

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION)
OF NEW MEXICO BLACK CAR SERVICE,)
LLC, FOR A CERTIFICATE TO PROVIDE) Case No. 17-00286-TR-M
GENERAL TAXICAB SERVICE)
_____)

NOTICE OF APPLICATION FOR A CERTIFICATE

The Transportation Division (“Staff”) of the New Mexico Public Regulation Commission (“Commission”) through this Notice of Application for a Certificate (“Notice”) hereby gives notice that New Mexico Black Car Service, LLC (“Applicant”) has applied to the Commission for a certificate to provide *general taxicab service* from points and places in Santa Fe County to points and places in the State of New Mexico, and return, with equipment to be stationed at 1533 S. St. Francis Dr., Suite C, Santa Fe, NM 87505.

Any member of the general public desiring to view the application may do so at the Commission’s web site: www.nmprc@state.nm.us.

Under the New Mexico Motor Carrier Act, NMSA 1978, § 65-2A-1, et seq., 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 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.

The Motor Carrier Act also 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 taxicab 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 *municipal taxicab service* required to meet specific standards for the provision of service to or throughout a community. NMSA 1978, § 65-2A-3 T, and § 65-2A-3 GGG(1).

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

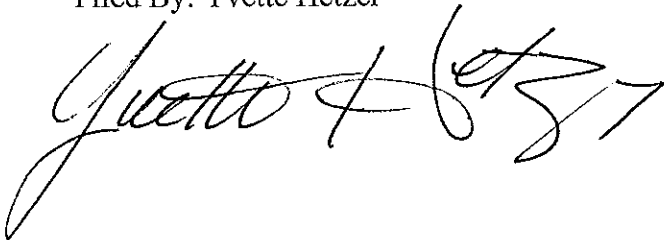
burden of proving all other allegations and matters of public interest that it may raise. NMSA 1978, § 65-2A-13 C(2). The protesting carrier's proof should include, without limitation, a demonstration with reasonable specificity of the nature of the existing full service being provided, the volume of 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.

Filed By: Yvette Hetzer

A handwritten signature in black ink, appearing to read "Yvette Hetzer", with a stylized flourish at the end.