

AUG - 2 2019

NM PUBLIC REGULATION COMM
RECORDS MANAGEMENT BUREAU

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION)
OF WHC NM, LLC D/B/A ZTRIP FOR AN)
AMENDMENT TO ITS CERTIFICATE TO) Case No. 19- 00218 -TR-M
PROVIDE GENERAL TAXICAB SERVICE)
_____)

**NOTICE OF APPLICATION FOR AN
AMENDMENT TO ITS CERTIFICATE**

The Transportation Division (“Staff”) of the New Mexico Public Regulation Commission (“Commission”) through this Notice of Application for an Amendment to its Certificate (“Notice”) hereby gives notice that WHC NM, LLC d/b/a ZTRIP (“Applicant”) has applied to the Commission for an amendment to its certificate to provide taxicab service.

Applicant currently holds an operating authority from the Commission as follows:

A Certificate to provide “General Taxicab Service & Specialized Passenger Service of Tour and Sightseeing”, (as defined by NMPRC Motor Transportation Rules), from Albuquerque, New Mexico to points and places in Bernalillo, Sandoval, Los Alamos, Santa Fe, Rio Arriba, Taos, Valencia, Socorro, Lincoln, Otero, Eddy, Chavez, Curry, Lea, Dona Ana, Grant, Colfax, Quay, San Miguel, Roosevelt, Mckinley, San Juan, Union, Luna, Sierra, Torrance, Hidalgo, Guadalupe, Debaca, Catron, Mora, and Harding Counties, and return, to Albuquerque, New Mexico. Transportation of taxicab items not to exceed (35) pounds within the city limits of Albuquerque, New Mexico. A Certificate to provide “Municipal Taxicab Service”, (as defined by NMPRC Motor Transportation Rules), from points and places in Albuquerque, New Mexico to points and places in Bernalillo and Sandoval Counties, New Mexico, and return. Transportation of package, courier and baggage service between points and places throughout the State of New Mexico.

A Limousine Service, transporting passengers and their luggage between points in Bernalillo County, New Mexico.

Applicant seeks through amendment to its certificate to “provide General Taxicab Service to and from points and places in Santa Fe County, New Mexico”, with equipment to be stationed at 500 Kinley NE, Albuquerque, New Mexico 87102. Of note is that Applicant seeks

to expand its existing operating authority for General Taxicab Service to include service to and from points and places in Santa Fe County, New Mexico.

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 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 an 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 an 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 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 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 of 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 amendment of 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. On February 13, 2015, the Commission adopted rules that define specific standards applicable to the provision of “municipal taxicab service.” The specific standards require a municipal taxicab service to adhere to the following requirements:

- (1) may not provide ambulance service, scheduled or general shuttle service, specialized passenger service, or household goods service;
- (2) shall charge metered rates based on one charge for the first person and an additional small fixed charge for each additional person, or may charge, at the passenger's informed option, a predetermined calculated full fare based on dropflag and mileage component rates as provided by tariff, and may use surge pricing as provided by tariff;
- (3) shall grant exclusive direction to the first person engaging the taxicab service for metered carriage;
- (4) may provide one-way transportation of passengers;
- (5) may solicit business on the streets or may prearrange to provide service;
- (6) may not use chauffeur-driven luxury motor vehicles to provide taxicab service; and
- (7) except for hailed or for pre-arranged service hereby defined as "any call requesting service made 30 minutes or longer before service is required" may only respond to calls for service that are dispatched by the taxicab service.

18.3.2.9 F NMAC.

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

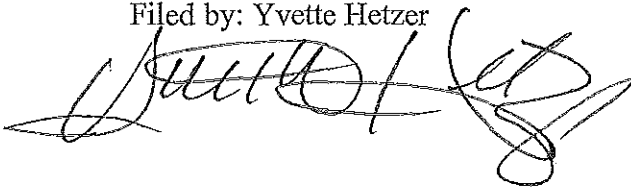
burden of proving all matters of fact pertaining to its full-service operation within its certificated full-service territory, the burden of proving the potential impairment or adverse impact on its existing full-service operation by the transportation service proposed by the applicant and the burden 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.