

Decision No. C23-0094

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0059CP

IN THE MATTER OF THE APPLICATION OF PALISADE TROLLEY LLC FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION MODIFYING
DECISION NO. C23-0070**

Mailed Date: February 9, 2023
Adopted Date: February 8, 2023

I. BY THE COMMISSION

A. Statement

1. This decision modifies Decision No. C23-0070 to include the Commission's standard compliance directives for decisions that grant these types of transportation authorities, and to provide a description of Palisade Trolley's operating authority (attached to this Decision as Appendix A).

2. The ordering paragraphs of Decision No. C23-0070 are hereby modified to include the following paragraphs:

6. The issuance of a Certificate of Public Convenience and Necessity (CPCN) to operate as a common carrier of passengers by motor vehicle for hire as set forth in Appendix A attached to this Decision is granted to Palisade Trolley LLC (Applicant), subject to Applicant's full compliance with the requirements contained in Ordering Paragraph No. 7.

7. Applicant shall not be granted a CPCN and shall not commence 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. The tariff should comply with Rule 6208 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6. The tariff shall be filed in a *new* Advice Letter/Tariff proceeding 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;

(d) submit a Vehicle Inspection Report for each vehicle to be operated under the authority at the commencement of operations. The inspection must be done in accordance with Rules 6103 and 6104 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6; and the inspection must show that the vehicle passed the inspection. The inspection report may be found at: <https://puc.colorado.gov/common-carriers>;

(e) 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

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

8. The CPCN shall not be issued, and Applicant shall not operate under the requested CPCN authority unless Applicant complies with all of the conditions in Ordering Paragraph No. 7.

9. If Applicant does not comply with each requirement in Ordering Paragraph No. 7, within 60 days of the effective date of this Decision, the CPCN 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.

10. Applicant 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.

3. For the sake of clarity, we set forth Palisade Trolley’s operating authority in Appendix A.

4. RRR to either this decision or Decision No. C23-0070 (which we have modified here) is due 20 days from the mail date of this decision.

II. ORDER

A. It Is Ordered That:

1. Decision No. C23-0070 is modified as discussed above.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 8, 2023.**

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners

ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director