

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7690

IN THE MATTER OF:

Served January 23, 2004

Investigation of Failure to File Amended Tariff, Directed to:	)	
METRO MEDICAB, INC., WMATC No. 46	)	Case No. MP-2004-07
ELROD TRANSPORTATION SERVICE, INC., WMATC No. 50	)	Case No. MP-2004-08
DAVID C. PEARSON, Trading as E&H TRANSPORTATION COMPANY, WMATC No. 53	)	Case No. MP-2004-09
PERKINS AMBULANCE AND WHEELCHAIR SERVICE, INC., WMATC No. 126	)	Case No. MP-2004-10
WHEELCHAIR MOBILE TRANSPORT, INC., WMATC No. 127	)	Case No. MP-2004-11
NATIONAL CHILDREN'S CENTER, INC., WMATC No. 189	)	Case No. MP-2004-12
OSAMA ELKHABIRY, Trading as SAM'S TRANSIT, WMATC No. 278	)	Case No. MP-2004-13
THE HOSPITAL FOR SICK CHILDREN, WMATC No. 316	)	Case No. MP-2004-14
WATKINS TRANSPORT CORPORATION, WMATC No. 334	)	Case No. MP-2004-15
A.S.K. ENTERPRISES, INC., WMATC No. 361	)	Case No. MP-2004-16
BRENDA KITTRELL, Trading as BK TRANSPORTATION SERVICE, WMATC No. 416	)	Case No. MP-2004-17
UNITED PLANNING ORGANIZATION, Trading as WEHTS, WMATC No. 419	)	Case No. MP-2004-18
PEOPLE HELPING PEOPLE, INCORPORATED, WMATC No. 429	)	Case No. MP-2004-19
CARING & CARRYING CORPORATION, WMATC No. 441	)	Case No. MP-2004-20
ALVIN MONROE MITCHELL, Trading as CLASSIE-CHRIS TRANSPORTATION, WMATC No. 446	)	Case No. MP-2004-21

NILE EXPRESS TRANSPORT, INC., WMATC No. 460	) )	Case No. MP-2004-22
CONCERNED MEDICAL TRANSPORT, INC., WMATC No. 467	) )	Case No. MP-2004-23
WILLIAM K. AYENSON, Trading as MINUTEMAN TRANSPORTATION SERVICES, WMATC No. 482	) ) )	Case No. MP-2004-24
CHARITY TRANSPORTATION, INC., WMATC No. 483	) )	Case No. MP-2004-25
ZAINABU KAMARA, Trading as NALLAH TRANSPORTATION EXPRESS, WMATC No. 506	) ) )	Case No. MP-2004-26
TINGEM HEALTH CARE SERVICES INC., WMATC No. 512	) )	Case No. MP-2004-27
DEPENDABLE MEDICAL TRANSPORT INC., WMATC No. 533	) )	Case No. MP-2004-28
MUHAMED ABASS, Trading as AMERICANMEDICS TRANS, WMATC No. 594	) )	Case No. MP-2004-29
ATEMNKENG BENEDICT FORETIA, Trading as EXPRESS TRANSPORTATION SERVICES, WMATC No. 602	) ) )	Case No. MP-2004-30
PROFESSIONAL MEDICAL TRANSPORT, WMATC No. 603	) )	Case No. MP-2004-31
JUSTINA L. POLLARD, Trading as P.H.O., WMATC No. 616	) )	Case No. MP-2004-32
ALMIGHTY TIME INVESTMENTS INCORPORATED, Trading as ALMIGHTY COURIER - TRANSPORT SERVICES, WMATC No. 618	) ) ) )	Case No. MP-2004-33
HUSAM GAAFAR OSMAN GANGAL, Trading as SAMAR MEDICAL TRANS, WMATC No. 620	) ) )	Case No. MP-2004-34
ON CALL TRANSPORTATION SERVICES INCORPORATED, WMATC No. 624	) )	Case No. MP-2004-35
STANDARD TRANSPORTATION SERVICES, INC., WMATC No. 625	) )	Case No. MP-2004-36
INTERSTATE TRANSIT CORPORATION, WMATC No. 632	) )	Case No. MP-2004-37
FEKADU SHAPA HYBANO, Trading as GADOSOLO TRANSPORT, WMATC No. 655	) )	Case No. MP-2004-38

SYLVESTER BURCHELL, Trading as ) CARE ON WHEELS TRANSPORTATION, ) WMATC No. 656 )	Case No. MP-2004-39
MOBILITY EXPRESS INC., ) WMATC No. 668 )	Case No. MP-2004-40
OMOTAYO ORIOWO, Trading as ) ORIS ENTERPRISES, WMATC No. 675 )	Case No. MP-2004-41
TARIG H. ABDALLA, Trading as ) ALIA TRANS, WMATC No. 687 )	Case No. MP-2004-42
NORTHSTAR TRANSPORTATION LLC, ) WMATC No. 691 )	Case No. MP-2004-43
HAROLD LEROY RICHARDSON, Trading as ) H&R TRANSPORTATIONS, WMATC No. 708 )	Case No. MP-2004-44
FRENCH ENTERPRISE, INC, Trading as ) RIDEMAN TRANSPORTATION, ) WMATC No. 720 )	Case No. MP-2004-45
BOONE-MCNAIR TRANSPORTATION, LLC, ) WMATC No. 726 )	Case No. MP-2004-46
TOSCA INC., WMATC No. 727 )	Case No. MP-2004-47
JAMES OLUSESAN AKINSELURE, Trading ) as TSKI-NARA TRANSPORTATION ) SERVICES, WMATC No. 729 )	Case No. MP-2004-48
HEAVEN ON WHEELS LLC, WMATC No. 737 )	Case No. MP-2004-49
ADONAI VENTURES INC., WMATC No. 744 )	Case No. MP-2004-50
OSAMA A. FARHAN, Trading as ) UNIVERSAL SERVICES AND BUSINESS ) CONNECTIONS "USBC", WMATC No. 745 )	Case No. MP-2004-51
ORPEL TUCKER, Trading as JAMARL ) TRANSPORTATION, WMATC No. 763 )	Case No. MP-2004-52
KENNETH A. WILLS, Trading as ON THE ) GO TRANSPORTATION, WMATC No. 771 )	Case No. MP-2004-53
SHELTOX MEDICAL TRANSPORT SERVICE, ) INC., WMATC No. 773 )	Case No. MP-2004-54
YAI MEDICAL TRANSPORTATION, L.L.C., ) WMATC No. 779 )	Case No. MP-2004-55

On July 4, 2003, the District of Columbia Department of Health published notice in the District of Columbia Register that the Department was adopting, on an interim basis, new reimbursement rates for non-emergency transportation services furnished by private sector providers under the District of Columbia Medicaid Program, including rates for transportation of ambulatory individuals and groups,

individuals in wheelchairs and individuals on stretchers.<sup>1</sup> The interim rates became effective July 5, 2003, and were to remain in effect for 120 days.<sup>2</sup> The interim rates have since been made permanent, as noted in the District of Columbia Register on October 31, 2003.<sup>3</sup>

Article XI, Section 14, of the Compact and Commission Regulation No. 55, require each WMATC carrier to charge only those rates and fares specified in a tariff filed by the carrier under the Compact and in effect at the time. Each of the above-captioned carriers has a tariff on file with the Commission specifying DC Medicaid rates, but none of these tariffs specify the rates that became effective July 5, 2003.

Under Article XIII, Section 6(f), of the Compact a person who knowingly and willfully violates a provision of the Compact, or regulation or order issued thereunder, 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. Article XI, Section 10(c), provides that the Commission, after notice and hearing, may suspend or revoke a certificate of authority for willful failure to comply with a provision of the Compact or an order or regulation of the Commission.

Each carrier named in this order shall have thirty days to: (1) file an amended tariff specifying the current DC Medicaid rates, pay the applicable \$25 filing fee and pay a \$100 civil forfeiture; or (2) show cause why an amended tariff need not be filed. The certificate of authority of each carrier that fails to timely comply shall stand suspended and be subject to revocation.

THEREFORE, IT IS ORDERED:

1. That an investigation is hereby initiated under Article XIII, Section 1, of the Compact.

2. That each carrier named herein is hereby made a party respondent.

3. That each respondent shall have thirty days from the date of this order to file an amended tariff specifying current DC Medicaid rates and admit to knowing and willful violation of Article XI, Section 14, of the Compact and Commission Regulation No. 55 by paying a civil forfeiture of \$100; provided, that in the alternative each respondent shall have thirty days from the date of this order to show cause why an amended tariff need not be filed.

4. That each amended tariff filed in response to this order shall be accompanied by a money order, certified check or cashier's check in the amount of one hundred twenty five dollars (\$125) in payment of the tariff filing fee assessed in Order No. 3601 and the civil forfeiture assessed in this order.

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<sup>1</sup> 50 D.C. Reg. 5,351 (July 4, 2003).

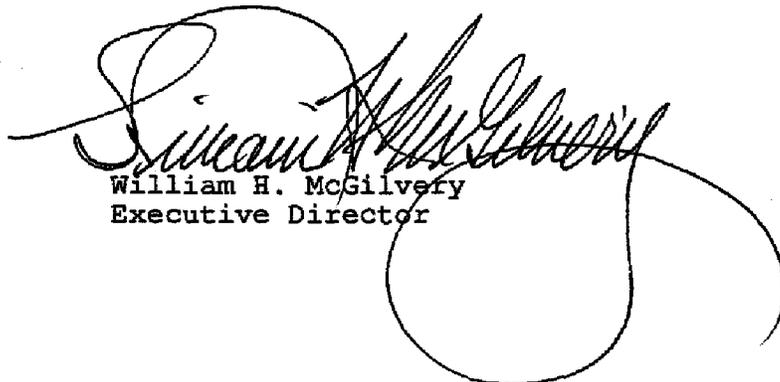
<sup>2</sup> Id.

<sup>3</sup> 50 D.C. Reg. 9,253 (Oct. 31, 2003).

5. That each respondent may file within 15 days from the date of this order a 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.

6. That the certificate of authority of each respondent that fails to timely comply with this order shall stand suspended and be subject to revocation without further proceeding.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER AND MCDONALD:



William H. McGilvery  
Executive Director