

Decision No. C19-1038

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0708BP-TA

IN THE MATTER OF THE APPLICATION OF ABM INDUSTRY GROUPS LLC DOING BUSINESS AS ABM PARKING SERVICES FOR TEMPORARY AUTHORITY TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION GRANTING
TEMPORARY AUTHORITY**

Mailed Date: December 27, 2019

Adopted Date: December 27, 2019

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On December 12, 2019, ABM Industry Groups LLC, doing business as ABM Parking Services (Applicant), filed an application for temporary authority to conduct operations as a contract carrier of passengers by motor vehicle for hire. An amendment to the application was also filed on December 12, 2019.

2. Applicant requests temporary authority for 180 days to operate as a contract carrier and provide transportation of passengers for Grand American Inc. between the surface parking lot of the Denver Aquarium located at 700 Water Street in Denver and the Platte River Rowing Club located at 1820 Platte Street in Denver.

3. The Commission gave notice of the application on December 16, 2019, for a period of five days in accordance with § 40-10.1-204(4), C.R.S.

4. There are no interventions opposing a grant of the application.

5. Pursuant to § 40-10.1-204(1), C.R.S., the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for contract carrier service when “there appears to be an immediate and urgent need to any point or within a territory having no such service capable of meeting the need.”

6. In support of the temporary authority, the requisite customer support letter from Grand American Inc. states, in relevant part:

Beginning in January, 2020 our commercial office building located at 1740-1830 Platte Street will lose all the parking spaces that are leased for the use of our building's tenants. We have arranged to have parking available at the Denver Aquarium's parking lot at 700 Water Street, about a mile from our office building.

We have contracted with ABM Parking Services to provide shuttle service between the Aquarium parking lot and our office building.

7. The Commission finds and concludes that the information submitted with this application shows that an immediate and urgent need for the requested transportation service exists, and there is no other carrier capable of meeting the need.

8. The Commission also finds that Applicant has adequate equipment and financial resources to begin immediate service within the scope of the authority sought, and the application for temporary authority is in the public interest.

9. Applicant is advised that the grant of a temporary authority creates no presumption that a permanent authority will be granted.

II. ORDER

A. The Commission Orders That:

1. The application filed and amended on December 12, 2019, by ABM Industry Groups LLC, doing business as ABM Parking Services, for temporary authority to conduct operations as a contract carrier of passengers by motor vehicle for hire is granted.

2. ABM Industry Groups LLC, doing business as ABM Parking Services, is granted temporary authority to conduct operations as a contract carrier for a period of 180 days commencing from the Mailed Date of this Decision, with authority as set forth in the Appendix attached to this Decision.

3. ABM Industry Groups LLC, doing business as ABM Parking Services, shall not commence operations until it has complied with the requirements of Colorado laws 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 (\$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) having an effective tariff on file with the Commission. The tariff should comply with Rule 6208 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6. The tariff shall be filed in a *new* Advice Letter/Tariff proceeding on not less than **one** day's notice prior to a proposed effective date. 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 proposed effective date. Information can be found at:
<https://www.colorado.gov/pacific/dora/Trans-Tariffs>; and,
- (d) paying the applicable issuance fee (\$5.00).

4. If ABM Industry Groups LLC, doing business as ABM Parking Services, does not comply with the requirements of this Decision within 30 days of its effective date, then the temporary authority shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 30 days.

5. The Commission will notify ABM Industry Groups LLC, doing business as ABM Parking Services, in writing when the Commission's records demonstrate compliance with Ordering Paragraph No. 3.

6. ABM Industry Groups LLC, doing business as ABM Parking Services, 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
December 27, 2019.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners

CHAIRMAN JEFFREY P. ACKERMANN
ABSENT.