

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1164

IN THE MATTER OF:

Served August 11, 1971

Cost Allocation Study of)
Fares Charged by D. C.)
Transit System, Inc.)

Docket No. 131-R

In Order No. 1147 issued June 11, 1971, we concluded our considerations of the matters remanded to us in Payne v. WMATC, 415 F.2d 901 (1968). On July 12, 1971, an application for reconsideration of Order No. 1147 was filed by Thomas E. Payne and others, and another was filed by Malaku J. Steen. Neither contains, in our view, a basis for granting reconsideration.

The Payne application consists of a recitation of twenty-two alleged errors. We have carefully considered these allegations, but we find nothing which invalidates this proceeding or the findings and conclusions reached in Order No. 1147.


Mr. Steen's application asserts that a number of errors are contained in Order No. 1147. His main contention is that the Court instructed us to conduct an inquiry of Transit's earnings and costs by route. Steen points to his Exhibits 1 and 2 which attempt to show operating ratios on a route-by-route basis, which, Steen asserts, demonstrate that Transit's Maryland service is being operated at a loss while its services in the District of Columbia are profitable.

We do not agree that the Court instructed us to do the fare structure study on the basis of a line-by-line analysis. It seemed to us far more relevant and responsive to the Court's remand to have the analysis we contracted for, i.e., a comparison of the cost of providing service to various groups of Maryland and District of Columbia riders to the revenue produced from the services Transit provides to those groups of riders. Steen's Exhibits 1 and 2 were based on information supplied by the consulting firm which performed the basic study which we

had under consideration in this proceeding. Robert Keith, who sponsored that study and who stood extensive cross-examination on its contents, repeatedly pointed out in his testimony the inappropriateness of the conclusions Steen attempted to draw from his exhibits and which he presses in his application for reconsideration. In light of that testimony, we do not subscribe to the conclusions Steen draws from his exhibits.

THEREFORE, IT IS ORDERED that the applications for reconsideration of Order No. 1147 filed by Thomas E. Payne, et al, and by Malaku J. Steen, on July 12, 1971, be, and they are hereby denied.

BY DIRECTION OF THE COMMISSION:


JEREMIAH C. WATERMAN
Chairman