

Decision No. C23-0832

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0512BP

IN THE MATTER OF THE APPLICATION OF SP PLUS CORPORATION DOING BUSINESS AS SP PLUS FOR A PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION GRANTING
PERMANENT AUTHORITY SUBJECT TO CONDITIONS**

Mailed Date: December 13, 2023

Adopted Date: December 6, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On October 17, 2023, SP Plus Corporation, doing business as SP PLUS (Applicant), filed an Application for Permanent Authority to Operate as a Contract Carrier of Passengers by Motor Vehicle for Hire. An amendment to the application was filed on October 23, 2023.

2. Applicant requests permanent authority to operate as a contract carrier to provide transportation for the employees and guests of the Eldora Mountain ski resort in Nederland, Colorado as more fully described in Appendix A attached to this Decision.

3. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on October 30, 2023.

4. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

5. Pursuant to Rule 6203 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, the information submitted with this application warrants the granting of the requested contract carrier authority. The application includes the requisite customer support letter from the Eldora Mountain ski resort.

6. Applicant is fit to perform the service as requested.

7. A present and special need for the requested transportation service exists. A grant of the requested authority will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

8. This application for permanent authority is in the public interest.

9. Applicant is granted, subject to conditions, a permit to operate as a contract carrier of passengers by motor vehicle for hire as set forth in the Appendix attached to this Decision, conditioned upon Applicant's full compliance with the requirements contained in this Decision.

10. If the Applicant fails to comply with the prerequisites required by Ordering Paragraph No. 3 within 60 days of the effective date of the Decision, the requested permit will be deemed denied and Applicant will not be granted the requested permanent authority; the permit shall not be issued; and Applicant shall not be permitted to operate under the requested contract carrier authority. No further action of the Commission is required.

11. For good cause shown, the Commission may grant additional time for compliance with Ordering Paragraph No. 3 if the request for additional time is filed within 60 days of the effective date of this Decision.

12. The Commission will notify Applicant in writing when the Commission's records demonstrate Applicant has fully complied with the requirements of Ordering Paragraph No. 3. Applicant shall not begin operations without the receipt of written notification of compliance from the Commission.

II. ORDER

A. The Commission Orders That:

1. This application was deemed complete for purposes of § 40-6-109.5, C.R.S., on December 6, 2023.

2. The issuance of a permit to operate as a contract carrier of passengers by motor vehicle for hire as set forth in Appendix A attached to this Decision is granted to SP Plus Corporation, doing business as SP PLUS (Applicant), subject to Applicant's full compliance with the requirements contained in Ordering Paragraph No. 3.

3. Applicant shall not be granted a contract carrier permit and shall not commence operations until it has fully complied with the following conditions:

- (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 with the Commission and have an effective, publicly available tariff. The tariff should comply with Rule 6208 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6. The tariff shall be filed in a *new* Advice Letter/Tariff proceeding on not less than ten days' notice prior to a proposed effective date. In calculating the proposed effective date, the date received at the Commission is not included in the notice period and the entire notice period must expire prior to the proposed effective date;

- (d) submit a Vehicle Inspection Report for each vehicle to be operated under the authority at the commencement of operations. The inspection must be done in accordance with Rules 6103 and 6104 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6; and the inspection must show that the vehicle passed the inspection. The inspection report may be found at: <https://puc.colorado.gov/contract-carriers>;
- (e) register an Authorized Representative as a File Administrator on behalf of Applicant in the Commission's electronic filing system (E-Filings) and agree that Applicant shall receive notifications electronically through E-Filings. Information can be found at: www.dora.state.co.us/pls/efi/EFI.homepage; and
- (f) pay the applicable fee (\$5.00) for the issuance of the authority.

4. The contract carrier permit shall not be issued, and Applicant shall not operate under the requested contract carrier authority unless Applicant complies with all of the conditions in Ordering Paragraph No. 3.

5. If the Applicant does not comply with each requirement in Ordering Paragraph No. 3, within 60 days of the effective date of this Decision, the contract carrier permit is denied without further action of the Commission. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within 60 days of the effective date of this Decision.

6. Applicant shall operate in accordance with all applicable statutes, orders, and rules of the Commission. The Commission may issue an order to cease and desist or to suspend, revoke, alter, or amend any certificate or permit for violation of, or refusal to observe any statute, order, or rule of the Commission, consistent with § 40-10.1-112 (1), C.R.S.

7. 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.

8. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 6, 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