

Decision No. C22-0702

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0395CP-EXT

IN THE MATTER OF THE APPLICATION OF ETUK DENVER LLC DOING BUSINESS AS ETUK RIDE FOR AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55861.

**COMMISSION DECISION GRANTING
PERMANENT AUTHORITY TO EXTEND
OPERATIONS SUBJECT TO CONDITIONS**

Mailed Date: November 9, 2022
Adopted Date: November 2, 2022

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On September 8, 2022, eTuk Denver LLC, doing business as eTuk Ride (Applicant), filed an application for permanent authority to extend operations under its Certificate of Public Convenience and Necessity (CPCN) PUC No. 55861.

2. CPCN PUC No. 55861 was issued on March 16, 2015¹ and authorizes the transportation of passengers in scheduled service, call-and-demand shuttle service, call-and-demand charter service, and call-and-demand sightseeing service between all points in a defined area that encompasses downtown Denver, as more fully described in Item (I) within the Appendix attached to this Decision. The certificate includes the following restrictions:

A.) To operating only all electric vehicles;

¹ Decision No. R15-0057, mailed on January 15, 2015, in Proceeding No. 14A-0871CP.

- B.) Against providing transportation on streets with a speed limit above 35 miles per hour;
- C.) Against operating more than eighteen (18) vehicles at any one time (this restriction shall expire one year from the date of a final Commission Decision approving this authority).
- D.) Against providing charter service to private individual parties (this restriction shall expire one year from the date of a final Commission Decision approving this authority).
- E.) Against operating any vehicle with a seating capacity greater than eight (8) passengers, including the driver; and
- F.) Against providing any scheduled service to 2777 Mile High Stadium Circle, Denver, Colorado, 80211.

3. The instant application seeks to add authority (without restrictions) to transport passengers in call-and-demand services between the RTD Train Station at 38th Street and Blake Street in Denver, on the one hand, and points in Eldora, Boulder, and Golden, on the other hand, as more fully described in Item (II) within the Appendix attached to this Decision.

4. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on September 19, 2022.

5. 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.

6. Pursuant to Rule 6203(a) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, the information submitted with this application warrants the granting of the requested extension to CPCN PUC No. 55861. The Commission also finds good cause to eliminate the restrictions within the original authority that have expired, which are restriction (C) and restriction (D) as shown in Paragraph 2 above.

7. The present or future public convenience and necessity requires, or will require, the transportation service as requested.

8. Applicant is fit to perform the service as requested.

9. This application for permanent authority to extend operations is in the public interest.

10. Applicant is granted, subject to conditions, an extension of authority under CPCN PUC No. 55861 as set forth in the Appendix attached to this Decision, conditioned upon Applicant's full compliance with the requirements contained in this Decision.

11. If Applicant fails to comply with the prerequisites required by Ordering Paragraph No. 3 within 60 days of the effective date of the Decision, the requested extension of authority under CPCN PUC No. 55861 will be deemed denied and Applicant will not be granted the requested permanent authority; the extended CPCN shall not be issued; and Applicant shall not be permitted to operate under the requested authority. No further action of the Commission is required.

12. For good cause shown, the Commission may grant additional time for compliance with Ordering Paragraph No. 3 if the request for additional time is filed within 60 days of the effective date of this Decision.

13. The Commission will notify Applicant in writing when the Commission's records demonstrate Applicant has fully complied with the requirements of Ordering Paragraph No. 3. Applicant shall not begin the extended operations without the receipt of written notification of compliance from the Commission.

II. ORDER

A. The Commission Orders That:

1. This application was deemed complete for purposes of § 40-6-109.5, C.R.S., on November 2, 2022.

2. The issuance of an extension of authority under Certificate of Public Convenience and Necessity (CPCN) PUC No. 55861 as set forth in Appendix A attached to this Decision is granted to eTuk Denver LLC, doing business as eTuk Ride (Applicant), subject to Applicant's full compliance with the requirements contained in Ordering Paragraph No. 3.

3. Applicant shall not be granted the extension of authority under CPCN PUC No. 55861 and shall not commence the extended operations 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 with the Commission and have an effective, publicly available tariff (and time schedule if applicable), which includes the extended authority. The tariff should comply with Rule 6208 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6. The tariff shall be filed in a *new* Advice Letter/Tariff proceeding on not less than ten days' 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;
- (d) register an authorized representative as a File Administrator on behalf of Applicant in the Commission's electronic filing system (E-Filings) and agree that Applicant shall receive notifications electronically through E-Filings. Information can be found at: www.dora.state.co.us/pls/efi/EFI.homepage; and

(e) pay the applicable fee (\$5.00) for the issuance of the extended authority.

4. The extension of authority under CPCN PUC No. 55861 shall not be issued and Applicant shall not operate under the extended authority unless Applicant complies with all the conditions in Ordering Paragraph No. 3.

5. If Applicant does not comply with each requirement in Ordering Paragraph No. 3, within 60 days of the effective date of this Decision, the extension of authority under CPCN PUC No. 55861 is denied 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 60 days of the effective date of this Decision.

6. Applicant shall continue to 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 effective date of this Decision.

8. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 2, 2022.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

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Commissioners