

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0940CP-EXTENSION

IN THE MATTER OF THE APPLICATION OF HY-MOUNTAIN TRANSPORTATION, INC.
D/B/A HIGH MOUNTAIN TAXI, 214B AABC, ASPEN COLORADO, 61611 FOR
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
ACCEPTING AMENDMENT; DISMISSING
INTERVENTION; GRANTING APPLICATION
AMENDED UNDER MODIFIED
PROCEDURE; VACATING PREHEARING
CONFERENCE; AND CLOSING PROCEEDING**

Mailed Date: November 17, 2014

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I. STATEMENT

1. Hy-Mountain Transportation, doing business as High Mountain Taxi (Applicant), initiated the captioned proceeding on September 16, 2014, by filing an application seeking authority to extend their certificate of public convenience and necessity as a common carrier by motor vehicle for hire with the Colorado Public Utilities Commission (Commission).

2. On September 22, 2014, the Commission provided public notice of the application to extend the authority by publishing a summary of the same in its Notice of Applications Filed:

Currently, Certificate No. 14114 authorizes the following:

I. Transportation of

passengers, in taxi service,

between all points in County of Eagle, State of Colorado, and from said points, on the one hand, to all points in the State of Colorado, on the other hand.

Item (I) is restricted against providing service which originates or terminates within a ten-mile radius of the intersection of Mill and Main Streets in Aspen, Colorado.

II. Transportation of

passengers, in taxi service,

between all points within a 55-mile radius of the intersection of I-70 and Colorado State Highway 82 in Glenwood Springs, Colorado.

Item (II) is restricted to the use of vehicles with a passenger capacity of 15 or less, excluding the driver.

III. Transportation of

passengers, in taxi service,

between all points within a 15-mile radius of the intersection of I-70 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the one hand, and all points within the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the other hand.

Item (III) is restricted:

- (A) against the transportation of train crews which originates or terminates at actual train locations on rail siding; and
- (B) to the use of vehicles with a passenger capacity of eight or less, including the driver; and
- (C) such that any taxi service between points within a 15-mile radius of I-70 and Colorado State Highway 82 at Glenwood Springs, Colorado, on the one hand, and on the other hand, all points (a) within a 15-mile radius of

Colfax Avenue and Broadway in Denver, Colorado; (b) all points within a 15-mile radius of North Avenue and 12th Street in Grand Junction, Colorado; (c) all points within a 15-mile radius of North Avenue and 12th Street in Grand Junction, Colorado; is restricted to a round-trip that both originates and terminates within a 15-mile radius of I-70 and Colorado State Highway 82 at Glenwood Springs, Colorado.

IV. Transportation of
passengers in taxi service

between all points within a 15-mile radius of the intersection of Main Street and Galena Street in Aspen, Colorado, on the one hand, and all points within the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the other hand.

Item (IV) is restricted

- (A) against the transportation of train crews which originates or terminates at actual train locations on rail siding; and
- (B) to the use of vehicles with a passenger capacity of eight or less, including the driver.

To the extent that Items (I), (II), (III), and (IV) overlap, only one operating right exists.

V. Transportation of
passengers, in charter service,

between all points:

- (A) within the area comprised of Aspen, Colorado and an 11-mile radius thereof, on the one hand, and all points within the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the other hand; and
- (B) within a 55-mile radius of U. S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado.

Item V(A) is restricted:

- (1) against rendering service that originates and terminates from any point within an area comprised of Grand Junction, Colorado, and a 60-mile radius thereof;
- (2) against rendering service that originates from any points within an area comprised of Crested Butte, Colorado, and a 15-miles radius thereof;

- (3) against having an office outside of Aspen, Colorado or a 12-mile radius thereof; and
- (4) against rendering service from any point within a 15-mile radius of Colfax Avenue and Broadway in Denver Colorado.

VI. Transportation of

passengers, in call-and-demand limousine service,

between all points within a 15-mile radius of the intersection of Main Street and Galena Street in Aspen, Colorado, on the one hand, and all points in the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the other hand.

Item VI is restricted:

- (A) to the use of vehicles having a maximum capacity of 12 persons, including the driver;
- (B) against establishing an office within a radius of 20 miles of the intersection of Colfax Avenue and Broadway in Denver, Colorado;
- (C) against establishing a branch office nor shall any agent or any other party be employed in Grand Junction, Colorado, or any point within 20 miles thereof, for the purpose of developing, operating, soliciting, or conducting business; and
- (D) against the employment of any agent or any other party in Grand Junction, Colorado, or any point within 20 miles thereof, for the purpose of developing, operating, soliciting, or conducting business; and
- (E) against any transportation that originates or terminates in Grand Junction or points within a 20-mile radius of Grand Junction, Colorado.

VII. Transportation in call-and-demand of

train crews

between all points within a 15-mile radius of the intersection of Main Street and Galena Street in Aspen, Colorado, and between said area, on the one hand, and all points within a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the other hand.

Item (VII) is restricted to the use of vehicles having a maximum capacity of 15 persons, excluding the driver.

VIII. Transportation of passengers, in sightseeing service, between points and places in the following Counties of the State of Colorado: Garfield, Rio Blanco, Eagle, Mesa, Delta, Gunnison, Pitkin and Lake.

Item VIII is restricted:

- (A) to the use of only vehicles having a capacity not to exceed 15 passengers, including the driver;
- (B) to having offices for the solicitation of business located within a 12-mile radius of Aspen, Colorado; and
- (c) against trips which originate and terminate within a 12-mile radius of Glenwood Springs, Colorado; and within a 12-mile radius of Vail, Colorado.

As extended, CPCN No. 14114 would authorize the following:

- (I) Transportation of passengers in taxi service, between all points in County of Eagle, State of Colorado, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

Item I. is restricted against providing service which originates or terminates within a ten mile radius of the intersection of Mill and Main Streets in Aspen, Colorado.

- (II) Transportation of passengers in taxi service between all points within a 55-mile radius of the intersection of I-70 and Colorado State Highway 82 in Glenwood Springs, Colorado.

- (III) Transportation of passengers in taxi service, between all points within a 15-mile radius of the intersection of I-70 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the one hand, and all points within the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the other hand.

Item III is restricted:

- (A) to the use of vehicles with a passenger capacity of eight or less, including the driver; and
- (B) such that any taxi service between points within a 15-mile radius of I-70 and Colorado State Highway 82 at Glenwood Springs, Colorado, on the one hand, and on the other hand, (a) all point within a 15-mile radius of Colfax Avenue and Broadway in Denver, Colorado; (b) all points within a 15-mile radius of North Avenue and 12th Street in Grand Junction, Colorado; (c) all points within a 15-mile radius of North Avenue and 12th Street in Grand Junction, Colorado; is restricted to a round-trip that both originates and terminates within a 15-mile radius of I-70 and Colorado State Highway 82 at Glenwood Springs, Colorado.

- (IV) Transportation of passengers in taxi service

between all points within a 55-mile radius of the intersection of Main Street and Galena Street in Aspen, Colorado, on the one hand, and all points within the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the other hand.

Item IV is restricted:

- (A) to the use of vehicles with a passenger capacity of eight or less, including the driver.

To the extent that Items (I), (II), (III), and (IV) overlap, only one operating right exists.

- (V) Transportation of passengers in charter service,

between all points:

- (A) within the area comprised of Aspen, Colorado and an 11-mile radius thereof, on the one hand, and all points within the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the one hand; and
- (B) within a 55-mile radius of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado.

Item V is restricted to the use of vehicles with a passenger seating capacity of 15 or less, excluding the driver.

Item V(A) is restricted:

- (1) against rendering service that originates and terminates from any point within an area comprised of Grand Junction, Colorado, and a 60-mile radius thereof;
- (2) against rendering service that originates from any points within an area comprised of Crested Butte, Colorado, and a 15-mile radius thereof; and
- (3) against rendering service from any point within a 15-mile radius of Colfax Avenue and Broadway in Denver, Colorado.

VI. Transportation of

passengers in call-and-demand shuttle service,

between all points within a 15-mile radius of the intersection of Main Street and Galena Street in Aspen, Colorado, on the one hand, and all points in the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the other hand.

Item VI is restricted:

- (A) to the use of vehicles having a maximum capacity of 12 persons, including the driver;
- (B) against establishing an office within a 20-mile radius of the intersection of Colfax Avenue and Broadway in Denver, Colorado;
- (C) against establishing a branch office nor shall any agent or any other party be employed in Grand Junction, Colorado, or any point within 20 miles thereof, for the purpose of developing, operating, soliciting or conducting business; and
- (D) against the employment of any agent or any other party in Grand Junction, Colorado, or any point within 20 miles thereof, for the purpose of developing, operating, soliciting or conducting business; and
- (E) against any transportation that originates or terminates in Grand Junction, Colorado or points within a 20-mile radius of Grand Junction, Colorado.

VII. Transportation of

passengers, in sightseeing service,

between all points in the following Counties of the State of Colorado: Garfield, Rio Blanco, Eagle, Mesa, Delta, Gunnison, Pitkin and Lake.

Item VII is restricted:

- (A) to the use of vehicles having a maximum capacity of 15 persons, including the driver;
- (B) against trips which originate and terminate within a 12-mile radius of Glenwood Springs, Colorado, and within a 12-mile radius of Vail, Colorado.

3. On October 22, 2014, San Miguel Mountain Ventures, LLC, doing business as Telluride Express and/or Montrose Express and/or Wild West Tours (Telluride or Intervenor) filed its Entry of Appearance and Notice of Intervention. The filing included Telluride's Authority No. 1648.

4. On October 29, 2014, the Commission deemed the application complete and it was referred to an Administrative Law Judge (ALJ).

5. By Decision No. R14-1333-I, issued November 5, 2014, a prehearing was scheduled for November 25, 2014.

6. On November 13, 2014, the parties filed their Stipulated Motion to Restrictively Amend Petition for Conditional Withdrawal of Intervenor's Intervention and for Waiver of the Response Time.

7. Under the parties agreement, the restrictively amended authority will read:

- I. Transportation of passengers in taxi service,

between all points in County of Eagle, State of Colorado, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

Item (I) is restricted against providing service which originates or terminates within a ten-mile radius of the intersection of Mill and Main Streets in Aspen, Colorado.

II. Transportation of passengers in taxi service between all points within a 55-mile radius of the intersection of I-70 and Colorado State Highway 82 in Glenwood Springs, Colorado.

III. Transportation of passengers in taxi service, between all points within a 15-mile radius of the intersection of I-70 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the one hand, and all points within the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the other hand.

Item (III) is restricted:

- (A) to the use of vehicles with a passenger capacity of eight or less, including the driver; and
- (B) such that any taxi service between points within a 15-mile radius of I-70 and Colorado State Highway 82 at Glenwood Springs, Colorado, on the one hand, and on the other hand, all points (a) within a 15-mile radius of Colfax Avenue and Broadway in Denver, Colorado; (b) all points within a 15-mile radius of North Avenue and 12th Street in Grand Junction, Colorado; (c) all points within a 15-mile radius of North Avenue and 12th Street in Grand Junction, Colorado; is restricted to a round-trip that both originates and terminates within a 15-mile radius of I-70 and Colorado State Highway 82 at Glenwood Springs, Colorado

(IV) Transportation of passengers in taxi service between all points within a 55-mile radius of the intersection of Main Street and Galena Street in Aspen, Colorado, on the one hand, and all points within the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the other hand.

Item (IV) is restricted:

- (A) to the use of vehicles with a passenger capacity of eight or less, including the driver.
- (B) against transportation between those points of Gunnison County that lie within a 55 mile radius of Mill and Main Streets, in Aspen, CO, and those points that lie within a 15 mile radius of the intersection of U.S. Highway 50 and U.S. Highway 550, Montrose, CO.

- (C) against establishing an office or agency facility within those points of Gunnison County that lie within a 55 mile radius of Mill and Main Streets, in Aspen, CO, and those points that lie within a 15 mile radius of the intersection of U.S. Highway 50 and U.S. Highway 550, Montrose, Colorado.

To the extent that Items (I), (II), (III), and (IV) overlap, only one operating right exists.

- (V) Transportation of

passengers in charter service, between all points:

- (A) within the area comprised of Aspen, Colorado and an 11-mile radius thereof, on the one hand, and all points within the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the one hand; and
- (B) within a 55-mile radius of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado.

Item (V) is restricted to the use of vehicles with a passenger seating capacity of 15 or less, excluding the driver.

Item (V)(A) is restricted:

- (1) against rendering service that originates and terminates from any point within an area comprised of Grand Junction, Colorado, and a 60-mile radius thereof;
- (2) against rendering service that originates from any points within an area comprised of Crested Butte, Colorado, and a 15-mile radius thereof;
- (3) against rendering service from any point within a 15-mile radius of Colfax Avenue and Broadway in Denver, Colorado; and
- (4) against establishing an office or agency facility within those points in Gunnison County that lie within a 55 mile radius of Mill and Main Streets, in Aspen, CO, and those points that lie within a 15 mile radius of the intersection of U.S. Highway 50 and U.S. Highway 550, Montrose, Colorado.

- Item (VI) Transportation of

passengers in call-and-demand limousine service,

between all points within a 15-mile radius of the intersection of Main Street and Galena Street in Aspen, Colorado, on the one hand, and all points in the State of Colorado outside of a 55-mile radius of the

intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the other hand.

Item (VI) is restricted:

- (A) to the use of vehicles having a maximum capacity of 12 persons, including the driver;
- (B) against establishing an office within a 20-mile radius of the intersection of Colfax Avenue and Broadway in Denver, Colorado;
- (C) against establishing a branch office nor shall any agent or any other party be employed in Grand Junction, Colorado, or any point within 20 miles thereof, for the purpose of developing, operating, soliciting or conducting business; and
- (D) against the employment of any agent or any other party in Grand Junction, Colorado, or any point within 20 miles thereof, for the purpose of developing, operating, soliciting or conducting business; and
- (E) against any transportation that originates or terminates in Grand Junction, Colorado or points within a 20-mile radius of Grand Junction, Colorado.

(VII) Transportation of

passengers, in sightseeing service,

between points and places in the following Counties of the State of Colorado: Garfield, Rio Blanco, Eagle, Mesa, Delta, Gunnison, Pitkin and Lake.

Item (VII) is restricted:

- (A) to the use of only vehicles having a capacity not to exceed 15 passengers, including the driver;
- (B) against trips which originate and terminate within a 12-mile radius of Glenwood Springs, Colorado, and within a 12-mile radius of Vail, Colorado.

8. To be acceptable, restrictions must be restrictive in nature, clear and understandable, and administratively enforceable. Both the authority and any restriction on that authority must be unambiguous and must be contained wholly within the permit. Both must be worded so that a person will know, from reading the permit and without having to resort to any other document, the exact extent of the authority and of each restriction.

Clarity is essential because the scope of an authority must be found within the four corners of the permit, which is the touchstone by which one determines whether the operation of a [common]¹ carrier is within the scope of its Commission-granted authority.

9. The ALJ finds and concludes that the proposed amendments are restrictive in nature, are clear and understandable, and are administratively enforceable.

10. The restrictions to the authority sought by Applicant (*i.e.*, the amendments to the Application) will be accepted.

11. Accepting the amendments to the Application has two impacts. First, the authority sought will be amended to conform to the restrictive amendments. Second, the intervention of the Intervenor shall be withdrawn.

12. Withdrawal of the interventions and dismissal of the Intervenor leaves the Application, as amended, uncontested. Pursuant to § 40-6-109(5), C.R.S., and Rule 1403, 4 *Code of Colorado Regulations* (CCR) 723-1 of the Commission's Rules of Practice and Procedure, the uncontested application may be processed under the modified procedure, without a formal hearing.

13. In accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission the record in this proceeding along with a written recommended decision.

II. FINDINGS AND CONCLUSIONS

14. Applicant is a Colorado corporation in good standing.

¹ Errata Notice R14-1291-E corrected this statement by replacing the word "contract" with "common".

15. Applicant requests authority to operate as a common carrier. By the Application, Manitou Springs, seeks authority to operate as a common carrier by motor vehicle for hire:

I. Transportation of passengers in taxi service, between all points in County of Eagle, State of Colorado, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

Item (I) is restricted against providing service which originates or terminates within a ten-mile radius of the intersection of Mill and Main Streets in Aspen, Colorado.

II. Transportation of passengers in taxi service between all points within a 55-mile radius of the intersection of I-70 and Colorado State Highway 82 in Glenwood Springs, Colorado.

III. Transportation of passengers in taxi service, between all points within a 15-mile radius of the intersection of I-70 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the one hand, and all points within the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the other hand.

Item (III) is restricted:

- (A) to the use of vehicles with a passenger capacity of eight or less, including the driver; and
- (B) such that any taxi service between points within a 15-mile radius of I-70 and Colorado State Highway 82 at Glenwood Springs, Colorado, on the one hand, and on the other hand, all points (a) within a 15-mile radius of Colfax Avenue and Broadway in Denver, Colorado; (b) all points within a 15-mile radius of North Avenue and 12th Street in Grand Junction, Colorado; (c) all points within a 15-mile radius of North Avenue and 12th Street in Grand Junction, Colorado; is restricted to a round-trip that both originates and terminates within a 15-mile radius of I-70 and Colorado State Highway 82 at Glenwood Springs, Colorado.

(IV) Transportation of
passengers in taxi service

between all points within a 55-mile radius of the intersection of Main Street and Galena Street in Aspen, Colorado, on the one hand, and all points within the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the other hand.

Item (IV) is restricted:

- (A) to the use of vehicles with a passenger capacity of eight or less, including the driver.
- (B) against transportation between those points of Gunnison County that lie within a 55 mile radius of Mill and Main Streets, in Aspen, CO, and those points that lie within a 15 mile radius of the intersection of U.S. Highway 50 and U.S. Highway 550, Montrose, CO.
- (C) against establishing an office or agency facility within those points of Gunnison County that lie within a 55 mile radius of Mill and Main Streets, in Aspen, CO, and those points that lie within a 15 mile radius of the intersection of U.S. Highway 50 and U.S. Highway 550, Montrose, Colorado.

To the extent that Items (I), (II), (III), and (IV) overlap, only one operating right exists.

(V) Transportation of
passengers in charter service,
between all points:

- (A) within the area comprised of Aspen, Colorado and an 11-mile radius thereof, on the one hand, and all points within the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the one hand; and
- (B) within a 55-mile radius of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado.

Item (V) is restricted to the use of vehicles with a passenger seating capacity of 15 or less, excluding the driver.

Item (V)(A) is restricted:

- (1) against rendering service that originates and terminates from any point within an area comprised of Grand Junction, Colorado, and a 60-mile radius thereof;
- (2) against rendering service that originates from any points within an area comprised of Crested Butte, Colorado, and a 15-mile radius thereof;
- (3) against rendering service from any point within a 15-mile radius of Colfax Avenue and Broadway in Denver, Colorado; and
- (4) against establishing an office or agency facility within those points in Gunnison County that lie within a 55 mile radius of Mill and Main Streets, in Aspen, CO, and those points that lie within a 15 mile radius of the intersection of U.S. Highway 50 and U.S. Highway 550, Montrose, Colorado.

VI Transportation of

passengers in call-and-demand limousine service,

between all points within a 15-mile radius of the intersection of Main Street and Galena Street in Aspen, Colorado, on the one hand, and all points in the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the other hand.

Item (VI) is restricted:

- (A) to the use of vehicles having a maximum capacity of 12 persons, including the driver;
- (B) against establishing an office within a 20-mile radius of the intersection of Colfax Avenue and Broadway in Denver, Colorado;
- (C) against establishing a branch office nor shall any agent or any other party be employed in Grand Junction, Colorado, or any point within 20 miles thereof, for the purpose of developing, operating, soliciting or conducting business;
- (D) against the employment of any agent or any other party in Grand Junction, Colorado, or any point within 20 miles thereof, for the purpose of developing, operating, soliciting or conducting business; and
- (E) against any transportation that originates or terminates in Grand Junction, Colorado or points within a 20-mile radius of Grand Junction, Colorado.

VII Transportation of passengers, in sightseeing service, between points and places in the following Counties of the State of Colorado: Garfield, Rio Blanco, Eagle, Mesa, Delta, Gunnison, Pitkin and Lake.

Item (VII) is restricted:

- (A) to the use of only vehicles having a capacity not to exceed 15 passengers, including the driver;
- (B) against trips which originate and terminate within a 12-mile radius of Glenwood Springs, Colorado, and within a 12-mile radius of Vail, Colorado.

16. The verified Application establishes that Applicant is familiar with the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, and agrees to be bound by, and to comply with, those rules. The verified Application and its supporting documentation establish that Applicant has sufficient equipment with which to render the proposed service and is financially fit to conduct operations under the authority requested. Finally, review of the verified Application indicates a need for the proposed service from the support letter contained within the Application. Therefore, because the Applicant is fit, financially and otherwise, to perform the proposed extension of service and because the other prerequisites have been met, the certificate should be granted

17. In accordance with § 40-6-109, C.R.S., the ALJ recommends that the Commission enter the following order.

III. **ORDER**

A. The Commission Orders That:

1. The Stipulated Motion to Restrictively Amend Petition for Conditional Withdrawal of Intervenor's Intervention and for Waiver of the Response Time (Motion), filed by the Hy-Mountain Transportation, doing business as High Mountain Taxi and San Miguel

Mountain Ventures, doing business as Telluride Express and/or Montrose Express and/or Wild West Tours on November 13, 2014 is granted.

2. Response time to the Motion is waived.

3. The prehearing conference scheduled for November 25, 2014 is vacated.

4. The verified Application for an extension of Certificate No. 14114 as a Common Carrier of Passengers by Motor Vehicle is amended consistent with the discussion above.

5. The intervention filed by San Miguel Mountain Ventures, LLC, doing business as Telluride Express and/or Montrose Express and/or Wild West Tours is withdrawn and it is dismissed from the proceeding.

6. The Application to Extend Operations Under Certificate No. 14114 as a Common Carrier of Passengers by Motor Vehicle filed by Hy-Mountain Transportation, doing business as High Mountain Taxi as that application has been amended, is granted.

7. Hy-Mountain Transportation, doing business as High Mountain Taxi, is granted authority to extend operations as a [common]² carrier by motor vehicle for hire as follows:

(I) Transportation of
passengers in taxi service,

between all points in County of Eagle, State of Colorado, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

Item (I) is restricted against providing service which originates or terminates within a ten-mile radius of the intersection of Mill and Main Streets in Aspen, Colorado.

II. Transportation of
passengers in taxi service

² Errata Notice R14-1291-E corrected this statement by replacing the word “contract” with “common”.

between all points within a 55-mile radius of the intersection of I-70 and Colorado State Highway 82 in Glenwood Springs, Colorado.

III. Transportation of

passengers in taxi service,

between all points within a 15-mile radius of the intersection of I-70 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the one hand, and all points within the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the other hand.

Item (III) is restricted:

- (A) to the use of vehicles with a passenger capacity of eight or less, including the driver; and
- (B) such that any taxi service between points within a 15-mile radius of I-70 and Colorado State Highway 82 at Glenwood Springs, Colorado, on the one hand, and on the other hand, all points (a) within a 15-mile radius of Colfax Avenue and Broadway in Denver, Colorado; (b) all points within a 15-mile radius of North Avenue and 12th Street in Grand Junction, Colorado; (c) all points within a 15-mile radius of North Avenue and 12th Street in Grand Junction, Colorado; is restricted to a round-trip that both originates and terminates within a 15-mile radius of I-70 and Colorado State Highway 82 at Glenwood Springs, Colorado.

(IV) Transportation of

passengers in taxi service

between all points within a 55-mile radius of the intersection of Main Street and Galena Street in Aspen, Colorado, on the one hand, and all points within the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the other hand.

Item (IV) is restricted:

- (A) to the use of vehicles with a passenger capacity of eight or less, including the driver.
- (B) against transportation between those points of Gunnison County that lie within a 55 mile radius of Mill and Main Streets, in Aspen, CO, and those points that lie within a 15 mile radius of the intersection of U.S. Highway 50 and U.S. Highway 550, Montrose, CO.
- (C) against establishing an office or agency facility within those points of Gunnison County that lie within a 55 mile radius of Mill and Main Streets, in Aspen, CO, and those points that lie within a 15 mile radius of the

intersection of U.S. Highway 50 and U.S. Highway 550, Montrose, Colorado.

To the extent that Items (I), (II), (III), and (IV) overlap, only one operating right exists.

(V) Transportation of

passengers in charter service,

between all points:

- (A) within the area comprised of Aspen, Colorado and an 11-mile radius thereof, on the one hand, and all points within the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the one hand; and
- (B) within a 55-mile radius of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado.

Item (V) is restricted to the use of vehicles with a passenger seating capacity of 15 or less, excluding the driver.

Item (V)(A) is restricted:

- (1) against rendering service that originates and terminates from any point within an area comprised of Grand Junction, Colorado, and a 60-mile radius thereof;
- (2) against rendering service that originates from any points within an area comprised of Crested Butte, Colorado, and a 15-mile radius thereof;
- (3) against rendering service from any point within a 15-mile radius of Colfax Avenue and Broadway in Denver, Colorado; and
- (4) against establishing an office or agency facility within those points in Gunnison County that lie within a 55 mile radius of Mill and Main Streets, in Aspen, CO, and those points that lie within a 15 mile radius of the intersection of U.S. Highway 50 and U.S. Highway 550, Montrose, Colorado.

VI Transportation of

passengers in call-and-demand limousine service,

between all points within a 15-mile radius of the intersection of Main Street and Galena Street in Aspen, Colorado, on the one hand, and all points in the State of Colorado outside of a 55-mile radius of the intersection of U.S. Highway 6 and Colorado State Highway 82 in Glenwood Springs, Colorado, on the other hand.

Item (VI) is restricted:

- (A) to the use of vehicles having a maximum capacity of 12 persons, including the driver;
 - (B) against establishing an office within a 20-mile radius of the intersection of Colfax Avenue and Broadway in Denver, Colorado;
 - (C) against establishing a branch office nor shall any agent or any other party be employed in Grand Junction, Colorado, or any point within 20 miles thereof, for the purpose of developing, operating, soliciting or conducting business;
 - (D) against the employment of any agent or any other party in Grand Junction, Colorado, or any point within 20 miles thereof, for the purpose of developing, operating, soliciting or conducting business; and
 - (E) against any transportation that originates or terminates in Grand Junction, Colorado or points within a 20-mile radius of Grand Junction, Colorado.
- (VII) Transportation of
 passengers, in sightseeing service,
 between points and places in the following Counties of the State of Colorado: Garfield, Rio Blanco, Eagle, Mesa, Delta, Gunnison, Pitkin and Lake.

Item (VIII) is restricted:

- (A) to the use of only vehicles having a capacity not to exceed 15 passengers, including the driver;
- (B) against trips which originate and terminate within a 12-mile radius of Glenwood Springs, Colorado, and within a 12-mile radius of Vail, Colorado..

8. Hy-Mountain Transportation, doing business as High Mountain Taxi shall operate

in accordance with all applicable Colorado law and Commission rules.

9. Hy-Mountain Transportation, doing business as High Mountain Taxi shall not commence operation until it has complied with the requirements of Colorado law 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 (\$5) 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 Hy-Mountain Transportation doing business as High Mountain Taxi shall file an advice letter and tariff on not less than ten days' 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. (Additional tariff information can be found on the Commission's website at dora.colorado.gov/puc and by following the transportation common and contract carrier links to tariffs); and
- (d) paying the applicable issuance fee (\$5).

10. If Hy-Mountain Transportation, doing business as High Mountain Taxi, does not cause proof of insurance or surety bond to be filed, pay the appropriate motor vehicle fees, file an advice letter and proposed tariff, and pay the issuance fee within 60 days of the effective date of this Decision, then the grant of the Permit shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within 60 days of the effective date of this Decision.

11. The Commission will notify Hy-Mountain Transportation, doing business as High Mountain Taxi in writing when the Commission's records demonstrate compliance with paragraph 9.

12. Proceeding No. 14A-0940CP-Extension is closed.

13. 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.

14. As provided by § 40-6-106, 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 recommended 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 a basic finding 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.

15. If exceptions to this Recommended Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director