

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-455CP-TA

THE APPLICATION OF CARE-4-U TRANSPORTATION, INC., FOR TEMPORARY AUTHORITY TO CONDUCT OPERATIONS AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION ORDER DENYING
TEMPORARY AUTHORITY**

Mailed Date: September 30, 2004
Adopted Date: September 29, 2004

I. BY THE COMMISSION:

A. Statement

1. On September 2, 2004, Care-4-U Transportation, Inc. (Care-4-U Transportation), filed an application for temporary authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage, in call-and-demand limousine service, between all points in the Counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson, State of Colorado.

2. The Commission gave notice of the application on September 20, 2004.

3. MKBS, LLC doing business as Metro Taxi, Boulder Shuttle, LLC, SuperShuttle International Denver, Inc., Denver Taxi, LLC, and Boulder Taxi, LLC, filed interventions to this application.

4. Pursuant to § 40-6-120(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 carrier service capable of meeting such need."

5. Care-4-U Transportation must meet a two-fold test: first, that there is an immediate and urgent need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If Care-4-U Transportation fails to meet either test, the application must be denied.

B. Findings of Fact

6. Three support letters were submitted in support of this application. The authors of all three letters are employees of dialysis clinics located in the Denver metropolitan area. The authors generally state that Care-4-U Transportation has been providing reliable, courteous, and compassionate transportation services to several of their patients, and that they would not hesitate to recommend Care-4-U Transportation to their patients in the future. None of the letters include a date by which the Commission can determine when the author wrote the letter. Also, the writers of these letters do not include any specific statements that indicate an immediate and urgent need exists for the service named in this temporary authority application.

7. Care-4-U Transportation, under Contract Carrier Permit No. B-9835, may provide the transportation of passengers between all points in the Counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson, State of Colorado. Care-4-U Transportation is restricted by Contract Carrier Permit B-9835 to: (1) providing transportation services for Arapahoe County Community Services Department, the City and County of Denver Department of Human Services, and the Douglas County Department of Human Services; and (2) to providing transportation services for passengers who are recipients of Medicaid. Therefore, Care-4-U appears to already have the authority to provide the services named in the three support letters filed with the application.

C. Conclusions

8. The Commission finds that an immediate and urgent need for the requested transportation services has not been shown to exist, and it has not been shown that there are no other carriers capable of providing the service.

9. This application for temporary authority is not in the public interest.

10. The denial of this application creates no presumption about the final disposition of the permanent authority application. The permanent authority application will be determined on the evidence presented using the statutory criteria.

II. ORDER

A. The Commission Orders That:

1. The application for temporary authority filed by Care-4-U Transportation is denied.

2. 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 Order.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
September 29, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners
CHAIRMAN GREGORY E. SOPKIN
ABSENT.