

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0530CP-ETA

IN THE MATTER OF THE APPLICATION OF SUNLIGHT, INC. DOING BUSINESS AS
SUNLIGHT MOUNTAIN RESORT, FOR EMERGENCY TEMPORARY AUTHORITY TO
OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION GRANTING
EMERGENCY TEMPORARY AUTHORITY**

Issued Date: December 19, 2024

Adopted Date: December 18, 2024

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On December 5, 2024, Sunlight, Inc., doing business as Sunlight Mountain Resort (“Sunlight Mountain Resort”), filed an Application for Emergency Temporary Authority to Operate as a Common Carrier of Passengers by Motor Vehicle For Hire for 30 days.

2. The emergency temporary authority requested by Sunlight Mountain Resort is:

Transportation of passengers in scheduled service and call-and-demand shuttle service between: a) Hotel Glenwood Springs, 52000 Two Rivers Plaza Road, Glenwood Springs; b) Hotel Colorado, 526 Pine Street, Glenwood Springs; c) Glenwood Hot Springs Lodge, 415 East 6th Street, Glenwood Springs; d) The Hotel Maxwell Anderson (formerly The Hotel Denver), 402 7th Street, Glenwood Springs; e) Sunlight Ski & Bike Shop, 309 9th Street, Glenwood Springs; and f) Mountain Market, 3950 Midland Avenue, Glenwood Springs; on the one hand, and the Sunlight Mountain Resort, 10901 County Road 117, Glenwood Springs, State of Colorado, on the other hand.

3. Pursuant to § 40-10.1-204(1), C.R.S., the Commission is authorized to grant temporary authority only when “there appears to be an immediate and urgent need to any point or

within a territory having no such service capable of meeting the need.” Section 40-10.1-204(4), C.R.S., further states: "If the Commission determines that an emergency exists, it may issue temporary authority or approval at once by making specific reference in its order to the circumstances constituting the emergency, in which case no notice need be given, but any such emergency authority or approval expires no later than thirty days after it was issued."

4. Sunlight Mountain Resort must meet a two-fold test: first, that there is an emergency need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If Sunlight Mountain Resort fails to meet either test, the application must be denied.

5. The following information is relevant to the filing of the emergency temporary authority application. Ski Sunlight, Inc. was issued Certificate No. 53829 on December 12, 1995. Ski Sunlight, Inc. has provided scheduled and shuttle service between points in Glenwood Springs and the Sunlight Mountain Resort since 1995. The corporate name of Ski Sunlight, Inc. was changed to Sunlight, Inc. with the Colorado Secretary of State's office in 1996. A request from Ski Sunlight, Inc. to change the corporate name on file with the Commission to Sunlight, Inc. does not appear to have been filed.

6. In March of 2024 Staff of the Commission became aware that the corporate name had changed from Ski Sunlight, Inc. to Sunlight, Inc., dba Sunlight Mountain Resort. However, the proof of liability insurance on file with the PUC was issued to Ski Sunlight, Inc.

7. An employee of the insurance company that issued the policy on file with the PUC was contacted by staff on March 29, 2024, to determine if the policy was still active. Staff was advised it was not active. The insurance company filed a Form K on April 2, 2024, to cancel the existing policy as of May 2, 2024.

8. On April 19, 2024, Ski Sunlight, Inc. was mailed an Order of Summary Suspension and Complaint and Notice of Hearing for not having active liability insurance on file with the Commission. The hearing before an administrative law judge was held on May 9, 2024. Recommended Decision No. R24-0358 (“Decision”) was issued on May 29, 2024. The Decision, in Ordering Paragraph No. 5, ordered the revocation of certain named authorities and permits. Certificate No. 53829, as issued to Ski Sunlight, Inc., was revoked on June 18, 2024.

9. After becoming aware of the revocation of Certificate No. 53829, Sunlight. Inc., doing business as Sunlight Mountain Resort, filed an Application for New Permanent Authority on November 13, 2024. The application for permanent authority was noticed to the public on November 18, 2024. The notice period for a permanent application is 30 days.

10. The CEO of Sunlight Mountain Resort, Cindy Dady, contacted PUC staff on December 4, 2024, to inquire as to the date the permanent authority application could be granted. Ms. Dady was advised that the permanent authority application would be on the Commissioner’s weekly meeting of December 30, 2024, and could be granted at the weekly meeting. Ms. Dady was advised that an application for emergency temporary authority could also be filed.

11. Sunlight Mountain Resort filed the emergency temporary authority application on December 5, 2024. To support the emergency temporary authority application, Ms. Dady filed these statements on December 6, 2024.

Our inability to provide the shuttle service, as stipulated in our contracts with our hotel partners, places a significant burden on guests participating in swim stay packages. It also disappoints our local community guests who rely heavily on the shuttle for their transportation needs.

The emergency permit request allows us to provide the service starting on December 13th, 2024¹, our official opening date, to our guests, until the entire certificate is granted. By granting this, we do not breach our contractual obligations to the hotel that has bought packages and to the guests who prefer not to drive to be able to come to the mountain to ski. Families with teens use the bus to allow their children access to ski when they cannot drive them to the mountain.

12. In consideration of the information submitted by Sunlight Mountain Resort, the Commission finds that an immediate and urgent need for the transportation services requested in the emergency temporary application has been shown to exist.

13. The Commission also finds that Sunlight Mountain Resort has adequate equipment and financial resources to begin immediate service within the scope of the authority sought, and the application for temporary authority is in the public interest.

14. Sunlight Mountain Resort is advised that the grant of an emergency temporary authority creates no presumption that a permanent authority will be granted.

II. ORDER

A. The Commission Orders That:

1. The application for emergency temporary authority filed on December 5, 2024, by Sunlight, Inc., LLC, doing business as Sunlight Mountain Resort (“Sunlight Mountain Resort”), is granted.

2. Sunlight Mountain Resort is granted emergency temporary authority to conduct operations as a common carrier by motor vehicle for hire for a period of 30 days commencing from the Issued Date of this Decision, with authority as set forth in Appendix A attached to this Decision.

¹ The emergency temporary authority application was not on the Commissioner’s weekly meeting agenda for December 11, 2024. Therefore, the emergency temporary authority was not granted or issued by December 13, 2024.

3. Sunlight Mountain Resort shall operate in accordance with all applicable Colorado laws and Commission rules.

4. Sunlight Mountain Resort shall not commence operation until it has complied with the requirements of Colorado laws and Commission rules, including without limitation:

- (a) causing proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- (b) paying 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) having an effective tariff on file with the Commission; Sunlight Mountain Resort shall file an advice letter and tariff on not less than one day's notice. The advice letter and tariff shall be filed as a new Advice Letter proceeding and shall comply with all applicable rules. 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 effective date;
- (d) submitting a current Annual Vehicle Inspection Report for each vehicle to be operated under the authority [the inspection must be done by an inspector who meets the qualification requirements in 49 *Code of Federal Regulations* § 396.19; and, the inspection must show that the vehicle passed the inspection]; and,
- (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) paying the applicable issuance fee (\$5.00).

5. If Sunlight Mountain Resort does not comply with the requirements of this Decision within 30 days of its effective date, then the emergency temporary authority shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 30 days.

6. The Commission will notify Sunlight Mountain Resort in writing when the Commission's records demonstrate compliance with Ordering Paragraph No. 4.

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 Commission mails or serves this Decision.

8. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 18, 2024.**

(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