

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1281

IN THE MATTER OF:

Supplement No. 1 to WMATC	)	Served November 6, 1973
Tariff No. 12 of Greyhound	)	
Airport Service, Inc.	)	Application No. 812

On August 10, 1973, Greyhound Airport Service, Inc. (Greyhound) filed with the Commission "Supplement No. 1 to WMATC Tariff No. 12," seeking to eliminate "Economy Airport Service" between Dulles International Airport (Dulles) on the one hand, and certain specified pickup or discharge points in the District of Columbia on the other.

In our Order No. 1276, served September 7, 1973, we suspended the service deletions in the tariff supplement and required Greyhound to publish notice of its request and to submit certain data in support of its request. We indicated in that order that we would schedule a public hearing to consider the matter.

By letter filed September 24, 1973, Greyhound seeks to withdraw its tariff supplement, giving as its reasons that its contract with the Federal Aviation Administration to operate the service expires December 31, 1973, and Greyhound wants to spare itself the expense of the proceeding. We will grant this request.

We note, however, that in Order No. 1276 we authorized Greyhound to file an appropriate tariff supplement on five days notice to enable it to include in its operations two additional hotels not set forth in its Tariff No. 12. We are at something of a loss to understand why Greyhound has not yet

taken advantage of this authorization, and we will leave this authorization outstanding for thirty days to enable Greyhound to file such a tariff supplement.

One further matter requires attention. In its letter filed September 24, Greyhound asserts that its service obligation is limited to providing "reasonably continuous and adequate service" in accordance with the general authority in its certificate of public convenience and necessity, and that, "Under that authority, Greyhound is not compelled to provide service between the said Washington Airports and any particular hotel or other specified location in the Metropolitan District." As recently as July 20, 1973<sup>1/</sup> we pointed out to Greyhound that it is required, not only by its certificate, but by the Compact and the Regulations of the Commission to perform the services set forth in its tariff at the fares and according to the terms established in its tariff. The tariff is filed by the carrier and approved by the Commission.

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<sup>1/</sup> Order No. 1270, p.5:

"Greyhound's certificate of public convenience and necessity requires the carrier to furnish 'reasonable, continuous and adequate service' to the public. Article XII, Section 3 of the Compact requires Greyhound to 'establish, observe, and enforce just and reasonable individual...fares, and just and reasonable regulations and practices relating thereto...' (Emphasis added). And, our Regulation No. 63-01 provides:

'Duty to Perform. It shall be the duty of every carrier to render reasonable, continuous and adequate service, and to perform all transportation authorized by its certificate or by the law in the manner stated in its certificate, time schedules, and tariffs.' (Emphasis added)."

A carrier may only change its tariff in accordance with the provisions of the Compact and the Commission's Rules and Regulations, and must comply with the provisions of its currently effective tariff. It is not in the discretion of a carrier to decide which among the services in its tariff it will provide; it must provide them all.

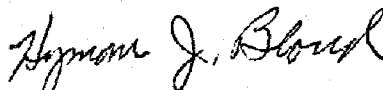
Indeed, we do not understand how Greyhound in making such an assertion could have overlooked that we have even taken the extraordinary step of ordering<sup>2/</sup> Greyhound to provide the services set forth in its tariff. There exists no reasonable basis for Greyhound to fail to understand that one of its many obligations as a carrier is to observe the individual fares and the regulations and practices relating thereto set forth in its currently effective WMATC Tariff No. 12.

THEREFORE, IT IS ORDERED:

1. That Application No. 812, "Supplement No. 1 to WMATC Tariff No. 12," be, and it is hereby, dismissed.

2. That the authorization, granted in Order No. 1276 for Greyhound Airport Service, Inc., to file an appropriate tariff supplement for the sole purpose of including the two additional hotels in Zone D-4 as proposed, such tariff supplement to be effective on five (5) days notice, remain in effect for thirty (30) days from the date of this order.

BY DIRECTION OF THE COMMISSION:



HYMAN J. BLOND  
Executive Director

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<sup>2/</sup> Order No. 1270, July 20, 1973, Ordering paragraph No. 1, pp.1,2.

