

Decision No. C20-0316

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0647CP-EXTENSION

IN THE MATTER OF THE APPLICATION OF CKIMY LLC DOING BUSINESS AS ILIMO FOR PERMANENT AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55931.

**COMMISSION DECISION GRANTING EXCEPTIONS TO
RECOMMENDED DECISION NO. R20-0158**

Mailed Date: April 30, 2020

Adopted Date: April 22, 2020

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of the exceptions to Recommended Decision No. R20-0158 filed by Estes Valley Transport, Inc., the intervenor in this proceeding, on March 25, 2020. Being fully advised in this matter and consistent with the discussion below, we grant the exceptions for the sole purpose of clarifying the extended authority which was granted.

B. Background

2. On November 15, 2019, Ckimy LLC, doing business as iLimo (Applicant), filed an application seeking authority to extend operations under Certificate of Public Convenience and Necessity (CPCN) No. 55931 in order to expand the geographic scope of authority such that the extended certificate would authorize: Transportation of passengers in call-and-demand shuttle service between all points in the Counties of Denver, El Paso, Jefferson, and Larimer.

3. On November 25, 2019, the Commission provided public notice of the application; and, Estes Valley Transport, Inc. (Intervenor) thereafter filed an intervention on December 6, 2019.

4. On January 2, 2020, the Commission deemed the application complete and referred it to an Administrative Law Judge (ALJ) for disposition.

5. After a pre-hearing conference was held and before the scheduled hearing in this matter, on March 6, 2020, the Applicant filed a “Joint Motion to Approve Settlement.” In this motion, Applicant stated that, if the stipulation was approved, Intervenor would withdraw its intervention. Under the stipulation, the restrictively amended extension to the authority read:

Transportation of
passengers in call-and-demand shuttle service
between all points in the Counties of Denver, El Paso, Jefferson, and Larimer,
State of Colorado.

RESTRICTIONS:

- (1) between points within 10 miles of the U.S. 34 and 36 intersection in Estes Park; and
- (2) between points on the one hand and Larimer County points within 75 miles of that intersection, on the other hand.

6. By Decision No. R20-0158, mailed on March 11, 2020, the ALJ accepted this restrictive amendment, dismissed the intervenor, and granted the application, as amended.

7. On March 25, 2020, Intervenor timely filed exceptions to this recommended decision.

C. Discussion

8. In its exceptions, Intervenor states that Applicant submitted an unclear restriction, which did not conform with what the parties had agreed to. Intervenor argues that the restriction

is unclear because it does not state whether transportation is restricted *to or against* the described scope. Intervenor further states that the restriction the parties agreed to was “against transportation (1) between points within 10 miles of the intersection of U S Hwys 34 and 36 in Estes Park and (2) between points in that radial area, on the one hand, and points in Larimer County within 75 miles of that intersection, on the other hand.”¹

9. Applicant did not file a response to the exceptions.

10. The Commission agrees that the restricted amendment granted by the recommended decision is unclear. The restrictions do not say whether the transportation is restricted to the described area or against that area. Also, the restriction in Item (2) does not describe between what points the transportation is restricted. Given the scope of Intervenor’s authority, it is clear that the agreed to restrictions would be against transportation to the described area. Therefore, the exceptions will be granted for the sole purpose of revising the extension to CPCN No. 55931 to read (the changes are bolded):

Transportation of

passengers in call-and-demand shuttle service

between all points in the Counties of Denver, El Paso, Jefferson, and Larimer,
State of Colorado.

RESTRICTIONS: This certificate is restricted against transportation:

- (1) between points within 10 miles of the intersection of U.S. Highways 34 and 36 in Estes Park; and
- (2) between points **in that radial area**, on the one hand, and points in Larimer County within 75 miles of that intersection, on the other hand.

¹ Intervenor’s Exceptions at ¶ 3.

II. ORDER

A. The Commission Orders That:

1. Consistent with the discussion above, the exceptions to Recommended Decision No. R20-0158 filed by Estes Valley Transport, Inc., on March 25, 2020, are granted for the sole purpose of revising the extension granted to Certificate of Public Necessity and Convenience No. 55931 to read as follows:

Transportation of
passengers in call-and-demand shuttle service
between all points in the Counties of Denver, El Paso, Jefferson, and Larimer,
State of Colorado.

RESTRICTIONS: This certificate is restricted against transportation:

- (1) between points within 10 miles of the intersection of U.S. Highways 34 and 36 in Estes Park; and
- (2) between points in that radial area, on the one hand, and points in Larimer County within 75 miles of that intersection, on the other hand.

2. If Ckimy LLC, doing business as ilimo, does not comply with Ordering Paragraph No. 6 of Recommended Decision No. R20-0158 within 60 days of the effective date of this Decision, then the grant of the extended 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 60 days of the effective date of this Decision.

3. 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.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 22, 2020.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners