

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 20,376

IN THE MATTER OF:

Served September 25, 2023

PROVIDENCE CARE TRANSPORT, LLC, )  
Trading as PROVIDENCE CARE MEDICAL )  
TRANSPORT, WMATC No. 3591, )  
Violation of Order No. 19,990 and )  
Regulation No. 64-04 )

Case No. MP-2023-043

This matter is before the Commission on the failure of Providence Care Transport, LLC, trading as Providence Care Medical Transport, (respondent), to respond to Order No. 20,254, served June 22, 2023, which gave respondent 30 days to show cause why the Commission should not revoke Certificate No. 3591.

**I. BACKGROUND**

The Washington Metropolitan Area Transit Regulation Compact<sup>1</sup> authorizes the Washington Metropolitan Area Transit Commission (WMATC) to issue a certificate of passenger carrier authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.<sup>2</sup>

The Commission may attach to the issuance of a certificate and to the exercise of the rights granted under it any term, condition, or limitation that is consistent with the public interest.<sup>3</sup>

The Commission approved respondent's application for a certificate of authority in Order No. 19,990 on November 29, 2022, subject to several conditions, including the condition that respondent produce a copy of the for-hire vehicle registration card for each vehicle to be operated under WMATC authority, as required by WMATC Regulation No. 64-04.<sup>4</sup> As of April 4, 2023, respondent had satisfied all conditions except the for-hire plate condition. In the absence of any passenger carrier authority, respondent was unable to obtain for-hire plates for its sole initial WMATC vehicle, a 2008 Ford with VIN ending A41858.

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<sup>1</sup> Pub. L. No. 101-505, § 1, 104 Stat. 1300 (1990), amended by Pub. L. No. 111-160, 124 Stat. 1124 (2010) (amending tit. I, art. III).

<sup>2</sup> Compact, tit. II, art. XI, § 7(a).

<sup>3</sup> Compact, tit. II, art. XI, § 7(d).

<sup>4</sup> *In re Providence Care Transp., LLC, t/a Providence Care Med. Transp.*, No. AP-22-157, Order No. 19,990 (Nov. 29, 2022).

To resolve the impasse, the Commission issued WMATC Certificate No. 3591 to respondent on April 4, 2023, subject to a vehicle-out-of-service notice and subject to the proviso that respondent obtain for-hire plates for the 2008 Ford and submit a copy of the new registration to the Commission within 30 days or face revocation of Certificate No. 3591. Respondent did not comply.

Accordingly, Order No. 20,254, served June 22, 2023, gave respondent 30 days to show cause why the Commission should not revoke Certificate No. 3591 and 15 days to request an oral hearing.

Respondent has yet to respond.

## **II. FINDINGS**

Under the Compact, the Commission may suspend or revoke all or part of any certificate of authority for willful failure to comply with a provision of the Compact, an order, rule, or regulation of the Commission, or a term, condition, or limitation of the certificate.<sup>5</sup>

The terms "willful" and "willfully" do not mean with evil purpose or criminal intent; rather, they describe conduct marked by intentional or careless disregard or plain indifference.<sup>6</sup>

Commission records show that respondent's fleet consists solely of the 2008 Ford and that the 2008 Ford still lacks for-hire plates.

We therefore find that respondent has failed to show cause why the Commission should not revoke Certificate No. 3591 for failure to satisfy all conditions of issuance stipulated in Order No. 19,990.

## **III. CONCLUSION**

Certificate No. 3591 shall be revoked pursuant to Article XI, Section 10(c), of the Compact.<sup>7</sup>

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 3591 is hereby revoked.
2. That within 30 days from the date of this order respondent shall:
  - a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
  - b. file a notarized affidavit and supporting photograph(s) with the Commission verifying compliance with the preceding requirement; and

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<sup>5</sup> Compact, tit. II, art. XI, § 10(c).

<sup>6</sup> *In re Party's in Motion, LLC*, No. MP-14-141, Order No. 15,426 (Mar. 3, 2015).

<sup>7</sup> See *id.* (authority revoked where private plates on sole revenue vehicle not replaced with for-hire plates).

c. surrender Certificate No. 3591 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS RICHARD, LOTT, AND LACKEY:

A handwritten signature in blue ink that reads "Jeffrey M. Lehmann". The signature is written in a cursive style with a large, stylized "J" and "L".

Jeffrey M. Lehmann  
Executive Director