

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22C-0194-INS

IN THE MATTER OF COMMISSION ACTION AGAINST THE CERTIFICATE(S) AND PERMIT(S) OF MOTOR CARRIERS CONCERNING FINANCIAL RESPONSIBILITY PURSUANT TO § 40-10.1-112, C.R.S., AND RULE 4 CCR 723-6-6008 OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE.

**COMMISSION DECISION MODIFYING DECISION NO.
R22-0335 WITH RESPECT TO MARA INK**

Mailed Date: August 17, 2022

Adopted Date: August 17, 2022

I. BY THE COMMISSION

A. Statement

1. This Decision conditionally modifies Decision No. R22-0335 which revoked Mara Ink's authorities. As discussed below, Mara Ink has 30 days to file to suspend its authorities.

B. Discussion

2. On May 9, the Commission sent letters to several motor carriers informing them that they did not have on file a currently effective proof of insurance or surety coverage. One of those motor carriers was Mara Ink.

3. On May 25, Administrative Law Judge (ALJ) Farley held a hearing during which a member of the Commission's transportation staff presented evidence, in the form of notices from the motor carrier's insurers, that each carrier's insurance or surety coverage policy had lapsed prior to the date of the hearing. None of the motor carriers presented evidence at the hearing. The ALJ concluded that all but two of the motor carriers were out of compliance with

the Commission's requirement to maintain insurance or surety coverage. Mara Ink was not one of the two companies excluded from this determination. As a result, the ALJ's decision (Decision No. R22-0335) recommended that the Commission revoke the operating authorities of the motor carriers found to be in violation.

4. No party challenged the ALJ's Recommended Decision and as a result it become effective as a decision of the Commission on June 27.

5. On July 29, and again on August 1, Mara Ink filed exceptions to the Recommended Decision and supporting documentation. In its exceptions, Mara Ink explains:

- It asked Commission staff how to suspend its authority during the company's inactive summer months.
- It thought it had successfully submitted its request to suspend its authorities.
- Mara Ink was not operating during the summer months.
- In fact, the company's owner and operator was in California and as a result did not receive the notice of the revocation proceeding.
- This situation was a mistake and that the company will ensure that it will not happen again.

The documents filed in support of the exceptions include: an April email from Mara Ink to Commission staff asking how to suspend its authorities for the summer; a screenshot of the error Mara Ink alleges it received upon filing its request to suspend its operating authority; and, a copy of the owner's pay stub showing that he was in fact working in California in early May.

C. Findings and Conclusions

6. The deadline to file exceptions or RRR had passed by the time Mara Ink filed its challenge to the Recommended Decision. Therefore, we construe the filing as a motion to modify Decision No. R22-0335 pursuant to § 40-6-112, C.R.S. Considering the explanation in

Mara Ink's exceptions, along with the supporting documentation, we find good cause to modify the Recommended Decision. Doing so is equitable and it will likely save Mara Ink and this Commission unnecessary effort by avoiding the need for Mara Ink to file new applications for temporary and permanent operating authority. Therefore, we will conditionally modify Ordering Paragraph 1 of Decision No. R22-0335 to exclude Mara Ink (thereby reinstating its revoked authorities).

7. Within 30 days of the date of this Decision, Mara Ink must submit a request to (retroactively) suspend its operating authorities from the date its insurance coverage expired to the day before it seeks to continue operations for this season. Mara Ink must comply with all insurance coverage and other Commission regulations before it may begin service to customers again.

8. If Mara Ink does not submit a request within 30 days, the Recommended Decision will not be modified and Mara Ink's operating authorities will remain revoked.

II. ORDER

A. It Is Ordered That:

1. The Commission conditionally modifies Ordering Paragraph 1 of Decision No. R22-0335 to exclude Mara Ink.

2. Mara Ink must file a request to retroactively suspend its operating authority consistent with the discussion above.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 17, 2022.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners