

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF TRIPLE D MEDICAL TRANSPORTATION, )  
LLC, FOR A PERMIT TO PROVIDE NON- ) Case No. 17-00064-TR-M  
EMERGENCY MEDICAL TRANSPORT )  
SERVICE )  
\_\_\_\_\_ )**

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**NOTICE OF APPLICATION FOR A PERMIT**

The Transportation Division (“Staff”) of the New Mexico Public Regulation Commission (“Commission”) through this Notice of Application for a Permit (“Notice”) hereby gives notice that Triple D Medical Transportation, LLC (“Applicant”) has applied to the Commission for a permit to provide specialized passenger service as a non-emergency medical transport service to and from points and places in the State of New Mexico and return, under contracts with; Albuquerque Heights Healthcare and Rehabilitation Center, Bear Canyon Rehabilitation Center, Belen Meadows HealthCare and Rehabilitation Center, Canyon Transitional Rehabilitation Center, Ladera Center, The Medical Resort at Fiesta Park, Princeton Place, The Rio at Cabazon, The Rio at Las Estancias, Rio Rancho Center, Sandia Ridge Center, and Skies Healthcare and Rehabilitation Center, for the transportation of New Mexico Human Services Medicaid patients, with equipment to be stationed at; 2123 Menaul Blvd. NE, Albuquerque, NM 87107.

Any member of the general public desiring to view the application may do so at the Commission, 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 permit 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 Notice on the Commission’s web site and electronically sending the 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 permit during the Notice Period for the application. NMSA 1978, § 65-2A-13 A. The Commission may, but does not have to, hold a public hearing specific to an objection that is filed within the Notice Period. NMSA 1978, § 65-2A-5 B, and -13 A. The Commission may also on its own initiative decide to hold a public hearing. NMSA 1978, § 65-2A-5 B, and -13A. Further, if Staff requests a hearing, the Commission must hold a public hearing on the application. NMSA 1978, § 65-2A-5C, and -13 B.

An additional change to the Motor Carrier Act that also took effect July 1, 2013, defines a “*specialized passenger service*.” A *specialized passenger service* means the intrastate transportation for hire of passengers with special physical needs by specialized types of vehicles, or for specialized types of service to the public or community, as the Commission may by rule provide. NMSA 1978, § 65-2A-3 CCC. A “*non-emergency medical transport service*” is a specialized passenger service. 18.3.1.7 H NMAC, and 18.3.2.8 B(5) NMAC.

An additional change to the Motor Carrier Act that also took effect July 1, 2013, states:

Except as provided in this section and in [NMSA 1978, § 65-2A-13], the Commission shall issue a permit allowing a person to provide permitted service for transportation of passengers or household goods pursuant to contract after notice and public hearing requirements are met, if the applicant is:

- (1) fit to provide the transportation service to be authorized by the permit; and
- (2) in compliance with the safety and financial responsibility requirements of the Motor Carrier Act, the rules of the commission and other applicable federal and state laws and rules.

NMSA 1978, § 65-2A-10 A.

For purposes of this application, the language of NMSA 1978, § 65-2A-10 stating; “except as provided in this section [NMSA 1978, § 65-2A-10], and in [NMSA 1978, § 65-2A-13]” for NMSA 1978, § 65-2A-10, requires that;

the Commission shall not issue a permit for passenger service if the contract or arrangement between the carrier and the other contracting party effectively excludes or otherwise impairs a certificated carrier’s access to public places or the public’s access to certificates carriers serving the same territory, and no permit issued may be used to effect such exclusion or impairment of certificated passenger service.

NMSA 1978, § 65-2A-10 D.

Staff is not aware of any impairment of an already existing certificated carrier’s access to public places or the public’s access to certificated carriers for the provision of transportation services by a certificated passenger service carrier then serving the same territory, and in fact notes that the vast majority of this type of transportation serving Medicaid patients is done through permitted, as opposed to certificated, carriers authorized by the Commission.

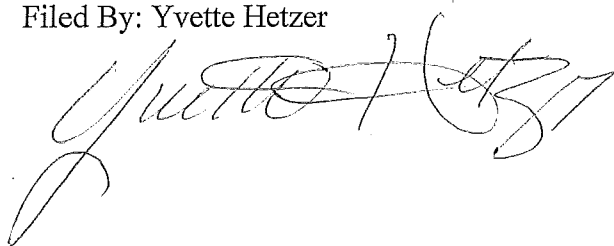
For purposes of this application, the language of NMSA 1978, § 65-2A-10 stating; “except as provided in this section [NMSA 1978, § 65-2A-10], and in [NMSA 1978, § 65-2A-13]” for NMSA 1978, § 65-2A-13, requires the Commission to hold a hearing if a *protest* is filed within the Notice Period or Staff files a request for hearing within the Notice Period. NMSA 1978, § 65-2A-13 B. 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).

Even if no hearing is held, before granting the application, the Commission must consider any objections that were filed within the Notice Period. NMSA 1978, § 65-2A-10 B. If a person filing an objection to the application is ultimately allowed by the Commission to intervene in the case (“Permissive Intervenor”), that person must pay a fee of two hundred fifty dollars (\$250). NMSA 1978, § 65-2A-36 A(2). At the public hearing, the Permissive Intervenor will have the burden of proof for all factual matters and legal issues that it alleges and on which it is permitted to intervene. NMSA 1978, § 65-2A-13 C(3).

The Commission’s Motor Transportation Rules are also available at the Commission’s web site: [www.nmprc.state.nm.us](http://www.nmprc.state.nm.us).

Filed By: Yvette Hetzer

A handwritten signature in cursive script, appearing to read 'Yvette Hetzer', with a date '1/21' written to the right of the signature.