

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-0974BP

IN THE MATTER OF THE APPLICATION OF AGAPE CARE COMMUNITY LLC FOR A
PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION
GRANTING EXTENSION OF TIME**

Mailed Date: April 21, 2014
Adopted Date: April 16, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a filing submitted on April 7, 2014 by Mr. Ojukwu Abiakam, the Chief Operations Officer of Agape Care Community, LLC (Applicant), requesting that the Commission grant a 60 day extension to comply with the terms of Recommended Decision No. R14-0049 (Decision).

B. Findings

2. On September 6, 2013, Applicant filed an application for permanent authority to conduct operations as a contract carrier by motor vehicle for hire.

3. The Commission noticed the application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on September 9, 2013. Interventions were filed and the proceeding was referred to an Administrative Law Judge.

4. On January 15, 2014, the Decision was issued. This Decision granted Applicant a permit to operate as a contract carrier by motor vehicle for hire. The Decision also set forth certain requirements to be completed by Applicant prior to the commencement of operations.

5. Specifically, Ordering Paragraph No. 10 of the Decision states that Applicant shall not begin operation under the contract carrier permit granted by the Decision until it has satisfied all of the following conditions:

- (a) Agape Care Community, LLC, shall file with the Commission an advice letter and proposed tariffs, as required by Rules 4 *Code of Colorado Regulations* 723-1-1210(b) and 723-1-1210(c) and Rule 4 *Code of Colorado Regulations* 723-6-6207. ...
- (b) Agape Care Community, LLC, shall cause to be filed with the Commission *either* proof of insurance coverage (Form E or self-insurance) *or* proof of surety bond coverage, as required by and in accordance with Rule 4 *Code of Colorado Regulations* 723-6-6007.
- (c) Agape Care Community, LLC, shall pay to the Commission the \$ 5.00 issuance fee required by § 40-10.1-111(1)(a), C.R.S.
- (d) For each vehicle to be operated under the contract carrier permit granted by this Decision, Agape Care Community, LLC, shall pay to the Commission the annual motor vehicle fees as required by Rule 4 *Code of Colorado Regulations* 723-6-6009. ...

(Emphasis in original)

6. Furthermore, Ordering Paragraph No. 11 of the Decision states:

If Agape Care Community, LLC, does not comply with the requirements of Ordering Paragraph No. 10, above, within 60 days of the effective date of this Decision, then Ordering Paragraphs No. 6 and No. 7, above, shall be void. On good cause shown by an appropriate and timely filing made in this Proceeding, the Commission may grant Agape Care Community, LLC, additional time for compliance.

7. The Decision became effective on February 4, 2014. Therefore, Applicant had until April 7, 2014 (the 60th day, April 5, 2014, was a Saturday) to comply with the Decision or file a request for additional time. A request for additional time was timely filed on April 7, 2014.

8. In the filing submitted on April 7, 2014, Mr. Abiakam states:

The reason for the time extension is because the medical transportation bus, was hit in the parking lot of our office by an errant vehicle, on March 6, 2014, which caused extensive structural damage to the vehicle. The bus is inoperable and waiting for repairs.

In addition, the roof of Agape Care Community office building collapsed on March 9, 2014, which caused us to relocate our office to a temporary location.

C. Conclusions

9. The Commission concludes that Applicant has shown good cause to extend the time for compliance with the requirements of the Decision for an additional 60 days from the original deadline of April 7, 2014.

II. ORDER

A. The Commission Orders That:

1. The request of Agape Care Community, LLC, filed on April 7, 2014, that the Commission grant a 60-day extension for it to complete the requirements set forth in Decision No. R14-0049 is granted.

2. Agape Care Community, LLC is granted until June 6, 2014 to complete the requirements set forth in Decision No R14-0049.

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 oserves this Decision.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 16, 2014.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAMELA J. PATTON

GLENN A. VAAD

Commissioners

CHAIRMAN JOSHUA B. EPEL
ABSENT.