

Decision No. R20-0071

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0602CP

IN THE MATTER OF THE APPLICATION OF COLORADO NATURE TOURS, LLC, FOR A 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
DISMISSING APPLICATION WITHOUT PREJUDICE**

Mailed Date: January 30, 2020

I. STATEMENT

1. On October 31, 2019, Colorado Nature Tours, LLC (Colorado Nature) initiated the captioned proceeding by filing an application seeking a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire (Application) with the Colorado Public Utilities Commission (Commission).

2. On November 12, 2019, the Commission provided public notice of the Application to extend the permit by publishing a summary of the same in its Notice of Applications Filed:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of

passengers in-call-and-demand sightseeing service

originating in Denver County, to all points in Boulder County, El Paso County, Jefferson County, Larimer County, and Rocky Mountain National Park, State of Colorado, returning to the origination point.

3. On December 11, 2019, Ullr Tours LLC, doing business as The Colorado Sightseer (Sightseer) filed its Intervention through Rich Grover. Mr. Grover is identified as a member in the filing. This filing attached Commission Authority No. 54166 held by Sightseer.

4. On December 11, 2019, Ckimy LLC, doing business as ilimo (ilimo) filed its Intervention through Yassine Chanane, who is identified in the filing as the president of ilimo. This filing attached Commission Authority No. 55931 held by ilimo.

5. On December 11, 2019, Mountain Star Transportation LLC, doing business as Explorer Tours (Explorer) filed its Intervention through Roman Lysenko. Mr. Lysenko is identified as the president and owner in the filing. This filing noted Commission Authority No. 55952 held by Explorer.

6. On December 12, 2019, Aspire Tours (Aspire) filed its Entry of Appearance and Petition of Intervention through Kathrin Troxler, a co-owner owner of Aspire, and its counsel, Scott Dunbar. This filing attached Commission Authority No. 55865 held by Aspire.

7. On December 16, 2019, Explorer filed Commission Authority No. 55952 held by Explorer.

8. On December 17, 2019, the Commission deemed the Application complete and referred it to the undersigned Administrative Law Judge for disposition.

9. On January 13, 2020, by Decision No. R20-0023-I, a prehearing conference was scheduled for February 4, 2020.

10. On January 28, 2020, Colorado Nature filed its Withdrawal of Common Carrier Application (Withdrawal). In the Withdrawal, Colorado Nature states it no longer wishes to pursue a certificate of public convenience and necessity and asks that the Application be dismissed.

11. Good cause is found to grant the Withdrawal and dismiss the Application without prejudice.

II. ORDER

A. The Commission Orders That:

1. The prehearing conference in this proceeding scheduled for February 4, 2020 is vacated.

2. The application seeking a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire filed by Colorado Nature Tours, LLC on October 31, 2019 is withdrawn and Proceeding 19A-0602CP is dismissed without prejudice.

3. Proceeding No. 19A-0602CP is closed.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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