

Decision No. R23-0470

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0112CP-EXT

IN THE MATTER OF THE APPLICATION OF BOILESEN SHUTTLES LLC DOING BUSINESS AS SWEET PEA TOURS TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 48202S.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
CLOSING PROCEEDING**

Mailed Date: July 20, 2023

I. STATEMENT

1. On March 6, 2023, Boilesen Shuttles LLC, doing business as Sweet Pea Tours (Sweet Pea) filed its Application for Permanent Authority to Extend Operations under Certificate of Public Convenience and Necessity No. 48202S. On March 17, 2023, Sweet Pea filed an amendment to the application.

2. The matter was referred to an Administrative Law Judge (ALJ) for resolution by minute entry during the Commission's Weekly Meeting held April 26, 2023.

3. On July 18, 2023, Applicant filed a Request Withdrawal of Extension Application. Applicant is withdrawing its application for extension and requests that the proceeding be closed.

4. By Decision No. R23-0394-I, issued June 12, 2023, an evidentiary hearing is scheduled in this matter to commence on August 23, 2023.

5. Rule 1309(d) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 provides that a: “party may withdraw an application or petition upon notification to the Commission and all parties prior to 45 days before the first day of hearing.” Because it is not less than 45 days before the first day of hearing, Applicant has a right to withdraw its application pursuant to Rule 1309(d).

6. The request not having been filed 45 days before the first day of hearing, the filing will be construed as a motion. Applicant not wishing to pursue the application, notice having been given well in advance of hearing, and no prejudice coming to any party by dismissal, response time will be waived sua sponte and the request will be granted.

7. The application filed in this proceeding is withdrawn. The scheduled hearing will be vacated, and this proceeding will be closed.

8. In accordance with § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The application in the above-captioned action is withdrawn.
2. The hearing scheduled to commence in this matter on August 23, 2023, is vacated.
3. The proceeding is closed.
4. 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.

5. 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.

6. 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.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

Rebecca E. White,
Director