

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-548BP-ETA

THE APPLICATION OF MESA DEVELOPMENT SERVICES FOR EMERGENCY
TEMPORARY AUTHORITY TO CONDUCT OPERATIONS AS A CONTRACT CARRIER
BY MOTOR VEHICLE FOR HIRE.

**COMMISSION ORDER GRANTING
EMERGENCY TEMPORARY AUTHORITY**

Mailed Date: December 17, 2004
Adopted Date: December 15, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On December 13, 2004, Mesa Developmental Services 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 Mesa County, State of Colorado. This application is restricted as follows: (I) to providing transportation services only for passengers who are clients of Mesa Developmental Services, 950 Grand Avenue, Grand Junction, Colorado 81501; and (II) to the transportation of 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. Mesa Developmental Services 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 Mesa Developmental Services fails to meet either test, the application must be denied.

4. Anita Pisciotte, the Executive Director of Mesa Development Services, filed a letter in support of this application. In this letter, Ms. Pisiotte states "Mesa Development Services (MDS) is a Community Centered Board designated by the Colorado Department of Human Services, Division for Developmental Disabilities. It (MDA) has filed an application to operate as contract carrier in Docket No. 04A-548BP. Tazco, Inc. dba Sunshine Taxi filed an intervention (to Docket No. 04A-548BP) and the matter is set for hearing on January 5, 2005. The parties believe that they will resolve their issues prior to the hearing, but the intervention may, nevertheless, delay the entry of an order in the permanent application. In the interim, MDS is unable to be reimbursed for transporting its developmentally disabled clients, who are Medicaid recipients, to doctor's appointments. Prior to October 1, 2004, this service was provided through a Home and Community Based Services Waiver. As of that date, appointments transportation service was eliminated from the Waiver. MDS must now bill the Colorado Medical Assistance Program for reimbursement of medical appointments transportation. Transportation for medical appointments is an essential need of MDS's developmentally disabled clients who are unable to transport themselves."

5. The Commission finds that an emergency need for the requested transportation services has been shown to exist, and no other carrier has been shown to be capable of providing the service.

6. Mesa Developmental Services 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. Mesa Developmental Services 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. Mesa Developmental Services 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. Mesa Developmental Services shall operate in accordance with all applicable Commission rules and regulations.

3. Mesa Developmental Services shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Mesa Developmental Services shall file a proper tariff and pay the issuance fee and appropriate annual vehicle identification fee. Mesa Developmental Services may not begin operations until these requirements have been met and it has received notice in writing from the Commission that it is in 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
December 15, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Transportation of passengers and their baggage between all points in Mesa County, State of Colorado.

This **emergency temporary permit** is restricted as follows: (I) to providing transportation services only for passengers who are clients of Mesa Developmental Services, 950 Grand Avenue, Grand Junction, Colorado 81501; and (II) to the transportation of passengers who are recipients of Medicaid.