

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,030

IN THE MATTER OF:

Served October 24, 2011

Investigation of Violation of Title )  
II, Article 14 of the Compact, and )  
Commission Regulation No. 55, )  
Directed to: DAWN'S TRANSPORTATION )  
SERVICES, LLC, WMATC No. 1587 )

Case No. MP-2011-060

This matter is before the Commission on respondent's response to Order No. 12,903, issued July 6, 2011, which directed respondent to file an acceptable contract tariff under Article XI, Section 14, of the Compact and Commission Regulation No. 55, or show cause why the Commission should not assess a civil forfeiture against respondent and/or suspend or revoke respondent's certificate of authority.

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 and in effect at the time.<sup>1</sup> Under Regulation No. 55, a carrier must file a general tariff if it offers standardized service at universally applicable rates.<sup>2</sup> A carrier must file a contract tariff if it offers tailored service on a continuing basis at negotiated rates.<sup>3</sup>

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. 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.

Earlier this year, MTM identified respondent as a carrier under contract with MTM to provide transportation under the DC Medicaid

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<sup>1</sup> See also 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.")

<sup>2</sup> 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).

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

transportation program at negotiated rates. Order No. 12,903, noted that respondent, which holds Certificate No. 1587, did not have an effective MTM contract tariff on file with the Commission. Accordingly, the order gave respondent 30 days to file an acceptable contract tariff or show cause why the Commission should not assess a civil forfeiture against respondent and/or suspend or revoke Certificate No. 1587.

In August, Commission staff discovered that Order No. 12,903 had not been served on respondent. Staff promptly corrected this by sending a copy of the order by Certified Mail. Respondent thereafter filed an acceptable MTM contract tariff.

Based on this response, we find respondent has shown cause for not assessing a civil forfeiture and for not suspending and not revoking Certificate No. 1587. Furthermore, because respondent is now in compliance with Article XI, Section 14, of the Compact and Commission Regulation No. 55, this proceeding is hereby terminated.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND HOLCOMB:

A handwritten signature in black ink, appearing to read 'W. S. Morrow, Jr.', written in a cursive style.

William S. Morrow, Jr.  
Executive Director