

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
FRIENDS OF MOUNT TAYLOR AMBULANCE)
FOR A CERTIFICATE TO PROVIDE)
AMBULANCE SERVICE)**

Case No. 17-00302-TR-M

AMENDED NOTICE OF APPLICATION FOR A CERTIFICATE

The Transportation Division (“Staff”) of the New Mexico Public Regulation Commission (“Commission”) through this Amended Notice of Application for a Certificate (“Amended Notice”) hereby gives notice the original Notice of Application for a Certificate filed by Staff on December 6, 2017 in this docket is replaced in its entirety by this Amended Notice. Friends of Mount Taylor Ambulance (“Applicant”) has applied to the Commission for a certificate to provide ambulance service from points and places in Cibola, County, New Mexico to points and places in Cibola, Valencia, Bernalillo and McKinley Counties, New Mexico, and return; restricted against the pick-up of patients in Valencia, Bernalillo, and McKinley Counties unless requested pursuant to a written agreement for mutual aid; with equipment to be stationed at 1213 Peel Street, Grants, NM 87020;

Any member of the general public desiring to view the application may do so at the Commission on weekdays (not including state holidays) during the hours of 8:00 a.m. and 5:00 p.m. at: 1120 Paseo de Peralta, Santa Fe, NM 87501.

Under changes to the Motor Carrier Act, NMSA 1978, § 65-2A-1, et seq., that took effect July 1, 2013, the Commission cannot act on an application for a certificate less than twenty days after the date notice was electronically published (“Notice Period”). NMSA 1978, § 65-2A-6 A. Electronic publication is accomplished by posting the Amended Notice on the Commission’s

web site and electronically sending the Amended Notice to all motor carriers, public officials or agencies, or other persons or entities who have previously supplied electronic mail addresses to the Commission advising such persons or entities of the filing and posting. NMSA 1978, § 65-2A-6 A.

An additional change to the Motor Carrier Act that also took effect July 1, 2013, states that a person may file an objection to an application for a certificate during the Notice Period for the application. NMSA 1978, § 65-2A-13 A. The Commission is required to consider any objections filed during the Notice Period in regard to the determining whether to hold a hearing. NMSA 1978, § 65-2A-13 A. The Commission is not required to hold a hearing pursuant to any objection but may, in its discretion or on its own motion for any reason, hold a hearing on any application for a certificate. NMSA 1978, § 65-2A-5 B and -13 A.

The Commission is required to hold a hearing on an application for a certificate to provide ambulance service whenever a protest is filed within the Notice Period or Staff files a request for hearing within the Notice Period. NMSA 1978, § 65-2A-5 C and -13 B. The Motor Carrier Act defines a “protest” to mean, among other things, a pleading filed with the Commission by a full-service carrier that expresses an objection to an application for a certificate to provide passenger service when the territory involved in the application includes all or a portion of the full-service territory of the protesting carrier and when the grant of the application will, or presents a reasonable potential to, impair, diminish or otherwise adversely affect its existing provision of full-service passenger service to the public within its full-service territory. NMSA 1978, § 65-2A-3 UU.

The Motor Carrier Act defines “full service” to mean, among other things, a certificated ambulance service required to meet specific standards for the provision of service to or

throughout a community. NMSA 1978, § 65-2A-3 T. It should be noted that since the definitions in the Motor Carrier Act of “protest” and “full service” became effective on July 1, 2013, the Commission has yet to adopt by rule or otherwise any specific standards applicable to the provision of certificated ambulance service.

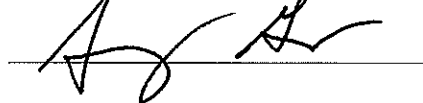
A protesting carrier is allowed to proceed as an intervenor in the application proceeding. NMSA 1978, § 65-2A-13 B. In any hearing held on an application, the protesting carrier has the burden of proving all matters of fact pertaining to its full-service operation within its certificated full-service territory, the burden of proving the potential impairment or adverse impact on its existing full-service operation by the transportation service proposed by the applicant and the burden of proving all other allegations and matters of public interest that it may raise. NMSA 1978, § 65-2A-13 C(2). The protesting carrier’s proof should include, without limitation, a demonstration with reasonable specificity of the nature of the existing full service being provided, the volume of passengers transported, economic analysis related to expenses and revenues of the full-service operation and the anticipated economic, business or functional effect of the proposed service on the existing provision of, or rates for, full-service transportation within the full-service territory. NMSA 1978, § 65-2A-13 C(2).

The Commission may allow other interested persons to intervene, either generally or on the basis of specific facts or issues (“Permissive Intervenor”). A Permissive Intervenor has the burden of proof for its position on all factual matters and legal issues that it alleges and on which it is permitted to intervene. NMSA 1978, § 65-2A-13 C(3).

Any application for permissive intervention or protest is required to be accompanied by a fee of two hundred fifty dollars (\$250). NMSA 1978, § 65-2A-36 A(1).

The Commission's Motor Transportation Rules are also available at the Commission's web site.

Respectfully Submitted by:

A handwritten signature in black ink, appearing to be 'Amanda Gray', is written over a horizontal line.

Amanda Gray
Economist – Transportation Division
New Mexico Public Regulation Commission
1120 Paseo de Peralta
Santa Fe, NM 87504
amanda.gray@state.nm.us