

M.C. 3 (2003)

**IN THE MATTER OF THE APPLICATION BY
FEWER'S AMBULANCE SERVICE LIMITED FOR
A MOTOR CARRIER CERTIFICATE TO PROVIDE
AMBULANCE SERVICE TO CERTAIN TERRITORIES
PURSUANT TO SECTION 7 OF THE MOTOR CARRIER
ACT, R.S.N. 1990, CHAPTER M-19 (THE "ACT")**

AND

**IN THE MATTER OF A HEARING INTO
SUCH APPLICATION PURSUANT TO
SECTION 9 OF THE ACT**

WHEREAS on April 27, 2001 Fewer's Ambulance Service Limited submitted an application for a Motor Carrier Certificate to provide ambulance service in certain areas of the province which were currently being serviced by Fewer's Funeral Home Limited (the "Application");

WHEREAS following publication of notice in the Newfoundland Gazette and after receiving several objections to the Application the Board determined that it would hold a hearing into the Application;

WHEREAS on May 3, 2002 the Board advised the parties that this matter would be heard beginning on May 23, 2003 together with a hearing into two other matters which the Board determined were related, being (1) the proposed cancellation of Motor Carrier Certificate No. 3574; and (2) an application by another related corporation to service a portion of the territory covered by Motor Carrier Certificate No. 3574;

WHEREAS on July 24, 2002 at the hearing, the parties consented to the Board issuing an order in this matter without the necessity of hearing further evidence pending the outcome of the hearing into the intended cancellation of Motor Carrier Certificate No. 3574;

WHEREAS the Board did not cancel Motor Carrier Certificate No. 3574 as a result of the hearing;

AND WHEREAS the Board is satisfied that it is not necessary nor reasonable to grant the Application given that the current Motor Carrier Certificate No. 3574 includes the territories sought to be covered by this Application and further that the Applicant agreed that it would not proceed with this Application if Motor Carrier Certificate No. 3574 was not cancelled.

IT IS THEREFORE ORDERED THAT:

1. The application of Fewer's Ambulance Service Limited is hereby dismissed.
2. Fewer's Ambulance Service Limited shall be responsible for and shall pay to the Board forthwith all costs incurred by the Board in connection with the within hearing.

DATED at St. John's, Newfoundland and Labrador, this 9th day of May, 2003.

J William Finn, Q.C.,
Commissioner.

Raymond A. Pollett,
Commissioner.

Cheryl Blundon,
Director of Corporate Services
and Board Secretary.