

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1201

IN THE MATTER OF:

Served February 16, 1972

Motions of the Black)
United Front.)

On February 11, 1972, Black United Front (BUF) filed petition for reconsideration of Order No. 1193, issued January 21, 1972, which set hearings on Application No. 752 of D. C. Transit System, Inc. (Transit), for increased regular route fares. BUF offers numerous reasons for the postponement of hearings, but we find none of those reasons persuasive and affirm Order No. 1193.

First, BUF argues that no hearing should be held prior to a decision of a United States Court of Appeals on a BUF motion to that Court to stay the hearings ordered by Order No. 1193. However, on February 10th, one day prior to the filing of this petition by the Black United Front, the Court of Appeals denied the BUF motion for stay.

BUF also suggests that our hearings should be postponed until an Environmental Impact Statement is filed with the Council on Environmental Quality and until the United States Court of Appeals for the District of Columbia Circuit decides issues raised in appeals of Order No. 1052 pending before that Court. We rejected both of these arguments in Order No. 1193, as neither is a valid ground for postponing our investigation of the merits of Application No. 752. Order No. 1193 also discussed a need for a study of the D. C. Transit zone structure in Maryland, and we do not find that such a study requires postponing examination of other issues involved in Application No. 752. All parties will, of course, be given ample time to present cross-examination on that report.

Finally, BUF suggests as grounds for postponement of hearings several matters which are in fact issues which can only be properly dealt with at public hearings. Matters raised by BUF which fall into this category include guidelines which

may affect our final decision in this matter, the effect of real estate transactions made by D. C. Transit since Order No. 1052 was issued, whether a fare increase, if otherwise warranted, would be affected to some degree by the Economic Stabilization Act, and whether and to what extent D. C. Transit is entitled to a rate of return.

BUF also filed on February 8, 1972, a motion requesting that proceedings in Docket No. 216 be reopened. Docket No. 216 granted D. C. Transit authority to increase fares in July 1970. A careful examination of BUF submissions discloses no new conditions of fact or law which might warrant reopening Docket No. 216, and we find that the public interest does not require granting the BUF motion.

BUF states in support of its motion that D. C. Transit failed to reveal the total salaries of company officials during Docket No. 216 proceedings. As evidence in support of this charge, BUF tenders a newspaper clipping. We completely examined the salaries in question during Docket No. 216 proceedings, and nothing in the BUF submission indicates that salaries were different than we found them to be in Order No. 1052.

BUF further argues that D. C. Transit has failed to escrow bus purchase funds as required by Order No. 1052, and has consequently failed to update its fleet through the acquisition of 85 new buses as required by that order. As Order No. 1188, issued December 16, 1971, makes quite clear, we are aware of D. C. Transit's failure to purchase buses as required. That order instituted an investigation of that failure, and Order No. 1199, issued February 10, 1972, ordered retention of a consultant to perform a financial analysis of D. C. Transit and make recommendations as to what would be required to insure continued financial stability.

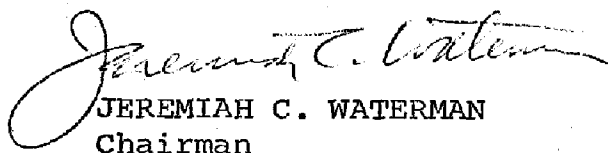
One final matter raised by BUF deserves mention. The motion to reopen sought, as included relief, unrestricted right to examine and copy "all the books and records of D. C. Transit System, Inc., Delaware and D. C. Transit System, Inc., District of Columbia, from 1956 through December 1971," and a complete audit of those materials. No basis is shown for the production of any of the papers of D. C. Transit System, Inc. (D. C.), or those of other entities in its corporate family.

A similar request for production of all "books and papers" of D. C. Transit System, Inc. (Delaware) and all of its subsidiaries was included in the January 20, 1972, Reply filed by Black United Front pursuant to its previous Motion to Stay Hearings. Again, no relevant reason for the production of this material was offered, and absent such a showing, we will not grant this request.

THEREFORE, IT IS ORDERED:

1. That the February 11, 1972, Black United Front Petition for Reconsideration of Order No. 1193 be, and it is hereby, denied.
2. That the February 8, 1972, Black United Front Motion to Reopen Proceedings and Audit Books be, and it is hereby, denied.
3. That request for additional relief contained in the December 30, 1971, Black United Front Motion for Stay of Hearings be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:


JEREMIAH C. WATERMAN
Chairman

