

Decision No. C19-0907

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0497CP-EXTENSION

IN THE MATTER OF THE APPLICATION OF HEART & SOUL PARATRANSIT LLC FOR
PERMANENT AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY NO. 55902.

**COMMISSION DECISION GRANTING
PERMANENT AUTHORITY TO EXTEND
OPERATIONS SUBJECT TO CONDITIONS**

Mailed Date: November 7, 2019

Adopted Date: October 30, 2019

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On September 13, 2019, Heart & Soul Paratransit LLC (Applicant) filed an application for permanent authority to extend operations under its Certificate of Public Convenience and Necessity (CPCN) PUC No. 55902 in order to eliminate the restrictions. A supplement to the application was filed on September 23, 2019.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on September 23, 2019.

3. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

4. Pursuant to Rule 6203(a) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, the information submitted with this application warrants the granting of the requested extension to CPCN PUC No. 55902.

5. The present or future public convenience and necessity requires, or will require, the transportation service as requested.

6. Applicant is fit to perform the service as requested.

7. This application for permanent authority to extend operations is in the public interest.

8. Applicant is granted, subject to conditions, an extension of authority under CPCN PUC No. 55902 as set forth in the Appendix attached to this Decision, conditioned upon Applicant's full compliance with the requirements contained in this Decision.

9. If Applicant fails to comply with the prerequisites required by Ordering Paragraph No. 3 within 60 days of the effective date of the Decision, the requested extension of authority under CPCN PUC No. 55902 will be deemed denied and Applicant will not be granted the requested permanent authority; the extended CPCN shall not be issued; and Applicant shall not be permitted to operate under the requested authority. No further action of the Commission is required.

10. For good cause shown, the Commission may grant additional time for compliance with Ordering Paragraph No. 3 if the request for additional time is filed within 60 days of the effective date of this Decision.

11. The Commission will notify Applicant in writing when the Commission's records demonstrate Applicant has fully complied with the requirements of Ordering Paragraph No. 3. Applicant shall not begin the extended operations without the receipt of written notification of compliance from the Commission.

II. ORDER

A. The Commission Orders That:

1. This application was deemed complete for purposes of § 40-6-109.5, C.R.S., on October 30, 2019.

2. The issuance of an extension of authority under Certificate of Public Convenience and Necessity (CPCN) PUC No. 55902 as set forth in Appendix A attached to this Decision is granted to Heart & Soul Paratransit LLC (Applicant), subject to Applicant's full compliance with the requirements contained in Ordering Paragraph No. 3.

3. Applicant shall not be granted the extension of authority under CPCN PUC No. 55902 and shall not commence the extended operations until it has fully complied with the following conditions:

- (a) cause proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- (b) pay 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) file with the Commission and have an effective, publicly available tariff, which includes the extended authority. The filing shall consist of an advice letter and the corresponding tariff. The advice letter and tariff shall be filed as separate documents in one new Advice Letter proceeding. Applicant shall file the advice letter and tariff on not less than ten 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. Information can be found at:
<https://www.colorado.gov/pacific/dora/Trans-Tariffs>;

- (d) register an authorized representative as a File Administrator on behalf of Applicant in the Commission's electronic filing system (E-Filings) and agree that Applicant shall receive notifications electronically through E-Filings. Information can be found at:

www.dora.state.co.us/pls/efi/EFI.homepage; and

- (e) pay the applicable fee (\$5.00) for the issuance of the authority.

4. The extension of authority under CPCN PUC No. 55902 shall not be issued and Applicant shall not operate under the extended authority unless Applicant complies with all of the conditions in Ordering Paragraph No. 3.

5. If Applicant does not comply with each requirement in Ordering Paragraph No. 3, within 60 days of the effective date of this Decision, the extension of authority under CPCN PUC No. 55902 is denied without further action of the Commission. 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.

6. Applicant shall continue to 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 effective date of this Decision.

- 8. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 30, 2019.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads 'Doug Dean'.

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners