

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04S-322CP

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RE: IN THE MATTER OF RATES FILED IN TAXI TARIFF COLORADO PUC NO. 3  
BY SUMMIT COUNTY TAXI SERVICE, LLC. TO INCREASE RATES FOR THE  
TRANSPORTATION OF PASSENGERS IN TAXI SERVICE BETWEEN POINTS IN  
SUMMIT COUNTY TO BECOME EFFECTIVE ON JUNE 18, 2004.

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**RECOMMENDED DECISION OF  
ADMINISTRATIVE LAW JUDGE  
DALE E. ISLEY  
GRANTING MOTION TO PERMANENTLY  
SUSPEND TARIFF AND TO CLOSE  
DOCKET AND VACATING HEARING**

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Mailed Date: October 7, 2004

**I. STATEMENT, FINDINGS, AND CONCLUSIONS**

1. On May 18, 2004, Summit County Taxi Service, LLC (Summit County Taxi) filed proposed increased rates in Taxi Tariff Colorado PUC NO. 3 (Tariff) for the transportation of passengers between points in Summit County, Colorado to become effective on June 18, 2004.

2. On June 17, 2004, the Colorado Public Utilities Commission suspended the effective date for the Tariff and set the matter for hearing on October 8, 2004, before an administrative law judge. *See*, Decision No. C04-0672 (Suspension Order). The Suspension Order also made the Staff of the Commission (Staff) a party to this proceeding and established a procedural schedule for filing witness lists and exhibits by the parties.

3. On September 24, 2004, the Staff filed a Motion to Permanently Suspend Tariff, to Close Docket and for Shortened Response Time (Motion). The Motion requests that the Tariff

be permanently suspended as a result of Summit County Taxi's failure to comply with the procedural requirements of the Suspension Order.

4. Staff's request that response time to the Motion be shortened to October 4, 2004, was granted on September 27, 2004. *See*, Decision No. R04-1121-I. Summit County Taxi did not respond to the Motion. Therefore, it is uncontested.

5. The Suspension Order clearly contemplates the submission of data by Summit County Taxi sufficient to justify the 83.3 percent increase in taxi rates called for by the Tariff. *See*, 4 *Code of Colorado Regulations* 723-1-31. In this regard, it required Summit County Taxi to file its witness list and copies of its exhibits 60 days prior to hearing. *See*, Ordering Paragraph 8. It further provided that no witness would be allowed to testify and no document would be received into evidence at the hearing unless so filed. *See*, Ordering Paragraph 10. It advised Summit County Taxi that the Tariff could be rejected if it failed to comply with these pre-filing requirements. *See*, Ordering Paragraph 11.

6. Summit County Taxi's failure to comply with the filing requirements described above renders it incapable of justifying the rate increases proposed in the Tariff since no witness would be allowed to testify and no document could be received into evidence at the hearing in support of the same. Therefore, the Motion states good grounds for permanently suspending the Tariff and for closing this docket. It will, therefore, be granted and the hearing of this matter, currently scheduled for October 8, 2004, will be vacated.

7. In accordance with § 40-6-109, C.R.S., it is recommended that the Commission enter the following Order.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Motion to Permanently Suspend Tariff and to Close Docket filed in this matter by the Staff of the Colorado Public Utilities Commission is granted.

2. Taxi Tariff Colorado PUC No. 3 filed by Summit County Taxi Service, LLC on May 18, 2004, is permanently suspended.

3. Docket No. 04S-322CP is closed.

4. The hearing of this matter scheduled for October 8, 2004, is vacated.

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, 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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge