

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-251BP

IN THE MATTER OF THE APPLICATION OF MONACO ADULT DAY CARE, INC. FOR
AUTHORITY TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR
HIRE.

**DECISION GRANTING REQUEST
FOR EXTENSION OF TIME**

Mailed Date: November 19, 2004
Adopted Date: November 10, 2004

I. BY THE COMMISSION:

A. Statement

1. This matter comes before the Colorado Public Utilities Commission (Commission) for consideration of a Motion To Reinstate And For Extension Of Time filed by Monaco Adult Day Care, Inc. (Monaco Adult Day Care) in Docket No. 03A-251BP.

2. On October 7, 2003, in Decision No. R03-1137, an administrative law judge granted Monaco Adult Day Care the authority to provide transportation of passengers and their baggage between the facilities of Monaco Adult Day Care, Inc., 6675 East Tennessee Avenue, Denver, Colorado, on the one hand, and all points in the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson, State of Colorado, on the other. This permit was restricted as follows: (1) to providing transportation services for Monaco Adult Day Care, Inc., 6675 East Tennessee Avenue, Denver, Colorado; (2) to providing transportation services to passengers who are recipients of Medicaid; and (3) to two vehicles, each with a capacity of more than eight passengers.

3. Decision No. R03-1137 became a decision of the Commission on October 27, 2003. Decision No. R03-1137 required that Monaco Adult Day Care file with the Commission the appropriate certificate of insurance, a tariff, and pay the issuance fee and annual vehicle identification fees within 60 days of the effective date of the order. Therefore, Monaco Adult Day Care had until December 26, 2003, to comply with the requirements of Decision No. R03-1137. The order further stated that if Monaco Adult Day Care 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.

4. Monaco Adult Day Care did file the required tariff and paid the issuance fee and annual vehicle identification fees within the 60-day compliance period. Monaco Adult Day Care did not file the required certificate of insurance within the 60-day compliance period.

5. Monaco Adult Day Care's motion requesting an extension of time to meet the filing requirements of Decision No. R03-1137 was received by the Commission on October 27, 2004. In its motion, Monaco Adult Day Care states "On October 31, 2003, Monaco personally delivered a check for \$15 (\$5 stamp fee per vehicle for two vehicles, and \$5 issuance fee), and a tariff. The remaining requirement, NARUC Form E certificate of insurance was to be filed by Monaco's carrier Progressive Insurance Company directly with the PUC. Apparently, Progressive Insurance Company failed to file the NARUC Form E certificate of insurance. Monaco was not aware of this fact and commenced operations. At all times pertinent hereto, Monaco has maintained valid insurance. See Exhibit A, Form E effective from September 24, 2003. See Exhibit B, Form E effective from March 17, 2004. See Exhibit C, Form E effective from September 17, 2004."

6. Monaco Adult Day Care did not file the required liability insurance within the time period named in Decision No. R03-1137. However, it does appear that Monaco Adult Day Care has maintained the liability insurance since September 24, 2003. Monaco Adult Day Care's insurance carrier, Progressive Insurance Company, may not have filed the required certificate of insurance with the Commission.

7. The Commission finds that good cause exists to grant an extension of time to comply with the requirements of Decision No. R03-1137 for an additional 30 days from the effective date of this order.

8. Monaco Adult Day Care is advised that as a contract carrier it has the responsibility to be knowledgeable of the Commission's rules and regulations pertinent to contract carriers. Monaco Adult Day Care admits it has been providing service for nearly a year without completing the requirements necessary to being issued a contract carrier permit number. Monaco Adult Day Care may be subject to civil proceedings for any future violations of Commission rules and regulations.

II. ORDER

A. The Commission Orders That:

1. Monaco Adult Day Care is granted an extension of time of 30 days from the effective date of this order within which to comply with Decision No. R03-1137.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 10, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners