

Decision No. C04-0450

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

DOCKET NO. 03A-157CP

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IN THE MATTER OF THE APPLICATION OF MARY CARE, INC., FOR A CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER  
BY MOTOR VEHICLE FOR HIRE.

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**DECISION GRANTING REQUEST  
FOR EXTENSION OF TIME**

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Mailed Date: April 29, 2004  
Adopted Date: April 28, 2004

**I. BY THE COMMISSION:**

**Statement**

1. This matter comes before the Colorado Public Utilities Commission (Commission) for consideration of a request for an extension of time to comply with Administrative Law Judge (ALJ) Decision No. R03-0720 filed by Mary Care, Inc. Decision No. R03-0720 granted Mary Care, Inc., authority to operate as a contract carrier as follows:

Transportation of passengers and their baggage between the facilities of Mary Care, Inc., at 7800 W. Colfax, Lakewood, Colorado 80215, on the one hand, and all points in the counties of Adams, Arapahoe, Boulder, Denver, Douglas, and Jefferson, State of Colorado, on the other hand.

**RESTRICTIONS:**

- (1) To providing transportation services to clients of Mary Care, Inc., who are being transported either to or from the Mary Care, Inc., facilities at 7800 W. Colfax, Lakewood, Colorado 80215, and who are also recipients of Medicaid;
- (2) Restricted to the use of only two vehicles each with a seating capacity of 12 passengers or more; and

- (3) Restricted against the transportation of any person under the age of 18 years old.

2. The Commission received a letter signed by William Barbre an administrator for Mary Care, Inc., on April 9, 2004. In this letter, Mr. Barbre requests the reinstatement of Mary Care, Inc.'s, certificate of public convenience and necessity and an extension of time within which to comply with the requirements of Decision R03-0720.

3. The Order, Decision No. R03-0720, was mailed on July 2, 2003, and became effective on July 22, 2003. The Order required that Mary Care, Inc., file with the Commission, certificates of insurance and appropriate tariffs and pay the issuance fee and annual vehicle identification fees within 60 days of the effective date of the order. Therefore, Mary Care, Inc., had until September 20, 2003, to comply with these requirements. The Order further stated that if Mary Care, Inc., failed to comply with these requirements, the authority granted would be void. However, on good cause shown, the Commission may grant additional time for compliance provided the request is filed with the Commission within the 60-day period.

4. The letter filed by Mary Care, Inc., was received by the Commission on April 9, 2004. Therefore, the letter was not received within the 60-day period stipulated in Decision No. R03-0720. In his letter Mr. Barbre states "We were under the impression that once the decision had been made that we could then proceed transporting our patients as needed to our center and back. Also, we were in the process of lining up the appropriate vehicles, ensuring their reliability and maintenance, and also making arrangements for the insurance, and the other myriad expenses required to operate a safe and reliable vehicle. It was during this time that the business here picked up dramatically, and our personnel were shuffled around from the office, or vice-

versa. Should the Commission find this request acceptable, we would ensure that our vehicles will be registered with the PUC, and all necessary documentation provided as soon as humanly possible.”

5. Pursuant to § 40-6-112, Colorado Revised Statutes, the Commission may amend previous Decisions: “Any decision rescinding, altering, or amending a prior decision, when served upon the public utility affected, shall have the same effect as original decisions.” In this case we amend Decision R03-720 so that the last sentence of Order Paragraph Number 3 reads as follows: “On good cause shown, the Commission may grant additional time for compliance, provided the request for additional time is made by April 30, 2004.”

6. The Commission finds that Mary Care, Inc., has shown that good cause exists to grant an extension of time to comply with the requirements of Decision No. R03-0720 for an additional 60 days from the effective date of this order. The Commission wishes to emphasize that relief under § 40-6-112, C.R.S. does not absolve parties of their responsibility to follow Commission rules.

## **II. ORDER**

### **A. The Commission Orders That:**

1. We amend Commission Decision No. R03-0720 so that additional time for compliance with that Decision may be granted, as long as the request is made by April 30, 2004, provided good cause is shown.

2. A timely request having been made, and good cause having been demonstrated, Mary Care, Inc., is granted an extension of time of 60 days from the effective date of this order within which to comply with Decision No. R03-0720.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
April 28, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners