

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4574

IN THE MATTER OF:

Served April 12, 1995

Investigation of Rates of PERKINS)
AMBULANCE AND WHEELCHAIR SERVICE,)
INC.)

Case No. MP-95-60

Pursuant to General Tariff No. GT-1, filed May 24, 1991, Perkins Ambulance and Wheelchair Service, Inc., Carrier No. 126, holds itself out as a provider of transportation under the DC Medicaid program. On June 1, 1994, the DC Department of Human Services, Commission on Health Care Finance, amended several of the rates it pays providers such as respondent. Despite repeated urgings by this Commission's Executive Director, respondent has yet to file an amended tariff reflecting the new rates.

Title II of the Compact, Article XI, Section 14(c), provides that "[a] carrier may not charge a rate or fare for transportation subject to this Act other than the applicable rate or fare specified in a tariff filed by the carrier under this Act and in effect at the time." Commission Regulation No. 55-02 states that "[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." Certificate of Authority No. 126 restricts respondent's operations to those "conducted according to said carrier's applicable tariff on file with the Commission."

Article XIII, Section 6(f), of the Compact provides that a person who knowingly and willfully violates a provision of the Compact shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation and that each day of the violation constitutes a separate violation.

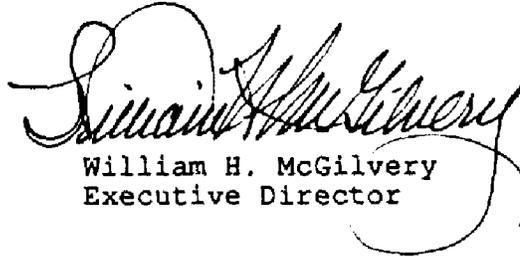
Respondent will be directed to file within fifteen days from the service date of this order an amended tariff containing the current DC Medicaid rates. If respondent fails to timely comply, the Executive Director shall issue an order for the Commission directing respondent to: (1) pay a \$100 civil forfeiture for failure to comply with this order; (2) file with this Commission a copy of each invoice submitted to the DC Department of Human Services, Commission on Health Care Finance, directly or through its billing agent, for services rendered during the period beginning June 1, 1994, and ending on the date the Executive Director's order is issued; and (3) cease and desist from transporting passengers under the DC Medicaid program unless and until otherwise ordered by this Commission.

THEREFORE, IT IS ORDERED:

1. That an investigation of respondent's rates is hereby instituted under Article XIII, Section 1, of the Compact.

2. That applicant shall file with the Commission, no later than April 27, 1995, an original and five copies of an amended tariff containing the current DC Medicaid rates.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND SHANNON:



William H. McGilvery
Executive Director