

Decision No. C23-0599

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0189CP-XFER

IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NOS. 55764 AND 55904 FROM MTN SHUTTLE LLC DOING BUSINESS AS MTN SHUTTLE TO ASPEN/SNOWMASS EXPRESS LLC DOING BUSINESS AS DENVER AIRPORT SHUTTLE EXPRESS.

**COMMISSION DECISION REOPENING PROCEEDING
AND GRANTING AN EXTENSION OF TIME TO FILE
COMPLIANCE ITEMS**

Mailed Date: September 12, 2023

Adopted Date: August 30, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a motion submitted on August 17, 2023, by MTN Shuttle LLC, doing business as MTN Shuttle (MTN Shuttle), requesting that the Commission grant an extension of time to comply with the terms of Decision No. C23-0406 (Decision).

2. On April 17, 2023, an application was filed requesting approval to transfer Certificates of Public Convenience and Necessity (CPCN) PUC Nos. 55764 and 55904 from MTN Shuttle to Aspen / Snowmass Express LLC, doing business as Denver Airport Shuttle Express.

3. The Commission noticed the application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on April 24, 2023. This proceeding was uncontested; and thus, it was determined without a hearing.

4. On June 14, 2023, the Commission issued the Decision and granted the transfer, subject to the applicants' full compliance with the requirements contained in the Ordering Paragraphs of the Decision, as outlined below.

Transferee shall file an application to consolidate CPCN PUC Nos. 55764 and 55834 into one CPCN and to eliminate the overlaps and/or duplications therein.

Transferee shall not be granted CPCN PUC Nos. 55764 and 55904 and shall not commence operations under those certificates until the following conditions have been fully complied with:

- (a) cause proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- (b) pay to the Commission, the motor vehicle fee (\$50.00) for each vehicle to be operated under authority granted by the Commission, or in lieu thereof, paid the fee for such vehicle(s) pursuant to the Unified Carrier Registration Agreement;
- (c) file an adoption notice that adopts as its own the currently effective tariff of Transferor;
- (d) file a Commission-prescribed acceptance of transfer form that is signed by both the Transferor and Transferee;
- (e) pay the applicable fee (\$5.00) for the issuance of the authorities;
- (f) register an authorized representative as a File Administrator on behalf of Transferee in the Commission's electronic filing system (E-Filings) and agree that Transferee shall receive notifications electronically through E-Filings. Information can be found at:
www.dora.state.co.us/pls/efi/EFI.homepage; and,
- (g) receive notice in writing from the Commission that it is in compliance with the above requirements and may begin service.

Transferor shall file a terminating annual report from January 1, 2023, to the effective date of this Decision into this proceeding (No. 23A-0189CP-XFER).

5. The Decision gave the applicants 60 days from its effective date of June 14, 2023, to comply with the Order; otherwise, "the approval to transfer CPCN PUC Nos. 55764 and 55904 shall be void without further action of the Commission." Therefore, the applicants had until August 14, 2023 (the sixtieth day, August 13, 2023, was a Sunday) to complete the terms of the

Decision. The applicants did not comply with all the requirements; thus, the proceeding was closed without the CPCNs being transferred.

6. In the motion submitted on August 17, 2023, MTN Shuttle requests additional time to comply with the Decision and a list of any incomplete requirements.

7. The Commission concludes that good cause exists to reopen the proceeding and grant an additional 45 days to comply with the Decision. Although the issuance fee (Ordering Paragraph No. 6 (e) of the Decision) was paid after the deadline, it will now be accepted upon this granting of an extension of time. In addition, the applicants still need to comply with Ordering Paragraph Nos. 5 and 7 of the Decision.

II. ORDER

A. The Commission Orders That:

1. The request of MTN Shuttle LLC, doing business as MTN Shuttle, filed on August 17, 2023, that the Commission grant additional time for it to complete the requirements set forth in Decision No. C23-0406, is granted.

2. The joint applicants to this transfer proceeding are granted 45 days from the Mailed Date of this Decision to comply with the requirements set forth in Decision No. C23-0406.

3. 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 Commission mails or serves this Decision.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 30, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners