

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 05R-517TR

IN THE MATTER OF THE PROPOSED REPEAL OF THE RULES REGULATING EXEMPT PASSENGER CARRIERS AND THE RULES REGULATING HOUSEHOLD GOODS MOVERS AND PROPERTY CARRIERS, AS FOUND IN 4 CCR 723- 33 AND 35.

NOTICE OF PROPOSED RULEMAKING

Mailed Date: December 7, 2005

Adopted Date: December 7, 2005

I. BY THE COMMISSION:

A. Statement

1. The Colorado Public Utilities Commission gives notice of proposed rulemaking regarding its Rules Regulating Exempt Passenger Carriers and its Rules Regulating Household Goods Movers and Property Carriers. The intent of the proposed rulemaking is to repeal the rules found at 4 *Code of Colorado Regulations* (CCR) 723-33 and 35. The proposed repeal of these rules should be considered in conjunction with the Commission's overall effort to revise and recodify all of its motor vehicle transportation rules in Docket No. 03R-554TR.

2. In Docket No. 03R-554TR, the Commission proposed to repeal and reenact all rules regulating transportation by motor vehicle. That rulemaking docket is now final. The new rules, which include provisions governing exempt passenger carriers, household goods movers, and property carriers, will become effective on April 1, 2006. *See* Decision No. C05-1037-A. However, the rulemakings enacting the rules now codified in 4 CCR 723-33 and 35 were not completed prior to the issuance of the Notice of Proposed Rulemaking for Docket 03R-554TR. By the instant Notice of Proposed Rulemaking, the Commission seeks to ensure that there is no

question that the rules currently codified at 4 CCR 723-33 and 35 will be repealed in their entirety, to be replaced by the rules codified in Docket No. 03R-554TR. The Commission therefore proposes the repeal of the rules in 4 CCR 723-33 and 35 to coincide with the effective date of the replacement rules, namely, April 1, 2006.

3. The statutory authority for the proposed repeal is found at §§ 40-2-108, C.R.S.

4. An Administrative Law Judge (ALJ) for the Commission will conduct a hearing on the proposed repeal and related issues at the below stated time and place. Interested persons may submit written comments on the proposed repeal and present these orally at hearing, unless the ALJ deems oral presentations unnecessary. The Commission encourages interested persons to submit written comments before the hearing scheduled in this matter. In the event interested persons wish to file comments before hearing, the Commission requests that such comments be filed no later than February 3, 2006. Reply comments should be submitted by February 10, 2006. The Commission will consider all submissions.

II. ORDER

A. **The Commission Orders That:**

1. This Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the January 10, 2006 edition of *The Colorado Register*.

2. A hearing on the proposed rules and related matters shall be held before an Administrative Law Judge as follows:

DATES: February 14, 2006
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
Office Level 2 (OL2)
Logan Tower
1580 Logan Street
Denver, Colorado

At the time set for hearing in this matter, interested persons may submit written comments and may present these orally unless the Administrative Law Judge deems oral comments unnecessary.

3. Interested persons may file written comments in this matter before the hearing. The Commission requests that such prefiled comments be submitted no later than February 3, 2006. Reply comments should be submitted by February 10, 2006. The Commission will consider all submissions, whether oral or written.

4. This order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 7, 2005.**

(SEAL)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

CARL MILLER

Commissioners