

Decision No. R23-0050

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0403CP-EXT

IN THE MATTER OF THE APPLICATION OF GROOME TRANSPORTATION OF SOUTHERN COLORADO, LLC DOING BUSINESS AS GROOME TRANSPORTATION TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55275.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
VACATING EVIDENTIARY HEARING, DISMISSING
INTERVENTION, GRANTING AMENDED APPLICATION
UNDER MODIFIED PROCEDURE,
AND CLOSING PROCEEDING**

Mailed Date: January 20, 2023

I. STATEMENT AND PROCEDURAL HISTORY

1. On September 20, 2022, Groome Transportation of Southern Colorado, LLC, doing business as Groome Transportation (Applicant), filed its Application for Permanent for Permanent Authority to Extend Operations Under Certificate of Public Convenience and Necessity No. 55275 (Application).

2. On September 26, 2022, Applicant filed an Amendment to its Application (amended Application).

3. On October 4, 2022, the Commission gave notice of the amended Application. As noticed, Applicant is seeking the following authority:

- I. Transportation of passengers, in call-and-demand shuttle service, between all points within a 50-mile radius of the intersection of Interstate 25 and N. Nevada,

Avenue, Colorado Springs, Colorado, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

- II. Transportation of passengers, in scheduled service, between the Colorado Springs Municipal Airport, Colorado Springs, Colorado, on the one hand, and Denver International Airport, Denver, Colorado, on the other hand; serving points on schedule: located within one mile of Interstate Highway 25 between the intersection of Interstate Highway 25 and Northern Avenue, Pueblo, Colorado, and the intersection of Interstate Highway 25 and Founders Parkway, Castle Rock, Colorado; and b) located within one-mile of U. S. Highway 50 between the intersection of U. S. Highway 50 and McCulloch Boulevard, Pueblo West, Colorado, and the intersection of U. S. Highway 50 and Interstate Highway 25, Pueblo, Colorado.

RESTRICTIONS:

Item (I) is restricted against transportation service from points in Pueblo, El Paso, and Douglas Counties, State of Colorado to Cripple Creek, Colorado.

4. On November 3, 2022, City Cab, LLC (Intervenor) timely intervened of right.
5. On November 9, 2022, during the Commission's Weekly Meeting, this matter was referred by minute entry to an Administrative Law Judge (ALJ) for disposition.
6. By Decision No. R22-0771-I, issued on December 1, 2022, a procedural schedule was established, and a remote evidentiary hearing was scheduled for January 23, 2023 at 9:00 a.m.
7. On December 6, 2022, Intervenor filed its Withdrawal of Notice of Intervention.
8. 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. RELEVANT LAW, FINDINGS, AND CONCLUSIONS

9. Rule 1403(c) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 (2020), governs uncontested proceedings. Rule 1403(c) states that

“[i]f all parties withdraw their interventions before completion of a hearing, the matter may be determined as an uncontested proceeding.”

10. As stated above, City Cab, LLC, the only Intervenor in this Proceeding, withdrew its intervention in this matter. Given Intervenor’s withdrawal of its intervention, this matter may now be determined as an uncontested proceeding.

11. Since the Application is uncontested, the evidentiary hearing scheduled for January 23, 2023 at 9:00 a.m., will be vacated.

12. The ALJ finds that Applicant is a Colorado limited liability company in good standing.

13. Applicant requests an extension of its operations under Certificate of Public Convenience and Necessity No. 55275 as noticed.

14. The amended Application establishes that Applicant is familiar with the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, and agrees to be bound by, and to comply with, those Rules.

15. The information provided by Applicant demonstrates that Applicant possesses sufficient equipment to provide the proposed service and is financially fit to conduct operations under the authority requested. The amended Application and the supporting information attached to it demonstrate that a need exists for the proposed service

16. The ALJ finds that Applicant is fit to provide the proposed transportation service, and the Application is in the public interest and should be granted.

17. 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 intervention filed by City Cab, LLC on December 6, 2022 in this matter is withdrawn.

2. The remote evidentiary hearing, scheduled to commence on January 23, 2023 at 9:00 a.m. is vacated.

3. Groome Transportation of Southern Colorado, LLC, doing business as Groome Transportation's (Applicant), Application for Permanent for Permanent Authority to Extend Operations Under Certificate of Public Convenience and Necessity No. 55275, filed September 20, 2022, as amended on September 26, 2022, is granted.

4. Applicant is granted an extension under Certificate of Public Convenience and Necessity PUC No. 55275 to operate as a common carrier by motor vehicle for hire as follows:

I. Transportation of passengers, in call-and-demand shuttle service, between all points within a 50-mile radius of the intersection of Interstate 25 and N. Nevada, Avenue, Colorado Springs, Colorado, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

II. Transportation of passengers, in scheduled service, between the Colorado Springs Municipal Airport, Colorado Springs, Colorado, on the one hand, and Denver International Airport, Denver, Colorado, on the other hand; serving points on schedule: a) located within one mile of Interstate Highway 25 between the intersection of Interstate Highway 25 and Northern Avenue, Pueblo, Colorado, and the intersection of Interstate Highway 25 and Founders Parkway, Castle Rock, Colorado; and b) located within one mile of U.S. Highway 50 between the intersection of U. S. Highway 50 and McCulloch Boulevard, Pueblo West, Colorado, and the intersection of U. S. Highway 50 and Interstate Highway 25, Pueblo, Colorado.

RESTRICTIONS:

Item (I) is restricted against transportation service from points in Pueblo, El Paso, and Douglas Counties, State of Colorado to Cripple Creek, Colorado.

5. Applicant shall operate in accordance with all applicable Colorado laws and Commission rules.

6. Applicant shall not commence operation under the extended authority until it has complied with the requirements of Colorado law 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 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, Applicant shall file an advice letter and tariff on not less than ten days' notice. The advice letter and tariff shall be filed as a new Advice Letter proceeding and shall comply with all applicable rules. 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 effective date. (Additional tariff information can be found on the Commission's website at dora.colorado.gov/puc and by following the transportation common and contract carrier links to tariffs); and
- d) paying the applicable issuance fee.

7. If Applicant does not cause proof of insurance or surety bond to be filed, pay the appropriate motor vehicle fees, file an advice letter and proposed tariff, and pay the issuance fee within 60 days of the effective date of this Decision, then the grant of the Permit 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.

8. The Commission will notify Applicant in writing when the Commission's records demonstrate compliance with ordering paragraph 6.

9. Proceeding No. 22A-0403CP-EXT is closed.

10. 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.

11. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

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.

12. If exceptions to this 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, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director