

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0089CP

IN THE MATTER OF THE APPLICATION OF GRAND JUNCTION STAND UP PADDLE
DOING BUSINESS AS GRAND JUNCTION ADVENTURE FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY
MOTOR VEHICLE FOR HIRE.

**RECOMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
GRANTING APPLICATION AS AMENDED,
AND CLOSING PROCEEDING**

Mailed Date: November 01, 2022

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I. STATEMENT

1. On February 23, 2022, Grand Junction Stand Up Paddle, doing business as Grand Junction Adventures (Grand Junction Adventures or Applicant) filed its Application for a Certificate of Public Convenience and Necessity (CPCN) to Operate as a Common Carrier by Motor Vehicle for Hire (Application).

2. Pursuant to Rule 1309(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, on March 4, 2022, Grand Junction Adventures filed an amendment to the Application modifying the proposed authority sought in the Application.

3. On March 7, 2022, the Commission issued Notice of Applications and Petitions Filed (Notice).

4. On April 5 and 6, 2022, Pali-Tours, Ltd. and Absolute Prestige Limousine, LLC timely filed entries of appearance and interventions of right, respectively.

5. On April 13, 2022, the Commission deemed the Application complete by minute entry and referred the proceeding to an Administrative Law Judge (ALJ).

6. On May 16, 2022, the ALJ issued Decision No. R22-0304-I that, among other things, scheduled a hearing in this proceeding for July 14, 2022.

7. On July 8, 2022, the ALJ issued Decision No. R22-0411-I that vacated the scheduled hearing and ordered Grand Junction Adventures to file a status report regarding its settlement negotiations in this proceeding.

8. On August 8, 2022, Grand Junction Adventures filed an Update on Postponement (Status Report) indicating that “[a]ll parties involved have... agreed upon language and restrictions...”¹

9. On August 22, 2022, Grand Junction Adventures filed a document entitled Revised authority and restriction satisfying intervening parties that further modifies the authority sought by Grand Junction Adventures.

10. Also on August 22, 2022, Grand Junction Adventures filed a Statement of Proposed Authority (Statement of Proposed Authority) stating that Mr. James Stover with Grand

¹ Status Report at 1.

Junction Adventures was providing an “update” to the authority sought and that “[t]he revised language with in the new proposed authority does not extend beyond the areas named in the original notice.”²

11. On October 10, 2022, the ALJ issued Interim Decision No. R22-0609-I, which: construed Grand Junction Adventures’ filings on August 22, 2022, as its second Motion to amend the Application (second Motion to Amend the Application); granted the second Motion to Amend the Application; modified the authority sought through the second Motion to Amend the Application, and ordered an additional 15-day notice period for the following modified proposed authority:

- (I) Transportation of passengers in Call and Demand Shuttle and Call and Demand Charter that originates or terminates between all points within a 100 yard radius of: (a) 1695 Las Colonias Landing, Grand Junction, Colorado; (b) 436 Main Street, Grand Junction, Colorado; (c) Ribbon Trailhead, Grand Junction, Colorado; (d) Third Flats Trailhead, Grand Junction, Colorado; (e) First Flats Trailhead, Grand Junction, Colorado; (f) Bangs Canyon Trailhead, Grand Junction, Colorado; (g) Lunch Loops Trailhead, Grand Junction, Colorado; (h) North Desert 18 Trailhead, Fruita, Colorado; and (i) Kokopelli Trailhead, Loma, Colorado.
- (II) Transportation of passengers in Call and Demand Shuttle and Call and Demand Charter that originates or terminates between all points within a 100 yard radius of: (a) 1695 Las Colonias Landing, Grand Junction, Colorado; (b) Las Colonias Boat Ramp, Grand Junction, Colorado; (c) Palisade Rim Boat Ramp, Palisade, Colorado; (d) Riverbend Park Boat Ramp, Palisade, Colorado; (e) Corn Lake State Park Boat Ramp, Grand Junction, Colorado; (f) Connected Lakes State Park Boat Ramp, Grand Junction Colorado; (g) Blue Heron Boat Ramp, Grand Junction, Colorado; (h) Fruita State Park Boat Ramp, Fruita, Colorado; and (i) Loma State Park Boat Ramp, Loma, Colorado.
- (III) Transportation of passengers in Call and Demand Shuttle and Call and Demand Charter that originates or terminates between all points within a 100 yard radius of: (a) Rulison Bridge Boat Ramp, Parachute, Colorado; (b) the City of Parachute Boat Ramp, 101 Misty Way, Parachute, Colorado; (c) Una Bridge Boat Ramp, Stone Quarry Road, Parachute

² Statement of Proposed Authority at 1.

Colorado; (d) City of Rifle Boat Ramp, Lions Park Circle, Rifle, Colorado; and (e) Roan Creek Road Boat Ramp, De Beque, Colorado.

Restrictions:

- (1) Item (I) is restricted to the transportation of passengers who are customers of Grand Junction Adventures renting mountain biking equipment from Grand Junction Adventures, 1695 Las Colonias Landing, Grand Junction, Colorado, or passengers who are transported with their own mountain biking equipment.
- (2) Items (II), (III), are restricted to the transportation of passengers who are customers of Grand Junction Adventures renting river floatation equipment from Grand Junction Adventures, 1695 Las Colonias Landing, Grand Junction, Colorado, or passengers who are transported with their own personal river floatation equipment.

12. Also on October 10, 2020, the Commission noticed Grand Junction Adventures' proposed authority, as construed and modified by Interim Decision No. R22-0609-I and set forth in paragraph 11 above.

13. In accordance with § 40-6-109. C.R.S., the ALJ now transmits to the Commission, the record in this proceeding along with a written Recommended Decision.

II. FINDINGS AND CONCLUSIONS

14. No new petition to intervene or otherwise participate in this proceeding has been filed since the Commission's notice dated October 10, 2020.

15. The ALJ finds and concludes that the Application, as amended, is unopposed and, pursuant to § 40-6-109(5), C.R.S. and Commission Rule 1403³, will be considered under the modified procedure, without a formal hearing.

16. 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, as amended, warrants the granting of the requested common carrier authority.

³ 4 CCR 723-1 of the Rules of Practice and Procedure.

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

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

19. This application, as amended, for permanent authority is in the public interest.

20. Applicant, as amended, will be granted, subject to conditions, a Certificate of Public Convenience and Necessity (CPCN) to operate as a common carrier of passengers by motor vehicle for hire, conditioned upon Applicant's full compliance with the requirements contained in this Decision.

21. If Applicant fails to comply with the prerequisites required by Ordering Paragraph No. 2 within 60 days of the effective date of the Decision, the requested CPCN will be deemed denied and Applicant will not be granted the requested permanent authority; the CPCN shall not be issued; and Applicant shall not be permitted to operate under the requested CPCN authority. No further action of the Commission is required.

22. For good cause shown, the Commission may grant additional time for compliance with Ordering Paragraph No. 2 if the request for additional time is filed within 60 days of the effective date of this Decision.

23. The Commission will notify Applicant in writing when the Commission's records demonstrate Applicant has fully complied with the requirements of Ordering Paragraph No. 2. Applicant shall not begin operations without the receipt of written notification of compliance from the Commission.

24. Therefore, in accordance with § 40-6-109, C.R.S., the ALJ recommends that the Commission enter the following order.

III. ORDER

A. It is Ordered That:

1. The Application of Grand Junction Stand Up Paddle, doing business as Grand Junction Adventures (Grand Junction Adventures), for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire, filed on February 23, 2022, as amended (Application), is granted.

2. Subject to Applicant's full compliance with the requirements contained in Ordering Paragraph No. 3, Grand Junction Adventures is granted authority operate as a common carrier by motor vehicle for hire as follows:

- (I) Transportation of passengers in Call and Demand Shuttle and Call and Demand Charter that originates or terminates between all points within a 100 yard radius of: (a) 1695 Las Colonias Landing, Grand Junction, Colorado; (b) 436 Main Street, Grand Junction, Colorado; (c) Ribbon Trailhead, Grand Junction, Colorado; (d) Third Flats Trailhead, Grand Junction, Colorado; (e) First Flats Trailhead, Grand Junction, Colorado; (f) Bangs Canyon Trailhead, Grand Junction, Colorado; (g) Lunch Loops Trailhead, Grand Junction, Colorado; (h) North Desert 18 Trailhead, Fruita, Colorado; and (i) Kokopelli Trailhead, Loma, Colorado.
- (II) Transportation of passengers in Call and Demand Shuttle and Call and Demand Charter that originates or terminates between all points within a 100 yard radius of: (a) 1695 Las Colonias Landing, Grand Junction, Colorado; (b) Las Colonias Boat Ramp, Grand Junction, Colorado; (c) Palisade Rim Boat Ramp, Palisade, Colorado; (d) Riverbend Park Boat Ramp, Palisade, Colorado; (e) Corn Lake State Park Boat Ramp, Grand Junction, Colorado; (f) Connected Lakes State Park Boat Ramp, Grand Junction Colorado; (g) Blue Heron Boat Ramp, Grand Junction, Colorado; (h) Fruita State Park Boat Ramp, Fruita, Colorado; and (i) Loma State Park Boat Ramp, Loma, Colorado.
- (III) Transportation of passengers in Call and Demand Shuttle and Call and Demand Charter that originates or terminates between all points within a 100 yard radius of: (a) Rulison Bridge Boat Ramp, Parachute, Colorado; (b) the City of Parachute Boat Ramp, 101 Misty Way, Parachute, Colorado; (c) Una Bridge Boat Ramp, Stone Quarry Road, Parachute Colorado; (d) City of Rifle Boat Ramp, Lions Park Circle, Rifle, Colorado; and (e) Roan Creek Road Boat Ramp, De Beque, Colorado.

Restrictions:

- (1) Item (I) is restricted to the transportation of passengers who are customers of Grand Junction Adventures renting mountain biking equipment from Grand Junction Adventures, 1695 Las Colonias Landing, Grand Junction, Colorado, or passengers who are transported with their own mountain biking equipment.
- (2) Items (II), (III), are restricted to the transportation of passengers who are customers of Grand Junction Adventures renting river floatation equipment from Grand Junction Adventures, 1695 Las Colonias Landing, Grand Junction, Colorado, or passengers who are transported with their own personal river floatation equipment.

3. Applicant shall not be granted a CPCN and shall not commence operations until it

has fully complied with the following conditions:

- (a) register with the Colorado Secretary of State's Office the trade name, Grand Junction Adventure, under the limited liability company, Grand Junction Stand Up Paddle, if it is not already registered;
- (b) cause proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- (c) 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;
- (d) file with the Commission and have an effective, publicly available tariff. 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 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;
- (e) submit a Vehicle Inspection Report for each vehicle to be operated under the authority at the commencement of operations. The inspection must be done in accordance with Rules 6103 and 6104 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6; and the inspection must show that the vehicle passed the inspection. The inspection report may be found at: <https://puc.colorado.gov/common-carriers>;
- (f) 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

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

4. The CPCN shall not be issued, and Applicant shall not operate under the requested CPCN authority unless Applicant complies with all of the conditions in Ordering Paragraph No. 2.

5. If Applicant does not comply with each requirement in Ordering Paragraph No. 2, within 60 days of the effective date of this Decision, the CPCN 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 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. Proceeding No. 22A-0089CP is closed.

8. 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.

a. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the 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.

b. If a party seeks to amend, modify, annul, or reverse basic findings 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.

9. 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

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director