

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-639CP-TRANSFER-ETA

THE APPLICATION OF VAGABOND ENTERPRISES, INC. DOING BUSINESS AS SAFE+WAY MEDICAL TRANSPORTATION, INC. FOR EMERGENCY TEMPORARY APPROVAL TO ALLOW WE CARE MEDICAL TRANSPORTATION, LLC TO ASSUME OPERATIONAL CONTROL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 55696.

**COMMISSION ORDER GRANTING
EMERGENCY TEMPORARY APPROVAL**

Mailed Date: December 22, 2004

Adopted Date: December 21, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On December 15, 2004 Vagabond Enterprises, Inc. doing business as Safe+Way Medical Transportation, Inc. (Vagabond Enterprises) filed an application for emergency temporary approval to allow We Care Medical Transportation, LLC (We Care Medical) to assume operational control of Certificate of Public Convenience and Necessity (CPCN) PUC No. 55696 pending Commission consideration of the related application to permanently transfer the certificate.

2. Pursuant to § 40-6-120(2), C.R.S., the Commission may grant temporary approval of a certificate transfer "if it appears that failure to grant such temporary approval may result in destruction of or injury to such carrier or carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public." 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. Gregory Van Dell, the president of Vagabond Enterprises, submitted a letter in support of this application. In his letter, Mr. Van Dell states "Due to an accident that I had a year ago and the resulting surgery on my neck, I have been unable to perform my duties as a business owner. It is hard to deal with the pain and be an effective administrator. The result of trying to do this has left me no choice but to get out of this area and pursue something else. However, there are many nursing homes that rely on my company for all of their transportation needs. Because of this, it is imperative that the business (We Care Medical) that is taking over my PUC authority license 55696, be granted authority to operate immediately and seamlessly to maintain the level of service that my company provided."

4. The Commission is aware that Vagabond Enterprises transports many passengers who are clients of Medicaid between points in the Counties of Adams, Arapahoe, Denver, and Douglas, State of Colorado. The transportation of these passengers frequently requires the use of a specialized vehicle and drivers who have received a certain level of training. An interruption of the transportation service currently being provided by Vagabond Enterprises could result in an inconvenience to these passengers.

5. Therefore, the Commission finds that a failure to grant emergency approval of an assumption of operational control could result in injury to CPCN PUC No. 55696 and ultimately affect service to the public.

6. We Care Medical has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

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

8. Vagabond Enterprises and We Care Medical are advised that the grant of emergency temporary approval of an assumption of operational control creates no presumption that either temporary approval of an assumption of operational control or permanent approval of the transfer will be granted.

II. ORDER

A. The Commission Orders That:

1. The application filed by Vagabond Enterprises for emergency temporary approval to allow We Care Medical to assume operational control of CPCN PUC No. 55696 is granted.

2. We Care Medical is granted emergency temporary approval to conduct operations under CPCN PUC No. 55696 for a period of 30 days commencing from the Mailed Date of this Order.

3. We Care Medical shall operate in accordance with all applicable Commission rules and regulations.

4. We Care Medical shall cause to be filed with the Commission certificates of insurance as required by Commission rules. We Care Medical shall also adopt the tariff of Vagabond Enterprises. This tariff shall become that of We Care Medical until changed in accordance with the public utilities law. We Care Medical shall pay the appropriate vehicle identification fee. We Care Medical shall not assume operational control of CPCN PUC No.

55696 until it has met these requirements, and it has received notice in writing from the Commission stating that it is in compliance and may begin service.

5. 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.

6. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
December 21, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners