

Decision No. C14-0741

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0625BP-EXTENSION-TA

IN THE MATTER OF THE APPLICATION OF AGA MARBLE INC. D/B/A DEPENDABLE
TRANSPORTATION LLC FOR TEMPORARY AUTHORITY TO EXTEND OPERATIONS
UNDER CONTRACT CARRIER PERMIT NO. B-9931.

**COMMISSION DECISION
DENYING TEMPORARY AUTHORITY**

Mailed Date: July 2, 2014
Adopted Date: June 25, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On June 5, 2014, AGA Marble, Inc., doing business as Dependable Transportation (Applicant), filed an application for temporary authority to extend operations as a contract carrier by motor vehicle for hire under Contract Carrier Permit No. B-9931.

2. Applicant specifically requests temporary approval to extend its permit to operate as a contract carrier for the transportation of Medicaid recipients in non-emergency medical transportation (NEMT) in Boulder County, and to extend the limit on the number of vehicles it can use at any one time from six to nine.

3. Pursuant to § 40-10.1-204(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 such service capable of meeting the need.”

4. Applicant must meet a two-fold test: first, that there is an immediate and urgent need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If Applicant fails to meet either test, the application must be denied.

5. Commission Rules 4 *Code of Colorado Regulations* (CCR) 723-6-6205(c)(II) and 4 CCR 723-6-6203(c) of the Rules Regulating Transportation by Motor Vehicle, also require contract carriers seeking temporary authority to submit a customer support letter addressing the immediate and urgent need for the proposed service, and specifying whether any alternative possible services in the area exist.

6. In support of the application, Applicant explains that there is a lack of providers of this transportation service in Boulder County. However, the application is lacking the required support letter from the customer to be served under the contract. In this instance, that customer would be First Transit, the broker for NEMT service in Boulder County.

7. The Commission also takes judicial notice of Proceeding No. 14A-0494BP-Stock Transfer, involving Sityana Transport, LLC (Sityana), and Alpha American Logistics LLC. Sityana has authority to perform NEMT in Boulder County, and the required support letter from First Transit supporting the stock transfer of Sityana has been filed in that proceeding, indicating that First Transit does have alternative options to perform NEMT in Boulder County.

8. Additionally, MKBS LLC, doing business as Metro Taxi (Metro) intervened against this application, on June 20, 2014, stating that Metro was willing and able to perform the transportation in Boulder County and has the authority to do so.

9. The Commission finds and concludes that the information submitted with this application does not support a temporary extension of authority for Applicant.

II. ORDER

A. The Commission Orders That:

1. The application for Temporary Authority to extend operations under Contract Carrier Permit No. B-9931 by AGA Marble, Inc., doing business as Dependable Transportation is denied.

2. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Decision.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 25, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners