

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,903

IN THE MATTER OF:

Investigation of Violation of Title) Served July 6, 2011
II, Article 14 of the Compact, and)
Commission Regulation No. 55,)
Directed to:)

DAWN'S TRANSPORTATION SERVICES,) Case No. MP-2011-060
LLC, WMATC No. 1587)

B & T, INC., WMATC No. 1593) Case No. MP-2011-061

This proceeding is being initiated to enforce Article XI, Section 14, of the Compact and Commission Regulation No. 55 governing tariffs.

Since 2007, Medical Transportation Management, Inc., (MTM) has managed the District of Columbia Medicaid (DC Medicaid) transportation program on behalf of the District of Columbia Department of Health. MTM does not directly provide transportation but manages scheduling, invoicing, and other administrative functions. MTM relies on WMATC certificated carriers and the District of Columbia Office on Aging to furnish the transportation. In April, MTM provided the Commission a list of 25 WMATC certificated carriers that have negotiated agreements with MTM to provide transportation under the DC Medicaid transportation program, including the carriers named in the caption above.

Under Title II, of the Compact, Article XI, Section 14(c), "A carrier may not charge a rate or fare for transportation subject to [the Compact] other than the applicable rate or fare specified in a tariff filed by the carrier under [the Compact] and in effect at the time."¹ Under Regulation No. 55, a carrier must file a general tariff if it offers standardized service at universally applicable rates.² A

¹ See also Commission Regulation No. 55-02 ("[n]o carrier shall demand, receive, or collect any compensation for any transportation or transportation-related service, except such compensation as is specified in its currently effective tariff for the transportation or transportation-related service provided.")

² Regulation No. 55-07; *In re Executive Tech. Solutions, LLC.*, No. MP-10-090, Order No. 12,798 at 3 (Apr. 8, 2011); *In re Transcom, Inc.*, No. MP-09-034, Order No. 11,865 at 2 (Feb. 27, 2009); *In re Washington, D.C. Jitney Ass'n, Inc.*, No. AP-95-26, Order No. 4795 at 4 (Mar. 15, 1996).

carrier must file a contract tariff if it offers tailored service on a continuing basis at negotiated rates.³

As of the date of this order, the above-captioned WMATC carriers (respondents) do not have effective MTM contract tariffs on file with the Commission. These carriers will have 30 days to file an acceptable MTM contract tariff or show cause why a civil forfeiture should not be assessed and/or why their respective certificates of authority should not be suspended or revoked for willful failure to comply with Article XI, Section 14, of the Compact and Commission Regulation No. 55.

THEREFORE, IT IS ORDERED:

1. That the Commission hereby initiates this investigation under Article XIII, Section 1, of the Compact.

2. That each respondent shall have 30 days from the date of this order to file an acceptable contract tariff for service performed under agreement with Medical Transportation Management, Inc., or show cause why the Commission should not assess a civil forfeiture, and/or suspend or revoke each respondent's certificate of authority, for knowingly and willfully violating Article XI, Section 14, of the Compact and Regulation No. 55.

3. That each respondent may submit within 15 days from the date of this order a written request for oral hearing, specifying the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER, HOLCOMB, AND KUBLY:



William S. Morrow, Jr.
Executive Director

³ Regulation No. 55-08; Order No. 12,798 at 3; Order No. 11,865 at 2; Order No. 4795 at 4.