

Decision No. R14-0105

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1237BP

IN THE MATTER OF THE APPLICATION OF ALPRASIM, LLC FOR A PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
GRANTING WITHDRAWAL OF INTERVENTION;
GRANTING PERMANENT AUTHORITY TO OPERATE AS
A CONTRACT CARRIER WITH RESTRICTIVE
AMENDMENTS UNDER MODIFIED PROCEDURES**

Mailed Date: January 27, 2014

I. STATEMENT

1. On November 20, 2013, Alprasm, LLC (Applicant) filed an application for an authority to operate as a contract carrier by motor vehicle for hire to provide transportation to recipients of Medicaid and non-medical transportation services for the Colorado Department of Health Care Policy and Financing.

2. On December 2, 2013, 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

between all points in the Counties of Adams, Arapahoe, Denver and Jefferson, State of Colorado.

RESTRICTIONS: This application is restricted:

(a) to the transportation of passengers who are recipients of Medicaid;

- (b) to providing Non-Medical Transportation services for the Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, Colorado;
- (c) against providing transportation services to or from airports, hotels, and motels; and,
- (d) to no more than two (2) vehicles in service at any one time.

3. On December 16, 2013, MKBS, LLC, doing business as Metro Taxi &/or Taxis Fiesta &/or South Suburban &/or Northwest Suburban Taxi (Metro Taxi) filed its Entry of Appearance and Intervention by Right or Alternative Motion to Permissively Intervene.

4. On January 7, 2014, legal counsel for Applicant filed an Entry of Appearance.

5. On January 8, 2014, the Commission, at its regular weekly meeting, deemed the application complete and referred the matter to an Administrative Law Judge (ALJ) for disposition. The matter was subsequently assigned to the undersigned ALJ.

6. On January 9, 2014, Metro Taxi filed a Motion for Withdrawal of Intervention as it indicates that based on information receive from Applicant, it no longer contests the Application and seeks to withdraw its intervention.

7. Metro Taxi's withdrawal of its Intervention is granted.

8. No pre-hearing conference has been scheduled in this proceeding, nor has a procedural schedule been adopted.

9. In accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission, the record in this proceeding along with a written Recommended Decision.

II. FINDINGS AND CONCLUSIONS

10. Since the Application as amended is now unopposed, the matter will be considered pursuant to the Commission's modified procedure, § 40-6-109(5), C.R.S., and the

Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1-1403.

11. Applicant restricted the Application with several proposed restrictions. A proposed restriction to an application for authority to operate as a contract carrier or common carrier by motor vehicle for hire must be restrictive in nature, clear and understandable, and administratively enforceable. The proposed restrictions and authority must be unambiguous and must be contained entirely within the authority granted.

12. The restrictive amendments proposed by Applicant are clear, unambiguous, and capable of enforcement. Therefore, it is found that the proposed restrictions contained in the Application will not hamper the ability of the Applicant to provide the proposed contract carrier service. The proposed restrictions to the contract carrier Application are restrictive in nature and capable of enforcement.

13. The Application establishes that Applicant is familiar with the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, and agrees to comply with those Rules to the extent applicable to Applicant.

14. Additionally, the information provided by Applicant provides that Applicant possesses sufficient equipment to provide the proposed service and is financially viable to conduct operations under the authority requested. The Application and the supporting information attached to it demonstrate that a need exists for the proposed service.

15. It is found that Applicant is fit to provide the proposed transportation service and the Application with the proposed restrictions is reasonable, in the public interest, and should be granted.

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

III. ORDER

A. The Commission Orders That:

1. The Application of Alprasim, LLC is granted consistent with the discussion above.

2. The Motion to Withdraw Intervention filed by MKBS, LLC, doing business as Metro Taxi &/or Taxis Fiesta &/or South Suburban &/or Northwest Suburban Taxi is granted.

3. Alprasim, LLC is granted a permit to operate as a contract carrier by motor vehicle for hire for the transportation of passengers between all points in the Counties of Adams, Arapahoe, Denver, and Jefferson, State of Colorado.

RESTRICTIONS: This application is restricted as follows:

- (A) to the transportation of passengers who are recipients of Medicaid;
- (B) to providing Non-Medical Transportation services for the Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, Colorado;
- (C) against providing transportation services to or from airports, hotels, and motels; and,
- (D) to no more than two vehicles in service at any one time.

4. The authority granted in Ordering Paragraph No. 3 is conditioned upon Alprasim, LLC meeting the requirements contained in this Decision and the authority is not effective until these requirements have been met.

5. Alprasim, LLC shall not commence operations until it has complied with the requirements of Colorado law and Commission regulations, including without limitation:

- (a) causing proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;

- (b) paying to the Commission, the motor vehicle fee (\$5) for each vehicle to be operated under authority granted by the Commission, or in lieu thereof, paid the fee for such vehicle(s) pursuant to the Unified Carrier Registration Agreement;
- (c) having an effective tariff on file with the Commission. Alprasim, LLC shall file an advice letter and tariff on not less than ten days' notice. The advice letter and tariff shall be filed as a new Advice Letter proceeding and shall comply with all applicable rules. In calculating the proposed effective date, the date received at the Commission is not included in the notice period and the entire notice period must expire prior to the effective date. (Additional tariff information can be found on the Commission's website at dora.colorado.gov/puc and by following the transportation common and contract carrier links to tariffs); and
- (d) paying the applicable issuance fee (\$5).

6. If Alprasim, LLC does not comply with the requirements of Ordering Paragraph No. 5 above, within 60 days of the effective date of this Decision, then Ordering Paragraph No. 3 above shall be void. On good cause shown, the Commission may grant Alprasim, LLC additional time for compliance with this Decision.

7. The right of Applicant to operate shall depend upon Applicant's compliance with all present and future laws and regulations of the Commission.

8. The Commission will notify Alprasim, LLC in writing when the Commission's records demonstrate compliance with Ordering Paragraph 5.

9. 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.

10. 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.

11. 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.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,
Director