cause at any time, with due notice to the parties, advance or postpone any proceeding on the hearing calendar.

9. Commencement of Proceedings.

9-01. Other than by Commission. Proceedings are commenced by the filing of (1) an application for authorization or permission which the Commission may grant under statutory authority (generally styled "Application Proceeding" and docketed as "Case No. AP-..."); (2) a formal complaint asserting a violation of the Act or the Commission's rules, regulations, or orders thereunder or a failure to comply with the Act or the Commission's rules, regulations, or orders thereunder (generally styled "Formal Complaint" and docketed as "Case No. FC-..."); and (3) a petition seeking relief otherwise than by application or complaint (generally styled "Miscellaneous Proceeding" and docketed as "Case No. MP-...").

9-02. By the Commission. Proceedings may be instituted by the Commission, upon complaint or upon its own motion, by the issuance of an order to show cause, an order of investigation, or other appropriate order.

10. Complaints and Petitions.

10-01. General. All complaints and petitions shall conform to the requirements of Rule 4.

10-02. Contents. Every complaint and petition, unless otherwise specified, shall contain the following:

- (a) The name, address, and telephone number of the person by or on whose behalf the filing is made.
- (b) The name, address, and telephone number of such person's attorney or attorneys, if such person is represented by counsel.
- (c) A statement setting forth the nature of the interest of the complainant or petitioner in the subject matter of the filing and the position of such person with respect thereto.
- (d) A clear and concise statement of the facts upon which the filing is based.
- (e) A statement of the particular action requested or relief sought.

- (f) A reference to the specific section or sections of the Act, rules, regulations, or orders of the Commission on which the filing is based and which authorizes the Commission to take the requested action or grant the requested relief.
- (g) All other information as required by the Commission's rules and regulations under which the specific complaint or petition is filed, and as may be required by the Commission in a particular case or proceeding.

10-03. Petitions for Issuance, Amendment, or Repeal of Rules. A petition for the issuance, amendment, or repeal of a rule by the Commission shall set forth clearly and concisely petitioner's interest in the subject matter, the specific rule, amendment, or repeal requested and cite by appropriate reference the statutory provision or other authority therefor. Such petition shall set forth the purpose of and the facts claimed to constitute the grounds requiring such rule, amendment, or repeal and shall otherwise conform to the requirements of Rule 4. Petitions for the issuance or amendment of a rule shall incorporate the proposed rule or amendment.

#### 11. Informal Complaints.

11-01. Form and Content. Informal complaint may be made legibly by letter or other writing and must include the correct name and complete address of the complainant. Informal complaints will be serially numbered and filed as of the date of receipt. No form of informal complaint is prescribed, but in substance it should contain as much information as possible.

11-02. Handling. Matters so presented will be taken up by the Commission with the parties affected, by correspondence or otherwise, in an endeavor to resolve the complaint without a formal order or hearing.

11-03. General. An informal complaint will not be docketed for formal hearing, and no formal order will be issued thereon. Only formal complaints submitted and prosecuted in the manner prescribed in Rule 10 will initiate formal proceedings or make complainant a party to any proceedings already initiated, and only formal complaints will be admitted in the record of formal proceedings. The filing of an informal complaint, however, is without prejudice either to the right of the complainant thereafter to file a formal complaint or to the right of the Commission to initiate a proceeding under Rule 9 of these Rules.

#### 12. Answers.

12-01. When Required. When provided for by these Rules, by order, or by the Compact, an answer shall be filed by each respondent named in an order to show cause or order of investigation issued by the Commission. An answer shall be filed to any formal complaint or petition filed by any person other than the Commission by each

respondent against whom any relief is requested. Joint answers may be filed when common issues of fact or law are involved.

12-02. Content. An answer must admit or deny each material allegation of the pleading to which it responds and shall be so drawn as to fully disclose the particular grounds upon which it is based. Answers may contain matters of affirmative defense as well as denials of material allegations. All matters not specifically denied or to which no affirmative defense is pleaded are deemed admitted. All answers shall conform to Rule 4.

12-03. Time for Filing. All answers shall be filed within fifteen (15) days of service of the pleading to which the answer is to be filed, unless otherwise ordered by the Commission.

### 13. Protests.

13-01. Proceedings in Which Protests May be Filed. A protest may be filed against the granting of any application or against any petition or other request for any authorization, certificate or permission, or for relief from any provision of the Compact, rules, regulations, or orders thereunder, by any person having a substantial interest therein.

13-02. Content. A protest shall set forth specifically the grounds upon which it is made and shall specifically refer to any provision of the Compact or of the rules, regulations or orders of the Commission upon which the protest is based. Each protest shall contain a concise statement clearly setting forth the substantial interest of the protestant in the proceeding.

13-03. When Filed. Unless otherwise provided by order or notice, protests shall be filed at least ten (10) days before the hearing scheduled on an application, petition, or other matter.

14. Petition for Investigation of Tariff. Petitions requesting investigation of a tariff, or regulation pertaining thereto, shall be considered as formal complaints.

### 15. Motions.

15-01. Scope and Content. A timely motion may be filed for any relief or action of the Commission for which no other pleading is available under these rules. All motions shall be submitted in writing, except motions made on the record during a hearing. At the direction of the presiding officer, such oral motions shall be reduced to writing and filed within the time specified by the presiding officer. Motions shall set forth the ruling or relief sought and state the grounds therefor and the statutory or other authority relied upon. Except for good cause shown, any motion, filed prior to hearing, which seeks dismissal of a pleading or the postponement of a hearing must be filed at least ten (10) days before the date set for the hearing.

15-02. Objection. An answer or objection to a motion may be filed within five (5) days after service of the motion, except when service is by mail an additional two (2) days shall be allowed.

15-03. Reply. A reply may be filed within three (3) days after service of such objection or answer, except when said service is by mail an additional two (2) days shall be allowed, and said reply shall not reargue propositions presented in the motion or present matters which are not strictly in reply to new matter presented in such objection or answer.

15-04. Rulings. The presiding officer designated to preside at a hearing is authorized to rule upon any motion made during the course of the hearing or upon any motion not formally acted upon by the Commission prior to the commencement of the hearing where immediate ruling is essential in order to proceed with the hearing; provided, however, that no motion made before or during a hearing, a ruling upon which would involve or constitute a final determination of the proceeding, shall be ruled upon by a presiding officer. The presiding officer, upon his or her own motion or in his or her discretion upon motion of any party, may certify any motion to the Commission before the hearing is concluded. Except where a ruling on a motion is within the authority of the presiding officer or the Executive Director, said ruling shall be made by the Commission.

16. Intervention.

16-01. By Petition. Any person not named as a party in a proceeding, but having a substantial interest therein, who has not timely filed a protest, may petition the Commission for leave to intervene no later than the first day of the hearing. No such petition shall be granted except on good cause being shown for failure timely to file a protest. Where appropriate, the Commission shall treat a timely-filed petition for leave to intervene as a protest.

16-02. Form and Contents of Petition. A petition for leave to intervene shall set forth the grounds for the proposed intervention, the position and the interest of the petitioner in the proceeding, and whether petitioner's position is in support of or in opposition to the relief sought. Such a petition shall conform to Rule 4.

16-03. Service; Replies. A petition to intervene shall be served upon each party to the proceeding. Any reply in opposition to a petition for leave to intervene must be filed within five (5) days after service, except when said service is by mail an additional two (2) days shall be allowed. In the discretion of the Commission, leave to intervene may be granted or denied before the expiration of the time allowed for replies.

16-04. Disposition. Leave will not be granted except on averments reasonably pertinent to the issues already presented and which do not unduly broaden them. If leave is granted, the petitioner thereby becomes an intervenor and a party to the proceeding.

## 17. Prehearing Conferences.

17-01. Purposes. Upon written notice by the Commission in any proceeding, parties or their attorneys may be directed to appear before the Commission or a presiding officer at a specified time and place for a conference, prior to or during the course of a hearing, or, in lieu of personally appearing, to submit suggestions in writing, for the purpose of formulating issues and considering:

- (a) the simplification of issues;
- (b) the necessity or desirability of amending the pleadings either for the purpose of clarification, amplification, or limitation;
- (c) the possibility of making admissions of certain averments of fact or stipulations including those concerning the use of matters of public record, to the end of avoiding the unnecessary introduction of proof;
- (d) the procedure at the hearing;
- (e) the limitation of the number of witnesses;
- (f) the propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits; and
- (g) such other matters as may aid in the disposition of the proceedings.

17-02. Recordation and Order. Action taken at the conference, including a recitation of the amendments allowed to the pleadings and the agreements made by the parties as to any of the matters considered, shall be recorded in an appropriate order, unless the parties enter upon a written stipulation as to such matters, or agree to a statement thereof made on the record by the presiding officer.

17-03. Objection to the Order; Subsequent Proceedings. If a prehearing order is entered, a reasonable time shall be allowed to the parties to present objections on the ground that it does not fully or correctly embody the agreements reached at such conference. Thereafter, the terms of the order or modification thereof, any written stipulation, or any statement of the presiding officer, as the case may be, shall determine the subsequent course of the proceedings, unless modified to prevent manifest injustice.

## 18. Subpoenas.

18-01. Requests; Issuance. Unless directed by the Commission upon its own motion, a subpoena to compel a witness to produce documentary evidence will be issued only upon motion showing general relevance and reasonable scope of the evidence sought, which motion must also specify with particularity the books, papers, or documents sought, and the facts expected to be proved thereby: provided, however, that for good cause shown, in lieu of a motion, the request for such a

subpoena may be made orally upon the record to the hearing officer. A request for issuance of a subpoena other than to compel the production of documentary evidence may be made either by motion or orally upon the record to the officer presiding at the hearing. A showing of general relevance and reasonable scope of the evidence sought may be required and the subpoena will be issued or withheld accordingly. A subpoena may be issued by the Commission or by the officer presiding at the hearing, but only with the signature of the Executive Director or a member of the Commission.

18-02. Service and Return. A subpoena may be served by a United States Marshal or his Deputy, or by any other person who is not less than 18 years of age. If service of subpoena is made by a United States Marshal or his Deputy, such service shall be evidenced by his return thereon. If made by another person, such person shall make affidavit thereof, describing the manner in which service is made, and shall return such affidavit on or with the original subpoena. Service of subpoena shall be made by delivering a copy to the person named therein or by delivering a copy to the person's place of business or residence or in any manner specified in Rule 5-01 except by mail. In case of failure to make service, the reasons for failure shall be stated on the original subpoena. The original subpoena, bearing or accompanied by the authorized return, affidavit, or statement, shall be returned forthwith to the Commission or, if so directed on the subpoena, to the presiding officer before whom the person named in the subpoena is required to appear.

18-03. Fees of Witnesses. Witnesses subpoenaed (except parties to the proceeding, their officers, agents, servants, employees, and those persons in active concert or participation with them) may be paid the same fees and mileage as are paid for like services in the United States District Court for the District of Columbia, which shall be paid by the party requesting the subpoena. The Commission, before issuing any subpoena, may require a deposit of an amount adequate to cover the fees and mileage involved.

## 19. Depositions.

19-01. When Permissible. The testimony of any person who is or will be unable to testify before the Commission may be taken by deposition upon showing of good cause as set forth by order issued by the Commission either upon application by a party or upon its own initiative.

19-02. Motion for Order. A motion to take a deposition shall be filed with the Commission not less than fifteen (15) days before the proposed date for taking the deposition, unless the Commission shall otherwise permit. The motion shall set forth the reason for the deposition, the place and time of taking, the officer before whom it is to be taken, the names and addresses of the witnesses, and whether the deposition is to be based upon written interrogatories or upon oral examination. If the deposition is to be based upon oral examination, the motion shall contain a statement of the subject matter concerning which each witness will testify. If the

deposition is to be based on written interrogatories, the motion shall be accompanied by the interrogatories to be propounded. Copies of all motions to take depositions and accompanying interrogatories, if any, shall be served on all parties. A party served with a motion to take a deposition may object to the taking of such deposition by filing with the Commission and serving upon all parties within five (5) days after receipt of the motion to take a deposition, a notice of such objection stating the reasons therefor, except when said service is by mail an additional two (2) days shall be allowed. A party served with a motion to take a deposition on written interrogatories shall have ten (10) days, or such other time as the Commission may permit, after receipt of service of such motion within which to file and serve written cross-interrogatories. Upon the issuance of an order by the Commission for the taking of a deposition, the Executive Director shall mail a copy thereof to all parties and fix the date for taking of such deposition. An application to take a deposition outside the Metropolitan District will be entertained when necessary or convenient, and authority to take such deposition will be granted upon such notice and other terms and directions as are lawful and appropriate.

19-03. Contents of Order. The order issued authorizing the taking of a deposition shall state the name and address of each witness and the subject matter concerning which it is expected such witness will testify and the place where, the time when, and the officer before whom the deposition is to be taken. An alternate officer to take the deposition may be named. If the deposition is to be taken upon written interrogatories, a list of the interrogatories shall accompany the order.

19-04. Officer Before Whom Taken. Within the United States or within the territory or insular possessions subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the Commission or by the laws of the United States or of the place where the examination is held. Within a foreign country, a deposition may be taken before an officer or person designated by the Commission or agreed upon by the parties by stipulation in writing to be filed with the Commission.

19-05. Record of Examination. The officer before whom the deposition is to be taken shall put the witness on oath or affirmation and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objections to the proceedings, shall be noted by the officer upon the record of the deposition. Evidence objected to shall be taken subject to the objections. Any party may cross-examine a witness whose testimony is taken by oral deposition. In lieu of cross-examination, parties may transmit written interrogatories or cross-interrogatories to the officer taking the deposition, who shall propound them to the witness and record the answers verbatim together with any objections interposed thereto by adverse parties.

19-06. Submission to Witness. When the testimony is fully transcribed, the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any change in form or substance which the witness desires to make shall be entered upon the record of the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless, on a motion to suppress, the Commission holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

19-07. Certification and Filing by Officer. The officer taking the deposition shall certify on the record of the deposition that the witness was duly sworn or put on affirmation by him and that the deposition is a true record of the testimony given by the witness, and that said officer is not of counsel or attorney to any of the parties, or interested in the disposition of the proceeding or investigation. He shall then securely seal the deposition in an envelope marked with the title of the action and "Deposition of (here insert name of witness)" and shall promptly deliver to the Commission, by hand or by certified or registered mail, the original and four copies thereof, together with the original and, where practicable, four copies of all exhibits.

19-08. Waiver of Objections. Objections to the form of question and answer shall be made before the officer taking the depositions, and if not so made shall be deemed waived, provided that if no staff counsel of the Commission is present at the taking of the deposition of any witness, such deposition shall, when offered at the hearing, be received in evidence subject to proper legal objection by staff counsel.

19-09. Time of Filing. Depositions shall be filed with the Commission before they are offered as evidence.

19-10. Inclusion in Record. No deposition shall constitute a part of the record in any proceeding until received in evidence at a hearing.

19-11. Fees. A witness whose deposition is taken pursuant to these Rules and the officer taking same, unless employed by the Commission, shall be entitled to the same fee paid for like service in the United States District Court for the District of Columbia, which fee shall be paid by the party at whose instance the deposition is taken.

## 20. Hearings.

20-01. How Ordered. Hearings for the purpose of taking evidence shall be held upon order of the Commission, and notice thereof shall be given as provided in Rule 6. The Commission, or the presiding officer if the hearing is not being conducted by the Commission, may continue, adjourn, or postpone any hearing upon its or his own motion or upon the motion of any party. Notice of all postponements, continuances, or adjournments of hearing shall be posted as provided in Rule 6-02. If such action is ordered other than upon the record during a hearing, the Commission shall give notice thereof to the parties to the proceeding, but shall not be required to make publication of such action or otherwise advise the public with respect to such action.

20-02. Consolidation. The Commission, upon its own motion or upon motion by a party or staff counsel, may order proceedings involving a common question of law or fact to be consolidated for hearing or for determination of any or all the matters at issue in such proceedings. Such consolidation, however, shall be for administrative convenience only and shall not be construed to affect the procedural or substantive rights of any party, staff counsel, or the Commission.

20-03. Presiding officer. All hearings shall be held before the Commission or a duly designated presiding officer. A presiding officer shall withdraw from a proceeding when he deems himself disqualified, or he may be withdrawn by the Commission for good cause found after timely affidavits alleging personal bias or other disqualifications have been filed and the matter has been considered by the Commission or by a presiding officer to whom it has delegated the matter for investigation and report. Fees for an administrative law judge to preside over a hearing will be assessed by order as deemed appropriate. Initial assessments will be estimated. The final assessment will be adjusted to reflect the actual cost to the Commission.

20-04. Authority. The presiding officer may set hearings and control the course thereof; administer oaths; issue subpoenas; receive evidence; hold appropriate conferences before or during hearings; rule upon all objections or motions which do not involve final determination of proceedings; receive offers of proof; hear legal arguments; and fix the time for filing of briefs. He may take such other action as may be necessary and appropriate to the discharge of his duties, consistent with the statutory or other authorities under which the Commission functions and with the rules, regulations and policies of the Commission including, but not limited to, Rule 3-05 of these Rules.

20-05. Order of Procedure. Unless otherwise ordered by the Commission or the presiding officer, in proceedings initiated by application, complaint, or petition, the applicant, petitioner, or complainant shall open and close at the hearing. Intervenors shall follow the party in whose behalf the intervention is made. When proceedings have been consolidated for hearing, the Commission or the presiding officer shall designate who shall open and close and the order in which the parties shall present evidence. In proceedings

where evidence is peculiarly within the knowledge or control of a party, this fact may be taken into account in designating the order of presentation of evidence.

20-06. Presentation by Parties. Parties and staff counsel shall have the right of presentation of evidence, cross-examination, objection, motion, argument, and appeal, subject to any limitations imposed by the Commission or the presiding officer on the number of witnesses who may be heard upon any issue raised in the proceeding, the number of persons individually participating in the proceeding, and the number of attorneys who will be permitted to examine or cross-examine witnesses or otherwise participate in the proceedings, in order to expedite the hearing and to eliminate unnecessary duplication and cumulative evidence and argument. Witnesses shall be examined orally unless the testimony is taken by deposition as provided in Rule 19, or the facts are stipulated in the manner provided in Rule 22-10, or prepared expert testimony is submitted in accordance with Rule 22-04.

20-07. Objections and Exceptions. Formal exceptions to a ruling by the Commission or presiding officer are unnecessary. It is sufficient that a party, at the time the ruling is made or sought, make known on the record the action that he desires the Commission or the presiding officer to take, or his objection to the action of the Commission or the presiding officer, and his grounds therefor.

20-08. Additional Evidence. At any stage of the hearing, the Commission or the presiding officer may call for further evidence upon any issue, and require such evidence to be presented by the party or parties concerned or by the staff counsel, either at that hearing or continuances thereof or as late-filed exhibits. At the hearing, the Commission or the presiding officer may authorize any participant to file specific documentary evidence as a part of the record within a fixed time, expiring not less than ten (10) days before the date fixed for filing and serving briefs.

20-09. Record. The record of a proceeding shall consist of all pleadings, transcripts of testimony, exhibits, notices, orders, exceptions, and decisions and opinions of the Commission.

20-10. Transcript and Record. Hearings shall be recorded by the official reporter designated by the Commission and a verbatim transcript shall be a part of the record and the sole official transcript of the proceeding. Such transcript shall include a verbatim report of the hearings and nothing shall be omitted therefrom, except as is directed on the record by the Commission or the presiding officer. After the closing of the record, there shall not be received in evidence or considered as part of the record, any document, letter, or other writings submitted after the close of testimony, except (1) as provided in Rule 20-08, (2) changes in the transcript as provided in Rule 20-11 or (3) upon motion to the Commission. In advance of the hearing, by order, an amount estimated to be sufficient to cover the cost of transcribing the hearing will be assessed and required to be deposited with the Commission. The final assessment will be adjusted to reflect the actual cost to the Commission and, if applicable, the responsible party or parties.

20-11. Transcript Corrections. Corrections in the official transcript may be made only to make it conform to the evidence presented at the hearing and to speak the truth. No corrections or physical changes shall be made in or upon the official transcript of the proceedings except as herein provided. Transcript corrections agreed to by opposing attorneys may be incorporated into the record, if and when approved by the Commission or the presiding officer, at any time during the hearing or after the close of evidence, as may be permitted by the Commission, but not less than ten (10) days in advance of the time fixed for filing final briefs. The Commission or the presiding officer may call for the submission of proposed corrections and may make disposition thereof at appropriate times during the course of a proceeding.

20-12. Copies of Transcripts; Availability. A verbatim transcript of all public hearings will be made, and the Commission shall be furnished with such copies of the transcript as it requires for its own purposes. Participants desiring copies of such transcripts may obtain them from the official reporter upon payment of the fees fixed by the official reporter therefor. The Commission shall make available to the public during normal business hours one copy of the transcript, which copy may neither be removed from the Commission's offices nor reproduced.

21. Shortened Proceedings.

21-01. Where Hearing Waived. In any proceeding in which the Commission is authorized to act after hearing or opportunity for hearing, if the parties waive hearing, such hearing or opportunity shall be deemed to have been afforded by service or the giving of notice, as provided in Rules 5 and 6, of the application or other initial pleading, request, or other filing, such notice fixing a reasonable period of time within which a person may file a request to be heard. Upon the expiration of such period of time, in the absence of a request for hearing, the Commission may forthwith dispose of the matter upon the basis of the pleadings and other submittals and the studies and recommendations of the staff. A party not requesting oral hearing in its pleadings shall be deemed to have waived a hearing for the purpose of such disposition, but shall not be bound by such waiver for the purpose of any application for rehearing with respect to an order so entered.

21-02. Hearings Other Than Oral Hearings. When the Commission determines that justice and administrative expediency will be served, a hearing may take the form of written and notarized submissions or some other form in lieu of an oral hearing.

21-03. Additional Evidence. The Commission may direct in any shortened proceeding the filing of such affidavits, exhibits, or other evidence as it deems necessary.

21-04. Judgment on the Pleadings. Within 10 days of the closing of the pleadings in any uncontested case, the party initiating the case may move for judgment on the pleadings. If, on a motion for judgment on the pleadings, matters outside the pleadings are presented to and not excluded by the Commission, the motion shall be treated as one for summary judgment.

21-05. Summary Judgment.

(a) Motion. Any party to any proceeding before the Commission may, within 10 days after the time for filing replies has expired, move for summary judgment in his favor upon all or any part of the matter before the Commission. The motion shall be served on all parties to the case and shall, together with the pleadings, depositions, answers to interrogatories, and admissions on file and affidavits and memoranda of law accompanying it, set forth all evidence and legal argument on which the moving party relies. The adverse party or parties may respond within seven (7) days by serving opposing affidavits and/or memoranda of law. The response together with the extant record shall contain all evidence and legal argument on which respondent would rely. No replies are permitted. The judgment sought shall be rendered if the Commission on review of the record as a whole, finds that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.

(b) Case Not Fully Adjudicated on Motion. If on motion under this rule judgment is not rendered upon the whole case or for all the relief asked and a hearing is necessary, the Commission may by examining the pleadings and the evidence before it, if practicable, ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, and directing such further proceedings in the action as are just. Upon the hearing of the action the facts so specified shall be deemed established, and the hearing shall be conducted accordingly.

(c) Form of Affidavits; Further Testimony; Defense Required. Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible at hearing and shall show affirmately that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The Commission may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue requiring hearing. If he does not so respond, summary judgment, if appropriate, shall be entered against him.

## 22. Evidence.

22-01. Admissibility. Relevant and material evidence shall be admissible, but the Commission or presiding officer may exclude such evidence as is unduly repetitious or cumulative.

22-02. Rulings. The presiding officer may rule on admissibility of any evidence. Such rulings may be reviewed by the Commission in determining the matter on its merits. In extraordinary circumstances, where prompt decision by the Commission is necessary to promote substantial justice, the presiding officer may refer the matter to the Commission for determination.

22-03. Offers of Proof. An offer of proof for the record shall consist of a statement of the substance of the evidence to which objection has been sustained. If the excluded evidence is in documentary or written form or consists of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

22-04. Prepared Testimony. With approval of the presiding officer, a witness may read or otherwise incorporate into the record his testimony on direct examination. Admissibility shall be subject to the rules governing oral testimony. Prepared testimony shall be served upon all parties and the Commission five (5) days before the hearing unless such prior service is waived by all parties.

22-05. Documentary--Commission Files and Records in Other Proceedings. If any matter contained in a report or other document on file with the Commission, or any portion of the record before the Commission in any proceeding other than the one being heard, is offered in evidence, such report or other document or record in the other proceeding need not be produced or marked for identification, but may be identified by specifying the report or other document or the portions of the record in such other proceeding in such manner that the same may be readily located and identified. Upon being received in evidence, a true copy of such matter or of such portion of the record in the other proceeding shall be presented for incorporation in the record in the form of an exhibit unless, in the discretion of the Commission or the presiding officer, such matter or such portion of the record in the other proceeding is permitted to be incorporated in the record by reference.

22-06. Documentary--Material From State Commissions, the Interstate Commerce Commission, and the United States Department of Transportation. Matter contained in a report or other document on file with, and portions of proceedings before, the Public Service Commission of the District of Columbia, the Public Service Commission of Maryland, the Virginia State Corporation Commission, the Interstate Commerce Commission, and the United States Department of Transportation may be identified and received in evidence in the manner permitted by Rule 22-05.

22-07. Official Notice of Facts. Official notice may be taken of such matters as might be judicially noticed by the Courts of the United States and of any other matter peculiarly within the knowledge of the Commission as an expert body.

22-08. Exhibits. Whenever practicable, all exhibits of a documentary character shall be on paper of good quality and so prepared as to be plainly legible and durable, whether printed, copied, or typewritten, and shall conform to the requirements of Rule 4.

22-09. Copies of Exhibits. When documentary exhibits are offered in evidence, at least four copies shall be furnished to the Commission or presiding officer and at least one copy to each party or counsel, including staff counsel.

22-10. Stipulations. In addition to stipulations made as provided by Rule 17-02, the parties, including staff counsel, may stipulate as to any relevant matters of fact or the authenticity of any relevant documents. Such stipulations may be received in evidence at a hearing and when so received shall be binding on the parties and staff counsel with respect to the matters therein stipulated.

### 23. Briefs and Oral Arguments.

23-01. Briefs. The Commission or presiding officer may fix the time for the filing of briefs. Concurrent briefs are preferred. Exhibits may be reproduced in an appendix to a brief. A brief of more than 20 pages shall contain a subject index and table of authorities. Requests for extension of time to file briefs must be made in writing to the Commission, and a copy thereof served upon the other parties to the proceeding. Ordinarily, when a matter is to be submitted on concurrent briefs, extensions will not be granted unless a stipulation is filed with the Commission. The original of each brief shall contain a certification that copies have been served as required by Rule 5-02.

23-02. Oral Argument. If the Commission or the presiding officer is of the opinion that the complexity or importance of the issues raised in a brief so warrant, the Commission or the presiding officer may direct or permit the presentation of oral argument thereon.

23-03. Briefs in the Form of a Proposed Order. Where the Commission or the presiding officer deems it advisable, provision may be made for the filing by each party desiring to do so, including staff counsel, of a post-hearing brief in the form of a proposed order. Such briefs, together with the record in the proceeding, will be considered by the Commission, and the Commission, in its discretion, may adopt a proposed order with or without modification as its own. The Commission or presiding officer shall establish a time for the filing of such briefs and shall advise the parties that (a) reply briefs will not be permitted unless ordered by the Commission and (b) that requests for extensions of time to file briefs ordinarily will not be granted absent

a showing of unusual cause or unless a stipulation is filed with the Commission. Briefs filed under this Rule should conform in style to that used by the Commission for its orders.

24. Decisions.

24-01. Issuance of Decisions. A proceeding shall stand submitted for decision by the Commission after the taking of evidence, and the filing of such briefs or the presentation of such oral argument as may have been prescribed by the Commission or the presiding officer.

24-02. Service of Decisions and Orders. Decisions and orders shall be served by the Executive Director, who shall serve copies thereof upon all parties or their attorneys of record.

25. Form of Briefs; Copies.

25-01. Form of Briefs. Briefs shall conform to the requirements of Rule 4.

25-02. Number of Copies. An original and four conformed copies of briefs shall be filed with the Executive Director.

26. Reopening Proceedings.

26-01. Method of Reopening--By the Parties. At any time after the conclusion of a hearing in a proceeding or final adjournment thereof, but before entering and issuance by the Commission of a final order or rule, any party to the proceeding, including staff counsel, may file with the Commission a petition to reopen the proceeding for the purpose of taking additional evidence. Such petition shall set forth clearly the facts claimed to constitute grounds requiring reopening of the proceeding, including material changes of fact or law alleged to have occurred since the conclusion of the hearing, and shall in all other respects conform as applicable to the requirements of Rules 4 and 5.

26-02. Answer. Within five (5) days following the service of such petition, any party to the proceeding or staff counsel may file with the Commission an answer thereto, except when said service is by mail an additional two (2) days shall be allowed, and in default thereof shall be deemed to have waived any objection to the granting of such petition.

26-03. Commission Action. As soon as practicable after the filing of answers to such petitions or default thereof, as the case may be, the Commission will grant or deny such petition.

26-04. Method of Reopening--by the Commission on Its Own Initiative. If, after the hearing in a proceeding, the Commission shall have reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires, the reopening of such proceeding, the Commission will issue an order reopening.

27. Reconsideration of Orders.

27-01. Application. Any party affected by any final order or decision of the Commission may, within thirty (30) days after the publication thereof, file with the Commission an application in writing requesting reconsideration of the matters involved.

27-02. Content, Form, and Copies. An application for reconsideration shall state specifically the errors claimed as grounds for such reconsideration. Applications for reconsideration shall be filed with the Executive Director and shall comply with the requirements of Rule 4 except as to verification under oath. Service, as required by Rule 5-02, shall be made by the party filing the application for reconsideration upon all parties to the proceeding, and such service shall be indicated upon a certificate accompanying the filing.

27-03. Reply. A reply may be filed within five (5) days after service of such application, except when said service is by mail an additional two (2) days shall be allowed. A reply is not required and, if the circumstances so warrant, the Commission will not delay its action upon the application for reconsideration to await a reply.

27-04. Action on Application. The Commission in its discretion may permit or require oral argument or briefs, or both, upon an application for reconsideration. The Commission, within thirty (30) days after filing of such application, shall either grant or deny it. Failure by the Commission to act within such period shall be deemed a denial of the application for reconsideration. If the application is granted, the Commission shall, either with or without hearing, rescind, modify, or affirm its order or decision.

27-05. Stay. The filing of an application for reconsideration shall not act as a stay upon the execution of the order or the decision of the Commission; provided, however, that upon written consent of the parties, including staff counsel, such order or decision may be stayed to the extent ordered by the Commission.

28. Reports of Compliance. When any person subject to the jurisdiction of the Commission is required by Commission order to do or perform any act, there shall be filed with the Commission within thirty (30) days following the date when such requirement became effective, a notice, under oath, stating that such requirement has been met or complied with; provided, however, that the Commission in specific orders may provide for a different time for the giving of such notice of compliance. Such reports shall conform to Rules 4 and 5 of these Rules.

29. Waiver of Rules. The Commission may in its discretion, upon its own motion, or upon the filing of a motion showing good cause, waive any of the provisions of these Rules by duly advising the parties.

30. Amendment and Repeal of Rules. These rules may be amended, altered, changed, repealed, or waived at any time by the Commission.

31. Staff of the Commission. The Executive Director is in charge of the offices of the Commission. The staff is under the direct supervision of the Executive Director. In the performance of administrative functions, the Executive Director works under the direction of, and is responsible to, the Chairman of the Commission. Otherwise, the Executive Director is under the direction of, and is responsible to, the full Commission.

REGULATIONS  
OF THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

51. Definitions. Definitions contained in these regulations shall have the same meaning as definitions contained in the Compact and shall also be applicable to the Commission's Rules.

51-01. Carrier means a person who engages in the transportation of passengers by motor vehicle or other form or means of conveyance for hire.

51-02. Motor vehicle means an automobile, bus, or other vehicle propelled or drawn by mechanical or electrical power on the public streets or highways of the Metropolitan District and used for the transportation of passengers.

51-03. Person means an individual, firm, copartnership, corporation, company, association or joint stock association, and includes a trustee, receiver, assignee, or personal representative of them.

51-04. Taxicab means a motor vehicle for hire (other than a vehicle operated under a Certificate of Authority issued by the Commission) having a seating capacity of nine (9) persons or less, including the driver, used to accept or solicit passengers along the public streets for transportation.

51-05. Certificate means a Certificate of Authority unless the context requires a different meaning.

51-06. Regular Route means regularly-scheduled commuter service or other regular-route service for which the carrier charges individual fares for expeditious transportation over designated streets and roadways or between fixed points as specified, or as required to be specified, in a Certificate of Authority.

51-07. Irregular Route means any passenger transportation covered by the Compact and not included within the term "Regular Route."

51-08. Tariff means a document specifying the fares and charges of a carrier, together with all applicable rules, regulations and practices, including discounts, if any, for sales commissions, volume business, seasonal useage, and any other reductions from, or additions to, such fares and charges.

51-09. Other vehicles that perform a bona fide taxicab service means vehicles other than taxicabs used to perform a service that is:

(a) transportation intended in good faith to be provided only between points selected at will by the person or persons hiring the vehicle in which such transportation is provided;

(b) conducted in a vehicle subject to the exclusive use of the passenger or single party of passengers hiring the vehicle for the entire time such vehicle is under hire;

(c) priced at rates based on the duration and/or distance of the transportation rendered;

(d) conducted in a vehicle engaged solely in rendering or performing transportation as described in subparagraphs (a), (b), and (c) above; and

(e) conducted in a vehicle having a seating capacity of eight passengers or less in addition to the driver.

51-10. (a) The Washington Metropolitan Area Transit District, referred to as the Metropolitan District, shall include: the District of Columbia; the cities of Alexandria and Falls Church of the Commonwealth of Virginia; Arlington County and Fairfax County of the Commonwealth of Virginia, the political subdivisions located within those counties, and that portion of Loudoun County, Virginia, occupied by the Washington Dulles International Airport; Montgomery County and Prince George's County of the State of Maryland, and the political subdivisions located within those counties; and all other cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of those counties, cities, and airports.

(b) Solely for the purpose of transportation by taxicab the Metropolitan District shall include that portion of Anne Arundel County, Maryland, occupied by the Baltimore-Washington International Airport.

51-11. State means the Commonwealth of Virginia, the State of Maryland, or the District of Columbia.

52. Continuation of Rates in Effect Prior to February 1, 1991. Tariffs of WMATC carriers in effect on January 31, 1991, shall remain in effect for a maximum of 120 days from January 31, 1991. At least 7 calendar days before May 31, 1990, each such carrier shall file a new tariff or tariffs, as appropriate, in accordance with Regulations 55 and 56. Rates in effect on February 1, 1991, shall remain in effect for at least 60 days from the date those rates became effective.

53. Outstanding Orders Continued in Effect. Orders of the Commission outstanding on January 31, 1991, shall continue in effect, unless superseded, to the extent not in conflict or inconsistent with the Compact as amended effective February 1, 1991, or rules, regulations, orders or other actions prescribed, issued, made or taken by this Commission on or after February 1, 1991.

54. Applications.

54-01. Scope. Included within the scope of this regulation are the following:

(a) Operating Rights. Applications involving authority to conduct for-hire transportation of passengers in the Metropolitan District, including applications to obtain a certificate, to amend a certificate, to revoke a certificate, to transfer a certificate, to change or abandon a regular route, and to obtain temporary authority.

(b) Transactions. Applications to consolidate or merge any part of the properties of two or more carriers; applications by one carrier to purchase, lease, or operate a substantial part of the properties of another carrier; and applications by one carrier to acquire control of another carrier.

54-02. Application Form and Contents. An application shall be made in writing and shall contain the information required by the application form and accompanying instructions prescribed by the Commission for the type of application involved.

54-03. How Filed. An application shall be filed by delivering the original and four complete copies to the Commission's offices. Filing fees and, as required, the cost of publishing notice, of transcribing a hearing on an application, and for an administrative law judge to preside over a hearing, shall be borne by the applicant. Incomplete applications, those lacking the required number of copies, and those otherwise failing to comply with these regulations, may be rejected by the Executive Director and returned to the applicant.

54-04. Procedure after Filing. Upon filing of an application within the scope of Regulation 54-01, an order shall be issued giving notice of the application pursuant to Rule No. 6:

(a) Protest Date. The order shall fix a date on or before which interested persons may file protests against the application or serve notice of any relevant issues needed to be examined in keeping with the Compact requirements. Each protest and notice must be sworn and accompanied by all available evidence and legal argument on which protestant or other party, including staff, would rely.

(b) Request for Oral Hearing. The order shall fix a date on or before which protestants or other interested persons, including staff, may file a request for oral hearing on the application. Each request for oral hearing must contain reasonable grounds showing good cause to require such hearing, including the evidence to be adduced at oral hearing and the reason(s) why such evidence could not be adduced without oral hearing.

(c) Additional Information. The order may require an applicant to file such additional or supplemental information as may be deemed reasonably necessary to a full and fair examination of any aspect of the application.

(d) Reply. A reply to a protest or request for hearing may be filed within five (5) days after service of the protest or request for hearing, except when service is by mail an additional two (2) days shall be allowed.

54-05. Procedure after Filing Where Hearing Required. If a hearing on an application is deemed necessary in the circumstances of a particular case, then an order setting a hearing shall be issued pursuant to Rule 6, which shall accomplish the following:

(a) Petitions to Intervene and Requests to be Heard. The order scheduling a hearing, which may be held at any place in the Metropolitan District, shall fix a date in advance of the hearing on or before which interested persons may file (i) petitions to intervene as prescribed by Rule 16 or (ii) requests to appear and be heard together with a brief statement of position and relevant interest and a showing of good cause for not having filed pursuant to Regulation 54-04. Petitions to intervene and requests to be heard will be determined by the presiding officer.

(b) Public Notice. The order shall fix a date in advance of the intervention deadline as the date on or before which the general notice described in Rule 6-03 shall be published in a newspaper of general circulation in the Metropolitan District. If the applicant is already operating in the Metropolitan District, then the order for a hearing may further require the applicant to post a copy of such general notice in the applicant's vehicles by the date fixed as the deadline for publication and to leave it posted until the hearing is commenced.

(c) Transcript Fees and Hearing Officer Fees. The order shall fix a date in advance of the hearing on or before which the applicant shall be required to deposit with the Commission an amount estimated to be sufficient to cover the cost of transcribing the hearing and for an administrative law judge to preside over the hearing. The final assessment will be adjusted to reflect the actual cost to the Commission.

54-06. Applications for Temporary Authority or Temporary Approval. The provisions of this subsection, in addition to the other provisions of this regulation, apply to the following:

(a) Operating Rights. Applications seeking temporary authority to conduct for-hire transportation of passengers in the Metropolitan District shall be accompanied by evidence sufficient to enable the Commission to determine (i) the exact nature of the service proposed, (ii) that there is an immediate need for service that is not available, and (iii) that applicant is fit to provide the temporary service proposed. Such evidence may consist of written and notarized statements signed by individuals or on behalf of organizations that would use the proposed service, or other credible evidence calculated to establish facts sufficient to support a grant of temporary authority.

(b) Transactions. An application for temporary approval by one carrier to operate the properties of another carrier pending the determination of an application for approval of a consolidation, merger, purchase, lease or contract to operate such properties shall be accompanied by evidence sufficient to enable the Commission to determine that a grant of such temporary approval would be consistent with the public interest. Such an application need not be on a form prescribed by the Commission, but it must be filed in conjunction with the filing of an application under Regulation 54-01(b).

55. Tariffs.

55-01. Scope. This regulation applies to all transportation and transportation-related services, except taxicab service.

55-02. Tariffs to Govern Provision of Service and Compensation. No carrier shall demand, receive, or collect any compensation for any transportation or transportation-related service, except such compensation as is specified in its currently effective tariff for the transportation or transportation-related service provided.

55-03. Rebates Forbidden. No carrier shall give a rebate, either directly or indirectly, of any compensation specified in its tariff.

55-04. Posting for Public Inspection. A carrier shall have a copy of its general tariff and contract tariff(s) available for inspection by the public during normal business hours at the carrier's principal place of business and at each other place of business where the carrier employs a full-time agent. The carrier shall respond to reasonable inquiries regarding the contents and application of its tariffs, and upon request shall render such reasonable assistance as may be necessary to enable a person to locate desired information in a tariff. A carrier may not require a person to explain the purpose of a request or to do any other act as a prerequisite to furnishing information or assistance as required by this regulation.

55-05. Form and Size. Tariffs shall be printed or typewritten on paper 8-1/2 inches wide by 11 inches long with a left-hand margin not less than 1-1/2 inches wide and other margins not less than 1 inch. No written alterations or erasures shall be made in a tariff except those made and initialed by the Executive Director when required to assure compliance with this regulation or a Commission order.

55-06. Title Page. The title page of a tariff shall contain the following information:

(a) General Tariffs -- Specific Requirements. In the case of a general tariff, there shall be a serial number in the upper right hand corner denominated as "WMATC GENERAL TARIFF NO. \_\_\_." Serial numbers shall run consecutively beginning with the number 1 and shall be assigned according to the order in which tariffs are issued so that a carrier's first general tariff is its WMATC GENERAL TARIFF NO. 1, its

second general tariff is WMATC GENERAL TARIFF NO. 2, and so forth. When a general tariff is issued that cancels another general tariff, the serial number of the general tariff being cancelled shall be set forth immediately below the serial number of the new general tariff being issued. No more than one general tariff may be in effect at any time.

(b) Contract Tariffs -- Specific Requirements. In the case of a contract tariff, there shall be a serial number in the upper right hand corner denominated as "WMATC CONTRACT TARIFF NO. \_\_\_\_." Contract tariff serial numbers shall run consecutively beginning with the number 1 and shall be assigned according to the order in which contract tariffs are issued. Contract tariff changes filed pursuant to Regulation 56-04 shall be serially lettered immediately following the Contract Tariff number, beginning with the letter A.

(c) General Requirements for General Tariffs and Contract Tariffs. In addition to applicable specific requirements, the title page of any tariff shall be in the form and contain the information specified in the Appendix to these regulations.

55-07. Contents of General Tariff. A General Tariff shall contain:

(a) A table of contents, which shall be located immediately behind the title page and arranged to show the page on which each subject may be found. When a general tariff is less than five (5) pages in length, the table of contents may be omitted.

(b) An explanation of all abbreviations, symbols, and reference marks used in the tariff.

(c) A statement of the carrier's rules, regulations, and practices that pertain to rates, fares, charges, transportation, and transportation-related services.

(d) A statement of the rates, fares, and charges that apply to transportation and transportation-related services within the scope of the tariff. Rates, fares, and charges shall be expressed in dollars and cents of United States currency and shall be universally applicable to all customers, except for operations covered by contract tariffs.

55-08. Contents of Contract Tariff. A contract tariff shall:

(a) be a contract duly executed by all parties;

(b) state an effective date and a termination date;

(c) remain in effect for at least 60 days;

(d) require transportation on at least the effective date and termination date;

(e) contain fixed rates and fixed fares for transportation that are not greater than the rates and fares for similar service contained in the carrier's general tariff at the time the contract tariff is filed;

(f) be specific enough for the Commission to determine that transportation required by contract is (1) within the jurisdiction of the Compact and (2) authorized by the carrier's Certificate of Authority; and

(g) constitute the total agreement between or among the parties.

#### 56. Tariff Filing Procedures.

56-01. Scope. This regulation governs the procedure for filing a general tariff or a contract tariff to establish or to change any rate, fare, charge, rule, regulation, or practice pertaining to a carrier's transportation or transportation-related service.

56-02. How Filed. A tariff shall be filed by delivering the original and five copies thereof to the Commission's offices.

56-03. (a) Change(s) in General Tariff. No general tariff may be changed except by the filing of a new and complete general tariff. The new general tariff shall state an effective date not less than seven (7) days from the date it is filed. A general tariff must remain in effect for a minimum of sixty (60) days and may not be changed within that period; provided, however, that a new and complete general tariff may be filed within that period solely for the purpose of establishing rates, fares, or charges for entirely new service not covered by the general tariff being replaced. The filing of such a new general tariff within that period will commence a new 60-day period.

(b) Notice of Change(s) in General Tariff. Notice of change(s) in any general tariff shall be posted conspicuously in each of the carrier's vehicles operating in the Metropolitan District. Such notice shall be posted on the same date that the tariff is filed with the Commission, and shall be removed no sooner than the day after the tariff becomes effective. Such notice shall specify the effective date of the new tariff and the change(s) to be effected. A copy of such notice shall be filed with the Commission at the time the tariff is filed, together with a verified statement that the notice has been posted in accordance with this regulation.

56-04. Change(s) in Contract Tariff. No contract tariff may be changed except by (a) execution of a new contract to be effective immediately upon the expiration of the contract tariff on file or (b) by execution of a contract extension, modification, or amendment and (c) the filing thereof with an appropriate title page on or before the expiration of the contract tariff on file. Contract tariffs will be deemed cancelled upon expiration or termination of the underlying contract on file. Notice of cancellation or termination before

expiration of a contract tariff shall be filed with the Commission by the carrier within five (5) days of such termination, together with an explanation of the reason(s) therefor.

57. Time Schedules.

57-01. Who Must File. Any carrier operating scheduled transportation service covered by its general tariff shall file two (2) copies of its schedules with the Commission.

57-02. Changes. A carrier shall file a schedule containing proposed changes at least fifteen (15) days before the proposed effective date of the changes. Unless suspended, the changes become effective on the proposed effective date. Changes may become effective less than fifteen (15) days after filing only by order of the Commission upon motion showing good cause.

57-03. Public Notice of Changes. A carrier operating scheduled transportation service covered by its general tariff shall publish notice of any proposed changes in its time schedules. The notice shall:

- (a) be in writing;
- (b) state the proposed changes in detail;
- (c) state the proposed effective date of the changes;

(d) contain the language "Any person who wishes to oppose the schedule changes must file written objections with the Washington Metropolitan Area Transit Commission at least five (5) business days before the changes become effective. For more information on how to oppose the changes, call the Commission at (202) 331-1671.";

(e) be posted in a conspicuous place in all vehicles affected by the changes at least fifteen (15) days before the proposed effective date; and

(f) remain posted until the proposed changes become effective or are withdrawn, or the Commission orders otherwise.

57-04. Objections. Any interested person may oppose a carrier's proposed schedule changes by filing objections in writing not later than five (5) days before the proposed changes become effective or within such other time as the Commission may allow by order.

57-05. Suspension. On objection by an interested person or on its own motion the Commission, in its discretion, may suspend the effectiveness of a carrier's proposed schedule changes pending the outcome of such proceedings as may be instituted to consider whether the changes should be allowed.

58. Security for Protection of the Public.

58-01. Protection Required. No carrier shall transport passengers for hire unless it has secured the public against losses from bodily injury, death, and property damage resulting from its operations. A carrier shall secure the public by means of an insurance policy or policies in such minimum amounts and subject to such conditions as the Commission may prescribe. Evidence of the existence of such insurance shall be filed with the Commission and shall be in a form approved by or acceptable to the Commission.

58-02. Continuing Compliance Required. Security for the protection of the public shall remain in effect at all times. In the event a carrier fails to maintain on file with the Commission an effective certificate of insurance, the operating authority of said carrier is deemed automatically suspended.

58-03. Minimum Amounts. The minimum amounts referred to in Regulation 58-01 are hereby prescribed as follows:

(a) For operators of taxicabs:

Taxicab operators engaged in interstate operations over which the Commission has jurisdiction shall meet the minimum requirements of the respective states and political subdivisions thereof having jurisdiction over the intrastate operations of such taxicabs.

(b) For operators of other vehicles engaged in bona fide taxicab service:

Operators of vehicles, other than taxicabs or vehicles required to be licensed as taxicabs, that engage in bona fide taxicab service shall, when transporting passengers traveling interstate within the Metropolitan District, meet the insurance requirements of the state or states in which the vehicles are licensed or required to be licensed.

(c) For all other carriers:

Carriers with operating authority unrestricted as to vehicle seating capacity:	\$5,000,000 CSL
Carriers with operating authority restricted as to vehicles seating 15 persons or less:	\$1,500,000 CSL

NOTES:

1. CSL = Combined Single Limit for all personal injuries, deaths, and property damage resulting from one occurrence.
2. "Persons" includes the driver.

58-04. Forms and Procedure. Certificates of insurance and notices of cancellation shall be in the form prescribed by or acceptable to the Commission. Certificates of insurance shall specify the effective date and the expiration date through which the coverage remains continuously in effect unless cancelled in accordance with Regulation 58-07 or replaced in accordance with Regulation 58-08.

58-05. Filing. An original of every certificate of insurance or notice of cancellation shall be filed on forms prescribed by or acceptable to the Commission.

58-06. Name of Insured. Certificates of insurance shall be issued in the full and correct name of the individual, partnership, corporation, or other entity that is the carrier. In the case of a partnership, the partnership and all partners shall be named insureds.

58-07. Cancellation Notice. Except as provided in Regulation 58-08, certificates of insurance shall not be cancelled or withdrawn prior to the normal expiration date thereof except on thirty (30) days' notice given, in writing, to the Commission at its office. The notice period of thirty (30) days shall commence to run from the date notice is actually received at the office of the Commission.

58-08. Termination by Replacement. Certificates of insurance may be replaced by other certificates of insurance. The liability of the retiring insurer shall terminate as of the effective date of the replacement certificate of insurance, provided the said replacement certificate is acceptable under these regulations.

58-09. Right to Revoke. The Commission may, upon thirty (30) days' notice, revoke its approval of any certificate of insurance if, in the judgment of the Commission, such security does not comply with the Commission's regulations or for any reason fails to provide satisfactory or adequate protection for the public.

58-10. Form of Certificate of Insurance. A certificate of insurance shall be in the form set forth in the Appendix to these regulations or such other acceptable form as meets the requirements of these regulations.

58-11. Form of Notice of Cancellation of Insurance. A notice of cancellation of insurance shall be in the form set forth in the Appendix to these regulations or such other acceptable form as meets the requirements of these regulations.

58-12. Form of Reinstatement of Insurance. A motor carrier desiring to file a reinstatement of insurance that has been cancelled shall file a new certificate of insurance.

58-13. Other Forms of Security for the Protection of the Public. The Commission will consider the application of a carrier to provide other forms of security for the protection of the public. Applicant must furnish evidence establishing to the satisfaction of the

Commission the carrier's ability to satisfy its obligations for bodily injury, death, and property damage liability without adversely affecting the stability of the carrier or the public interest.

59. Accounts and Records.

59-01. Accounting Records. A carrier shall keep its general accounting books and all records which support in any way the entries in such accounting books, in such manner that it can furnish at any time full and complete financial and statistical information about its activities, regardless of whether such activities constitute transportation subject to the Compact.

(a) A carrier shall maintain accurate books of account in accordance with generally accepted accounting principles.

(b) All entries shall be supported with detailed information to verify the facts with respect thereto. Expenditures shall be supported by vouchers, payrolls, receipted bills, cancelled checks, receipts for cash payments, or other evidence of the expenditures incurred.

(c) At all times the Commission shall have access to the lands, buildings, and equipment of carriers and to the accounts, records, and memoranda kept by such carriers. Any employee or designated representative of the Commission may inspect any such land, buildings, and equipment and any accounts, records and memoranda. This regulation shall apply, to the extent found by the Commission to be reasonably necessary for the administration of the Compact, to any person controlling, controlled by, or under common control with, any carrier.

(d) A carrier shall provide access to its general accounting records for employees or designated representatives of the Commission engaged in an investigation or examination of the accounts or records of the carrier.

(e) A carrier which operates wholly within the Metropolitan District shall maintain its principal office and keep all of its accounts, records, and memoranda within the Metropolitan District. No accounts, records, or memoranda shall be removed from the Metropolitan District for any purpose without prior approval of the Commission except when required by another regulatory agency having jurisdiction over any of the operations of a carrier.

59-02. Retention of Records. A carrier shall retain its records for a period of three (3) years unless otherwise ordered by the Commission.

59-03. Sightseeing Commissions. A carrier conducting individually-ticketed sightseeing operations shall keep records of (a) the names and addresses of all agents and others to whom commissions or fees are paid for the generation of passengers for sightseeing service, (b) the rate(s) of commission at which such agents or others are paid, and (c) the gross dollar amount of all sightseeing sales and commissions, individually and in the aggregate.

60. Reports.

60-01. Annual Reports. A carrier shall file an annual report with the Commission on or before April 30 of each year, or such other date as the Commission may prescribe. The report shall be completed on a form provided by the Commission and shall be certified as to its accuracy by an official of the carrier.

60-02. Other Reports. A carrier shall make such other report(s) as the Commission may from time to time require.

61. Identification on Motor Vehicles.

61-01. A carrier shall display on both sides of each vehicle it operates:

(a) the carrier's name and trade name, if any; and

(b) the name of the owner of the vehicle, if different from the carrier; and either

(c) the WMATC carrier number assigned to the carrier, if the carrier holds a certificate of authority; or

(d) the case number assigned to the application by which the carrier received authority to operate, if the carrier is operating under temporary authority or temporary approval.

61-02. The display of name and number prescribed herein shall be permanently made in letters and numbers in sharp color contrast to the background, and shall be of such size and shape as to be readily legible, during daylight hours, from a distance of 50 feet. Letters and numbers of block style and no smaller in height than three inches shall, absent a showing to the contrary, be deemed adequate to meet the visibility requirement of this regulation. All displays of name and number shall be kept and maintained in such manner as to retain the required legibility. Leased vehicles and vehicles operated by a carrier holding only temporary authority or temporary approval may be identified by use of a removable display, providing said display otherwise meets the requirements of this regulation.

61-03. The following formats for identification of vehicles are recommended:

(a) For Owned Vehicles:

(1) Operated Pursuant to a Certificate:

"Owned and Operated by -----  
WMATC No. ----"

(2) Operated Pursuant to Temporary Authority or Temporary Approval:

"Owned and Operated by -----  
WMATC TA No. ----"

(b) For Non-Owned Vehicles

(1) Operated Pursuant to a Certificate:

"Owned by -----  
Operated by -----  
WMATC No. ----"

(2) Operated Pursuant to Temporary Authority or Temporary Approval:

"Owned by -----  
Operated by -----  
WMATC TA No. ----"

62. Lease of Equipment.

62-01. Applicability. This regulation shall apply to the lease of motor vehicles by any lessee-carrier subject to the jurisdiction of this Commission when the vehicles are to be used by said carrier for the transportation of passengers between points in the Metropolitan District.

62-02. Contract of Lease. No carrier subject to the jurisdiction of this Commission may charter, rent, borrow, lease, or otherwise operate in revenue service any motor vehicle to which such carrier does not hold title, except in accordance with this regulation. No carrier subject to the jurisdiction of this Commission shall operate any motor vehicle(s) as lessee thereof unless the contract of lease has been approved by the Commission. Such contract of lease shall be in the form set forth in the Appendix to these regulations, and any addenda thereto shall be submitted along with the form. The motor vehicle(s) named in the contract of lease shall be operated by, and under the complete control of, the lessee, and no other, for the entire period of the lease, and for all regulatory purposes including insurance, rates and charges, vehicle identification, and motor vehicle fuel and road taxes, such motor vehicle(s) shall be considered as the vehicle(s) of the lessee. During the period of any contract of lease, neither the lessor nor the lessee shall enter into any other contract or subcontract for lease or sublease of the same vehicle(s) without the approval of the Commission.

62-03. Administrative Action.

(a) Review by Executive Director. The Executive Director or his delegate shall review contracts of lease for compliance with the requirements of this regulation. Such initial determination shall be completed no later than the end of the third business day following receipt of the contract for lease.

(b) Approval by Executive Director. Where a contract of lease is acceptable for filing (see Commission Rule 8), and is in conformance with the requirements of this regulation, the Executive Director or his delegate shall approve such contract of lease by signing all copies, retaining the original for the Commission's files, and serving copies upon the lessor and the lessee.

(c) Review by the Commission. Where it appears to the Executive Director or his delegate that a contract of lease may not be in complete conformance with the requirements of this regulation, the Executive Director or his delegate shall forward such contract of lease together with his analysis thereof to the Commission for determination and shall serve notification of such action and analysis upon the lessee.

(d) Determination by the Commission. The Commission shall make a prompt determination on such contract of lease, with or without hearings or other formal proceedings, and shall, upon approval, return such contract of lease to the Executive Director or his delegate for signing as described above or, upon disapproval, return such contract of lease to the lessee, specifying the reason(s) for disapproval.

62-04. Term of Lease. All contracts of lease shall be for fixed or continuous (open-ended) periods. A lease may be cancelled by the lessor or the lessee by filing with the Commission a notice of termination in accordance with the terms agreed between the parties, as specified in the approved contract of lease. Any lease may be cancelled by mutual consent by filing with the Commission a notice of termination at any time prior to the proposed termination date. All leases shall expire at 11:59 p.m. on the date of termination, unless otherwise specified in the lease. Leases may be renewed by filing a new contract of lease as required by Regulation 62-02 when the terms of the lease have been changed, or by filing a notice of renewal when only the date of termination has been extended.

62-05. Lease to be Carried in Vehicle. The lessee shall at all times retain a copy of the lease, as approved, in each motor vehicle being operated under lease.

62-06. Identification. While being operated by lessee, each vehicle must carry a sign displayed on each side of the vehicle. Such sign shall identify the vehicle as prescribed in Regulation 61. The lessee shall remove such identification before relinquishing possession of the equipment.

62-07. Liability Insurance. Coincidentally with the filing of any contract of lease, there shall be filed a certificate of insurance for the operation of the leased vehicle(s) by lessee, or in the alternative there shall be filed appropriate evidence that there is already on file with the Commission an appropriate certificate of insurance covering all motor vehicles owned or operated by the lessee for the for-hire transportation of passengers.

62-08. Drivers. The lease of a vehicle with a driver provided by the same lessor is prohibited, except as provided by Regulation 62-12(c)(1). For the purpose of this regulation, a driver provided by the lessor shall be deemed to include the lessor, his employees, any person controlling, controlled by, or under common control with the lessor, and any person in a contractual relationship with the lessor. The lessee may operate a leased vehicle with a qualified driver who (a) is a bona fide employee of the lessee or (b) is obtained from a personnel supplier having no prohibited relationship with the lessor.

62-09. Inspections. It shall be the responsibility of the lessee, at the time of assuming possession of the leased vehicle(s), to inspect said vehicle(s) for the purpose of determining their suitability for use and their compliance with the safety regulations of the Commission. No lessee shall operate any vehicle which is not in compliance with WMATC safety regulations.

62-10. Compact Requirements. Under no circumstances may any operating authority issued by this Commission to any carrier be leased, rented to, or used by any other person.

62-11. Leases to Non-Carriers. Notwithstanding the "applicability" provision of Regulation 62-01, no carrier subject to the jurisdiction of the Commission shall, without prior written consent of the Commission, lease any motor vehicle to any person for the transportation for hire of passengers between points in the Metropolitan District, unless such person holds a certificate of authority, temporary authority, or temporary approval issued by the Commission. To obtain such prior written consent, it shall be the burden of the lessor to demonstrate by clear and convincing proof that the transportation to be performed is not subject to regulation by the Commission.

62-12. Leases for Non-Consecutive Periods of Three Days or Less. Notwithstanding the provisions of Regulations 62-03, 62-04, 62-05, 62-07, and 62-08, leases for non-consecutive periods of three days or less shall be permitted without prior filing for approval:

(a) provided that the motor vehicle(s) covered by such lease and shall be operated by and under the complete control of the lessee, and no other, for the entire period of the lease, and for all regulatory purposes, including but not limited to insurance, applicable rates and charges, vehicle identification, and motor vehicle fuel and road taxes, such vehicle(s) shall be considered as the vehicle(s) of the lessee,

(b) further provided that such leases shall not exceed in the aggregate 10 days (exclusive of occasions where a leased vehicle is required to replace, for a single trip, a vehicle which suffers a breakdown or is involved in a collision, with passengers on board) in any calendar year, and

(c) further provided that (1) such leases for vehicle(s) and driver(s) are between carriers, both of which hold WMATC authority to provide the service involved, or (2) such leases for vehicle(s) only are between carriers, both of which hold WMATC authority, and

(d) further provided that the terms of such lease are reduced to writing and filed with the Commission no later than 10 days following the lease period.

### 63. Content of Advertising Material.

63-01. There shall be included in any advertising pamphlet, brochure or other exclusive publication of the carrier used as a medium for informing the general public of the carrier's services, a statement advising the general public that the carrier is regulated by the Commission.

63-02. The statement prescribed in this part shall be in such size and shape as to be readily legible and shall be clearly set forth as follows: "Carriers offering transportation services such as those described herein are regulated by the Washington Metropolitan Area Transit Commission, 1828 L Street, N.W., Room 703, Washington, DC 20036-5104."

63-03. There shall be included in any display advertisement in a newspaper, magazine, telephone directory, or other non-exclusive publication the name of the Commission, an indication that the carrier is regulated, and the carrier's number. Said statement shall be set forth as follows: "Washington Metropolitan Area Transit Commission Regulated Carrier No. ----."

63-04. No carrier regulated by the Commission or subject to such regulation shall advertise or hold itself out (a) to perform transportation or transportation-related services within the Metropolitan District unless such transportation or transportation-related services are authorized by the Commission; or (b) to perform transportation or transportation-related services within the Metropolitan District at rates, fares, or charges or subject to rules, regulations, and practices that pertain to rates, fares, and charges, unless said rates, fares, charges, rules, regulations, or practices are contained in an effective tariff approved by the Commission.

64. Safety Regulations. The Commission adopts and incorporates herein by reference the Federal Motor Carrier Safety Regulations as amended from time to time, to the extent that the said regulations apply to the operations of passenger carriers. These regulations are set out in Title 49 of the Code of Federal Regulations.

65. Automatic Termination of Certificate of Authority after Suspension. Any Certificate of Authority that remains suspended for 365 consecutive days, for any reason, shall be deemed terminated and revoked effective on the 366th day.

66. Automatic Denial of Conditional Grant of Authority. The time for compliance with the requirements for a conditional grant of authority will not be extended beyond a maximum of 180 days from the date the conditional grant of authority is issued. Such conditional grant of authority shall be considered void effective on the 181st day.

67. Fees. Fees, including but not limited to filing fees and annual fees, may be established and amended from time to time by Commission order. Such order shall be deemed incorporated in this regulation.

68. Carrier Address. Any person holding or applying for a certificate of authority, temporary authority, or temporary approval shall keep its official address on file with the Commission at all times. Such address shall be the actual street location of the person's principal place of business. If the person's principal place of business is not in the Metropolitan District, then the person must also designate an agent for service residing in the Metropolitan District pursuant to Rule 5-04.

APPENDIX TO  
RULES OF PRACTICE AND PROCEDURE AND REGULATIONS  
OF THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

FORMS:

GENERAL TARIFF COVER	2 pages
CONTRACT TARIFF COVER	2 pages
CONTRACT OF LEASE	3 pages
CERTIFICATE OF INSURANCE	2 pages
CANCELLATION OF INSURANCE	1 page

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

GENERAL TARIFF COVER

General Tariff No. GT- \_\_\_\_\_

Cancels General Tariff No. GT- \_\_\_\_\_

Date Filed \_\_\_\_\_  
(enter date from Line 5)

Date Effective \_\_\_\_\_  
(enter date from Line 7)

1. WMATC Certificate No. \_\_\_\_\_

2. Carrier Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

3. Person authorized to file tariff on behalf of carrier:

Name \_\_\_\_\_

Title \_\_\_\_\_

Telephone No. \_\_\_\_\_

4. This tariff covers: (check one)  
 only irregular route operations  
 only regular route operations  
 both irregular and regular route operations

5. Date this tariff actually filed with WMATC. \_\_\_\_\_

6. Date seven (7) calendar days after date on Line 5. \_\_\_\_\_

7. Effective Date of this tariff (not earlier than date on  
Line 6). \_\_\_\_\_

8. Signature of Person named on Line 3. \_\_\_\_\_

NOTE: INCOMPLETE OR INACCURATE TARIFF COVER FORMS WILL BE REJECTED.  
IF YOU HAVE A QUESTION ABOUT HOW TO COMPLETE THIS FORM, CALL THE  
COMMISSION AT (202) 331-1671.

**FOR COMMISSION USE ONLY**

9. Date Filed \_\_\_\_\_
10. Line 7 plus 60 days \_\_\_\_\_
11. Filing fee \$ \_\_\_\_\_ ( ) cash ( ) check ( ) money order

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

CONTRACT TARIFF COVER

Contract Tariff No. CT- \_\_\_\_\_

Amendment letter \_\_\_\_\_

Date Filed \_\_\_\_\_  
(enter date from Line 5)

Date Effective \_\_\_\_\_  
(enter date from Line 8)

Expiration Date \_\_\_\_\_  
(enter date from Line 9)

1. WMATC Certificate No. \_\_\_\_\_

2. Carrier Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

3. Person authorized to file tariff on behalf of carrier:

Name \_\_\_\_\_

Title \_\_\_\_\_

Telephone No. \_\_\_\_\_

4. This tariff covers irregular route operations pursuant to a contract between the above-named carrier and:

Name \_\_\_\_\_

Address \_\_\_\_\_

Name of Representative \_\_\_\_\_

Telephone No. of Representative \_\_\_\_\_

5. Date this tariff actually filed with WMATC. \_\_\_\_\_
6. Date seven (7) calendar days after date on Line 5. \_\_\_\_\_
7. First Date passenger transportation service is required under this contract. \_\_\_\_\_
8. Enter later date from Line 6 or Line 7. \_\_\_\_\_  
This is the EFFECTIVE DATE of this tariff.
9. Expiration date of contract (at least 60 days after date on No. 8). \_\_\_\_\_
10. I hereby certify that this contract requires the performance of passenger transportation service at least on the dates specified on Line 8 and Line 9.

\_\_\_\_\_  
Signature of Person named on Line 3

NOTE: INCOMPLETE OR INACCURATE TARIFF COVER FORMS WILL BE REJECTED.  
IF YOU HAVE A QUESTION ABOUT HOW TO COMPLETE THIS FORM, CALL THE COMMISSION AT (202) 331-1671.

**FOR COMMISSION USE ONLY**

11. Date Filed \_\_\_\_\_
12. Line 8 plus 60 days \_\_\_\_\_
13. Filing fee \$ \_\_\_\_\_ ( ) cash ( ) check ( ) money order

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

CONTRACT OF LEASE

(TRANSPORTATION FOR COMPENSATION)

Whereas, \_\_\_\_\_,  
(name)

of \_\_\_\_\_,  
(address)

hereinafter referred to as lessor, wishes to enter into an agreement of lease with \_\_\_\_\_,  
(name)

of \_\_\_\_\_, hereafter  
(address)

referred to as lessee, who holds authority from the WMATC to transport passengers for compensation, as described in WMATC Certificate No. \_\_\_\_, in temporary authority pursuant to Order No. \_\_\_\_, or in WMATC Special Certificate No. 1 pursuant to Authorization No. SP-\_\_\_\_\_, to lease to lessee \_\_\_\_\_  
(make, description, seating capacity and serial number of

\_\_\_\_\_ vehicle(s) to be leased)

or motor vehicle equipment more fully described in Appendix A attached hereto and made a part hereof, and said lease shall begin on \_\_\_\_\_ and shall be ended \_\_\_\_\_  
(termination date or "continuous")

The lessor and lessee agree by the filing of this contract of lease with the WMATC that the motor vehicle(s) named in this lease shall be operated by and under the complete control of the lessee, and no other, for the period of the lease; and for all regulatory purposes including, but not limited to, insurance, rates and charges, vehicle

identification, and motor vehicle fuel and road taxes, such motor vehicle(s) shall be considered as the vehicle(s) of the lessee. The lessee agrees to operate each vehicle under the lease with a qualified driver in his employ who is subject to the direction and control of the lessee or with a qualified driver obtained from a personnel supplier not controlling, controlled by, or under common control or contractual relationship with the lessor.

For and in consideration of the leasing of the equipment herein described, the lessee agrees to pay to the lessor \_\_\_\_\_ or as set out in **Appendix B** attached to this lease.

This contract of lease is for a ( ) fixed ( ) continuous period. However, this lease may be cancelled by the lessor or the lessee by filing with the Commission a notice of termination not less than \_\_\_\_\_ days prior to the proposed termination date.

**(to be agreed upon)**

Any lease may be cancelled by mutual consent by filing with the Commission a notice of termination at any time prior to the proposed termination date. This lease shall expire at 11:59 p.m. on the date of termination.

During the period of this lease, neither the lessor nor the lessee shall enter into any other contract or subcontract for lease or sublease of the same vehicle(s) and no person other than the lessee shall operate said vehicle(s) without the approval of the Commission pursuant to Regulation No. 62-02.

No agreement or contract between the parties to this lease shall in any way alter, change or amend the terms of this contract of lease.

By the signatures of the lessor and the lessee, or their lawful agents, they are severally and jointly bound thereby:

\_\_\_\_\_  
Lessor (Seal)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Lessee (Seal)

\_\_\_\_\_  
Witness

**FOR COMMISSION USE ONLY**

WMATC ACTION: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**CERTIFICATE OF INSURANCE**

**Filed with the Washington Metropolitan Area Transit Commission**

And an ENDORSEMENT to the insurance policy for which this  
Certificate is issued

This is to certify that \_\_\_\_\_  
(Name of Insurance Company)

(hereinafter called the company) of \_\_\_\_\_  
(Address of Home Office of Insurance Company)

has issued its Policy No. \_\_\_\_\_ (hereinafter Policy)

to \_\_\_\_\_ (hereafter Insured)  
(Motor Carrier Name)

of \_\_\_\_\_  
(Motor Carrier Address)

as a passenger carrier. This policy, by this endorsement which is incorporated therein, is amended to conform to the following terms and conditions:

1. The policy of insurance for which this certificate and endorsement is issued is extended to cover any motor vehicle owned or operated by the named insured in the transportation of passengers for compensation pursuant to operating authority issued or required pursuant to the Washington Metropolitan Area Transit Regulation Compact, whether or not such motor vehicle is specifically named, numbered, or designated in the policy.

2. CHECK ONE AS APPROPRIATE:

[ ] This insurance is primary, and the company shall not be liable for amounts in excess of \$\_\_\_\_\_ for each accident.

[ ] This insurance is excess, and the company shall not be liable for amounts in excess of \$\_\_\_\_\_ for each accident in excess of the underlying limit of \$\_\_\_\_\_ for each accident.

Insurance represented by this Certificate shall be considered as in effect and affording continuous coverage (1) until the expiration date specified below, or (2) until cancelled or terminated by written notice received by the Commission not less than thirty (30) days prior to cancellation or termination, or (3) until termination by replacement with another certificate of insurance filed with and accepted by the Commission.

(OVER)

If by virtue of any requirement of this endorsement and certificate the company should pay any loss under this policy which has resulted directly or indirectly from violation by the insured of any policy terms or conditions, the insured, at whose request this certificate and endorsement is issued and filed, agrees to reimburse the company to the full extent of such loss.

The company hereby agrees to furnish the Commission a copy of the policy indicated on this certificate upon request from the Commission.

Effective date of Certificate: \_\_\_\_\_, 19\_\_\_\_\_.  
12:01 a.m. Eastern Standard Time

Expiration date of Certificate: \_\_\_\_\_, 19\_\_\_\_\_.  
12:01 a.m. Eastern Standard Time

Countersigned at \_\_\_\_\_,  
(Business Name of Authorized Company Agent)

\_\_\_\_\_  
(Complete Business Address of Authorized Company Agent)

this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_ by

\_\_\_\_\_  
Name of Authorized Company Agent

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Telephone Number for Agent

<u>MINIMUM LIABILITY INSURANCE REQUIRED BY WMATC REGULATION NO. 58</u>	
Carriers with operating authority unrestricted as to vehicle seating capacity .....	\$5,000,000 Combined Single Limit
Carriers with operating authority restricted to vehicles seating 15 or fewer persons, including the driver .....	\$1,500,000 Combined Single Limit

FILE THIS FORM WITH:  
Washington Metropolitan  
Area Transit Commission  
1828 L Street, N.W., Suite 703  
Washington, DC 20036-5104

**NOTICE OF CANCELLATION OF INSURANCE**

Filed with the Washington Metropolitan Area Transit Commission  
(hereinafter called Commission).

This is to advise that Policy No. \_\_\_\_\_ issued to  
\_\_\_\_\_ of  
(Name of Motor Carrier)  
\_\_\_\_\_ by  
(Address of Motor Carrier)  
\_\_\_\_\_,  
(Name of Insurance Company)  
\_\_\_\_\_,  
(Address of Home Office of Insurance Company)

including any and all endorsements forming a part thereof or certificates issued in connection therewith, is hereby cancelled, effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, 12:01 a.m., Eastern Standard Time or 30 days after receipt of this notice by the Commission, whichever is later.

This Notice of Cancellation issued this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

by \_\_\_\_\_,  
(Business Name of Authorized Company Agent) (Complete Business Address

\_\_\_\_\_ by \_\_\_\_\_  
(Name of Authorized Company Agent)  
(Name of Authorized Company Agent)

\_\_\_\_\_  
(Signature)

NOTE: Form of Reinstatement of Insurance. A reinstatement of insurance which has been cancelled shall be accomplished by the filing of a new certificate of insurance in the form prescribed by the Commission.

FILE THIS FORM WITH:  
Washington Metropolitan  
Area Transit Commission  
1828 L Street, N.W., Suite 703  
Washington, DC 20036-5104