

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0524BP-EXTENSION-ETA

IN THE MATTER OF THE APPLICATION OF AGA MARBLE INC. D/B/A DEPENDABLE
TRANSPORTATION LLC FOR EMERGENCY TEMPORARY AUTHORITY TO EXTEND
OPERATIONS AS A CONTRACT CARRIER UNDER PERMIT NO. B-9931.

**COMMISSION DECISION GRANTING
EMERGENCY TEMPORARY AUTHORITY**

Mailed Date: May 28, 2014
Adopted Date: May 28, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On May 22, 2014, AGA Marble Inc., doing business as Dependable Transportation (Applicant), filed an application for emergency temporary authority to extend operations as a contract carrier by motor vehicle for hire under Contract Carrier Permit No. B-9931.

2. Applicant specifically requests emergency temporary approval to extend its permit for 30 days to operate as a contract carrier for the transportation of Medicaid recipients in non-emergency medical transportation in Boulder County, and to extend the limit on the number of vehicles it can use at any one time from six to nine. This authority is described fully in the Appendix to this Decision.

3. Pursuant to § 40-10.1-204(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 such service capable of meeting the need.”

Section 40-10.1-204(4), C.R.S., further states: “If the commission determines 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 expires no later than thirty days after it was issued.”

4. Applicant 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 Applicant fails to meet either test, the application must be denied.

5. In support of the application, Applicant explains that there is a dearth of providers of this transportation service in Boulder County. The letter supporting the application from First Transit, the exclusive broker for non-emergency medical transportation in Boulder County, explains that more providers are urgently needed, and that the trips were offered to Boulder Yellow Cab, but Boulder Yellow Cab stated that it could not fulfill all the trips.

6. The Commission finds and concludes that the information submitted with this application shows that an emergency need for the requested transportation service exists, and that no other carrier has been shown to be capable of providing the service.

7. Applicant has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

8. This application for emergency temporary authority to extend operations is in the public interest.

9. Applicant is advised that the grant of an emergency temporary authority to extend operations creates no presumption that either a temporary or permanent authority will be granted.

II. ORDER

A. The Commission Orders That:

1. AGA Marble Inc., doing business as Dependable Transportation is granted an emergency temporary authority to extend operations for a period of 30 days commencing on the mailing date of this Decision. Note that the Appendix to this Decision represents the whole of AGA Marble, Inc., doing business as Dependable Transportation's authority during this period of emergency temporary extension of authority.

2. AGA Marble Inc., doing business as Dependable Transportation shall operate in accordance with all applicable Commission rules and regulations.

3. AGA Marble Inc., doing business as Dependable Transportation shall not commence operation under this emergency temporary extension of authority until it has:

- (a) caused proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission in accordance with applicable rules;
- (b) paid to the Commission, the motor vehicle fee (\$5) for each vehicle to be operated under authority granted by the Commission, or in lieu thereof, paid the fee for such vehicle(s) pursuant to the Unified Carrier Registration Agreement;
- (c) filed an advice letter and tariff on not less than one day's notice to the Commission. The advice letter and tariff shall initiate a new Advice Letter proceeding and shall comply with all applicable rules (*see* <http://www.dora.state.co.us/puc/trans/TransFilingTariff.htm>). In calculating the proposed effective date, the date received at the Commission is not included in the notice period and the entire notice period must expire prior to the effective date;
- (d) paid the applicable issuance fee (\$5); and,
- (e) received notice in writing from the Commission that it is in compliance with the above requirements and may begin service under the extended authority.

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 Decision.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 28, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners