

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF CHIHUAHUA EXPRESS LLC, FOR AN)
AMENDMENT TO ITS CERTIFICATE TO)
PROVIDE GENERAL SHUTTLE SERVICE)**

Case No. 18-00047-TR-M

APPLICATION FOR AMENDMENT TO A CERTIFICATE

The Transportation Division (“Staff”) of the New Mexico Public Regulation Commission (“Commission”) through this Notice of Application for Amendment to a Certificate (“Notice”) hereby gives notice that Chihuahua Express LLC, (“Applicant”) has applied to the Commission for amendment to its certificate to provide general shuttle service. The Applicant currently holds authority to operate a general shuttle service as follows:

A Certificate to provide General Shuttle Service (as defined by the Motor Carrier Act and the Motor Transportation Rules of the New Mexico Public Regulation Commission); from points and places in Santa Fe, Sandoval, Bernalillo, Valencia, Socorro, Sierra, and Dona Ana Counties, New Mexico, and return (additional specific terminal locations are listed in Exhibit H of Applicant’s Application);

PROVIDED THAT this certificate does not authorize transportation of passengers in either direction between points and places within the municipal limits of the City of Santa Fe on the one hand and the Albuquerque International Sunport on the other.

Equipment to be stationed at 15 Dos Hermanos, Santa Fe, NM 87507.

In addition to the authority Applicant already holds, Applicant seeks in this application authority to provide further general shuttle service from points and places in San Juan County, New Mexico, and return, with equipment continued to be stationed at 15 Dos Hermanos, Santa Fe, New Mexico, 87507.

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 amendment to 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.

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 amendment to 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 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 amendment to a certificate. NMSA 1978, § 65-2A-5 B and -13 A.

The Commission is required to hold a hearing on an application for amendment to a certificate to provide shuttle 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 amendment to 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 scheduled shuttle service or a municipal taxicab service that is 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 the Commission, in its rules that were adopted by Final Order entered on November 19, 2014 in Commission Docket 14-00061-TRP and that took effect February 13, 2015, does not define any specific standards applicable to the provision of scheduled shuttle service but does define specific standards applicable to the provision of municipal taxicab 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).

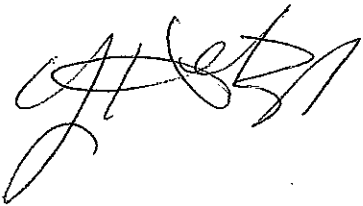
The Commission may allow other interested persons to intervene, either generally or on the basis of specific facts or issues (“Permissive Intervenor”). A Permissive Intervenor has the

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.

Filed By: Yvette Hetzer

A handwritten signature in black ink, appearing to read 'Yvette Hetzer', is written over the typed name. The signature is stylized and cursive.