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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

11 In the Matter of:
12 RBR Management LLC, dba Community
13 Ambulance,
14
15 Applicant

Case No.: 2017-EMS-0104-DHS

**ADHS/BEMSTS' RESPONSE TO
MOTION TO INTERVENE BY ABC
AMBULANCE, LLC**

(Assigned to the Hon. Tammy Eigenheer)

17 The Arizona Department of Health Services, Bureau of Emergency Medical
18 Services and Trauma System (“the Bureau” or “BEMSTS”), hereby responds to the
19 Motion to Intervene by ABC Ambulance, LLC (“ABC”) (C.O.N. No. 139).

20 Since the Office of Administrative Hearings does not have its own procedures
21 for intervention, ABC seeks the right to intervene and to actively participate in this
22 hearing pursuant to Rule 24 of the Arizona Rules of Civil Procedure. That rule
23 provides, in pertinent part, that anyone shall be permitted to intervene in an action who:

24 claims an interest relating to the subject of the action and is
25 so situated that the disposing of the action in the person’s
26 absence may as a practical matter impair or impede the
27 person’s ability to protect that interest, unless existing
28 parties adequately represent that interest.

Id.

1 The Bureau's position is that if the proposed service area of a new C.O.N.
2 application overlaps the current service area of another C.O.N. holder, then that C.O.N.
3 holder has a right to intervene. In this situation, the Bureau is satisfied that the
4 proposed service area sought by the Applicant overlaps ABC's C.O.N. service area and
5 that ABC already has the legal authority to perform interfacility/convalescent advanced
6 life support ("ALS") and basic life support ("BLS") ambulance transports, twenty-four
7 hours per day, seven days a week. Based on the foregoing, the Bureau has no objection
8 to ABC's pending motion for intervention.

9 DATED this 10th day of July, 2017.

10 MARK BRNOVICH
11 Attorney General

12 /s/ Kevin D. Ray
13 Kevin D. Ray
14 Patricia LaMagna
15 Molly Bonsall
16 Assistant Attorneys General
17 *Attorneys for BEMSTS*

18 CERTIFICATE OF SERVICE

19 **ORIGINAL** filed using the OAH electronic document filing system
20 <https://portal.azoah.com/oedf> this 10th day of July, 2017, with copies provided to all
21 parties on the approved mailing list this 10th day of July, 2017, by posting through the
22 designated OAH website at [https://portal.azoah.com/oedf/documents/2017-EMS-0104-
23 DHS/index.html](https://portal.azoah.com/oedf/documents/2017-EMS-0104-DHS/index.html).

24 By: /s/ Koren Lyons
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