

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

GENERAL ORDER NO. 20

IN THE MATTER OF:

Served November 21, 1979

STATEMENT OF POLICY REGARDING)
CONFIDENTIALITY OF RATES AND)
CONTRACTS)

As a consequence of the recent adoption of Regulation No. 70 governing charter operations pursuant to contract transporting employees and similarly situated persons, the Commission anticipates an increase in the number of applications for charter-contract authority. The regulation requires the filing of a tariff consisting of a title page and a copy of the executed transportation contract between the involved parties. 1/ The Compact, Title II, Article XII, Section 5(a), and Commission Regulation Nos. 55-01 and 55-03 require each carrier to file with the Commission and keep open to public inspection a copy of its effective tariff. On certain occasions in the past, the Commission has permitted carriers to designate their rates or contracts as confidential and withhold the information from the public where the Commission deemed general disclosure to be unnecessary. 2/

The purpose of this order is to set forth current Commission policy on this issue. In conformance with the Compact and the rules and regulations thereunder, especially with the advent of Regulation No. 70, the Commission shall require that all tariffs and contracts be matters of public record, open to inspection. We believe that the confidentiality of such matters is anti-competitive, serves to deter an effective bidding process, and is contrary to the findings made in Order No. 2004, served June 20, 1979, adopting Regulation No. 70. In addition, the involved contracts normally are entered into for the benefit of interested third parties -- the persons actually using the transportation service. Such persons should have access to the pertinent information specifying the terms of the agreement between the carrier and the contracting party.

1/ Commission Regulation No. 70-04.

2/ See for example Commission Order No. 1432, served May 27, 1975.

THEREFORE, IT IS ORDERED that, effective immediately, all tariffs and contracts will be accessible to the general public in the same manner as other public records maintained by the Commission.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS SCHIFTER AND SHANNON:



WILLIAM H. MCGILVERY
Executive Director