

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 03A-281CP-EXTENSION-ETA

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THE APPLICATION OF CHANDA L. JONES AND JOHN T. JONES, JR., DOING BUSINESS AS DELTA TRANSIT COMPANY, FOR EMERGENCY TEMPORARY AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 52100.

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**COMMISSION ORDER GRANTING  
EMERGENCY TEMPORARY AUTHORITY**

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Mailed Date: July 15, 2003

Adopted Date: July 9, 2003

**I. BY THE COMMISSION:**

**A. Statement, Findings and Conclusions**

1. On June 30, 2003, Chanda L. Jones and John T. Jones, Jr., doing business as Delta Transit Company (Delta Transit), filed an application for emergency temporary authority to extend operations under Certificate of Public Convenience and Necessity (CPCN) PUC No. 52100 to include the transportation of passengers and their baggage in call-and-demand limousine service: (I) between all points in Delta County, State of Colorado; and (II) from all points in Delta County, State of Colorado, on the one hand, to all points within a 100-mile radius of the intersection of U.S. Highway 50 and Colorado Highway 92 in the City of Delta, on the other hand; with express authority to provide round-trip service, between points within the above described 100-mile radius, and points in Delta County so long as the service both originates and terminates in Delta County. Part II of this application is restricted as follows: (A) against providing service to or from either San Juan County or La Plata County, Colorado; and (B) against providing one-way "deadhead" or empty mileage service as part of round-trip service.

2. Delta Transit currently has the authority, under CPCN PUC No. 52100, to provide taxi service in the same geographic area and with the same restrictions as named in this application.

3. Pursuant to § 40-6-120(1), C.R.S., the Commission is authorized to grant temporary authority when "there appears to be an immediate and urgent need to any point or within a territory having no carrier service capable of meeting such need." Section 40-6-120(4), C.R.S., further states: "If the Commission is of the opinion that an emergency exists, it may issue temporary authority or approval at once by making specific reference in its order to the circumstances constituting the emergency, in which case no notice need be given, but any such emergency authority or approval shall expire no later than thirty days after it was issued."

4. Delta Transit must meet a two-fold test: first, that there is an emergency need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If Delta Transit fails to meet either test, the application must be denied.

5. In support of its application Delta Transit states: "[D]ue to changes in the legislation at the state level our county is facing many drastic cuts in medical transportation. Medicaid patients are no longer eligible to take a taxi to a medical appointment. The new ruling will go into effect on July 1, 2003, therefore, we are filing for an emergency, temporary, and permanent authority in order to maintain the ability to transport critically ill passengers to required medical care."

6. Eight letters were filed in support of this application. Jean Godwin, the Patient Family Coordinator of Dialysis Clinic, Inc., of Montrose, Colorado, states in her letter "With the recent cuts in State of Colorado Medicaid funding, this area is experiencing a crisis in meeting

the needs for medical transportation. We are a rural area and do not have coverage by public transportation to meet many of the needs of our population.” The authors of the other seven letters are residents of or employees of businesses located, three of the authors state they are dialysis patients, also express an urgent need for the transportation services named in this application.

7. The Commission is aware that the Department of Health Care Policy & Financing (HCPF) of the State of Colorado has recently incurred significant reductions in its funding for the 2004 fiscal year. This reduction in funding has resulted in the reduction in the amount of funds available for the transportation of Medicaid clients throughout the State of Colorado. The Commission has been advised by HCPF that the funding for the transportation for Medicaid clients in taxi service has been greatly reduced. Therefore, it appears that a carrier that is only authorized to provide taxi service may not be eligible to transport Medicaid clients.

8. An emergency need for the requested transportation service has been shown to exist, and it has not been shown that there is another carrier capable of providing the service.

9. Delta Transit has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

10. This application for emergency temporary authority is in the public interest.

11. Delta Transit is advised that the grant of an emergency temporary authority creates no presumption that either a temporary or permanent authority will be granted.

**II. ORDER**

**A. The Commission Orders That:**

1. Chanda L. Jones and John T. Jones, Jr., doing business as Delta Transit Company, is granted emergency temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 52100 for a period of 30 days commencing from the Mailed Date of this Order, with authority as set forth in the Appendix.

2. Chanda L. Jones and John T. Jones, Jr., doing business as Delta Transit Company, shall operate in accordance with all applicable Commission rules and regulations.

3. Chanda L. Jones and John T. Jones, Jr., doing business as Delta Transit Company, shall not commence operation until it has filed the proper tariff and paid the appropriate vehicle identification fee and notice in writing has been received from the Commission stating that it is in compliance and may begin service.

4. 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 Order.

5. This Order is effective immediately on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING  
July 9, 2003.**

(SEAL)



ATTEST: A TRUE COPY

Bruce N. Smith  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners

Transportation of passengers and their baggage, in call-and-demand limousine service: (I) between all points in Delta County, State of Colorado; and (II) from all points in Delta County, State of Colorado, on the one hand, to all points within a 100-mile radius of the intersection of U.S. Highway 50 and Colorado Highway 92 in the City of Delta, on the other hand; with express authority to provide round-trip service, between points within the above described 100-mile radius, and points in Delta County so long as the service both originates and terminates in Delta County.

Part II of this **emergency temporary authority** is restricted as follows: (A) against providing service to or from either San Juan County or La Plata County, Colorado; and (B) against providing one-way "deadhead" or empty mileage service as part of round-trip service.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**CERTIFICATE OF SERVICE**

DOCKET NO. 03A-281CP-EXT

DECISION NO. C03-0764

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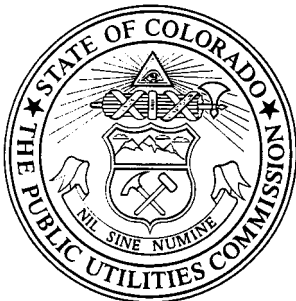
I, Bruce N. Smith, Director of the Public Utilities Commission of the State of Colorado, certify that I served a true and correct copy of the above Commission Decision -- entered in the above numbered matter of record -- upon each of the persons whose names and addresses appear below, by mailing the same in sealed envelopes properly addressed, with sufficient postage prepaid to carry the same to its destination to the following:

APPLICANT:

Chanda L. Jones and John T. Jones, Jr.  
dba Delta Transit Company  
P.O. Box 608  
Delta, CO 81416

ROUTE:

6, 60, and all PUC staff, including staff that may be listed as parties, received this decision electronically.



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WITNESS MY HAND AND THE SEAL OF  
THE PUBLIC UTILITIES COMMISSION OF  
THE STATE OF COLORADO

*Bruce N. Smith*

Director