

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-040BP-EXTENSION

THE APPLICATION OF MOBILITY TRANSPORTATION & SERVICES, INC. FOR
EMERGENCY TEMPORARY AUTHORITY TO EXTEND OPERATIONS UNDER
CONTRACT CARRIER PERMIT NO. B-9798.

**ORDER GRANTING WITHDRAWAL OF LETTER
WITHDRAWING PORTION OF APPLICATION**

Mailed Date: April 7, 2003
Adopted Date: February 26, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a letter filed by Mobility Transportation & Services, Inc. (Mobility), to withdraw a previous letter requesting the Commission withdraw a portion of its application for temporary authority. Now, being duly advised in the matter, we grant Mobility's request to withdraw its letter to withdraw a portion of its temporary authority application.

2. On January 29, 2003, Mobility filed an application for temporary authority to extend operations under Contract Carrier Permit No. B-9798 to include: (1) the transportation of passengers and their baggage, between facilities of Craig Rehabilitation Hospital, at or near 3425 South Clarkson Street, Englewood, Colorado, on the one hand, and, all points in the State of Colorado, on the other hand; and (2) to eliminate Denver Options, Inc., as a customer. The application was restricted to: (A) providing transportation services only for Craig Rehabilitation Hospital; and (B) providing transportation service in wheelchair accessible vans.

3. In a letter dated February 14, 2003, and received by the Commission on February 19, 2003, Mobility requested the withdrawal of its application, except for the portion addressing Denver Options, Inc. According to the letter, Mobility understood that certain portions of its application would be exempt from jurisdiction. Specifically, § 40-11-102(2), C.R.S., provides in relevant part that “[n]othing in this article shall apply to any motor vehicle carrier as defined by section 40-10-101(4)(a), ... nor to vehicles designed and used for the nonemergency transportation of individuals with disabilities as defined in section 42-7-510(2)(b), C.R.S.” These vehicles are defined in § 42-7-510(2)(b), C.R.S., as follows:

As used in subsection (2), a ‘motor vehicle designed and used for the nonemergency transportation of individuals with disabilities means any motor vehicle designed to facilitate the loading of individuals with physical disabilities confined to a wheelchair.

While these statutes clearly exempt a carrier providing transportation to individuals with physical disabilities who are confined to a wheelchair, to the extent a carrier transports ambulatory patients, this transportation is not exempt from Commission jurisdiction.

4. Counsel for Mobility filed a letter with the Commission on February 25, 2003, in essence recognizing that to the extent it may transport ambulatory passengers, it was not exempt from Commission jurisdiction. As such, Mobility requested withdrawal of its letter of February 19, 2003, which requested withdrawal of the portion of its application related to its proposed service to Craig Rehabilitation Hospital.

5. We find good cause to grant Mobility’s request to withdraw its letter withdrawing a portion of its application for contract carrier authority.

II. ORDER

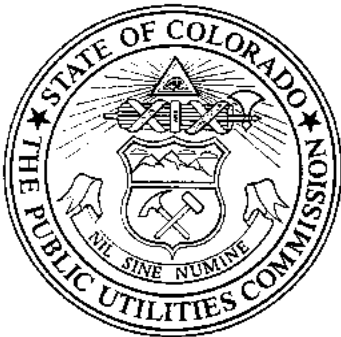
A. The Commission Orders That:

1. The request of Mobility Transportation & Services, Inc., to withdraw its letter of February 19, 2003 requesting withdrawal of the portion of its application regarding its proposed contract carrier service to Craig Rehabilitation Hospital is granted.

2. This Order is effective on its Mailed Date.

B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING February 26, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners