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**IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

In the Matter of:

RBR Management LLC, dba Community  
Ambulance

Applicant.

Docket No. 2017--EMS-0104-DHS  
(EMS No. 0283)

**MOTION TO INTERVENE**

(The Honorable Tammy Eigenheer)

Maricopa Ambulance, LLC, dba Maricopa Ambulance, through undersigned counsel, moves for an order authorizing its intervention in the above referenced matter.

Maricopa Ambulance is the holder of CON No. 147. Maricopa Ambulance's legal interests are not represented by any other party to this proceeding and may be materially affected by the hearing and determination in this matter.

The Notice of Hearing for this matter states that the Applicant proposes to provide "scheduled interfacility and convalescent ambulance transports ... [throughout] ... the entire geographical boundary of Maricopa County." With very limited geographical exception, Maricopa Ambulance's CON authorizes it to provide the full array of ground ALS and BLS ambulance services throughout Maricopa County, including 911 initiated transports as well as scheduled interfacility and convalescent transports. Because there is

a significant overlap in the Applicant's proposed ground ambulance services and service area and Maricopa Ambulance's authorized ground ambulance services and service area, Maricopa Ambulance's interests are clearly implicated and affected by this proceeding.

OAH's rules permit Maricopa Ambulance to intervene in this matter pursuant to A.A.C. R2-19-102(C):

If a procedure is not provided by statute or these rules, an administrative judge may issue an order using the Arizona Rules of Civil Procedure or related local rules for guidance.

Rule 24(a)(2), A.R.C.P., provides that a party has a right to intervene in a matter when it "claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties."

Maricopa Ambulance has one or more protectable interests in these proceedings sufficient to satisfy the standard under Rule 24, as discussed above. No other parties will adequately protect those interests. In addition, it has been the accepted practice in these types of proceedings that the existing provider in a given service area is deemed to have an interest sufficient to justify intervention when another provider seeks to obtain a CON serving that existing provider's service area. This is so because, among other things, at issue will be whether the existing providers are satisfactorily meeting the needs of the community it serves and/or whether there has been substandard performance.

Maricopa Ambulance has a due process right to put on evidence showing that it is meeting the needs of its community and that there is no public necessity for the Applicant's request for a CON.

Based upon the foregoing and the record in this matter, Maricopa Ambulance requests:

1. that the Administrative Law Judge ("ALJ") grant Maricopa Ambulance's Motion to Intervene, after a hearing if the ALJ deems that to be necessary, and that Maricopa Ambulance be allowed access to OAH's electronic database for filing and automatic notice of items filed by other parties;
2. that the Administrative Law Judge schedule and conduct a Prehearing Conference pursuant to A.A.C. R2-19-112, to discuss and enter appropriate prehearing orders to facilitate the parties' preparation for the hearing, including establishing deadlines to the filing of lists of witnesses and exhibits and exchanges of exhibits, issuing subpoenas; and
3. that the ALJ enter other orders deemed to be just and equitable in this matter.

Respectfully submitted this 14<sup>th</sup> day of June, 2017.

**J. BELANGER LAW PLLC**

By /s/ James J. Belanger  
James J. Belanger  
*Attorneys for Maricopa Ambulance, LLC*

## **CERTIFICATE OF SERVICE**

ORIGINAL filed using the OAH electronic document filing system  
<https://portal.azoah.com/oedf> on June 14, 2017, with copies provided to all parties on the  
approved mailing list by posting through the designated OAH website at  
<https://portal.azoah.com/oedf/documents/2016A-EMS-0381-DHS/2016A-EMS-0381-DHS-0018.pdf>.

*/s/ James J. Belanger*

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