

Decision No. C23-0128

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23L-0083CP

IN THE MATTER OF THE APPLICATION OF HY-MOUNTAIN TRANSPORTATION, INC.
DOING BUSINESS AS HIGH MOUNTAIN TAXI FOR AUTHORITY TO REVISE
PASSENGER TARIFF, COLORADO PUC NO. 9 ON LESS THAN STATUTORY NOTICE.

**COMMISSION DECISION GRANTING TARIFF CHANGES
ON LESS-THAN-STATUTORY NOTICE**

Mailed Date: February 22, 2023
Adopted Date: February 22, 2023

I. BY THE COMMISSION

A. Statement

1. On February 15, 2023, Hy-Mountain Transportation, Inc., doing business as High Mountain Taxi (High Mountain Taxi) filed an application for authority to publish a supplement to Passenger Tariff, Colorado PUC No. 9 to become effective on less-than-statutory notice. The supplement will increase the fares for call-and-demand taxi service.

2. High Mountain Taxi, under Certificate of Public Convenience and Necessity (CPCN) PUC No. 14114, may provide call-and-demand taxi service between points in the Counties of Eagle, Garfield, and Pitkin, State of Colorado.

3. In this Application, High Mountain Taxi proposes to add a fuel surcharge¹ of \$0.02 to the existing charge for each 1/14 of a mile that a passenger travels in the taxi. The additional charge of \$0.02 will increase the charge for each 1/14 of a mile from \$0.29 to \$0.31. The charge for the first mile that the passenger travels in the taxi will increase from \$7.48 to \$7.76. The charge for each additional mile will increase from \$4.06 to \$4.34. High Mountain Taxi requests that the \$.02 additional charge for each 1/14 of a mile remain in effect for a period of 90 days.

4. In support of the request for the fuel surcharge, the owner of High Mountain Taxi states:

High Mountain Taxi requested and received its last rate increase approximately 1.5 years ago in June of 2021. At the time of our rate increase, the average price per gallon of unleaded gasoline (Low grade) was \$4.35 per gallon. As of today, the average cost per gallon in Aspen has again rose to \$5.70/gallon. The drivers have had a fuel surcharge up until December 13th with prices decreased for a brief period, but with the elevated prices in fuel it continues to hurt our drivers' ability to make their normal level of income and High Mountain's ability to retain drivers.

High Mountain Drivers pay 100% of their fuel expense. High Mountain is proposing a \$.28 increase per live mile. One hundred percent of the proposed increase would be retained by the drivers.

High Mountain realizes fuel prices fluctuate based on market conditions. Therefore, High Mountain is requesting this proposed fuel surcharge remain in effect for 90 Days.

5. The Commission is aware that the retail price of gasoline has increased significantly in Colorado since December of 2022. The Commission is also aware that the

¹ High Mountain Taxi was also granted the \$0.28 per mile fuel surcharge on June 29, 2022, by Decision C22-0395 for a period of 60 days and on September 7, 2022, by Decision C22-0525 for a period of 90 days.

independent contractor drivers of High Mountain Taxi purchase all the gasoline that is used to provide the taxi service authorized by CPCN PUC No. 14114. Therefore, since December of 2022, the drivers of High Mountain Taxi have been required to pay a significantly greater percentage of their daily or weekly revenue received from providing taxi service for the purchase of gasoline.

6. Rule 6208(d) of the *Rules Regulating Transportation by Motor Vehicle, 4 Code of Colorado Regulations* 723-6, states:

Proposed Tariffs must be filed on a form approved by the Commission and shall be complete, providing all of the information required by the form. Proposed Tariffs shall provide for 30 days' notice before they are in effect, unless the Commission has approved an application for less than statutory notice to shorten this time period, or as otherwise ordered by the Commission.

7. In consideration of the information submitted with this Application, the Commission finds that High Mountain Taxi has shown good cause to approve the proposed fuel charge supplement to Passenger Tariff, Colorado PUC No. 9 to become effective on less-than-statutory notice.

II. ORDER

A. The Commission Orders That:

1. The Application filed on February 15, 2023, by Hy-Mountain Transportation, Inc., doing business as High Mountain Taxi (High Mountain Taxi) is deemed complete.

2. The Application for authority to publish a fuel surcharge supplement to Passenger Tariff, Colorado PUC No. 9 on less-than-statutory notice filed by High Mountain Taxi is granted.

3. High Mountain Taxi is authorized to file, on not less than one day's notice to the Commission, a supplement to Passenger Tariff, Colorado PUC No. 9, attached as Appendix A and made a part of this Decision.

4. The advice letter and supplement to Passenger Tariff, Colorado PUC No. 9 shall be filed as a new proceeding within ten days of the effective date of this Decision.

5. The supplement to High Mountain Taxi's Passenger Tariff, Colorado PUC No. 9 shall be effective for a period of 90 days.

6. 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.

7. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 22, 2023.**

(S E A L)



ATTEST: A TRUE COPY

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners