

Decision No. C23-0215

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0473CP

IN THE MATTER OF THE APPLICATION OF AL RAZAQ IMPORT & EXPORT LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION GRANTING EXCEPTIONS TO
RECOMMENDED DECISION NO. R23-0140**

Mailed Date: March 29, 2023

Adopted Date: March 22, 2023

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a filing made by Mountain Star Transportation LLC (Mountain Star), the intervenor in this proceeding, on March 7, 2023, and a filing made by Al Razaq Import & Export LLC, the applicant, on March 8, 2023. Being fully advised in this matter and consistent with the discussion below, we construe Mountain Star's filing as exceptions to Recommended Decision No. R23-0140 (Recommended Decision) and grant the exceptions for the sole purpose of clarifying the permanent authority which was granted.

B. Background

2. On October 31, 2022, Al Razaq Import & Export LLC (Applicant) filed an application for permanent authority to operate as a common carrier and transport passengers in

call-and-demand shuttle service between all points in the Counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson, State of Colorado.

3. On November 7, 2022, the Commission provided public notice of the application, and interventions were thereafter filed.

4. On December 14, 2022, the Commission deemed the application complete and referred it to an Administrative Law Judge (ALJ) for disposition.

5. On January 30, 2023, after a pre-hearing conference was held and before the scheduled hearing in this matter, the Applicant filed an Amendment stating that an agreement with the intervenor was made to restrict “the application for providing Shuttle Service to and from the following places: Red Rocks Park and Amphitheatre, Rocky Mountain National Park, Pikes Peak, Garden of the Gods, Mount Evans and Lookout Mountain.”

6. By Interim Decision No. R23-0103-I, mailed on February 15, 2023, the ALJ accepted this restrictive amendment and interpreted it to mean that the shuttle service would be restricted to transportation that originates or terminates at those named locations. In this decision, the ALJ also required Mountain Star to make a filing which states whether it objects to the amended application.

7. On February 15, 2023, Mountain Star submitted a “Notice of Withdrawal” but stated that the parties agreed to restrict the proposed authority from providing shuttle service to those named locations.

8. On February 24, 2023, the ALJ issued Recommended Decision No. R23-0140 (Recommended Decision), which granted the application, as amended, with the following authority:

Transportation of passengers in call-and-demand shuttle service between all points in the Counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson, State of Colorado.

RESTRICTIONS:

This authority is restricted **to** transportation that originates or terminates at any of the following locations: Red Rocks Park and Amphitheater, Rocky Mountain National Park, Pikes Peak, Garden of the Gods, Mount Evans, and Lookout Mountain. (*emphasis added*)

C. Discussion

9. On March 7, 2023, Mountain Star filed a document titled “Application for Rehearing, Reargument, or Reconsideration of Decision No. R23-0140.” This filing may be construed as timely filed exceptions to the Recommended Decision under Commission Rule 1505¹ and § 40-6-114, C.R.S.² Mountain Star states that the agreement made with Applicant was for restricting the authority from providing shuttle service to Red Rocks Park and Amphitheatre, Rocky Mountain National Park, Pikes Peak, Garden of the Gods, Mount Evans and Lookout Mountain.

10. On March 8, 2023, Applicant filed a “Letter for Agreement” which states that a misinterpretation was made about the authority sought and that it agrees to the restriction of not providing shuttle service to those named locations.

11. Given these filings, we find that the proposed authority should be restricted against providing shuttle service to Red Rocks Park and Amphitheatre, Rocky Mountain National Park, Pikes Peak, Garden of the Gods, Mount Evans and Lookout Mountain. Therefore, the exceptions

¹ Commission Rule 1505 provides for exceptions to Recommended Decisions (“A recommended decision becomes the Commission’s decision unless, within 20 days or such additional time as the Commission may allow, any party files exceptions to the recommended decision or the Commission orders the recommended decision to be stayed”).

² Applications for reconsideration, reargument, or rehearing may be made after a decision has been made by the Commission or after a decision recommended by an individual Commissioner or ALJ has become the decision of the Commission. § 40-6-114(1), C.R.S.

will be granted for the sole purpose of revising the authority granted by the Recommended Decision to read (the changes are bolded):

Transportation of passengers in call-and-demand shuttle service between all points in the Counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson, State of Colorado.

RESTRICTIONS:

This authority is restricted **against** transportation that originates or terminates at any of the following locations: Red Rocks Park and Amphitheater, Rocky Mountain National Park, Pikes Peak, Garden of the Gods, Mount Evans, and Lookout Mountain.

II. ORDER

A. The Commission Orders That:

1. Consistent with the discussion above, the exceptions to Recommended Decision No. R23-0140 filed by Mountain Star Transportation LLC, on March 7, 2023, are granted for the sole purpose of revising the authority granted by Recommended Decision No. R23-0140 to read as follows:

Transportation of passengers in call-and-demand shuttle service between all points in the Counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson, State of Colorado.

RESTRICTIONS:

This authority is restricted against transportation that originates or terminates at any of the following locations: Red Rocks Park and Amphitheater, Rocky Mountain National Park, Pikes Peak, Garden of the Gods, Mount Evans, and Lookout Mountain.

2. If the applicant, Al Razaq Import & Export LLC, does not comply with Ordering Paragraph No. 4 of Recommended Decision No. R23-0140 within 60 days of the effective date of this Decision, then the grant of the permanent 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 60 days of the effective date of this Decision.

3. 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.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 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