

Decision No. C24-0274

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0108CP-XFER

IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55713 FROM ASPEN ECOLUX LLC DOING BUSINESS AS ASPEN TRANSPORTATION CO. TO ROARING FORK EXPRESS LLC.

**COMMISSION DECISION DEEMING APPLICATION
COMPLETE AND GRANTING TRANSFER OF
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY SUBJECT TO CONDITIONS**

Mailed Date: April 24, 2024

Adopted Date: April 17, 2024

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On March 5, 2024, an application was filed requesting approval to transfer Certificate of Public Convenience and Necessity (CPCN) PUC No. 55713 from Aspen EcoLux LLC, doing business as Aspen Transportation Co., to Roaring Fork Express LLC, doing business as Aspen Transportation Co.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on March 11, 2024.

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.

4. The information submitted with this application complies with Rule 6206(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, and warrants the granting of the requested transfer of CPCN PUC No. 55713.

5. The financial standing and overall fitness of the transferee has been satisfactorily established per § 40-10.1-205(3), C.R.S.

6. This application for permanent approval of the transfer of CPCN PUC No. 55713 is in the public interest and will be granted, conditioned upon full compliance with the requirements contained in the Order.

II. ORDER

A. The Commission Orders That:

1. The Application is deemed complete, for purposes of § 40-6-109.5, C.R.S.
2. The Joint Application filed by Aspen EcoLux LLC, doing business as Aspen Transportation Co. (Transferor), for approval to transfer Certificate of Public Convenience and Necessity (CPCN) PUC No. 55713, subject to encumbrances, if any, against the authority, to Roaring Fork Express LLC, doing business as Aspen Transportation Co. (Transferee), is granted, subject to full compliance with the requirements contained in Ordering Paragraph Nos. 4 and 5.
3. CPCN PUC No. 55713 is set forth in the Appendix attached to this Decision.
4. Transferee shall not be granted CPCN PUC No. 55713 and shall not commence operations under this certificate until the following conditions have been fully complied with:
 - (a) register the trade name, Aspen Transportation Co., with the Colorado Secretary of State's Office;
 - (b) cause proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission in its full name (Roaring Fork Express LLC, doing business as Aspen Transportation Co.);

- (c) 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;
- (d) file an adoption notice that adopts as its own the currently effective tariff of Transferor;
- (e) file a Commission-prescribed acceptance of transfer form that is signed by both the Transferor and Transferee;
- (f) pay the applicable fee (\$5.00) for the issuance of the authority;
- (g) 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,
- (h) receive notice in writing from the Commission that it is in compliance with the above requirements and may begin service.

5. Transferor shall file a 2023 Annual Report in Proceeding No. 24M-0009TR. Transferor shall also file a Terminating Annual Report from January 1, 2024 to the effective date of this Decision into this Proceeding (No. 24A-0108CP-XFER).

6. If Transferor and Transferee do not comply with the requirements of Ordering Paragraph Nos. 4 and 5 within 60 days of the effective date of this Decision, then the approval to transfer CPCN PUC No. 55713 shall be void 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 the 60 days.

7. Transferee 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

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 Commission mails or serves this Decision.

9. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 17, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

Commissioners

COMMISSIONER TOM PLANT
ABSENT