

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0079BP-ETA

IN THE MATTER OF THE APPLICATION OF SP PLUS CORPORATION DOING BUSINESS AS SP PLUS, FOR EMERGENCY TEMPORARY AUTHORITY TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION GRANTING
EMERGENCY TEMPORARY AUTHORITY**

Mailed Date: February 22, 2023
Adopted Date: February 22, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On February 14, 2023, SP Plus Corporation, doing business as SP PLUS (Applicant), filed an application for emergency temporary authority to conduct operations as a contract carrier of passengers by motor vehicle for hire.

2. Applicant requests emergency temporary authority for 30 days to operate as a contract carrier and provide transportation for the Eldora Mountain ski resort in Nederland, Colorado, as more fully described in the Appendix attached to this Decision.

3. The requisite customer support letter from Eldora Mountain states, in part:

Eldora Mountain is partnering with SP Plus to provide shuttle busses and drivers to assist with transporting guest to Eldora Mountain from The Boulder Justice Center. SP Plus is also assisting Eldora Mountain transport employees from the Nederland High School to Eldora Mountain. Partnering with SP Plus has allowed us to reduce the number of vehicles traveling through Boulder Canyon and parking at Eldora Ski area. SP Plus has also been helpful in providing safe and reliable transportation for our employees from the Nederland High School to Eldora.

4. Pursuant to § 40-10.1-204(1), C.R.S., the Commission is authorized to grant temporary authority when “there appears to be an immediate and urgent need to any point or within a territory having no such service capable of meeting the need.” Section 40-10.1-204(4), C.R.S., further states: “If the Commission determines that an emergency exists, it may issue temporary authority or approval at once by making specific reference in its order to the circumstances constituting the emergency, in which case no notice need be given, but any such emergency authority or approval expires no later than thirty days after it was issued.”

5. The Commission finds and concludes that the information submitted with this application shows that an emergency need exists for the requested transportation service, and that no other carrier has been shown to be capable of providing the service.

6. Applicant has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

7. This application for emergency temporary authority is in the public interest and will be granted.

8. Applicant is advised that the grant of an emergency temporary authority creates no presumption that either a temporary or permanent authority will be granted.

II. ORDER

A. The Commission Orders That:

1. The application filed on February 14, 2023, by SP Plus Corporation, doing business as SP PLUS, for emergency temporary authority to conduct operations as a contract carrier of passengers by motor vehicle for hire is granted.

2. SP Plus Corporation, doing business as SP PLUS, is granted emergency temporary authority to conduct operations as a contract carrier as set forth in the Appendix attached to this Decision for a period of 30 days commencing from the effective date of this Decision.

3. SP Plus Corporation, doing business as SP PLUS, shall not commence operations until it has complied with the requirements of Colorado laws and Commission rules, including without limitation:

- (a) causing proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- (b) paying 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) having an effective tariff on file with the Commission. The tariff should comply with Rule 6208 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6. The tariff shall be filed in a *new* Advice Letter/Tariff proceeding on not less than one 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; and,
- (d) paying the applicable issuance fee (\$5.00).

4. If SP Plus Corporation, doing business as SP PLUS, does not comply with the requirements of this Decision within 30 days of its effective date, then the emergency temporary authority shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 30 days.

5. The Commission will notify SP Plus Corporation, doing business as SP PLUS, in writing when the Commission's records demonstrate compliance with Ordering Paragraph No. 3.

6. SP Plus Corporation, doing business as SP PLUS, 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.

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 Commission mails or serves this Decision.

8. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 22, 2023.**

(S E A L)



ATTEST: A TRUE COPY

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners