

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0262BP

IN THE MATTER OF THE APPLICATION OF RIDE 4 MED INC. FOR A PERMIT TO
OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION DEEMING APPLICATION
INCOMPLETE, DISMISSING APPLICATION WITHOUT
PREJUDICE, AND DENYING INTERVENTIONS AS MOOT**

Mailed Date: May 22, 2014
Adopted Date: May 14, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusion

1. On March 26, 2014, Ride 4 Med Inc. filed an application for authority to operate as a contract carrier by motor vehicle for hire.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on April 7, 2014.

3. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

4. On April 1, 2014, Staff of the Commission 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. The Deficiency Letter advised the applicants of the following deficiencies with the application:

1. Rule 6203(a)(III) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, requires that the applicant list the name and address of the applicant's designated agent for service of process.
2. Rule 6203(a)(XII) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, requires the application for contract carrier authority to include [a] list of the customers to be served and a letter signed by

each proposed customer (Items #9 and #20(e) of the application). The customer is the party responsible for paying the compensation for the transportation service. Please supplement the application with a letter signed by each proposed customer. The current letter from First Transit appears to be a letter attempting to transfer a contract carrier permit from Ride 4 Med, LLC (not Inc.) to Denver Lux, LLC. However your application is an application for new authority for Ride 4 Med Inc. (Ride 4 Med Inc. does not have any current authority to transfer as discussed further below in Item #5). You will need a support letter supporting Ride 4 Med Inc. as a new provider to accompany this application.

3. Rule 6203(a)(XV) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, requires a statement setting forth the qualifications of the applicant, including operational and financial fitness to conduct the proposed operations. You did not provide a response to Items Nos. 12, and 13 of the application. Please supplement your application with this information. It would also be helpful to the Commission in evaluating your application to have supporting documentation regarding the financial fitness of the applicant to operate the proposed authority (e.g. income statement, personal bank statement, and/or approval for lines of credit). You may choose to file a redacted public version and a confidential version in accordance with Commission rules.
4. Item #15 requires a statement of existing authority. You list contract carrier permit No. B-9932, however that permit has been revoked so it is not a currently existing authority. Please correct your answer to item #15 accordingly. Also, your answer to #17 should indicate the authority which was previously granted and allowed the operation of Contract Carrier Permit No. B-9932. Please correct that answer accordingly as well.
5. Rule 1201(b) of the Rules of Practice and Procedure, 4 CCR 723-1, allows an individual who is not an attorney to represent the interests of a closely held entity, in accordance with §13-1-127, C.R.S., only after demonstrating eligibility to do so in the closely held entity's initial application. Your response to Item #20(f) is not complete, as you did not answer whether the dollar amount in controversy exceeds \$15,000. Please amend the application to correct this information.
5. 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.*

6. The Deficiency Letter was sent to the applicant on April 1, 2014. Therefore, the ten-day period allotted for curing the deficiencies expired on April 11, 2014.

7. The applicants have not filed a response or the requested information.

8. Due to the foregoing, we deem the application incomplete and dismiss the application without prejudice.

9. Interventions were filed against the application on May 7, 2014, by MKBS LLC, doing business as Metro Taxi and by Colorado Cab Company LLC, doing business as Denver Yellow Cab and Boulder Yellow Cab, Colorado Springs Transportation LLC, and Shamrock Taxi of Fort Collins, Inc. Due to the application being dismissed, we deny the interventions as moot.

II. ORDER

A. The Commission Orders That:

1. The application of Ride 4 Med Inc. 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. The interventions filed by MKBS LLC, doing business as Metro Taxi and by Colorado Cab Company LLC, doing business as Denver Yellow Cab and Boulder Yellow Cab, Colorado Springs Transportation LLC, and Shamrock Taxi of Fort Collins, Inc. are denied as moot.

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
May 14, 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.