

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-252CP-EXTENSION

IN THE MATTER OF THE APPLICATION OF MOBILITY EXPRESS TRANSPORTATION SYSTEM, INC., 7908 E. MEXICO AVENUE, DENVER, COLORADO 80231, FOR AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, PUC NO. 55732.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
GRANTING APPLICATION**

Mailed Date: September 17, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On May 19, 2004, Mobility Express Transportation System, Inc. (Applicant), filed an Application for an Extension of Certificate of Public Convenience and Necessity, PUC No. 55732.

2. On June 1, 2004, the Commission issued notice of the application as follows:

For an order of the Commission authorizing an extension of operations under Certificate of Public Convenience and Necessity PUC No. 55732 to include the transportation of

passengers and their baggage, in call-and-demand limousine service,

between all points in the counties of Adams, Arapahoe, Denver, Douglas, and Jefferson, State of Colorado, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

RESTRICTION:

This application is restricted to providing transportation services for passengers who are clients of Denver Health, 777 Bannock Street, Denver, Colorado 80204.

3. Notices of Intervention were filed by Golden West Commuter, LLC (Golden West); MKBS, LLC, doing business as Metro Taxi, Inc. (Metro Taxi); and Denver Taxi, LLC (Denver Taxi).

4. The Commission scheduled this matter for hearing for August 9, 2004.

5. On July 21, 2004, Applicant filed a Request/Motion to Dismiss the Interventions of Metro Taxi and Denver Taxi and to postpone the August 9, 2004 hearing. Applicant's Motion to Dismiss Interventions was denied in Decision No. R04-0900-I (August 4, 2004). The Motion to Vacate the Hearing was granted. A prehearing conference was scheduled for August 9, 2004. In addition, the above interim order addressed the Stipulation to Restrictively Amend the Application filed by Applicant and Golden West on July 29, 2004. The request of Applicant to restrictively amend its application as stated in Decision No. R04-0900-I was accepted.

6. On August 26, 2004, Metro Taxi and Applicant filed a Stipulated Motion for Adoption of Restrictive Amendment. Applicant moved to restrictively amend its application so that the only authority sought in the captioned application would read as follows:

Transportation of

passengers and their baggage in call-and-demand limousine service,

between the facilities of Denver Health, at 777 Bannock Street, Denver, Colorado and all points in the City and County of Denver, Colorado.

RESTRICTIONS:

- I. The application is restricted against providing service to or from Denver International Airport; and
- II. The application is restricted to providing transportation services only for passengers who are clients of Denver Health and to transportation that is paid by Denver Health or Medicaid.

7. The restrictive amendment stated above was accepted in Interim Order No. R04-1047-I (September 2, 2004).

8. On September 15, 2004, Denver Taxi filed a Withdrawal of Objections and Intervention. Denver Taxi states that the acceptance of the restrictive amendment filed by Applicant and Metro Taxi in Decision No. R04-1047-I stating the total authority sought by Applicant is satisfactory to Denver Taxi and eliminates their objection to the original application. Denver Taxi states that it withdraws its intervention.

9. Since all interventions in this application have been withdrawn, the application is now noncontested and therefore can be considered pursuant to the provisions of § 40-6-109(5), C.R.S., and Rule 24(a) of the Commission's Rules of Practice and Procedure 4 *Code of Colorado Regulations* 723-1. The matter will be determined without a formal oral hearing.

10. It is found that Applicant is financially and otherwise fit to provide the proposed extended transportation as restricted. It is also found that there is a public need for the proposed transportation. These findings are based upon the application, financial statements, and letter of support.

11. Pursuant to § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. Mobility Express Transportation System, Inc., is granted an extension of certificate of public convenience and necessity, PUC No. 55732 as follows:

Transportation of

passengers and their baggage in call-and-demand limousine service,

between the facilities of Denver Health at 777 Bannock Street, Denver, Colorado, and all points in the City and County of Denver, Colorado.

RESTRICTIONS:

- I. The application is restricted against providing service to or from Denver International Airport;
- II. The application is restricted to providing transportation services only for passengers who are clients of Denver Health and to transportation that is paid by Denver Health or Medicaid.

2. The full and complete authority contained in certificate of public convenience and necessity, PUC No. 55732 shall read as follows:

- I. Transportation of
passengers and their baggage in call-and-demand limousine service,

between the Aventine Apartment Homes, 3257 S. Parker Road, Aurora, Colorado, and the Fenton Place Apartments, 7100 E. Evans Avenue, Denver, Colorado, on the one hand and all points within the State of Colorado on the other hand.
- II. Transportation of
passengers and their baggage in call-and-demand limousine service,

between the facilities of Denver Health at 777 Bannock Street, Denver, Colorado, and all points in the City and Denver, Colorado.

RESTRICTIONS:

Item II. is restricted as follows:

- A. Restricted against providing service to or from Denver International Airport; and
 - B. Restricted to providing transportation services only for passengers who are clients of Denver Health and to transportation that is paid by Denver Health or Medicaid.
3. The extended authority granted in ordering paragraph no. 1 is conditioned upon Applicant meeting the requirements contained in this Order and is not effective until these requirements have been met.
4. Applicant shall file certificates of insurance, tariffs, rates, rules, and regulations as required by the rules and regulations of the Commission, and shall pay the issuance fee, annual

identification fee, and comply with any other requirements of the Commission. Operations may not begin on the extended authority granted in this Decision until these requirements have been met and Applicant has been notified by the Commission that operations may begin. If Applicant does not comply with the requirements of this ordering paragraph within 60 days of the effective date of this Order, then ordering paragraph no. 1 which grants extended authority to Applicant shall be void and the extended authority granted shall then be void. On good cause shown, the Commission may grant additional time for compliance provided that the request is filed with the Commission within the 60-day time period. The right of Applicant to operate shall depend upon Applicant's compliance with all present and future laws and regulations of the Commission.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

6. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

7. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge