

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0549BP-TA

IN THE MATTER OF THE APPLICATION OF PURGATORY RECREATION I, LLC DOING BUSINESS AS MOUNTAIN TRANSPORT FOR TEMPORARY AUTHORITY TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION GRANTING
TEMPORARY AUTHORITY**

Mailed Date: November 15, 2023

Adopted Date: November 15, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On November 2, 2023, Purgatory Recreation I, LLC, doing business as Mountain Transpor (Mountain Transport) filed an application for temporary authority to conduct operations as a contract carrier of passengers by motor vehicle for hire.

2. Mountain Transport requests temporary authority for 180 days to operate as a contract carrier and provide transportation for the Durango Mountain Master Association, P. O. Box 4314, Durango, Colorado.

3. The authority requested in the application is:

Transportation of passengers between the Purgatory Resort in Durango, Colorado, on the one hand, and residences located within three miles of the intersection of Purgatory Boulevard and Highway 550, Durango, Colorado, on the other hand.

This application is restricted to providing transportation for the members and guests of homeowners' associations and residences that are managed by Durango Mountain Master Association.

4. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on November 6, 2023, for a period of five days.

5. The notice period expired on November 13, 2023. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

6. A letter supporting Mountain Transport's temporary authority application was submitted by the president of the Durango Mountain Master Association. In this letter the president states:

DMMA's homeowners and their guests have special needs for transportation to and from the nearby Purgatory Resort (the "Resort"). Many DMMA Homes are vacation homes for their residents and guests. Accordingly, many residents and their guests fly into the area without their own transportation. However, to access the Resort, they must cross over Highway 550, a busy and very dangerous road, especially in the winter months. Even for those with vehicles, the hassle of congested Resort parking lots, dangerous winter driving, and smart decisions to not drink and drive, lead to an urgent and immediate need for a shuttle service between the Resort and DMMA neighborhoods. There is no other shuttle or bus service in this area to safely shuttle DMMA residents and guests to and from the Resort, multiple times per day as needed. In addition, under its Declaration, DMMA is required to arrange for transportation to and from the Resort for members and their guests.

There is an immediate and urgent need for this service beginning November 16, 2023. The Resort is scheduled to open on Saturday, November 18. Winter conditions have already arrived in our mountains. Accordingly, DMMA members and guests will be needing access to the safe shuttle services immediately.

7. Pursuant to § 40-10.1-204(1), C.R.S.:

To enable the provision of common carrier or contract carrier service for which 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, the commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service by a common

carrier or contract carrier, as the case may be. Such temporary authority, unless suspended or revoked for good cause, is valid for such time as the commission specifies, but not for more than an aggregate of one hundred eighty days.

8. The Commission finds and concludes that the information submitted with this application by Mountain Transport and the president of the Durango Mountain Master Association shows that an immediate need exists for the requested transportation service, and that no other carrier has been shown to be capable of providing the service.

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

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

11. Mountain Transport 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 application filed on November 2, 2023, by Purgatory Recreation I, LLC, doing business as Mountain Transport (Mountain Transport) for temporary authority to conduct operations as a contract carrier of passengers by motor vehicle for hire is granted.

2. Mountain Transport is granted temporary authority to conduct operations as a contract carrier as set forth in Appendix A attached to this Decision for a period of 180 days commencing from the effective date of this Decision.

3. Mountain Transport 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 *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; and,
- (d) paying the applicable issuance fee (\$5.00).

4. If Mountain Transport 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.

5. The Commission will notify Mountain Transport in writing when the Commission's records demonstrate compliance with Ordering Paragraph No. 3.

6. Mountain Transport 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
November 15, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

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Commissioners