

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0825BP

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

**COMMISSION DECISION GRANTING
PERMANENT CONTRACT CARRIER PERMIT**

Mailed Date: September 22, 2014

Adopted Date: September 17, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On August 6, 2014, Agape Care Transportation (Applicant) filed an application for permanent authority to conduct operations as a contract carrier of passengers by motor vehicle for hire. An amendment to the application was submitted on August 12, 2014.

2. Applicant requests authority to transport passengers between all points in the Counties of Adams, Arapahoe, Denver, Douglas, and Jefferson, State of Colorado. The application is restricted: (a) to the transportation of passengers who are recipients of Medicaid; (b) to providing Non-Medical Transportation services for the Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, Colorado; (c) to the transportation of passengers who are clients of Agape Care Community and Agape Care Adult Day Program; and, (d) against providing transportation service to and from hotels, motels, and airports.¹

¹ Restrictions (c) and (d) were added to the proposed authority in the amendment filed on August 12, 2014, which was after the application was noticed on August 11, 2014. In accordance with Rule 1206(c)(II) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, it was not necessary to re-notice the application because the proposed amendments are restrictive in nature.

3. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on August 11, 2014.

4. On August 18, 2014, MKBS, LLC, doing business as Metro Taxi (Metro Taxi), filed an intervention in opposition to the application. However, on August 29, 2014, Metro Taxi withdrew its intervention.

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

6. We find that the information submitted with this application warrants the granting of the requested contract carrier permit. Applicant is a Colorado limited liability company that is in good standing with the Secretary of State. The application includes the requisite customer support letter from the Colorado Department of Health Care Policy and Financing.² The application also includes a sufficient statement of fact and fitness.

7. We conclude that a present and special need for the requested transportation service exists. A grant of the requested authority will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

II. ORDER

A. The Commission Orders That:

1. This application was deemed complete for purposes of § 40-6-109.5, C.R.S., on September 17, 2014.

² This letter was filed as a supplement to the application on September 11, 2014.

2. The Withdrawal of Intervention of MKBS, LLC, doing business as Metro Taxi, filed on August 29, 2014, is acknowledged.

3. Agape Care Transportation is granted a Permit to operate as a contract carrier by motor vehicle for hire as set forth in the Appendix attached to this Decision.

4. Agape Care Transportation shall operate in accordance with all applicable Colorado laws and Commission rules. All operations under the permit granted shall be strictly contract carrier operations.

5. Agape Care Transportation shall not commence operation until it has complied with the requirements of Colorado laws and Commission rules, including without limitation:

- (a) causing proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- (b) paying 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) having an effective tariff on file with the Commission. [Agape Care Transportation shall file an advice letter and tariff on not less than ten days' notice. The advice letter and tariff shall be filed as a new Advice Letter proceeding and shall comply with all applicable rules. 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. (Additional tariff information can be found on the Commission's website at dora.colorado.gov/puc and by following the transportation common and contract carrier links to tariffs)]; and,
- (d) paying the applicable issuance fee (\$5).

6. If Agape Care Transportation does not cause proof of insurance or surety bond to be filed, pay the appropriate motor vehicle fees, file an advice letter and proposed tariff, and pay the issuance fee within 60 days of the effective date of this Decision, then the grant of the Permit

shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within 60 days of the effective date of this Decision.

7. The Commission will notify Agape Care Transportation in writing when the Commission's records demonstrate compliance with Ordering Paragraph No. 5.

8. 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.

9. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 17, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners