

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,427

IN THE MATTER OF:

Investigation of Violation of Title) II, Article 14 of the Compact, and) Commission Regulation No. 55,) Directed to:)	Served June 25, 2008
BATTLE'S TRANSPORTATION, INC.,) WMATC No. 62)	Case No. MP-2008-085
GREEN'S TRANSPORTATION COMPANY,) INC., WMATC No. 320)	Case No. MP-2008-086
LAMONT AND WADE ASSOCIATES, WMATC) No. 399)	Case No. MP-2008-087
JUNIOR'S ENTERPRISES, INC., WMATC) No. 401)	Case No. MP-2008-088
ZION FOUNDATION FOR CITIZENS,) Trading as ZION TRANSPORTATION) SERVICES, WMATC No. 410)	Case No. MP-2008-089
E & P TRANSPORTATION SERVICES, INC.,) WMATC No. 455)	Case No. MP-2008-090
WILLIAM K. AYENSON, Trading as) MINUTEMAN TRANSPORTATION SERVICES,) WMATC No. 482)	Case No. MP-2008-091
DEPENDABLE MEDICAL TRANSPORT INC.,) WMATC No. 533)	Case No. MP-2008-092
LIFE-CARE TRANSPORTATION, INC.,) WMATC No. 590)	Case No. MP-2008-093
EXPRESS TRANSPORTATION SERVICES,) INC., WMATC No. 602)	Case No. MP-2008-094
ALMIGHTY TIME INVESTMENTS) INCORPORATED, Trading as ALMIGHTY) COURIER - TRANSPORT SERVICES, WMATC) No. 618)	Case No. MP-2008-095
ASSOCIATED COMMUNITY SERVICES, INC.,) WMATC No. 626)	Case No. MP-2008-096

FEKADU SHAPA HYBANO, Trading as GADOSOLO TRANSPORT, WMATC No. 655	) )	Case No. MP-2008-097
MOBILITY EXPRESS INC., WMATC No. 668	) )	Case No. MP-2008-098
AT TRANS SERVICES, INC., WMATC No. 681	) )	Case No. MP-2008-099
MOHAMED AHMED IBRAHIM, Trading as WIDE CARE TRANS, WMATC No. 683	) )	Case No. MP-2008-100
OSAMA A. FARHAN, Trading as UNIVERSAL SERVICES AND BUSINESS CONNECTIONS "USBC", WMATC No. 745	) ) )	Case No. MP-2008-101
LIFE STRIDE, INC., Trading as VERNIECE WORLDWIDE TRANSPORT SERVICES, WMATC No. 746	) ) )	Case No. MP-2008-102
F&O TRANSPORT SERVICE, LLC, WMATC No. 748	) )	Case No. MP-2008-103
LEAN & HERNY TRANSPORTATION LLC, Trading as L. A. & H TRANSIT, WMATC No. 758	) ) )	Case No. MP-2008-104
MV TRANSPORTATION, INC., WMATC No. 764	) )	Case No. MP-2008-105
ANGELA STARKS, Trading as STARKS TRANSPORTATION SERVICES, WMATC No. 768	) ) )	Case No. MP-2008-106
HADI AHMED, Trading as MOGA TRANSPORTATION, WMATC No. 790	) )	Case No. MP-2008-107
FADEK TRANSPORTATION, INC., WMATC No. 830	) )	Case No. MP-2008-108
RIGHTWAY TRANSPORTATION SERVICES, INC., WMATC No. 848	) )	Case No. MP-2008-109
IBEAWUCHI ANTHONY UKADILONU, Trading as TONY TRANSPORTATION SERVICES, WMATC No. 853	) ) )	Case No. MP-2008-110
SHELTON TRANSPORTATION SERVICES, INC., Trading as STSI, WMATC No. 947	) ) )	Case No. MP-2008-111
MARTINSDALE AND ASSOCIATES, INC., WMATC No. 957	) )	Case No. MP-2008-112

DAN TRANSPORTATION, INC., WMATC No. 1005	) )	Case No. MP-2008-113
REGINALD S. INMAN, JR., Trading as PATIENT FIRST TRANSPORTATION, WMATC No. 1006	) )	Case No. MP-2008-114
INDEPENDENT TRANSPORTATION CORPORATION, WMATC No. 1042	) )	Case No. MP-2008-115
ABDELRAHMAN E. ALI, Trading as TWINNS TRANS, WMATC No. 1070	) )	Case No. MP-2008-116
TOTAL CARE SERVICES, INC., WMATC No. 1071	) )	Case No. MP-2008-117
UPLIFT TRANSPORT SERVICES INC., WMATC No. 1141	) )	Case No. MP-2008-118
TOP CHOICE TRANSPORTATION SERVICES LLC, WMATC No. 1167	) )	Case No. MP-2008-119
EXCEL GROUP INC., WMATC No. 1223	)	Case No. MP-2008-120
WALTER IRVIN WHITE, Trading as WHITE'S TRANSPORTATION SERVICE, WMATC No. 1236	) ) )	Case No. MP-2008-121
ROADRUNNER TRANSPORTATION INC., WMATC No. 1313	) )	Case No. MP-2008-122
W & T TRAVEL SERVICES LLC, Trading as WTTS, WMATC No. 1372	) )	Case No. MP-2008-123

This matter is before the Commission on respondents' responses to Order No. 11,310, served April 25, 2008, which directed respondents to file certain contract tariffs 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 each respondent and/or suspend or revoke each respondent's certificate of authority.

I. BACKGROUND

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 general tariff must be filed for service to the public at rates "universally applicable to all

¹ 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.")

customers, except for operations covered by contract tariffs." A contract tariff must be filed for repetitive service for a particular customer at rates only applicable to that customer.²

On October 19, 2007, Medical Transportation Management, Inc., (MTM) assumed responsibility for managing transportation under the District of Columbia Medicaid (DC Medicaid) program on behalf of the District of Columbia Department of Health (DCDH). Under its agreement with DCDH, MTM schedules trips for eligible passengers between points in the Metropolitan District and hires WMATC carriers to perform those trips.

MTM has identified the WMATC carriers hired to perform this work, including respondents. Although some carriers filed MTM contract tariffs in a reasonable time, as of April 25, 2008, respondents had not. Order No. 11,310, accordingly gave respondents thirty days to file acceptable MTM contract tariffs or show cause why they should not each be assessed a civil forfeiture 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.

II. RESPONSES AND FINDINGS

Based on the responses received by the Commission, each respondent falls into one of three groups:

- A. Effective MTM contract tariff filed.
- B. Effective MTM contract tariff NOT filed but other effective tariff on file.
- C. Effective MTM contract tariff NOT filed and NO other effective tariff on file.

A. Effective MTM Contract Tariff

The carriers in Appendix A to this order have filed effective MTM contract tariffs and may continue performing those contracts.

B. No MTM Contract Tariff But Other Effective Tariff

The carriers in Appendix B to this order failed to file effective MTM contract tariffs but have other effective tariffs on file with the Commission. We therefore find that these carriers have shown good cause for not assessing a civil forfeiture and for not suspending or revoking their operating authority. These carriers shall cease performing transportation services for MTM but may continue operating under their other effective tariffs.

C. No Effective Tariff

The carriers in Appendix C to this order failed to file effective MTM contract tariffs and do not have any other effective

² See *In re Transcom, Inc.*, No. AP-07-192, Order No. 11,040 at 8 (Dec. 27, 2007) (describing contract charter service).

tariffs on file with the Commission, and thus have failed to show cause for not assessing a civil forfeiture and for not suspending their operations. These carriers shall be assessed a forfeiture of \$250³ each and shall have thirty days to show cause why their certificates of authority should not be revoked.

THEREFORE, IT IS ORDERED:

1. That the carriers identified in Appendix A to this order may continue performing their MTM contracts and are hereby dismissed from these proceedings.

2. That the carriers identified in Appendix B to this order shall cease performing any and all operations for MTM unless and until otherwise ordered, and that said carriers are hereby dismissed from these proceedings.

3. That the carriers identified in Appendix C:

a. shall cease performing any and all operations in the Metropolitan District, including any and all operations for MTM;

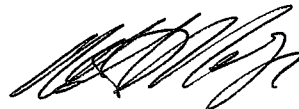
b. shall have thirty days to pay a civil forfeiture of \$250 each; and

c. shall have thirty days to show cause why their respective certificates of authority should not be revoked.

4. That this order shall not be construed to countermand any existing order suspending or revoking the operating authority of any party to this proceeding.

5. That each respondent may submit within fifteen 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 YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

³ See *In re Gizachew Wourgasso Nerri, t/a H&H GN Transport*, No. MP-08-002, Order No. 11,361 (May 15, 2008) (assessing \$250 for not timely filing tariff).

APPENDIX A
Carriers With Effective MTM Contract Tariffs

WMATC NO. 62	BATTLE'S TRANSPORTATION, INC.
WMATC NO. 399	LAMONT AND WADE ASSOCIATES
WMATC NO. 401	JUNIOR'S ENTERPRISES, INC.
WMATC NO. 410	ZION FOUNDATION FOR CITIZENS, T/A ZION TRANSPORTATION SERVICES
WMATC NO. 482	WILLIAM K. AYENSON, T/A MINUTEMAN TRANSPORTATION SERVICES
WMATC NO. 618	ALMIGHTY TIME INVESTMENTS INCORPORATED, T/A ALMIGHTY COURIER - TRANSPORT SERVICES
WMATC NO. 626	ASSOCIATED COMMUNITY SERVICES, INC.
WMATC NO. 655	FEKADU SHAPA HYBANO, T/A GADOSOLO TRANSPORT
WMATC NO. 681	AT TRANS SERVICES, INC.
WMATC NO. 683	MOHAMED AHMED IBRAHIM, T/A WIDE CARE TRANS,
WMATC NO. 745	OSAMA A. FARHAN, T/A UNIVERSAL SERVICES AND BUSINESS CONNECTIONS "USBC"
WMATC NO. 746	LIFE STRIDE, INC., T/A VERNIECE WORLDWIDE TRANSPORT SERVICES
WMATC NO. 748	F&O TRANSPORT SERVICE, LLC
WMATC NO. 768	ANGELA STARKS, TRADING AS STARKS TRANSPORTATION SERVICES
WMATC NO. 790	HADI AHMED, TRADING AS MOGA TRANSPORTATION,
WMATC NO. 830	FADEK TRANSPORTATION, INC.
WMATC NO. 853	IBEAUUCHI ANTHONY UKADILONU, T/A TONY TRANSPORTATION SERVICES
WMATC NO. 957	MARTINSDALE AND ASSOCIATES, INC.
WMATC NO. 1005	DAN TRANSPORTATION, INC.
WMATC NO. 1006	REGINALD S. INMAN, JR., T/A PATIENT FIRST TRANSPORTATION
WMATC NO. 1042	INDEPENDENT TRANSPORTATION CORPORATION,
WMATC NO. 1071	TOTAL CARE SERVICES, INC.
WMATC NO. 1141	UPLIFT TRANSPORT SERVICES INC.
WMATC NO. 1223	EXCEL GROUP INC.
WMATC NO. 1236	WALTER IRVIN WHITE, T/A WHITE'S TRANSPORTATION SERVICE
WMATC NO. 1313	ROADRUNNER TRANSPORTATION INC.
WMATC NO. 1372	W & T TRAVEL SERVICES LLC, T/A WTTS

APPENDIX B
Carriers With Effective Tariffs
But No Effective MTM Contract Tariffs

WMATC NO. 320	GREEN'S TRANSPORTATION COMPANY, INC.
WMATC NO. 455	E & P TRANSPORTATION SERVICES, INC.
WMATC NO. 533	DEPENDABLE MEDICAL TRANSPORT INC.
WMATC NO. 668	MOBILITY EXPRESS INC.
WMATC NO. 764	MV TRANSPORTATION, INC.
WMATC NO. 848	RIGHTWAY TRANSPORTATION SERVICES, INC.
WMATC NO. 947	SHELTON TRANSPORTATION SERVICES, INC., T/A STSI
WMATC NO. 1167	TOP CHOICE TRANSPORTATION SERVICES LLC

APPENDIX C
Carriers With No Effective Tariffs

WMATC NO. 590	LIFE-CARE TRANSPORTATION, INC.
WMATC NO. 602	EXPRESS TRANSPORTATION SERVICES, INC.
WMATC NO. 758	LEAN & HERNY TRANSPORTATION LLC, T/A L. A. & H TRANSIT
WMATC NO. 1070	ABDELRAHMAN E. ALI, T/A TWINS TRANS