

Decision No. C23-0136

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0036-CP-TA

IN THE MATTER OF THE APPLICATION OF GRAND MOUNTAIN RIDES, LLC FOR TEMPORARY AUTHORITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION GRANTING
TEMPORARY AUTHORITY IN PART**

Mailed Date: February 24, 2023
Adopted Date: February 15, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On January 13, 2023, Grand Mountain Rides, LLC (Applicant) filed an application for temporary authority to conduct operations as a common carrier of passengers by motor vehicle for hire.

2. Applicant requests temporary authority for 180 days to transport passengers in call-and-demand shuttle service: (a) between all points within a 1-mile radius of the intersection of Rendezvous Road and Highway 40 in Fraser, Colorado, on the one hand, and Winter Park Ski Resort, on the other hand; and, (b) between points within a 22-mile radius of the intersection of Doc Susie Avenue and Highway 40 in Fraser, Colorado, on the one hand, and Denver International Airport, Denver, on the other hand, serving as intermediate points (i) Colorado Mills Mall at the intersection of Colorado Mills Parkway and I-70, in Lakewood, Colorado, and (ii) hotels within a 15-mile radius of Denver International Airport, Denver. This proposed authority is restricted:

(1) Items a. and b. are restricted to the use of vehicles with a rated seating capacity of no fewer than 10 passengers, including the driver, and no more than 15 passengers, including the driver.

(2) Item b. is restricted against service originating and terminating in the City and County of Denver, Colorado, other than Denver International Airport, hotels within a 15-mile radius of Denver International Airport, and Colorado Mills Mall.

3. The Commission gave notice of the application on January 23, 2023, for a period of five days in accordance with § 40-10.1-204(4), C.R.S.

4. On January 30, 2023, a Notice of Intervention by Right, Alternative Motion for Intervention, was filed by Home James Transportation Services, LTD (Home James), which holds Certificate of Public Convenience and Necessity (CPCN) No. 16114.

5. On February 6, 2023, Applicant filed a Verified Response in Opposition to the Motion for Permissive Intervention and Motion to Strike Notice of Intervention by Right.

6. Pursuant to § 40-10.1-204(1), C.R.S., the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for common carrier service 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.”

7. In support of the temporary authority to provide common carrier shuttle service, Applicant states, in part, the following:

For many years, [Home James] has been the only common carrier permitted by the Commission to operate a shuttle in Winter Park and surrounding areas, as well as between Grand County and DEN. Home James cannot meet the current demand for transportation services, however. Last year Winter Park Resort was named the #1 Ski Resort in North America, which has brought an influx of visitors from around the world, in addition to the growing regional ski market. Since early 2020, Grand Mountain has operated as a limited regulation carrier in the Winter Park area providing LL service. It has repeatedly heard from locals and visitors that additional transportation services to and from DEN and the metro-Denver area are

needed. For example, in the past, Grand Mountain has received multiple calls from customers panicking to find a ride to the airport because Home James notified them that, despite a prior reservation, they did not have an available driver. Grand Mountain has been happy to step in and provide a ride; however, it is limited to providing private charters that are substantially more expensive than a shuttle service... Finally, Grand Mountain has experience immediate public need for shuttle service between the Rendezvous HOA community and the Winter Park ski resort. Owners and their guests have limited options to access the ski resort, including a number of members of the Winter Park ski team and ski school participants who need daily transportation.

The application includes seven letters of public support from local residents and business owners.

8. In its intervention, Home James argues that the authority sought by Applicant directly conflicts with and overlaps its CPCN. Home James states it is able to serve additional passengers and that it would be harmed by the diversion of passengers and revenue if the application is granted. Home James argues that the support letters may show a preference for *additional* transportation options, but they do not show an immediate and urgent need. Hence, “the proper place to investigate the need for the additional service desired in the letters of support is in a permanent application proceeding.”

9. In its response, Applicant argues that there is no duplication between Home James’ common carrier services and the local shuttle service sought by Applicant in Item (a) of its requested authority, and that the airport shuttle service it seeks is “substantially different” from the airport services provided by Home James.

10. In consideration of the information submitted with this application and that the intervener has authority to provide common carrier service between Grand County and Denver International Airport but not local authority within Grand County, the Commission finds that an immediate and urgent need exists for the service requested in Item (a) of this temporary authority application, and that no other carrier has been shown to be capable of providing the service.

11. The Commission also finds that Applicant has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

12. This application for temporary authority is in the public interest and will be granted in part.

13. Applicant is advised that the grant of a temporary authority creates no presumption that a permanent authority will be granted.

II. ORDER

A. The Commission Orders That:

1. The Notice of Intervention by Right, Alternative Motion for Intervention, filed by Home James Transportation Services, LTD on January 30, 2023, is granted.

2. The application filed on January 13, 2023, by Grand Mountain Rides, LLC for temporary authority to conduct operations as a common carrier of passengers by motor vehicle for hire is granted in part.

3. Grand Mountain Rides, LLC is granted temporary authority to conduct operations as a common carrier by motor vehicle for hire for a period of 180 days commencing from the Mailed Date of this Decision, with authority as set forth in the Appendix attached to this Decision.

4. Grand Mountain Rides, LLC shall operate in accordance with all applicable Colorado laws and Commission rules.

5. Grand Mountain Rides, LLC shall not commence these 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 one day's 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; having an effective tariff on file with the Commission;

(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); and,

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

6. If Grand Mountain Rides, LLC does not comply with the requirements of this Decision within 30 days of its effective date, then the 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.

7. The Commission will notify Grand Mountain Rides, LLC in writing when the Commission's records demonstrate compliance with Ordering Paragraph No. 5.

8. 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.

9. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 15, 2023.**

(S E A L)



ATTEST: A TRUE COPY

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

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

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Commissioners