

Decision No. R23-0570

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0565CP

IN THE MATTER OF THE APPLICATION OF JASON STEINBERG DOING BUSINESS AS
STEAMBOAT TAXI FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
GRANTING MOTION TO WITHDRAW APPLICATION,
VACATING HEARING, AND CLOSING PROCEEDING**

Mailed Date: August 28, 2023

I. STATEMENT

A. Background

1. On December 21, 2022, Jason Steinberg, doing business as Steamboat Taxi (Steamboat Taxi) filed the application described in the caption above (Application). Steamboat Taxi seeks: “authority to operate as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand taxi service between all points in Routt County, State of Colorado.”

2. On December 27, 2022, the Commission issued public notice of the authority sought by Steamboat Taxi in the Application as follows:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand taxi service between all points in Routt County, State of Colorado.

3. On January 23, 2023, Alpine Taxi/Limo, Inc. d/b/a Alpine and/or Go Alpine (Go Alpine) filed a Notice of Intervention by Right, Alternative Motion to Intervene and Request for Hearing.

4. On January 24, 2023, NDW Enterprises LLC, doing business as Ski Town Transportation (Ski Town) filed a Petition to Intervene (Petition) (Go Alpine and Ski Town shall be referred to as Intervenors).

5. On February 1, 2023, the Commission deemed the Application complete and referred the proceeding to an Administrative Law Judge. The proceeding was subsequently assigned to the undersigned ALJ.

6. On May 16, 2023, the ALJ issued Decision No. R23-0323-I that granted the Petition, scheduled an in-person hearing in Steamboat Springs for September 21-22, 2023, and established a procedural schedule that included, among other things, deadlines of August 10 and 24, 2023 for Steamboat Taxi and Intervenors, respectively, to file and serve witness lists and exhibits.

7. On August 10, 2023, Steamboat Taxi filed a Motion to Withdraw Application (Motion). In the Motion, Steamboat Taxi requests to withdraw the Application without prejudice so it can “seek Commission authority to operate in the future.”¹

8. On August 18, 2023, the ALJ issued Decision No. R23-0553-I that shortened response time to the Motion to August 22, 2023.

9. Neither Intervenor filed a response to the Motion by the deadline.

¹ Motion at 1.

B. Analysis

10. Under Rule 1309(d) of the Commission's Rules of Practice and Procedure:

A party may withdraw an application or petition upon notification to the Commission and all parties prior to 45 days before the first day of hearing. Thereafter, the party shall file a motion to obtain leave of the Commission to withdraw the application or petition. In ruling on such a motion, the Commission shall consider whether good cause for withdrawal is stated and whether other parties would be prejudiced by the withdrawal.

11. Here, the Motion states good cause to withdraw the Application without prejudice. As support for the Motion, Steamboat Taxi states that it has been unsuccessful in retaining an attorney to represent it and will experience "financial hardship" if it goes to hearing. In addition, Intervenor's decision not to file any response to the Motion establishes that no prejudice will result from the withdrawal. Accordingly, the Motion shall be granted, the hearing shall be vacated, and the proceeding shall be closed.

II. ORDER**A. The Commission Orders That:**

1. The Motion to Withdraw Application filed by Jason Steinberg, doing business as Steamboat Taxi (Steamboat Taxi) on August 10, 2023, is granted.

2. The Application filed by Steamboat Taxi on December 21, 2022 for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire is withdrawn without prejudice.

3. The evidentiary hearing in this proceeding scheduled for September 21-22, 2023 in Steamboat Springs, Colorado is vacated.

4. Proceeding No. 22A-0565CP is closed.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

6. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

- a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion within 20 days after service, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
- b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

7. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

Rebecca E. White,
Director