

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-555BP-ETA

THE APPLICATION OF LAS ANIMAS COUNTY REHABILITATION CENTER, INC. FOR EMERGENCY TEMPORARY AUTHORITY TO CONDUCT OPERATIONS AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION ORDER GRANTING
EMERGENCY TEMPORARY AUTHORITY**

Mailed Date: November 9, 2004
Adopted Date: November 3, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On October 28, 2004, Las Animas County Rehabilitation Center, Inc. filed an application for emergency temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of passengers and their baggage between all points in the Counties of Huerfano, and Las Animas, State of Colorado, and between said points, on the one hand, and all points in the Counties of Denver, El Paso, and Pueblo, on the other hand. This application is restricted to providing transportation services for: (A) passengers who are clients of Las Animas County Rehabilitation Center, Inc., 1205 Congress Drive, Trinidad, Colorado 81082; (B) passengers who are clients of Southern Colorado Developmental Disabilities Services, Inc., 1205 Congress Drive, Trinidad, Colorado 81082; and (C) passengers who are recipients of Medicaid.

2. 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." Section 40-6-120(4), C.R.S., further states: "If the Commission is of the opinion 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 shall expire no later than thirty days after it was issued."

3. Las Animas County Rehabilitation Center, Inc. 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 Las Animas County Rehabilitation Center, Inc. fails to meet either test, the application must be denied.

4. Duane Roy, the director of Las Animas County Rehabilitation Center, Inc., filed a letter in support of this application. In this letter, Mr. Roy states "Las Animas County Rehabilitation Center, Inc. provides non-emergent transportation services to the developmentally disabled that reside in Las Animas and Huerfano Counties. In the past, Las Animas County Rehabilitation Center, Inc. has provided these services under the contract that we had with the State of Colorado, Division for Developmental Disabilities. The cost for the services was include in our daily rate. The contract that we have was recently changed and requires that we access these services through the State Medicaid Plan. Due to the nature of the specific individual needs, regular public transportation is not an option for these individuals."

5. The Commission finds that an emergency need for the requested transportation services exists has been shown to exist, and it has not been shown there is another carrier capable of providing the service.

6. Las Animas County Rehabilitation Center, Inc. has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

7. This application for emergency temporary authority is in the public interest.

8. Las Animas County Rehabilitation Center, Inc. is advised that the grant of an emergency temporary authority creates no presumption that either a temporary or permanent authority will be granted.

II. ORDER

A. The Commission Orders That:

1. Las Animas County Rehabilitation Center, Inc. is granted emergency temporary authority to conduct operations as a contract carrier for a period of 30 days commencing from the Mailed Date of this Order, with authority as set forth in the Appendix.

2. Las Animas County Rehabilitation Center, Inc. shall operate in accordance with all applicable Commission rules and regulations.

3. Las Animas County Rehabilitation Center, Inc. shall not commence operation until it has caused to be filed with the Commission certificates of insurance as required by Commission rules. Las Animas County Rehabilitation Center, Inc. shall file a proper tariff and pay the issuance fee and appropriate annual vehicle identification fee. Las Animas County Rehabilitation Center, Inc. may not begin operations until these requirements have been met and it has received notice in writing from the Commission that it is compliance and may begin service.

4. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, re-argument, or reconsideration shall begin on the first day after the Commission mails or serves this Order.

5. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
November 3, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Transportation of passengers and their baggage between all points in the Counties of Huerfano, and Las Animas, State of Colorado, and between said points, on the one hand, and all points in the Counties of Denver, El Paso, and Pueblo, on the other hand.

This **emergency temporary permit** is restricted to providing transportation services for: (A) passengers who are clients of Las Animas County Rehabilitation Center, Inc., 1205 Congress Drive, Trinidad, Colorado 81082; (B) passengers who are clients of Southern Colorado Developmental Disabilities Services, Inc., 1205 Congress Drive, Trinidad, Colorado 81082; and (C) passengers who are recipients of Medicaid.