

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0571BP

IN THE MATTER OF THE APPLICATION OF TM MEDICAL TRANSPORTATION LLC, FOR
A PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION DEEMING APPLICATION
INCOMPLETE AND DISMISSING APPLICATION
WITHOUT PREJUDICE**

Mailed Date: January 24, 2024

Adopted Date: January 17, 2024

I. BY THE COMMISSION

A. Statement, Findings, and Conclusion

1. On November 24, 2023, TM Medical Transportation LLC (Applicant) filed an Application for New Permanent Authority to Operate as a Contract Carrier of Passengers by Motor Vehicle for Hire.

2. On December 4 2023, Staff of the Commission timely issued a Deficiency Letter pursuant to Rule 1303(c)(II) of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1. This letter advised Applicant of deficiencies with the application, including the lack of (1) a current support letter from each of the proposed customers and (2) a clear description of the proposed geographic area to be served.

3. Rule 1303(c)(II), 4 CCR 723-1, states that upon receipt of a deficiency letter, “the applicant may file a response either curing all the deficiencies noted by Commission staff or explaining why it believes no further action is required.” This response “shall be filed no later than ten days after Commission staff’s written notification was sent.” *Id.* “If the applicant does

not respond in the time allotted, the Commission may, after the application's notice period has expired, deem the application incomplete, dismiss the application without prejudice, and close the proceeding." *Id.*

4. The Deficiency Letter was sent to Applicant on December 4, 2023. Therefore, the ten-day period allotted for curing the deficiency expired on December 14, 2023.

5. Applicant has not filed a Response to the Deficiency Letter or the requested information.

6. Pursuant to Rule 1206(c)(I), 4 CCR 723-1, the Commission did not provide notice of this application because of the above-mentioned deficiencies.

7. Due to the foregoing, the Commission deems the application incomplete and dismisses the application without prejudice.

II. ORDER

A. The Commission Orders That:

1. The application of TM Medical Transportation LLC, filed on November 24, 2023, is deemed incomplete, within the meaning of § 40-6-109.5, C.R.S., and Rule 1303(c) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, and is dismissed without prejudice.

2. This proceeding is closed.

3. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Decision.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 17, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners