

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF CAPACITY BUILDERS INC. DBA LOU) Case No. 18-00028-TR-R
GO'S FOR A CHANGE TO ITS TARIFF)
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2018-07-27 10:00

NOTICE OF APPLICATION FOR A TARIFF CHANGE

The Transportation Division ("Staff") of the New Mexico Public Regulation ("Commission") hereby gives notice that Capacity Builders, Inc., DBA Lou Go's, ("Applicant"), a Specialized Passenger Service providing Limousine Service to and from points and places in the State of New Mexico, with equipment to be stationed at 210 N. Broadway Ave., Farmington, NM, has applied to the Commission to add a less expensive Luxury Sedan Service. The Applicant's current and proposed tariff rates with the new Luxury Sedan Service are shown below:

	Current Tariff	Proposed Tariff
Luxury Limousine	\$100/hour	\$100/hour
Luxury Van	\$75/hour	\$75/hour
Luxury Sedan Service		\$70/hour, \$35/ half hour

Under changes to the Motor Carrier Act, NMSA 1978, § 65-2A-1, et seq. that took effect July 1, 2013:

F. A tariffed service carrier shall file an application with the commission for any change in the tariff, accompanied by the proposed tariff, at least twenty days prior to implementation of the amended rates and terms of service contained in the tariff. Except as provided in this section, an amended tariff shall be approved and become effective twenty days after filing of the application for a change in the tariff.¹ The commission shall post notice of each application for a change in a tariff along with a copy of the proposed tariff on the commission web site.

¹ Because a limousine is not a "full-service" carrier as that term is defined by NMSA 1978, § 65-2A-3 T, Commission approval of this tariff change application as "reasonable" is not required. *See*, NMSA 1978, § 65-2A-20 H.

NMSA 1978, § 65-2A-20 F.

Under the Motor Carrier Act, a “tariffed service” carrier includes a “specialized passenger service”. NMSA 1978, § 65-2A-3 EEE. A limousine service is defined as a “specialized passenger service.” NMSA 1978. § 65-2A-41 B.

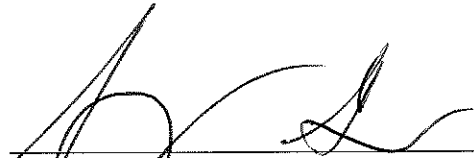
Under the Commission’s Motor Carrier Rules, an application for amendment of tariff rates for a limousine service need only file the proposed tariff. See, 18.3.6.12 A(3).

The Motor Carrier Act also allows a person to file a complaint with the Commission about a rate or term of service contained in a tariff for the following statutorily prescribed reasons and further describes the procedure to be utilized by the Commission once the complaint is filed:

I. A person may make a complaint in writing to the commission that a rate or term of service contained in a tariff, or a rate otherwise charged or practice otherwise effected, is inconsistent with or in violation of the Motor Carrier Act, commission rule or the operating authority or current tariff of the motor carrier. The commission may suspend the operation of a rate, term of service or practice for a period not to exceed sixty days to investigate its reasonableness. If the commission finds that a rate charged by a tariffed carrier, or a term of service or practice effected by a tariffed carrier, is unauthorized, predatory or discriminatory, the commission shall prescribe the rate or the maximum or minimum rate to be observed or the terms of service to be made effective.

NMSA 1978, § 65-2A-20 I.

Any member of the public may view the Commission’s Motor Transportation Rules, the above-referenced application for a change in tariff, and the current and proposed tariffs by visiting the Commission’s Offices in person at 1120 Paseo de Peralta, Santa Fe, New Mexico, 87102, or by visiting the Commission’s web site at www.nmprc.state.nm.us.



Respectfully submitted by:
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