

Decision No. C03-0822

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03M-292CP

RE: MOTOR VEHICLE OPERATIONS OF AIRPORT BOULEVARD CO &/OR
A B C SHUTTLE UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY PUC NO. 25810.

**DECISION CONSTRUING LETTER AS APPLICATION
FOR RRR AND GRANTING APPLICATION**

Mailed Date: July 29, 2003
Adopted Date: July 16, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a letter filed on July 7, 2003 by Airport Boulevard Company and/or ABC Shuttle (ABC), to reinstate its authority PUC No. 25810. According to the letter, an Administrative Law Judge in Recommended Decision No. R03-0572 recommended that ABC's authority be revoked for failure to maintain a currently effective Certificate of Insurance on file with the Commission.

2. ABC now represents that it was never without proper insurance coverage. It further represents that when it switched insurance carriers, the new carrier listed ABC's name incorrectly, therefore, the policy did not correctly identify the company as the properly insured carrier. For that reason, ABC requests that we re-instate its authority.

II. FINDINGS

3. The Recommended Decision was effective on May 30, 2003. The 20-day period in which to file exceptions to the decision expired on June 19, 2003. No exceptions were filed

within the 20-day period, therefore, the Recommended Decision became the decision of the Commission as of June 19, 2003. As such, the Recommended Decision was subject to the provisions of § 40-6-114, C.R.S. Because the letter was filed subsequent to the expiration of the time for exceptions, and because the Recommended Decision became a decision of the Commission on June 19, 2003, we will construe the letter as an application for rehearing, reargument, or reconsideration (RRR) of Recommended Decision No. R03-0572, pursuant to § 40-6-114, C.R.S.

4. We are persuaded by ABC that it had in place at all times, the required insurance policy as required of common carriers by our rules and pursuant to § 40-10-110, C.R.S. We find that ABC states good cause to grant its application for RRR and re-instate its operating authority.

5. We therefore construe ABC's letter of July 2, 2003 as an application for RRR and grant the application as it pertains specifically to Case No. 4977-INS and re-instate its operating authority.

III. ORDER

A. The Commission Orders That:

1. The letter filed by Airport Boulevard Company and/or ABC Shuttle and Nemarda Corporation is construed as an application for rehearing, reargument, or reconsideration.

2. The application for rehearing, reargument, or reconsideration of Recommended Decision No. R03-0572 filed by Airport Boulevard Company and/or ABC Shuttle and Nemarda Corporation on July 2, 2003 is granted as specifically regards Case No. 4977-INS.

3. The operating authority, PUC No. 25810, of Airport Boulevard Company and/or ABC Shuttle and Nemarda Corporation is reinstated immediately.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 16, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners