

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 15,853

IN THE MATTER OF:

Investigation of Violation of Title)	Served September 18, 2015
II, Article 14 of the Compact, and)	
Commission Regulation No. 55,)	
Directed to:)	
MEDICAL TRANSPORTATION SYSTEMS)	Case No. MP-2015-159
(MTS) LLC, WMATC No. 2630)	
IBEX TRANSPORTATION LLC, WMATC)	Case No. MP-2015-160
No. 2687)	
JONATHAN LEE GERITY SR, Trading as)	Case No. MP-2015-161
RIVERSIDE TRANSPORTATION, WMATC)	
No. 2735)	

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

Since October 2007, Medical Transportation Management, Inc., (MTM) has managed the District of Columbia Medicaid (DC Medicaid) non-emergency medical transportation program, currently overseen by the District of Columbia Department of Health Care Finance (DHCF). MTM does not directly provide transportation but manages scheduling, invoicing, and other administrative functions. MTM relies on WMATC certificated carriers to furnish the transportation. Earlier this year, the Commission obtained from MTM a list of 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

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.")

if it offers standardized service at universally applicable rates.² A 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) are still on the MTM list but do not have effective MTM contract tariffs on file with the Commission, despite having been admonished by letter dated July 20, 2015, to file an effective MTM tariff by August 24, 2015. These carriers will have 30 days to show cause why a civil forfeiture should not be assessed and/or why they should not be ordered to cease and desist providing passenger transportation for MTM, for 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 show cause why the Commission should not assess a civil forfeiture for knowingly and willfully violating Article XI, Section 14, of the Compact and Regulation No. 55, and/or order respondent to cease and desist providing passenger transportation for Medical Transportation Management, Inc.

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 DORMSJO:



William S. Morrow, Jr.
Executive Director

² Regulation No. 55-07; *In re Exec. 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).

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