

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
FRIENDS OF MT. TAYLOR AMBULANCE)
TO CANCEL CERTIFICATE NUNMBER 57173,) Case No. 18-00128-TR-M
AN OPERATING AUTHORITY TO PROVIDE)
AMBULANCE SERVICE)
_____)**

FILED IN OFFICE OF

MAY 16 2018

NM PUBLIC REGULATION COMM
RECORDS MANAGEMENT BUREAU

NOTICE OF APPLICATION FOR CANCELLATION OF CERTIFICATE

The Transportation Division (“Staff”) of the New Mexico Public Regulation Commission (“Commission”) through this Notice of Application for Cancellation of a Certificate (“Notice”) hereby gives notice that Friends of Mt. Taylor Ambulance (“Applicant”) have applied to the Commission to cancel certificate number 57173, an operating authority to provide ambulance service as follows:

A Certificate to provide Ambulance Service, (as defined by the Commission’s Motor Carrier Rules and the New Mexico Motor Carrier Act), from points and places in Cibola County, New Mexico to points and places in Cibola, Valencia, Bernalillo and McKinley Counties, New Mexico, and return; restricted against the pick-up of patients in Valencia, Bernalillo, and McKinley Counties unless requested pursuant to a written agreement for mutual aid; with equipment to be stationed at 1213 Peel Street, Grants, NM 87020.

As the reason for its request to cancel certificate number 57173, Applicant states in its application that it no longer has the financial backing of the City of Grants and further that Superior Ambulance has been awarded a contract from the City of Grants.

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, Santa Fe, New Mexico 87501.

Under the Motor Carrier Act, NMSA 1978, § 65-2A-1, et seq., the Commission cannot act on an application for a change in 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. *See, also*, 18.3.8.12 B NMAC (requiring electronic publication on the Commission's website).

Although the Motor Carrier Act states that the Commission may, without notice or a public hearing, authorize voluntary cancellation of a certificate, NMSA 1978, § 65-2A-14 C(1), the Commission's Motor Carrier Rules require that for cancellation of a certificate for ambulance service, the Transportation Division Director is required to publish notice of the application for cancellation on the Commission website and file a recommendation in the docket. That same statutory section also states that the Commission may issue an order approving the cancellation if the Commission finds that the cancellation would not be adverse to the public interest.

An application for cancellation of a certificate requires:

- (1) an application on the form prescribed by the director;
- (2) copies of its current certificate . . . it seeks to cancel or voluntarily cancel in whole or in part; [and]
- (3) the date on which the applicant proposes to terminate or suspend all or part of its service . . .

18.3.8.11 A. NMAC.

The application filed by Applicant meets the requirements of 18.3.8.11 A (1), (2), and (3) NMAC. However, the date and time the Applicant proposes to terminate service, namely, May 15, 2018 at midnight could very well be adverse to the public interest if an ambulance to provide mutual aid cannot be temporarily found for Cibola County given that the application for cancellation was filed on May 8, 2018.¹

¹ Upon information and belief, Staff of the Transportation Division of the New Mexico Public Regulation Commission is relatively certain that as stated by the Applicant, Superior Ambulance is in the process of applying

The Motor Carrier Act 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.² 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, or a protest is filed, the Commission must hold a public hearing on the application. NMSA 1978, §§ 65-2A-5C, and -13 B.

Among other things,

a 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).

If a person filing an objection or protest 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 Carrier Rules are also available at the Commission’s web site; www.nmprc.state.nm.us.

Filed By: Amanda Gray

for ambulance authority in Cibola County with equipment to be stationed in Grants, NM, thereby replacing the ambulance service that Friends of Mt. Taylor seeks to cancel.

² The Commission is required to consider any objections filed in regard to determining whether to hold a hearing in regard to the application for cancellation. NMSA 1978, § 65-2A-13A.