

Decision No. C21-0191

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0093CP-SUSPENSION

IN THE MATTER OF THE APPLICATION OF THEBVBC, LLC FOR AN ORDER OF THE COMMISSION AUTHORIZING A SUSPENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55936.

**COMMISSION DECISION GRANTING
SUSPENSION OF OPERATIONS AND WAIVING RULE**

Mailed Date: March 30, 2021

Adopted Date: March 24, 2021

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On February 26, 2021, THEBVBC, LLC (THEBVBC) filed an application seeking approval to suspend operations under Certificate of Public Convenience and Necessity (CPCN) PUC No. 55936, from April 10, 2021 through November 1, 2021.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on March 8, 2021, for a period of ten days. The notice period expired on March 18, 2021.

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. Rule 6205(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, states that:

A Fully Regulated Intrastate Carrier may not request and the Commission shall not grant a voluntary suspension persisting for longer than:

(I) 12 consecutive months;

[or]

(II) 12 months in any 24-month period.

Rule 6205(c), 4 CCR 723-6, further states that:

any request for waiver or variance from this time period limitation must demonstrate that the suspension is in the public interest and that alternative service will be available during the period of suspension.

5. Pursuant to Rule 1501(c) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, we administratively notice that THEBVBC was previously granted a suspension of operations under CPCN PUC No. 55936 from April 10, 2020 through June 30, 2020, by Decision No. C20-0339, in Proceeding No. 20A-0162CP-Suspension on May 7, 2020; and from July 1, 2020 through April 10, 2021, by Decision No. C20-0470, in Proceeding No. 20A-0248CP-Suspension on June 26, 2020. If the suspension requested in this application is granted, CPCN PUC No. 55936 will be suspended for a period of 19 months in a 24-month period. Therefore, to grant the suspension requested in this application, the Commission will have to waive on its own motion, Rule 6205(b), 4 CCR 723-6.

6. Pursuant to Rule 1003(a) of the Commission's Rules of Practice and Procedure, 4 CCR 723-1, the Commission may "for good cause shown, grant waivers or variances from tariffs, Commission rules, and substantive requirements contained in Commission decisions. In making its determination the Commission may take into account, but is not limited to,

considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.”

7. In support of this suspension application, Darcie David, the manager of THEBVBC, states:

THEBVBC, LLC’s primary business is to transport passengers to Red Rocks Amphitheater and other music venues and bars in the Denver area. Given the current situation with COVID-19, demand for such service has dropped significantly. THEBVBC, LLC seeks this temporary suspension so that it may avoid the need to pay insurance during the time it is not operating.

THEBVBC, LLC’s permit is currently suspended through April 10, 2021. Given the extraordinary circumstances of the COVID-19 pandemic, THEBVBC, LLC respectfully requests the Commission allow it to extend its suspension. If THEBVBC is required to pay for its insurance while it is unable to operate, it will likely go out of business.

If concerts resume at Red Rocks Amphitheater during the summer of 2021, THEBVBC will seek to lift the requested suspension and resume service to the public.

8. The Commission is very aware that the Covid pandemic has significantly decreased the demand for public passenger transportation during the past 12 months and may continue to reduce the demand for passenger transportation for the next several months.

9. Therefore, the Commission finds that the recent reduction in demand for passenger transportation and the information submitted by THEBVBC with this application warrant the granting of a suspension of operations and a waiver of Rule 6205(b), 4 CCR 723-6. The application for authority to suspend CPCN PUC No. 55936 is in the public interest and will be granted.¹

¹ As Decision No. C20-0470 granted the suspension of CPCN PUC No. 55936 through April 10, 2021, the suspension period granted by this Decision will begin on April 11, 2021.

II. ORDER

A. The Commission Orders That:

1. This application was deemed complete on March 24, 2021, within the meaning of § 40-6-109.5, C.R.S.

2. On its own motion, the Commission waives Rule 6205(b), 4 *Code of Colorado Regulations* (CCR) 723-6, consistent with the discussion above.

3. The application filed by THEBVBC, LLC on February 26, 2021, for approval to suspend operations under Certificate of Public Convenience and Necessity (CPCN) PUC No. 55936 is granted from April 11, 2021 through November 1, 2021.

4. On November 2, 2021, CPCN PUC No. 55936 shall be administratively reactivated.

5. Prior to commencing operations, THEBVBC, LLC shall: (a) cause proof of insurance or surety bond coverage to be filed with the Commission pursuant to Rule 6008, 4 *Code of Colorado Regulations* 723-6; (b) pay to the Commission the applicable vehicle identification fee for each vehicle to be operated under authority granted by the Commission; and, (c) ensure that an effective tariff is on file with the Commission, in compliance with applicable Commission rules.

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 Commission mails or serves this Decision.

7. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 24, 2021.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners