

Decision No. C24-0023

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0557CP-EXT

IN THE MATTER OF THE APPLICATION OF ASPEN / SNOWMASS EXPRESS LLC DOING BUSINESS AS DENVER AIRPORT SHUTTLE EXPRESS FOR AN ORDER OF THE COMMISSION AUTHORIZING THE CONSOLIDATION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (CPCN) NOS. 55764 AND 55834 INTO CPCN NO. 55834.

COMMISSION DECISION GRANTING APPLICATION

Mailed Date: January 11, 2024
Adopted Date: December 27, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On November 7, 2023, Aspen/Snowmass Express LLC, doing business as Denver Airport Shuttle Express (Applicant), filed an application in compliance with Decision No. C23-0406¹ for approval to consolidate Certificate of Public Convenience and Necessity (CPCN) Nos. 55764 and 55834 into one certificate and to eliminate the overlaps and/or duplications therein.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on November 13, 2023.

3. 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.

¹ Mailed on June 14, 2023, in Proceeding No. 23A-0189CP-XFER.

4. By Decision No. C23-0406, the Commission approved the transfer of CPCN Nos. 55764 and 55904 from MTN Shuttle LLC to Applicant, which already owned and operated another CPCN (No. 55834). Recognizing overlap and/or duplication of authority in CPCN No. 55764 and CPCN No. 55834, the Commission deemed only one authority to exist. The instant application was filed to consolidate CPCN Nos. 55764 and 55834, both now owned by Applicant.

5. The Commission's Notice stated the current authority in CPCN Nos. 55764 and 55834 as well as Applicant's requested consolidation of these certificates into CPCN No. 55834.

6. Applicant established that the proposed consolidation of CPCN Nos. 55764 and 55834 into CPCN No. 55834 eliminates overlap and/or duplication within the authorities and complies with Decision No. C23-0406. Therefore, it is found that good cause has been shown to approve the application. CPCN No. 55834 shall be modified and reissued with the authority as set forth in Appendix A attached to this Decision. CPCN No. 55764 shall be cancelled upon reissuance of CPCN No. 55834.

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 27, 2023.

2. The application filed by Aspen / Snowmass Express LLC, doing business as Denver Airport Shuttle Express, on November 7, 2023, for approval to consolidate Certificate of Public Convenience and Necessity (CPCN) Nos. 55764 and 55834 into one certificate and to eliminate any duplication or overlap of authorities in compliance with Decision No. C23-0406 is granted.

3. CPCN No. 55834 shall be reissued as set forth in the Appendix attached to this Decision.

4. CPCN No. 55764 shall be cancelled upon reissuance of CPCN No. 55834.

5. CPCN No. 55834 shall not be reissued until Aspen / Snowmass Express LLC, doing business as Denver Airport Shuttle Express, has (a) filed with the Commission a tariff which complies with Rule 6208 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, and (b) paid the applicable issuance fee of \$5.00.

6. If Aspen / Snowmass Express LLC, doing business as Denver Airport Shuttle Express, does not comply with the requirements in Ordering Paragraph No. 5 within 60 days of the effective date of this Decision, then the approval to consolidate the certificates shall be void. 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.

7. Applicant shall continue to 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.

8. 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.

9. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 27, 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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Commissioners