

Decision No. C23-0205

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0113BP-TA

IN THE MATTER OF THE APPLICATION OF SP PLUS CORPORATION DOING BUSINESS AS SP PLUS FOR TEMPORARY AUTHORITY TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION GRANTING
TEMPORARY AUTHORITY**

Mailed Date: March 24, 2023
Adopted Date: March 22, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On March 6, 2023, SP Plus Corporation, doing business as SP PLUS (Applicant), filed an application for temporary authority to conduct operations as a contract carrier of passengers by motor vehicle for hire.

2. Applicant requests temporary authority for 180 days to operate as a contract carrier and provide transportation for the Eldora Mountain ski resort in Nederland, Colorado, as more fully described in the Appendix attached to this Decision.

3. The Commission gave notice of the application on March 13, 2023, for a period of five days in accordance with § 40-10.1-204(4), C.R.S.

4. There are no interventions opposing a grant of the application.

5. Pursuant to § 40-10.1-204(1), C.R.S., the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for contract carrier service when

“there appears to be an immediate and urgent need to any point or within a territory having no such service capable of meeting the need.” Such temporary authority is valid for not more than an aggregate of 180 days.

6. In support of the temporary authority, the requisite customer support letter from Eldora Mountain states, in part:

Eldora Mountain is partnering with SP Plus to provide shuttle busses and drivers to assist with transporting guest to Eldora Mountain from The Boulder Justice Center. SP Plus is also assisting Eldora Mountain transport employees from the Nederland High School to Eldora Mountain. Partnering with SP Plus has allowed us to reduce the number of vehicles traveling through Boulder Canyon and parking at Eldora Ski area. SP Plus has also been helpful in providing safe and reliable transportation for our employees from the Nederland High School to Eldora.

7. The Commission finds that the information submitted with this application shows that an immediate and urgent need for the requested transportation service exists, and there is no other carrier capable of meeting the need. Hence, the Commission concludes that this application for temporary authority is in the public interest.

8. Applicant has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

9. This application for temporary authority will be granted for 150 days because emergency temporary authority was already granted for 30 days by Decision No. C23-0129, mailed on February 22, 2023, in Proceeding No. 23A-0079BP-ETA.

10. Applicant is advised that the grant of a temporary authority creates no presumption that a permanent authority will be granted.

II. ORDER

A. The Commission Orders That:

1. The application filed on March 6, 2023, by SP Plus Corporation, doing business as SP PLUS, for temporary authority to conduct operations as a contract carrier of passengers by motor vehicle for hire is granted.

2. SP Plus Corporation, doing business as SP PLUS, is granted temporary authority to conduct operations as a contract carrier for a period of 150 days commencing from the Mailed Date of this Decision, with authority as set forth in the Appendix attached to this Decision.

3. SP Plus Corporation, doing business as SP PLUS, shall not commence operations until it has complied with the requirements of Colorado laws 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 (\$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) having an effective tariff on file with the Commission. The tariff should comply with Rule 6208 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6. The tariff shall be filed in a *new* Advice Letter/Tariff proceeding on not less than one 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; and,
- (d) paying the applicable issuance fee (\$5.00).

4. If SP Plus Corporation, doing business as SP PLUS, does not comply with the requirements of this Decision within 30 days of its effective date, then the temporary authority

shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 30 days.

5. The Commission will notify SP Plus Corporation, doing business as SP PLUS, in writing when the Commission's records demonstrate compliance with Ordering Paragraph No. 3.

6. SP Plus Corporation, doing business as SP PLUS, 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. 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 Commission mails or serves this Decision.

8. This Decision is effective on its Mailed Date.

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

(S E A L)



ATTEST: A TRUE COPY

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners