

Decision No. C19-0942

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0496BP-TRANSFER

IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO TRANSFER CONTRACT CARRIER PERMIT NO. B-09967 FROM WESTERN PARKING MANAGEMENT LLC TO DIRECT TRANSPORTATION LLC DOING BUSINESS AS WESTERN SHUTTLES.

**COMMISSION DECISION APPROVING
TRANSFER OF CONTRACT CARRIER
PERMIT SUBJECT TO CONDITIONS**

Mailed Date: November 19, 2019

Adopted Date: November 13, 2019

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On September 17, 2019, an application was filed requesting approval to transfer Contract Carrier Permit No. B-09967 from Western Parking Management LLC to Direct Transportation LLC, doing business as Western Shuttles.

2. Contract Carrier Permit No. B-09967 authorizes the transportation of passengers: (I) between all points in the City and County of Denver for St. Joseph's Hospital and National Jewish Hospital; (II) between Denver International Airport and six hotels located in Denver and Aurora¹; (III) between all points in the City of Lone Tree and unincorporated Douglas County for the City of Lone Tree; and, (IV) between all points in the County of Grand for WorldMark. The

¹ The Baymont Inn and Suites, 6805 Argonne Street, Denver, Colorado 80249; Comfort Suites, 6210 Tower Road, Denver, Colorado 80249; Econo Lodge, 15900 East 40th Avenue, Aurora, Colorado 80011; Quality Inn & Suites, 6890 Tower Road, Denver, Colorado 80249; TownePlace Suites by Marriott, 4100 North Kittredge Street, Denver, Colorado 80249; and La Quinta Inn, 6801 Tower Road, Denver, Colorado 80249.

application explains that contracts only exist for the hotel transportation authorized in Item (II) of the permit.

3. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on September 23, 2019.

4. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

5. On September 27, 2019, Staff of the Commission sent a deficiency letter to the applicants, requesting signed letters of support from each customer (hotel) named in Item (II) of the permit, pursuant to Rule 6206(c)(I) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6. In response, the applicants submitted seven letters of support, but only two letters were from hotels listed in Item (II) of the permit, namely The Baymont Inn and Suites and La Quinta Inn.

6. The information submitted with this application otherwise complies with Rule 6206(c), 4 CCR 723-6, and warrants the granting of the requested transfer. Because the application includes letters of support from The Baymont Inn and Suites and La Quinta Inn only, we acknowledge the abandonment of service for all other customers named in the permit. Contract Carrier Permit No. B-09967 will be revised accordingly.

7. The financial standing of the transferee has been satisfactorily established.

8. This application for permanent approval of the transfer of Contract Carrier Permit No. B-09967, as revised, is in the public interest and will be granted, conditioned upon full compliance with the requirements contained in this Decision.

II. ORDER

A. The Commission Orders That:

1. This application was deemed complete on November 13, 2019, within the meaning of § 40-6-109.5, C.R.S.

2. The application filed by Western Parking Management LLC (Transferor), for approval to transfer Contract Carrier Permit No. B-09967, subject to encumbrances, if any, against the authority, to Direct Transportation LLC, doing business as Western Shuttles (Transferee), is granted, subject to full compliance with the requirements contained in Ordering Paragraph No. 4.

3. Consistent with the discussion above, Contract Carrier Permit No. B-09967 is revised as set forth in the Appendix attached to this Decision.

4. Transferee shall not be granted Contract Carrier Permit No. B-09967 and shall not commence operation until it has fully complied with the following conditions:

- (a) cause proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- (b) pay to the Commission, the motor vehicle fee (\$50.00) 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) file an adoption notice that adopts as its own the currently effective tariff of Transferor;
- (d) file a Commission-prescribed acceptance of transfer form that is signed by both the Transferor and Transferee;
- (e) pay the applicable fee (\$5.00) for the issuance of the authority;
- (f) register an authorized representative as a File Administrator on behalf of Transferee in the Commission's electronic filing system (E-Filings) and agree that Transferee shall receive notifications electronically through E-Filings. Information can be found at:

www.dora.state.co.us/pls/efi/EFI.homepage; and,

- (g) receive notice in writing from the Commission that it is in compliance with the above requirements and may begin service.

5. If Transferor and Transferee do not comply with the requirements of Ordering Paragraph No. 4 within 60 days of the effective date of this Decision, then the approval to transfer Contract Carrier Permit No. B-09967 shall be void without further action of the Commission. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 60 days.

6. Transferee shall operate in accordance with all applicable statutes, orders, and rules of the Commission. The Commission may issue an order to cease and desist or to suspend, revoke, alter, or amend any certificate or permit for violation of, or refusal to observe any statute, order, or rule of the Commission, consistent with § 40-10.1-112(1), C.R.S

7. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Decision.

- 8. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 13, 2019.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners