

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04S-442CP

RE: IN THE MATTER OF THE RATES FILED IN TARIFFS COLORADO PUC NOS. 4, 5, AND 9 BY ROCKY LIMOUSINE COMPANY, INC., TO INCREASE RATES FOR THE TRANSPORTATION OF PASSENGERS IN SERVICE BETWEEN PUEBLO, COLORADO SPRINGS, AND CRIPPLE CREEK TO BECOME EFFECTIVE ON SEPTEMBER 1, 2004.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
GRANTING STAFF'S UNCONTESTED
MOTION TO DISMISS PROPOSED RATE
INCREASE, WAIVER OF RESPONSE TIME,
DISMISSING CASE, AND CLOSING DOCKET**

Mailed Date: December 14, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On July 20, 2004, Ramblin' Express initiated the captioned docket by filing an application to increase rates in Passenger Tariffs, Colorado PUC Nos. 4, 5, and 9 for the transportation of passengers between Pueblo, Colorado Springs, and Cripple Creek, Colorado to become effective on September 1, 2004.

2. By Decision No. C04-1008 the Commission suspended the proposed rate increase for a period of 120 days, or until December 31, 2004.

3. The matter was scheduled for hearing for December 20, 2004.

4. On September 15, 2004, Staff of the Colorado Public Utilities Commission (Staff) filed an Entry of Appearance and Notice of Intervention.

5. On December 2, 2004, Staff filed an Uncontested Motion to Dismiss Ramblin' Express' Proposed Rate Increase and for Waiver of Response Time. Staff states that on

December 1, 2004, Mr. Todd Holland, President of Ramblin' Express, provided a document to Staff which is a printout of an email to Staff's counsel dated October 7, 2004 wherein Ramblin' Express desires to discontinue its request for a rate increase. A copy of this printout was attached to Staff's motion.

6. Since the Motion to Dismiss is uncontested and Ramblin' Express requests to withdraw its proposal to increase rates, the Uncontested Motion to Dismiss will be granted and the case dismissed.

7. Pursuant to § 40-6-109(2), C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The Uncontested Motion to Dismiss Ramblin' Express' Proposed Rate Increase and for Waiver of Response Time filed by Staff of the Colorado Public Utilities Commission on December 2, 2004 is granted.

2. Response time to the motion is waived.

3. Docket No. 04S-442CP is dismissed and said docket is closed.

4. The hearing currently scheduled for December 20, 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

Administrative Law Judge

