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6 **BEFORE THE OFFICE OF**
7 **ADMINISTRATIVE HEARINGS**

9 In the Matter of: 10 RBR Management LLC, DBA Community 11 Ambulance 12 Applicant.	8 Docket 2017- EMS-0104-DHS 9 (EMS No. 0283) 10 11 MOTION TO INTERVENE 12 BY ABC AMBULANCE, LLC 13 (CON NO. 139)
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14 Pursuant to A.R.S. § 36-2234, Arizona Administrative Code R2-19-102(C), and Rule 24,
15 *Arizona Rules of Civil Procedure*, Petitioner ABC Ambulance, LLC (“ABC”) hereby submits its
16 motion to intervene in the application filed by RBR Management LLC, DBA Community
17 Ambulance. ABC holds a CON for interfacility and convalescent transport services that overlaps
18 with Community Ambulance’s proposed service area. This motion is supported by the attached
19 Memorandum of Points and Authorities.

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 **A. BACKGROUND**

22 On June 1, 2017, RBR Management LLC, DBA Community Ambulance filed an application
23 with the Arizona Department of Health Services (“ADHS” or “the Department”) for interfacility
24 ambulance transports within a specified area in Maricopa County (“the Application”).

25 Petitioner ABC holds CON No. 139, granted on May 5, 2015, ABC’s CON covers
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1 scheduled interfacility and convalescent transport services for areas that overlap with the
2 proposed service area in the Applications.

3 **B. LEGAL AUTHORITY**

4 Rule 24(a), *Arizona Rules of Civil Procedure*, provides that a party may intervene *as of*
5 *right* in a matter when it “claims an interest relating to the property or transaction which is the
6 subject of the action and the applicant is so situated that the disposition of the action may as a
7 practical matter impair or impede the applicant’s ability to protect that interest, unless the
8 applicant’s interest is adequately represented by existing parties.”

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10 **C. ARGUMENT**

11 ABC has a protectable interest in these proceedings sufficient to satisfy Rule 24. ABC
12 holds a CON that authorizes ABC to provide scheduled ambulance services (interfacility and
13 convalescent) in Maricopa County. Community Ambulance wishes to provide scheduled
14 ambulance services in Maricopa County. The granting of a CON to Community Ambulance will
15 as a practical matter have an impact on ABC, because it proposes to offer the same services in the
16 same service area that ABC offers.

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18 **D. CONCLUSION**

19 It is respectfully requested that ABC’s motion for intervention be granted.

20 RESPECTFULLY SUBMITTED this 29th day of June 2017

21 MUNGER CHADWICK, P.L.C.

22
23 /s/ Greg Patterson
24 *Attorney for ABC*

25 **CERTIFICATE OF SERVICE**

26 ORIGINAL filed using the OAH electronic document filing system
27 <https://portal.azoah.com/oedf> this 29th day of June, 2017 with copies provided to all parties on
28 the approved mailing list this 29th day of June, 2017 by posting through the designated OAH
website at <https://portal.azoah.com/oedf/documents/2015A-EMS-0190-DHS/index.html>.

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