

**M. C. 1 (2005)**

**IN THE MATTER OF THE MOTOR CARRIER ACT,  
CHAPTER M-19, R.S.N. 1990,**

**AND**

**IN THE MATTER OF THE APPLICATION OF**  
11157 Newfoundland Inc. (The Applicant)  
for the approval of the issuance of a  
Motor Carrier Certificate.

**WHEREAS** on November 23, 2004, the applicant applied for a Motor Carrier Certificate to provide ambulance services to areas on the Southern Shore, namely Aquaforte, Cappahayden, Chance Cove Provincial Park, Fermuse, Kingmans, Port Kirwin, Renewes, and points on Highway 10 in between Aquaforte and Chance Cove Provincial Park, and

**WHEREAS** on December 10, 2004, the Board issued a Notice of Application to the applicant for publication in the Newfoundland and Labrador Gazette, which Notice was published in the December 31, 2004 edition, and

**WHEREAS** on January 13, 2005 the Board received a Notice of Objection from White Ottenheimer and Baker, representing the Newfoundland and Labrador Private Ambulance Operators Association, outlining their objection to the granting of the application and setting out their reasons why the application should be denied as follows:

The application does not meet the current agreed upon criteria for establishment of a new service.

There is adequate and existing coverage from adjacent ambulance services.

The Department of Health and Community Services does not support the application and has so advised the Board.

The proposed service territory wording provides for uncertainty,  
and

**WHEREAS** after due consideration of the reasons set out by the objector, the Board finds as follows:

The criteria for the establishment of a new service are those established by way of the Motor Carrier Act and Motor Carrier Regulations, the requirements of which the applicant has met.

There is no current permanent service provider in the areas sought to be served by the applicant. The previous service provider, Lawlor's Bus Service Limited, o/a Lawlor's Ambulance Service, applied to and received approval from this Board in November 2004 to cease providing services under its Motor Carrier Certificate as of November 30, 2004. Services provided to residents of the proposed service territory are currently being

performed through ambulance operators in adjacent service areas. The Board notes that neither of these service providers has applied to incorporate the territory abandoned by Lawlor's as part of their respective licenses.

The Board has no record of having been notified in writing, or by any other means, by the Department of Health and Community Services that the Department did not support the within application.

The proposed service territory wording in all respects is the same as that under which Lawlor's operated, and the Board is satisfied that the description is adequate,  
and,

**WHEREAS** in considering this matter, the Board finds that the objector has not made a presumptive case against the granting of the application in this matter, and that approval of the application is in the public interest and meets the test of public convenience and necessity as required by the Act and Regulations.

**IT IS THEREFORE ORDERED THAT:**

The application of 11157 Newfoundland Inc. for a Motor Carrier Certificate be and it is hereby approved.

**DATED** at St. John's, Newfoundland and Labrador, this 9<sup>th</sup> day of February, 2005.

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G. Fred Saunders,  
Presiding Chair.

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John William Finn, Q.C.  
Commissioner.

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G. Cheryl Blundon,  
Board Secretary.