

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-406BP

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN ACCESS
TRANSPORTATION, INC., 6850 E. EVANS, SUITE 203, DENVER, COLORADO 80224,
FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR
HIRE.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
GRANTING APPLICATION**

Mailed Date: October 13, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On July 22, 2004, Applicant Rocky Mountain Access Transportation, Inc., filed an application to operate as a contract carrier by motor vehicle for hire.

2. On August 9, 2004, the Commission issued notice of the application as follows:

For authority to operate as a contract carrier by motor vehicle for hire for the transportation of

passengers and their baggage

between all points in the Counties of Adams, Arapahoe, Broomfield, Denver, Douglas, and Jefferson.

RESTRICTION:

This application is restricted to providing transportation services for clients of: (1) Mahdi Home Health Care, Inc., 6850 E. Evans Avenue, No. 101, Denver, Colorado 80224; and (2) Rocky Mountain Medical and Health Care, Inc., 6850 E. Evans Avenue, No. 102, Denver, Colorado 80224.

3. On September 3, 2004, Golden West Commuter, LLC (Golden West) filed a Notice of Intervention.

4. The Commission scheduled this matter for hearing for October 19, 2004.

5. On September 30, 2004, Applicant and Golden West filed a Stipulation of Parties, Motion to Restrictively Amend Application and to Withdraw Intervention. By the terms of the Stipulation, Applicant moves to restrictively amend its application to include the following restrictions:

1. This authority is restricted to providing transportation services for clients of: (1) Mahdi Home Health Care, Inc., 6850 E. Evans Avenue, No. 101, Denver, Colorado 80224; and (2) Rocky Mountain Medical and Home Care, Inc., 6850 E. Evans Avenue, No. 102, Denver, Colorado 80224; and
2. This authority is restricted to transportation services to and from the facilities of: (1) Mahdi Home Health Care, Inc., 6850 E. Evans Avenue, No. 101, Denver, Colorado 80224; and (2) Rocky Mountain Medical and Home Care, Inc., 6850 E. Evans Avenue, No. 102, Denver, Colorado 80224; and
3. This authority is restricted against all service to or from Denver International Airport, Denver, Colorado; and
4. This authority is restricted against all service to, from, or between points in Jefferson County, Colorado, except for service to and from the residences of Medicaid recipients living in Jefferson County.
6. Golden West states in the Stipulation that if the Commission accepts the above restrictions, it will withdraw its intervention.

7. It is found that the proposed restrictive amendment of Applicant is restrictive in nature, clearly stated, and enforceable. The restrictive amendment will be accepted.

8. Since this application is now non-contested, the matter may be handled pursuant to the Commission's modified procedure under the provisions of § 40-6-109(5), C.R.S., and Rule 24(a) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

9. It is found and concluded that Applicant is financially and otherwise fit to provide the specialized service needed by its customers. These findings are based upon the application,

financial statement, support letters, and other documents contained in the official file of the Commission.

10. Pursuant to § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The motion of Rocky Mountain Access Transportation, Inc., as contained in the Stipulation of the parties filed on September 30, 2004 to restrictively amend the application is accepted.

2. Rocky Mountain Access Transportation, Inc., is granted a permit to operate as a contract carrier by motor vehicle for hire for the transportation of:

Passengers and their baggage

between all points in the Counties of Adams, Arapahoe, Broomfield, Denver, Douglas, and Jefferson.

RESTRICTIONS:

1. This authority is restricted to providing transportation services for clients of: (1) Mahdi Home Health Care, Inc., 6850 E. Evans Avenue, No. 101, Denver, Colorado 80224; and (2) Rocky Mountain Medical and Home Care, Inc., 6850 E. Evans Avenue, No. 102, Denver, Colorado 80224; and
2. This authority is restricted to transportation services to and from the facilities of: (1) Mahdi Home Health Care, Inc., 6850 E. Evans Avenue, No. 101, Denver, Colorado 80224; and (2) Rocky Mountain Medical and Home Care, Inc., 6850 E. Evans Avenue, No. 102, Denver, Colorado 80224; and
3. This authority is restricted against all service to or from Denver International Airport, Denver, Colorado; and
4. This authority is restricted against all service to, from, or between points in Jefferson County, Colorado, except for service to and from the residences of Medicaid recipients living in Jefferson County.

3. The hearing currently scheduled for October 19, 2004 is vacated.
4. The authority granted in ordering paragraph no. 2 is conditioned on Applicant meeting the requirements contained in this Order and is not effective until these requirements have been met.
5. All operations shall be strictly contract operations.
6. Applicant shall file the necessary tariffs, required insurance, and comply with any other requirement of the Commission. Operations may not begin until these requirements have been met and the Applicant has been notified by the Commission that operations may begin. If the Applicant does not comply with the requirements of this ordering paragraph within 60 days of the mailing date of this Order, then ordering paragraph no. 2 which grants authority to the Applicant shall be void, and the authority granted will then be void. On good cause shown, the Commission may grant additional time for compliance provided the request is filed with the Commission within the 60-day period.
7. The right of Applicant to operate shall depend upon its compliance with all present and future laws and regulations of the Commission.
8. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.
9. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.
 - a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

10. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge