

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF DARYL MILANOVICH,)
D/B/A ELITE LIMOUSINE SERVICE,)
LONGMONT, COLORADO FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

DOCKET NO. 92A-365CP

RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL

- - - - -
Mailed Date: February 10, 1993
- - - - -

STATEMENT

On July 20, 1992, Applicant Daryl Milanovich, d/b/a Elite Limousine Service filed the captioned application.

On August 3, 1992, the Commission issued notice of the application as follows:

For a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of

passengers and their baggage, in call and demand limousine service,

- (1) Between points in the Counties of Denver, Boulder, Larimer, Adams, and Jefferson, State of Colorado, on the one hand, and points in Central City and Black Hawk, on the other hand; and
- (2) Between points in the County of Boulder, State of Colorado, on the one hand, and Stapleton International Airport in Denver, Colorado on the other hand.

Notices of Intervention were filed by Burt Green, d/b/a Best Mountain Tours and/or the Mountain Men, American Limousine Service, Boulder Airporter, Inc., Zone Cab Company, Yellow Cab Cooperative Association, d/b/a Yellow Cab, Inc., Boulder Yellow Cab, Inc., Denver Airport Limousine Service, Inc., and Black Hawk-Central City Ace Express, Inc.

On September 11, 1992, the Commission sent a letter to Applicant advising that Applicant must comply with the

requirements of Rule 71(b) of the Commission's Rules of Practice and Procedure by filing a list of witnesses and other matters. Since Applicant failed to file the Rule 71(b) Certification, Interim Order No. R92-1582-I was issued on December 23, 1992, advising that Applicant must comply within 15 days of the mailing date of December 23, 1992. The order also indicated that failure to comply would result in a dismissal of the application.

On January 14, 1993, Intervenor Black Hawk-Central City Ace Express, Inc., filed a Motion to Dismiss the Application for the failure of Applicant to comply with Interim Order No. R92-1582-I.

A review of the Commission's file indicates that Applicant has not complied with Rule 71(b) of the Commission's Rules of Practice and Procedure. Therefore the Motion to Dismiss will be granted.

Pursuant to § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

ORDER

THE COMMISSION ORDERS THAT:

1. The Motion to Dismiss filed on January 14, 1993, by Intervenor Black Hawk-Central City Ace Express, Inc., is granted.

2. Docket No. 92A-365CP is dismissed.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

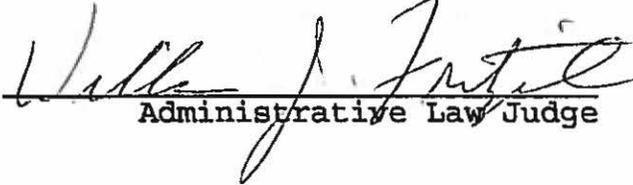
4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

- a. IF NO EXCEPTIONS ARE FILED WITHIN 20 DAYS AFTER SERVICE OR WITHIN ANY EXTENDED PERIOD OF TIME AUTHORIZED, OR UNLESS THE DECISION IS STAYED BY THE COMMISSION UPON ITS OWN MOTION, THE RECOMMENDED DECISION SHALL BECOME THE DECISION OF THE COMMISSION AND SUBJECT TO THE PROVISIONS OF § 40-6-114, C.R.S.
- b. IF A PARTY SEEKS TO AMEND, MODIFY, ANNUL, OR REVERSE BASIC FINDINGS OF FACT IN ITS EXCEPTIONS, THAT PARTY MUST REQUEST AND PAY FOR A TRANSCRIPT TO BE FILED, OR THE PARTIES MAY STIPULATE TO PORTIONS OF THE TRANSCRIPT ACCORDING TO THE PROCEDURE STATED IN § 40-6-113, C.R.S. IF NO TRANSCRIPT OR STIPULATION IS FILED, THE COMMISSION

IS BOUND BY THE FACTS SET OUT BY THE
ADMINISTRATIVE LAW JUDGE AND THE PARTIES CANNOT
CHALLENGE THESE FACTS. THIS WILL LIMIT WHAT THE
COMMISSION CAN REVIEW IF EXCEPTIONS ARE FILED.

5. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Administrative Law Judge

WJF:srs