

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-630BP-ETA

THE APPLICATION OF AMISTAD OF SAN LUIS, 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: December 17, 2004
Adopted Date: December 15, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On December 9, 2004, Amistad of San Luis, 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 County of Costilla, State of Colorado, and between said points, on the one hand, and all points in the Counties of Alamosa, Conejos, and Mineral, State of Colorado, on the other hand. This application is restricted: (1) to providing transportation services for passengers who are clients of Amistad of San Luis, Inc., P. O. Box 674, San Luis, Colorado 81152; and (2) 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. Amistad of San Luis, 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 Amistad of San Luis, Inc. fails to meet either test, the application must be denied.

4. Ann Funk, the President of Amistad of San Luis, Inc., submitted a letter in support of this application. In her letter, Ms. Funk states "Amistad provides adult day care services to residents of Costilla County. We transport our clients between points in Costilla County and to and from points in Alamosa, Conejos, and Mineral Counties. I am requesting to be allowed to operate as a contract carrier for the transportation of Medicaid clients. I received the enclosed letter from the Department of Health Care Policy and Finance on December 2, 2004. The letter from the Department of Health Care Policy and Finance states that companies that provide transportation for hire are required to have a PUC letter of authority to provide this service. Barbara Ramsey, a manager at Home and Community Based Services and the author of the letter, asks Amistad to forward a copy of its letter of authority to her office by December 17, 2004. I am concerned that Amistad will not be able to bill Medicaid for the transportation services it provides if we do not acquire the contract carrier authority from the PUC."

5. The letter from the Department of Health Care Policy and Finance that Ms. Funk refers to states "You have been identified as a provider that transports Home & Community Based Services clients to non-medical destinations, including but not limited to Adult Day Programs, grocery stores and other daily functions. Companies that provide transportation for

hire are required to have a Public Utilities Commission Letter of Authority to provide this service. We do not have a copy of the Letter of Authority for your company. Please forward a copy of your Letter of Authority by December 17, 2004.”

6. 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.

7. Amistad of San Luis, Inc. has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

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

9. Amistad of San Luis, 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. Amistad of San Luis, 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. Amistad of San Luis, Inc. shall operate in accordance with all applicable Commission rules and regulations.

3. Amistad of San Luis, Inc. shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Amistad of San Luis, Inc. shall file a proper tariff and pay the issuance fee and appropriate annual vehicle identification fee. Amistad of San Luis,

Inc. 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 the County of Costilla, State of Colorado, and between said points, on the one hand, and all points in the Counties of Alamosa, Conejos, and Mineral, State of Colorado, on the other hand.

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