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~~BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO~~

**DOCKET NO. 02A-642BP-EXTENSION**

IN THE MATTER OF THE APPLICATION OF ADMIRER TRANSPORTATION, INC., 8500 E. JEFFERSON AVE., #3-F, DENVER, CO 80237, FOR AN EXTENSION OF AUTHORITY UNDER CONTRACT CARRIER PERMIT NO. B-9814.

**AND**

**DOCKET NO. 03A-020BP-EXTENSION**

IN THE MATTER OF THE APPLICATION OF CARE-4-U TRANSPORTATION, INC., 2570 SOUTH DAYTON WAY, SUITE A-202, DENVER, CO 80231 FOR AN EXTENSION OF AUTHORITY UNDER CONTRACT CARRIER PERMIT NO B-9835.

**AND**

**DOCKET NO. 03A-050BP**

IN THE MATTER OF THE APPLICATION OF SUPERIOR CARE & TRANSPORTATION, INC., 15678 EAST QUINCY LANE, AURORA, CO 80015 FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**STIPULATED MOTION FOR IMPOSITION OF RESTRICTIVE AMENDMENT AND  
CONDITIONAL WITHDRAWAL OF INTERVENTION OF METRO TAXI, INC. IN  
DOCKET NO. 03A-050CP, SUPERIOR CARE AND TRANSPORTATION, INC.**

Metro Taxi, Inc., (Metro Taxi or Intervenor), by and through its attorney, Charles M. Williams, of Charles M. Williams, P.C., and Superior Care and Transportation, Inc. (Superior or Applicant), by and through its attorney, Mr. Stan Epshtein, file the above stipulated motion with the Colorado Public Utilities Commission (Commission or PUC). In support thereof the parties state as follows:

I. Applicant seeks the following authority in its permanent authority application for a contract carrier permit:

For authority to operate as a contract carrier by motor vehicle for hire for the transportation of passengers and their baggage, between all points within the Counties of Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, and Larimer, State of Colorado. This application is restricted as follows: (1) restricted to providing transportation service for: (1) Arapahoe

County Transportation Services, 2009 West Littleton Boulevard, Littleton CO 80120; (b) Department of Human Services of the City and County of Denver, 1200 Federal Boulevard, Denver CO 80204; (c) Golden Autumn Adult Day Care Services, 6628 Leetsdale Drive, Unit C, Denver CO 80224; (2) restricted against any transportation service that originates or terminates at any hotel or motel; and (3) restricted against any transportation service that originates or terminates at Denver International Airport. This matter is set for hearing before the Commission on April 16, 2003.

A copy of the PUC Notice of the Application is attached hereto as Exhibit 1.

- II. Intervenor opposes this application, alleging a material interest in said proceeding.
- III. Applicant has reviewed its application, the needs of its supporting witnesses, the services it proposed to render under the authority sought in said application, and the intervention of Metro Taxi. Applicant now finds that by restricting its application as set forth herein, Applicant can eliminate the interests of Intervenor without impairing its ability to perform the services envisioned by this application. Accordingly, Applicant hereby moves to restrictively amend its application in certain respects geographically, to also restrict it to the use of four (4) vehicles, each with a seating capacity of seven (7) passengers or more including the driver and to impose other restrictions as shown. If the restrictive amendments to the application are accepted by the Commission, the authority sought in this application would be redefined as follows:

Transportation of passengers and their baggage

- I. Between all points within the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, and Larimer, State of Colorado.
- II. Between the facilities of Monaco Adult Day Care, Inc., 6675 East Tennessee Avenue, Suite 100, Denver, CO 80224, on one hand, and on the other hand, all points in the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, and Larimer, State of Colorado.
- III. Between the facilities of Golden Autumn Adult Days Services, 6625 Leetsdale Drive, Unit C, Denver, CO 80224, on the one hand, and on the other hand, all points in the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, and Larimer, State of Colorado.

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RESTRICTIONS:

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1. This entire permit is restricted as follows:
  - (A) To providing transportation services to passengers who are recipients of Medicaid;
  - (B) against any transportation service that originates or terminates at any hotel or motel;
  - (C) against any transportation service that originates or terminates at the Denver International Airport; and
  - (D) to four vehicles each with seating capacity of seven passengers or more, including the driver.
2. Part I of this permit is restricted to providing transportation services to clients of Arapahoe County Transportation Services, 2009 West Littleton Boulevard, Littleton, CO 80120, or its successor(s), acting on its own behalf and on behalf of the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, and Larimer, State of Colorado;
3. Part II of this permit is restricted to providing transportation services for clients of Monaco Adult Day Care, Inc., 6675 East Tennessee Avenue, Suite 100, Denver, CO 80224; and
4. Part III is restricted to providing transportation Services for clients of Golden Autumn Adult Day Care Services, 6625 Leetsdale Drive, Unit C, Denver, CO 80224.

The parties believe that the proposed amendments are restrictive in nature, and do not require renoteice.

IV. Applicant and Intervenor respectively and respectfully urge the Commission's acceptance of the restrictive amendments set forth in Paragraph III above. Acceptance of the restrictive amendments would eliminate the interests of Metro Taxi and eliminate its need to expend additional resources in pursuit of its intervention in this proceeding. Eliminating the interests of Intervenor would lessen time spent at hearing.

V. Upon the Commission's finding the restrictive amendments set forth in Paragraph III above to be administratively acceptable, and accepting them in the form submitted, Metro Taxi's intervention can be deemed withdrawn. In the event the offered restrictive amendments are not accepted, or are accepted in a form other than as submitted, Metro Taxi specifically does not withdraw its intervention and gives notice to its intent to continue its opposition to the application.

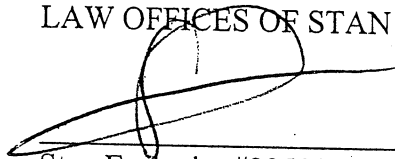
Respectfully submitted October 9<sup>th</sup>, 2003.

CHARLES M. WILLIAMS, P.C.

  
Charles M. Williams, #5342  
303 East 17<sup>th</sup> Avenue, Suite 888  
Denver, CO 80203  
Phone: 303-831-9006  
Fax: 303-830-6813  
Attorney for Metro Taxi, Inc., Intervenor

AND

LAW OFFICES OF STAN EPSHTEIN

  
Stan Epshtein, #22599  
6795 East Tennessee Avenue, Suite 380  
Denver, CO 80224  
Phone: 303-377-5577  
Fax: 303-377-5588  
Attorney for Applicant, Superior Care  
and Transportation, Inc.

CERTIFICATE OF MAILING

I, the undersigned, do hereby certify that on October <sup>10<sup>th</sup></sup>, 2003, I served the foregoing **STIPULATED MOTION FOR IMPOSITION OF RESTRICTIVE AMENDMENT AND CONDITIONAL WITHDRAWAL OF INTERVENTION OF METRO TAXI, INC. IN DOCKET NO. 03A-050CP, SUPERIOR CARE AND TRANSPORTATION, INC.** on the following via hand delivery or First Class Mail, postage prepaid, and addressed as follows:

John J. Roberts, Esq.  
Assistant Attorney General  
Business and Licensing Section  
Office of the Attorney General  
1525 Sherman Street, 5<sup>th</sup> Floor  
Denver, CO 80203-1714  
**By First Class Mail**

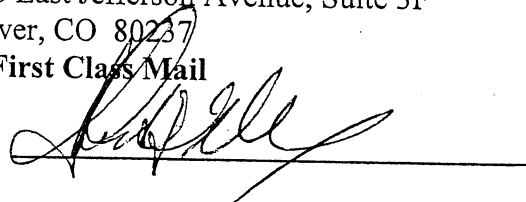
Gary Gramlick, PUC Trial Staff  
Colorado Public Utilities Commission  
1580 Logan Street  
Office Level 2  
Denver, CO 80203  
**By Hand Delivery**

Dino Ioannides, Advisory Staff  
Colorado Public Utilities Commission  
1580 Logan Street  
Office Level 2  
Denver, CO 80203  
**By Hand Delivery**

Charles J. Kimball  
Kimball & Nespor, P.C.  
5400 Ward Road, Building III, Suite 150  
Arvada, CO 80002  
Attorney for Care-4-U Transportation and  
Admired Transportation  
**By First Class Mail**

Stan Epshtein, Esq.  
6795 East Tennessee Ave., Suite 380  
Denver, CO 80224  
Attorney for Superior Care  
**By First Class Mail**

Admired Transportation, Inc.  
8500 East Jefferson Avenue, Suite 3F  
Denver, CO 80237  
**By First Class Mail**



~~PETITIONS TO INTERVENE IN THE PROCEEDINGS~~  
FILED WITH THE COMMISSION WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS NOTICE, UNLESS OTHERWISE NOTED. PETITIONS TO INTERVENE IN TEMPORARY AUTHORITY APPLICATIONS MUST BE FILED WITHIN FIVE (5) DAYS FROM THE DATE OF THIS NOTICE IN THE MANNER AS PROVIDED FOR THE FILING OF INTERVENTIONS TO APPLICATIONS AS SET FORTH IN THIS NOTICE. TEMPORARY APPLICATIONS ARE THOSE DOCKETS WITH THE LETTERS TA AFTER THE NUMBER.

DOCKET NO. 03A-040BP-EXTENSION  
DOCKET NO. 03A-040BP-EXTENSION-TA

MOBILITY TRANSPORTATION & SERVICES,  
INC.  
4275 MILWAUKEE STREET  
DENVER, CO 80216

CHARLES J. KIMBALL  
ATTORNEY FOR APPLICANT  
KIMBALL & NESPOR, P.C.  
5400 WARD ROAD, BLDG. III, SUITE NO. 150  
ARVADA, CO 80002

FOR AUTHORITY TO EXTEND OPERATIONS UNDER CONTRACT CARRIER PERMIT NO. B-9798 AS FOLLOWS: (1) TO INCLUDE THE TRANSPORTATION OF PASSENGERS AND THEIR BAGGAGE, BETWEEN THE FACILITIES OF CRAIG REHABILITATION HOSPITAL, AT OR NEAR 3425 SOUTH CLARKSON STREET, ENGLEWOOD, COLORADO, ON THE ONE HAND, AND, ALL POINTS IN THE STATE OF COLORADO, ON THE OTHER HAND; AND (2) TO ELIMINATE DENVER OPTIONS, INC., AS A CUSTOMER. THIS APPLICATION IS RESTRICTED AS FOLLOWS: (A) TO PROVIDING TRANSPORTATION SERVICE FOR ONLY CRAIG REHABILITATION HOSPITAL, AT OR NEAR 3425 SOUTH CLARKSON STREET, ENGLEWOOD, COLORADO; AND (2) TO PROVIDING TRANSPORTATION SERVICE IN WHEELCHAIR ACCESSIBLE VANS. THIS MATTER IS SET FOR HEARING BEFORE THE COMMISSION ON APRIL 14, 2003.

DOCKET NO. 03A-046CP-WAIVER

BOB BURNS  
DBA K M B CAR SERVICE  
6209 WEST 92ND PLACE  
WESTMINSTER, CO 80031

FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 2.3 (DISCRETIONARY VEHICLE) OF THE RULES AND REGULATIONS GOVERNING MOTOR VEHICLE CARRIERS EXEMPT FROM REGULATION AS PUBLIC UTILITIES AND ESTABLISHING CIVIL PENALTIES, 4 CCR 723-33. THE REQUESTED WAIVER IS FROM JANUARY 31, 2003 TO JANUARY 31, 2006. PETITIONS TO INTERVENE IN THIS APPLICATION MUST BE FILED WITH THE COMMISSION WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE. THIS MATTER IS SET FOR HEARING BEFORE THE COMMISSION ON MARCH 7, 2003.

DOCKET NO. 03A-050BP

SUPERIOR CARE & TRANSPORTATION, INC.  
15678 EAST QUINCY LANE  
AURORA, CO 80015

FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE FOR THE TRANSPORTATION OF PASSENGERS AND THEIR BAGGAGE, BETWEEN ALL POINTS WITHIN THE COUNTIES OF ARAPAHOE, BOULDER, BROOMFIELD, DENVER, DOUGLAS, JEFFERSON, AND LARIMER, STATE OF COLORADO. THIS APPLICATION IS RESTRICTED AS FOLLOWS: (1) RESTRICTED TO PROVIDING TRANSPORTATION SERVICE FOR: (A) ARAPAHOE COUNTY TRANSPORTATION SERVICES, 2009 WEST LITTLETON BOULEVARD, LITTLETON CO 80120; (B) DEPARTMENT OF HUMAN SERVICES OF THE CITY AND COUNTY OF DENVER, 1200 FEDERAL BOULEVARD, DENVER, CO 80204; (C) GOLDEN AUTUMN ADULT DAY CARE SERVICES, 6625 LEETSDALE DRIVE, UNIT C, DENVER, CO 80224; AND (D) MONACO ADULT DAY CARE, INC., 6675 EAST TENNESSEE AVENUE, SUITE 100, DENVER, CO 80224; (2) RESTRICTED AGAINST ANY TRANSPORTATION SERVICE THAT ORIGINATES OR TERMINATES AT ANY HOTEL OR MOTEL; AND (3) RESTRICTED AGAINST ANY TRANSPORTATION SERVICE THAT ORIGINATES OR TERMINATES AT DENVER INTERNATIONAL AIRPORT. THIS MATTER IS SET FOR HEARING BEFORE THE COMMISSION ON APRIL 16, 2003.