

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5362

IN THE MATTER OF:

Served June 25, 1998

Proposed Rulemaking Amending RULES )  
OF PRACTICE AND PROCEDURE AND )  
REGULATIONS, REGULATION NO. 51 )

Case No. MP-98-11

This rulemaking was announced in Order No. 5307, served April 7, 1998, for the purpose of soliciting comments on a proposed addition to the definitions appearing in Commission Regulation No. 51. The proposed addition defines the phrase "newspaper of general circulation in the Metropolitan District," which appears in Regulation No. 54-05(b) and in Commission orders requiring publication of notice.

Order No. 5307 established a thirty-day comment period. No comments were received. Accordingly, the proposed definition shall be adopted for the reasons stated in Order No. 5307.

As further announced in Order No. 5307, we propose to grandfather three publications that the Commission has historically considered to be newspapers of general circulation in the Metropolitan District: the Washington Afro-American, the Washington Post and the Washington Times.

A publication desiring to establish itself as a newspaper of general circulation in the Metropolitan District may file a petition for a declaratory order under Commission Rule No. 10. An affidavit of publication from a newspaper which has not been deemed or declared a newspaper of general circulation in the Metropolitan District will be accepted by the Commission as proof of publication only if the proponent demonstrates that the newspaper meets the definition in Commission Regulation No. 51-13.

A person seeking to establish a publication as a general circulation newspaper shall produce: (1) two separate issues of the publication, one from each of two recent dates occurring within a two-week period; and (2) an affidavit from the publication stating the number of paid subscribers in the Metropolitan District, the number of non-subscription retail sales outlets in the Metropolitan District, and the relative percentages of such subscribers and outlets in the District of Columbia, Maryland and Virginia.

THEREFORE, IT IS ORDERED:

1. That pursuant to Title II of the Compact, Article XIII, Section 3 and Commission Rule No. 30, Commission Regulation No. 51 is hereby amended to include the following definition:

51-13. Newspaper of general circulation in the Metropolitan District means a publication that:

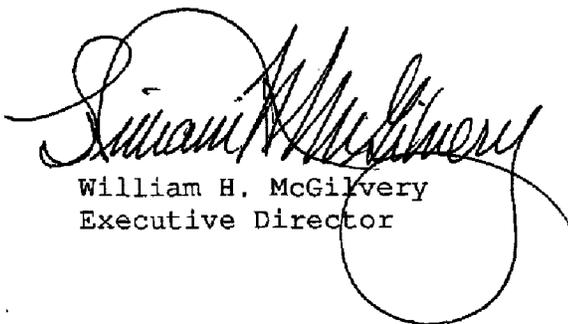
- (a) is published at least once every two weeks;
- (b) contains news of general interest, such as news of political, religious, commercial or social affairs;
- (c) circulates to more than a de minimis number of paid subscribers in the Metropolitan District who are not confined to the jurisdiction of a single signatory to the Compact; and
- (d) is generally available throughout the Metropolitan District.

2. That the following publications are hereby deemed to be newspapers of general circulation in the Metropolitan District: the Washington Afro-American, the Washington Post and the Washington Times.

3. That a publication may establish itself as a newspaper of general circulation in the Metropolitan District by filing a petition for a declaratory order under Commission Rule No. 10 and demonstrating that it meets the definition in Commission Regulation No. 51-13.

4. That an affidavit of publication from a newspaper which has not been deemed or declared a newspaper of general circulation in the Metropolitan District shall be accepted as proof of publication only upon a showing by the proponent that the newspaper meets the definition in Commission Regulation No. 51-13.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:



William H. McGilvery  
Executive Director