

Decision No. C23-0204

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0089CP

IN THE MATTER OF THE APPLICATION OF GRAND JUNCTION STAND UP PADDLE
DOING BUSINESS AS GRAND JUNCTION ADVENTURE FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY
MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION GRANTING
EXTENSION OF TIME AND REOPENING PROCEEDING**

Mailed Date: March 28, 2023

Adopted Date: March 22, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a Motion submitted on February 28, 2023, by Grand Junction Stand Up Paddle, doing business as Grand Junction Adventures (Grand Junction Adventures) requesting that the Commission grant an extension of time to comply with the requirements of Decision No. R22-0681.

2. On February 23, 2022, Grand Junction Adventures filed an application for new permanent authority to operate as a common carrier of passengers by motor vehicle for hire.

3. Grand Junction Adventures requested common carrier authority to transport passengers in call-and-demand charter service and call-and demand shuttle service between points in Mesa County, State of Colorado.

4. The Commission noticed this application, Proceeding No. 22A-0089CP, to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on March 7, 2022, for a period of 30 days.

5. The notice period expired on April 6, 2022. Interventions to this application were timely filed by Pali-Tours, Ltd.¹ (Pali-Tours) on April 5, 2022, and Absolute Prestige Limousine, LLC² (Absolute Prestige) on April 6, 2022.

6. On April 13, 2022, the Commission deemed the Application complete and referred the proceeding to an Administrative Law Judge (ALJ).

7. The ALJ assigned to this proceeding issued Interim Decision R22-0304-I on May 16, 2022. In this decision the ALJ scheduled a remote hearing on July 14, 2022.

8. On July 6, 2022, the owner of Grand Junction Adventures filed a Motion for Postponement. As support for the postponement, the owner stated all parties were currently involved in seeking resolution and expected to have all terms concluded soon but not in time for our hearing. The owner requested a postponement of the hearing for approximately two weeks:

9. On July 8, 2022, the ALJ issued Interim Decision R22-0411-I. This decision vacated the hearing scheduled on July 14, 2022, and ordered Grand Junction Adventures to file a Status Report by July 28, 2022.

10. The Status Report, as filed by the owner of Grand Junction Adventures on August 8, 2022, advised the ALJ that all parties had agreed on restrictions to the proposed authority.

¹ Pali-Tours owns and operates Certificate No.55945.

² Absolute Prestige owns and operates Certificate No. 55925

11. The owner of Grand Junction Adventures filed a Statement of Proposed Authority and the revised wording of the requested authority on August 22, 2022.

12. On October 10, 2022, the ALJ issued Interim Decision R22-0609-I. This decision approved the Stipulated Amendments of the Application and Ordered Additional Notice.

13. The application was re-noticed on October 10, 2022, for a period of 15 days. No interventions or other responses to the application were received during the 15-day notice period.

14. On November 1, 2022, the ALJ issued Decision No. R22-0681. This decision granted the application as re-noticed on October 10, 2022. Decision No. R22-0681 became a Commission decision on November 21, 2022.

15. Ordering Paragraph No. 5 of Decision R22-0681 required Grand Junction Adventures to complete each of the seven conditions named in Ordering Paragraph No. 3 within 60 days of November 21, 2022.

16. Grand Junction Adventures did not complete the requirements within the 60-day period that expired on January 20, 2023. Proceeding No. 22A-0089CP was closed after the expiration of the 60-day period and the requested permanent authority was not issued.

17. On February 28, 2023, the owner of Grand Junction Adventures filed a Motion to Reopen Proceeding No. 22A-0089CP and Extend Time for Document Submittal. In this Motion, the owner of Grand Junction Adventures states:

Grand Junction Adventures is a seasonal business entity and is not open during the months of Nov – Mid March. Our decision to approve our application

(proceeding # 22A-0089CP) came in early November at a time when all business officers were either out of town or involved in other business dealings.

We did get the notice about our application decision however due to attentions focused elsewhere we missed the fact there was a deadline on the required documents.

Grand Junction Adventures' proposed service is of a direct benefit to the tourism industry within the City of Grand Junction, and we ask the following.

We are pleading with the court to allow us to submit documents despite being past our deadline or provide us with a new deadline so we can submit all required document which are currently all ready.

18. Pursuant to Rule 1003(a) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, the Commission may "for good cause shown, grant waivers or variances from tariffs, Commission rules, and substantive requirements contained in Commission decisions. In making its determination the Commission may take into account, but is not limited to, considerations of hardship, equity, or more effective implementation of overall policy on an individual basis."

19. In consideration of the information submitted by Grand Junction Adventures in its request for an extension of time, the Commission finds that good cause has been shown to reopen Proceeding No. 22A-0089CP and grant an additional 30 days to comply with Ordering Paragraph No. 3 of Decision No. R22-0681.

II. ORDER

A. The Commission Orders That:

1. The Motion filed on February 28, 2023, by Grand Junction Stand Up Paddle, doing business as Grand Junction Adventures (Grand Junction Adventures), requesting that the Commission grant an extension of time to comply with the requirements of Decision No. R22-0681 is granted.

2. Grand Junction Adventures is granted an additional 30 days from the mailed date of this Decision to complete the requirements named in Ordering Paragraph No. 3 of Decision No. R22-0681.

3. On its own motion, the Commission waives the 60-day compliance period named in Ordering Paragraph No. 5 of Decision No. R22-0681 and reopens Proceeding No. 22A-0089CP.

4. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Decision.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 22, 2023.**

(S E A L)



ATTEST: A TRUE COPY

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners