

Decision No. R14-1013-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0468BP

IN THE MATTER OF THE APPLICATION OF RIDE 4 MED INC. FOR A PERMIT
TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING MOTION, AMENDING
APPLICATION, AND DISMISSING
INTERVENTION OF METRO TAXI**

Mailed Date: August 20, 2014

I. STATEMENT

1. On May 14, 2014, Ride 4 Med Inc. (Applicant) filed a verified Application for New Permanent Authority to Operate as a Contract Carrier of Passengers by Motor Vehicle for Hire (Application). That filing commenced this Proceeding.

2. On May 19, 2014, the Commission issued its Notice of Application Filed (Notice) in this Proceeding (Notice at 7); established an intervention period; and established a procedural schedule. On June 26, 2014, Decision No. R14-0719-I vacated the procedural schedule.

3. The following intervened as of right: Colorado Cab Company LLC, doing business as Denver Yellow Cab and Boulder Yellow Cab (Colorado Cab); Colorado Springs Transportation, LLC (CST); MKBS, LLC, doing business as Metro Taxi (Metro Taxi); and Shamrock Taxi of Fort Collins, Inc. (Shamrock). Each opposes the Application.

4. Colorado Cab, CST, Metro Taxi, and Shamrock, collectively, are the Intervenors. Applicant and Intervenors, collectively, are the Parties. Pursuant to Decision No. R14-0719-I,

Applicant is represented by an individual who is not an attorney.¹ Each intervenor is represented by legal counsel.

5. On June 25, 2014, by Minute Order, the Commission referred this matter to an Administrative Law Judge (ALJ).

6. On June 25, 2014, by Minute Order, the Commission deemed the Application complete as of that date. Pursuant to § 40-6-109.5(2), C.R.S., and absent an enlargement of time by the Commission or Applicant's waiver of the statutory provision, a Commission decision on the Application should issue no later than January 21, 2015.

7. On July 21, 2014, by Decision No. R14-0860-I, the ALJ established the procedural schedule and scheduled a November 6 and 7, 2014 evidentiary hearing in this matter.

8. Pursuant to Decision No. R14-0860-I, Applicant is to file, not later than August 22, 2014, its list of witnesses and complete copies of the exhibits it will offer in its direct case. Pursuant to Decision No. R14-0860-I, each intervenor is to file, not later than September 19, 2014, its list of witnesses and complete copies of the exhibits it will offer at hearing.

9. On July 28, 2014, Applicant and Metro Taxi filed (in one document) a Stipulated Motion for Imposition of Restrictive Amendments [Motion] and Conditional Withdrawal of Intervention [Withdrawal of Intervention].

¹ In Decision No. R14-0719-I at ¶ 22, the ALJ advised Applicant and its representative that Applicant's non-attorney representative is held, and will be held, to the same procedural and evidentiary rules and standards as those to which attorneys are held.

10. As noticed by the Commission, the Application sought authority to operate as a contract carrier by motor vehicle for hire as follows:

Transportation of
passengers

between all points in the Counties of Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, Larimer, and Weld, State of Colorado.

RESTRICTIONS: This authority is restricted:

- (A) to the transportation of passengers who are recipients of Medicaid; and
- (B) to providing Non-Emergency Medical Transportation (NEMT) for the Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, Colorado 80203.

Notice at 7.

11. In the Motion, Applicant seeks to amend the authority sought by the Application. If the Motion is granted, Applicant will seek authority to operate as a contract carrier by motor vehicle for hire as follows:

Transportation of
passengers

between all points in the Counties of Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, Larimer, and Weld, State of Colorado.

RESTRICTIONS: This authority is restricted:

- (A) to the transportation of passengers who are recipients of Medicaid;
- (B) to providing Non-Emergency Medical Transportation (NEMT) for the Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, Colorado 80203;
- (C) against providing transportation to or from hotels, motels, or airports; and
- (D) to no more than two (2) vehicles in operation at any given time.

Motion at ¶ 4.

12. Metro Taxi states that, if the Commission approves the amendments contained in the Motion, Metro Taxi's "interests will be satisfied and its intervention shall be deemed withdrawn." Withdrawal of Intervention at ¶ 7.

13. The time for responding to the Motion has expired. No response was filed. Pursuant to Rule 4 *Code of Colorado Regulations* 723-1-1400(d),² by not filing a response to the Motion, Colorado Cab, CST, and Shamrock have each confessed the Motion. The Motion is unopposed.

14. To be acceptable, an amendment must be restrictive in nature; must be clear and understandable; and must be administratively enforceable. Both the contract carrier permit and any restriction on that permit must be unambiguous and must be contained wholly within the authority granted. Both must be worded so that a person will know, from reading the contract carrier permit and without having to resort to any other document, the exact extent of the authority and of each restriction. Clarity is essential because the scope of a contract carrier permit must be found within the four corners of the authority, which is the touchstone by which one determines whether the contract carrier's operations are within the scope of its Commission-granted authority.

15. The amendments and the resulting contract carrier permit, if the Motion is granted, meet the standards stated above. The ALJ will approve the amendments contained in the Motion at ¶ 4, as set out above.

16. The ALJ finds that the Motion states good cause and that no party will be prejudiced if that motion is granted. The ALJ will grant the Motion.

² This Rule is found in the Rules of Practice and Procedure, Part 1 of 4 *Code of Colorado Regulations* 723.

17. Approving the restrictive amendments to the Application (*i.e.*, to the scope of the contract carrier permit that Applicant seeks) has these effects. First, the contract carrier authority sought, as stated in the Application, will be amended to conform to the amendments approved in this Interim Decision. Second, the Withdrawal of Intervention will be granted; and Metro Taxi will be dismissed, with prejudice, as a party.

II. **ORDER**

A. **The Commission Orders That:**

1. Consistent with the discussion above, the Stipulated Motion for Imposition of Restrictive Amendments, which motion was filed on July 28, 2014, is granted.

2. Consistent with the discussion above, the authority sought in the verified Application for New Permanent Authority to Operate as a Contract Carrier of Passengers by Motor Vehicle for Hire filed on May 14, 2014 by Ride 4 Med Inc. is amended to read as follows:

Transportation of
passengers

between all points in the Counties of Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, Larimer, and Weld, State of Colorado.

RESTRICTIONS: This authority is restricted:

- (A) to the transportation of passengers who are recipients of Medicaid;
- (B) to providing Non-Emergency Medical Transportation (NEMT) for the Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, Colorado 80203;
- (C) against providing transportation to or from hotels, motels, or airports;
and
- (D) to no more than two (2) vehicles in operation at any given time.

3. Consistent with the discussion above, the Conditional Withdrawal of Intervention filed on July 28, 2014 is approved.

4. Consistent with the discussion above, MKBS, LLC, doing business as Metro Taxi and/or Taxis Fiesta and/or South Suburban Taxi and/or Northwest Suburban Taxi, is dismissed with prejudice from this Proceeding.

5. The Parties are held to the advisements in the Interim Decisions issued in this Proceeding.

6. This Interim Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director