

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION FOR)
AMENDMENT OF A CERTIFICATE ISSUED TO)
ADAMS BUSINESS SERVICE, INC., D/B/A BYCO) Case No. 17-00199-TR-M
MOVING & STORAGE, D/B/A BYCO TRANSPORT,)
TO PROVIDE HOUSEHOLD GOODS SERVICES)
TO AND FROM POINTS AND PLACES IN THE)
STATE OF NEW MEXICO AND RETURN)**

**NOTICE OF APPLICATION FOR
AMENDMENT OF A CERTIFICATE**

The Transportation Division (“Staff”) of the New Mexico Public Regulation Commission (“Commission”) through this Notice of Application for Amendment of a Certificate (“Notice”) hereby gives notice that Adams Business Services, Inc., d/b/a Byco Moving & Storage, d/b/a Byco Transport (“Applicant”), proposes to amend Commission certificate number 000481, currently endorsed as follows:

As defined by NMPRC Transportation Rules and Motor Carrier Act NMSA from points and places in Chaves, Lea, Eddy and Lincoln counties, New Mexico to points and places in the State of New Mexico, and return; equipment to be stationed at 1605 North Garden Avenue, Roswell, New Mexico 88201.

Applicant proposes to amend Commission certificate number 000481 to read as follows;

As defined by NMPRC Transportation Rules and Motor Carrier Act NMSA to and from points and places in the State of New Mexico and return; equipment to be stationed at 1605 North Garden Avenue, Roswell, New Mexico 88201.

Any member of the general public desiring to view the application may do so by contacting the Commission’s Records Office on the 4th Floor of the PERA Building, 1120 Paseo de Peralta, P.O. Box 1269, Santa Fe, New Mexico 87504.

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 amendment of 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 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.

Additional changes to the Motor Carrier Act that took effect July 1, 2-13, state:

65-2A-14. Changes in certificates or permits.

- A. A change in a certificate or permit shall not be valid or effective without the approval of the commission.
- B. The commission may, for good cause and after notice and public hearing requirements are met, authorize the following changes in all or part of a certificate or permit at the request of the holder if the commission finds:

* * *

(2) that the applicant for amendment, lease or a transfer of a certificate for household goods service meets the requirements pursuant to Section 65-2A-9 NMSA 1978 for a certificate for such household goods service;

* * *

NMSA 1978, § 65-2A-14.

The requirement found in NMSA 1978, § 65-2A-14 B(2) above, that an applicant for transfer of a certificate for household goods service meet the requirements of NMSA 1978, § 65-2A-9, requires:

65-2A-9. Certificates for household goods service.

- A. Except as provided in this section and in Section 65-2A-13 NMSA 1978, the commission shall issue a certificate allowing a person to provide household goods service after notice and public hearing requirements are met, if the applicant:
 - (1) is fit and able to provide the transportation to be authorized by the certificate;
 - (2) has a place of business and stations equipment within the state and is 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; and

(3) has filed a tariff as provided in Section 65-2A-20 NMSA 1978.

* * *

C. A certificate issued by the commission for provision of household goods service shall contain one or more endorsements, each of which shall specify:

(1) the territory to be served, which shall be limited to territory sought in the application that will be served in a reasonably continuous and adequate manner beginning within thirty days of the issuance of the certificate or such other definite period or date as the commission may provide for a particular application, and shall generally be specified on the basis of county boundaries, subject to other or further specification by the commission by rule or in regard to a particular application; and

(2) any reasonable terms of service that the commission may allow or require for the particular certificate.

NMSA 1978, § 65-2A-9.

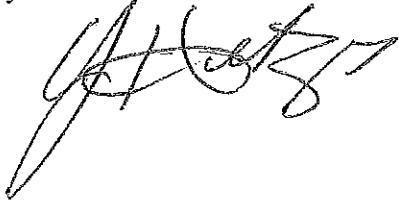
An additional change to the Motor Carrier Act that took effect July 1, 2013, states that a person may file an objection to an application for a certificate during the Notice Period for the application. NMSA 1978, § 65-2A-13 A. The Commission may, but does not have to, hold a public hearing specific to 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.

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-9 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.

Filed by: Yvette Hetzer

A handwritten signature in black ink, appearing to read 'Yvette Hetzer', written in a cursive style.