

SUPREME COURT OF NEW MEXICO

Albuquerque Cab Co. v. N.M. Pub. Regulation Comm'n

2014 NMSC 4 (2013) · No. 33,704 · Decided December 30, 2013

SUMMARY

The New Mexico Supreme Court held that existing motor carriers qualified as interested persons under the Motor Carrier Act and were entitled to participate in a public hearing after protesting an application for a certificate of authority. The court concluded that the New Mexico Public Regulation Commission could not use its rules to impose additional requirements that effectively eliminated the statutory right to a hearing. The court reversed the commission's order granting Green Cab authority and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of New Mexico
WRITING FOR THE COURT	Richard C. Bosson; Petra Jimenez Maes; Edward L. Chávez; Charles W. Daniels; Barbara J. Vigil
JURISDICTION	New Mexico
DECIDED	December 30, 2013
DOCKET	33,704
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal from a final order of the New Mexico Public Regulation Commission granting Green Cab, LLC a certificate of authority and temporary authority to operate taxi service. The appellants challenged the denial of their motions to intervene and the PRC's failure to hold a public hearing.
STANDARD OF REVIEW	The court reviews de novo an administrative agency's statutory construction and determination of legislative intent.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Albuquerque Cab Company, Yellow Checker Cab Company, Inc. v. New Mexico Public Regulation Commission

TOPICS

administrative law

agency adjudication

judicial review of agency action

statutory interpretation

intervention

PRACTICE AREAS

administrative law

appellate procedure

statutory interpretation

motor-carrier regulation

QUESTIONS PRESENTED

1. Whether existing motor carriers operating in the territory covered by a certificate application are interested persons entitled to participate in a public hearing after filing a protest.
2. Whether the PRC may impose additional factual prerequisites for intervention that effectively eliminate the statutory right to a public hearing.
3. Whether the PRC acted outside its statutory authority by processing the protested application as uncontested without holding a public hearing.

HOLDINGS

1. Motor carriers operating over the same routes or in the same territory covered by an application for a certificate of authority are interested persons under the Motor Carrier Act. When such interested persons timely protest the application, the PRC must hold a public hearing in which they may participate.
2. The PRC may not impose by regulation requirements greater than or inconsistent with the Motor Carrier Act, including requirements that effectively deprive an interested person of the statutory right to participate in a public hearing.
3. The PRC acted outside its statutory authority by denying intervention, processing Green Cab's application as uncontested, and granting authority without holding the required public hearing.

KEY QUOTATIONS

“Therefore, if an interested person, as defined in the Act, protests an application, the PRC must hold a public hearing on the protested application.” (¶ 11)

“Regardless of their motion to intervene, ABQ Cab and Yellow Cab were statutorily entitled to air their protest at a public hearing.” (¶ 18)

“We conclude that under the Motor Carrier Act at the time ABQ Cab and Yellow Cab filed their protests, motor carriers operating over the same routes or territories involved in a new application for a certificate of authority may protest an application and participate in a public hearing.” (¶ 23)

FACTUAL BACKGROUND

Green Cab applied for a certificate and temporary authority to provide taxi service in Bernalillo County and throughout New Mexico. Albuquerque Cab and Yellow Checker, existing motor carriers operating in Bernalillo County, timely filed a protest and motions to intervene. The PRC denied intervention without a hearing, treated

the application as uncontested, and granted Green Cab permanent and temporary authority without conducting the public hearing required by the Motor Carrier Act.

PROCEDURAL HISTORY

Green Cab applied for a certificate and temporary authority to operate taxi service. Albuquerque Cab and Yellow Checker protested and moved to intervene, but the PRC denied intervention without a hearing, processed the application as uncontested, and granted the requested authority without holding a public hearing. The New Mexico Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the New Mexico Public Regulation Commission for a proper public hearing in which Albuquerque Cab and Yellow Checker may participate as intervenors, followed by a new determination of Green Cab's application for certificate and temporary authority.

CASES CITED

- T-N-T Taxi v. N.M. Pub. Regulation Comm'n, 2006-NMSC-016, 139 N.M. 550, 135 P.3d 814
- Jones v. Emp't Servs. Div. of Human Servs. Dep't, 1980-NMSC-120, ¶ 3, 95 N.M. 97, 619 P.2d 542

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