

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0249CP

IN THE MATTER OF THE APPLICATION OF YAMPA VALLEY TRANSPORTATION LLC
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**RECOMMENDED DECISION GRANTING MOTION TO
WITHDRAW, DISMISSING APPLICATION WITHOUT
PREJUDICE, AND CLOSING PROCEEDING**

Issued Date: November 21, 2025

I. STATEMENT

1. On June 6, 2025, Yampa Valley Transportation LLC (“Yampa” or “Applicant”) initiated this matter by filing an Application for Permanent Authority to Operate as a Common Carrier by Motor Vehicle for Hire (“Application”).

2. On June 9, 2025 Applicant filed a requested amendment for the authority it seeks in the Application.

3. On June 16, 2025, the Commission provided public notice under § 40-6-108(2), C.R.S., of the Application.

4. On July 14, 2025, NDW Enterprises LLC, doing business as Ski Town Transportation (“Intervenor” or “Ski Town”) timely filed its Intervention by Right to Permanent Authority Application, opposing the Application.

5. On July 23, 2025, the Commission deemed the Application complete and referred the matter to an Administrative Law Judge (“ALJ”) by minute entry.

6. By Decision No. R25-0559-I, issued July 30, 2025, the undersigned ALJ, among other things, scheduled an evidentiary hearing in this Proceeding for November 4, 2025.

7. By Decision No. R25-0710-I, issued October 3, 2025, the undersigned ALJ, among other things, rescheduled the hearing in this Proceeding for November 13, 2025.

8. By Decision No. R25-0810-I, issued November 12, 2025, the undersigned ALJ, among other things, rescheduled the hearing in this Proceeding for December 9, 2025.

9. On November 12, 2025, Applicant emailed the undersigned ALJ (“Correspondence”) and indicated that he “plan[ed] to withdraw [his] application for common carrier licensing...”¹

10. On November 20, 2025, Applicant filed its Motion to Withdraw Common Carrier Application (“Motion”). In the Motion Applicant similarly requests to “withdraw [his] application for common carrier licensing.”²

II. FINDINGS ANALYSIS AND CONCLUSIONS

11. Because no harm will come to any party by the granting of the Motion, response time to the Motion will be waived *sua sponte*.

12. Rule 1309(d) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”) 723-1, governs the withdrawal of applications. Under that Rule, an applicant may withdraw an application without leave of the Commission if notice of withdrawal is provided more than 45 days before the first day of hearing. Within 45 days of hearing, however, an applicant must obtain Commission approval to withdraw the application, and the presiding ALJ must

¹ Correspondence at p. 1.

² Motion at p. 1.

determine whether good cause exists for withdrawal and whether other parties would be prejudiced.

13. In this case, the evidentiary hearing was rescheduled by Decision No. R25-0810-I, issued November 12, 2025, for December 9, 2025. Because the Motion to Withdraw was filed on November 20, 2025, within 45 days of the scheduled hearing, Rule 1309(d), 4 CCR 723-1, requires ALJ approval for withdrawal.

14. Applicant first communicated his intent to withdraw the Application in the Correspondence on November 12, 2025, and then formally filed the Motion on November 20, 2025. As of the date of this Recommended Decision, no party has filed a response opposing the Motion. The sole Intervenor, Ski Town, opposed the Application and therefore is unlikely to be prejudiced by the withdrawal of the Application.

15. Given the procedural posture of this Proceeding (no discovery requests, responses, or related filings appear in the record; no testimony has been filed; and neither party has made evidentiary preparations) the ALJ finds that no prejudice will result to any party if the Application is withdrawn at this stage.

16. Accordingly, and consistent with Rule 1309(d), 4 CCR 723-1, the ALJ finds good cause to grant the Motion and to dismiss the Application without prejudice. The Motion will therefore be granted, as ordered below.

17. The dismissal of this Proceeding without prejudice does not affect the Applicant's right to refile a new application should it elect to seek authority in the future.

III. TRANSMITTAL OF THE RECORD

18. In accordance with § 40-6-109, C.R.S., the ALJ transmits to the Commission the record in this proceeding and recommends that the Commission enter the following order.

IV. ORDER

A. The Commission Orders That:

1. The Motion to Withdraw Common Carrier Application (“Motion”), filed by Yampa Valley Transportation LLC on November 20, 2025, is granted.

2. Response time to the Motion is waived.

3. The evidentiary hearing scheduled for December 9, 2025, is vacated.

4. Consistent with the granting of the Motion, the above-captioned Application is deemed withdrawn and is dismissed without prejudice.

5. Proceeding No. 25A-0249CP is closed.

6. 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.

8. 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 that reads "Rebecca E. White".

Rebecca E. White,
Director