

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23C-0382-INS

IN THE MATTER OF COMMISSION ACTION AGAINST THE CERTIFICATE(S) AND PERMIT(S) OF MOTOR CARRIERS CONCERNING FINANCIAL RESPONSIBILITY PURSUANT TO § 40-10.1-112, C.R.S., AND RULE 4 CCR 723-6-6008 OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
ALENKA HAN
REVOKING AUTHORITIES AND PERMITS**

Mailed Date: August 16, 2023

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I. STATEMENT AND SUMMARY

1. Except as noted, this Recommended Decision grants the relief sought in the Public Utilities Commission Staff's (Commission Staff or Staff) Complaints against the motor-carrier Respondents listed in Appendix A to this Recommended Decision, revoking Respondents' authorities and permits based on their failure to keep currently effective proof of financial responsibility on file with the Public Utilities Commission (Commission or PUC). This Recommended Decision provides avenues for Respondents listed in Appendix A to avoid revocation by taking action before this Recommended Decision becomes effective.

II. BACKGROUND, FINDINGS, LAW, ANALYSIS, AND CONCLUSIONS**A. Background**

2. Commission Staff instituted the cases in this proceeding by "Order of Summary Suspension and Complaint and Notice of Hearing" (Complaints) against the motor carrier-Respondents¹ in this proceeding on July 24, 2023.²

3. The Complaints against each of the Respondents allege that the Commission received notice from the Respondents' insurance or surety carriers that the Respondents' insurance or surety coverage will be cancelled as specifically identified in each Complaint.³ The Complaints further notify Respondents that their authorities or permits have been, or will be, summarily suspended on the date specified in each Complaint and inform Respondents that a hearing will be held by video-conference on August 9, 2023, at 12:00 p.m. to determine whether

¹ This proceeding involves numerous Respondents against whom the Commission initiated Complaints by sending them each an "Order of Summary Suspension and Complaint and Notice of Hearing." Hearing Exhibit 2. Each of those Complaints, which is assigned a unique "Case No.," specifies the grounds unique to each Respondent. And each of those case numbers are part of this single proceeding.

² Hearing Exhibit 2.

³ *Id.*

their authorities or permits should be permanently revoked for failing to maintain proper evidence of insurance or surety coverage with the Commission.⁴

4. On August 8, 2023, Staff made a filing stating that Hearing Exhibits 1 through 5 were served on Respondents by e-mail that same day; at the same time, Staff filed those exhibits.⁵

5. The Administrative Law Judge (ALJ) held the hearing as noticed in the Complaints, on August 9, 2023, at approximately 12:00 p.m. Staff appeared with counsel. Ms. Irin Ochoa appeared unrepresented on behalf of Respondent Danny Boys Towing. Mr. Hassen Geleto appeared unrepresented on behalf of Respondent Denver Ride Transportation Service LLC (Denver Ride). Finally, Mr. Forest Cannon appeared unrepresented on behalf of Respondent Samurai Movers, LLC (Samurai Movers).

6. During the hearing, Ms. Marquita Riley, Ms. Ochoa, and Mr. Geleto testified. Staff Hearing Exhibits 1 through 5 were admitted into evidence without objection. Mr. Geleto offered Respondent Hearing Exhibit 100 on behalf of Denver Ride, which was likewise admitted into evidence without objection. Ms. Ochoa did not offer any exhibits on behalf of Respondent Danny Boys Towing.

B. Factual Findings

7. Ms. Riley is responsible for reviewing Commission records and coordinating with other Commission Staff to commence proceedings against motor carriers to suspend and revoke their permits and authorities when they do not have currently effective proof of insurance or

⁴ Hearing Exhibits 2-3.

⁵ See Notice Concerning the Service of Exhibits 1 through 5 for the August 9, 2023 Show Cause Hearing on Respondents (Notice), filed on August 8, 2023.

surety coverage on file with the Commission. Ms. Riley assisted with initiating this proceeding against Respondents because the Commission received notice from each of the Respondents' insurance or surety carriers of the imminent cancellation of their insurance or surety coverage.⁶

8. Ms. Riley explained that the Commission served the Complaints and Attachment A to the Complaints upon the Respondents by United States mail on July 24, 2023, at the addresses, and upon the persons identified as designated agents for the Respondents, as provided in the Commission's files.⁷

9. Respondents provided the Commission the addresses and identities of their designated agents that were used to serve the Complaints in this proceeding. The Certificate of Service for the Complaints demonstrates that the Commission served the Respondents by mailing the Complaints addressed as indicated in the "Hearing Cycle Listing."⁸ The referenced Hearing Cycle Listing is Hearing Exhibit 1.⁹ Hearing Exhibit 1 includes those carriers listed in Hearing Exhibit 5, their designated agents and addresses on file with the Commission as of July 24, 2023, and whose insurance or surety faced imminent termination as of that same date.¹⁰

10. On August 8, 2023, Ms. Riley searched Commission records to determine whether any Respondents took other action rendering it unnecessary to revoke their permits, such as coming into compliance with their financial responsibility obligations, cancelling their permits,

⁶ Hearing Exhibits 1-3.

⁷ Hearing Exhibits 1-4.

⁸ Hearing Exhibit 4.

⁹ See Hearing Exhibits 1 and 4.

¹⁰ See also Hearing Exhibit 2.

or initiating a Commission proceeding which may impact this one (*e.g.*, application seeking to suspend a permit). She identified Respondents who came into compliance with their financial responsibility obligations or took other action rendering it unnecessary to revoke their permits after the Complaints were mailed. She created an updated list of Respondents who remained out of compliance with the Commission's financial responsibility requirements as of August 8, 2023. That list is Hearing Exhibit 5.¹¹

11. Ms. Riley testified that on August 8, 2023, Hearing Exhibits 1 through 5 were served on Respondents who remained out of compliance as of that date at their e-mail addresses on file with the Commission.¹² She also explained that the Respondents provided those e-mail addresses to the Commission.

12. On the day of the hearing, August 9, 2023, Ms. Riley again reviewed Commission records to determine if any Respondents listed in Hearing Exhibit 5 took action to eliminate the need to revoke their permits. She did not discover any additional Respondents who had come into compliance since Hearing Exhibit 5 had been created.

13. Prior to the hearing, Ms. Riley also researched Commission records to determine whether any Respondent has a pending application or proceeding before the Commission that may affect the instant Proceeding (*e.g.*, an application seeking to transfer, to suspend, or to abandon a certificate or permit). Ms. Riley did not discover any Respondents who have a pending application or proceeding before the Commission.

¹¹ In contrast, Hearing Exhibit 1 is the list of carriers who were non-compliant when the Commission issued the Complaints on July 24, 2023. As the difference in the number of carriers listed in Hearing Exhibits 1 and 5 makes evident, many carriers came into compliance since the Commission issued the Complaints. All the carriers listed in Hearing Exhibit 5 are listed in Hearing Exhibit 1.

¹² See Notice.

14. Ms. Riley asked that the permits and authorities of all the Respondents listed in Hearing Exhibit 5 be revoked for failing to meet their financial responsibility obligations.

15. Samurai Movers, which holds PUC No. HHG-00597, does not appear on the list of non-compliant Respondents identified in Hearing Exhibit 5. Before the presentation of evidence, Ms. Riley indicated that Samurai Movers' insurer had filed the necessary forms with the Commission and that Samurai Movers had come into compliance with applicable Commission Rules prior to the hearing. As such, Commission Staff was no longer seeking the revocation of Samurai Movers' permit. Mr. Cannon, who appeared on behalf of Samurai Movers, was advised that, because Commission Staff was not seeking to revoke Samurai Movers' license, he was excused from the hearing but could remain if he so desired. Mr. Cannon chose to leave the hearing at that time and did not participate in the evidentiary portion of the hearing.

16. Consistent with Rule 1201(b)(II), 4 *Code of Colorado Regulations* (CCR) 723-1 of the Commission's Rules of Practice, Danny Boys Towing is a closely-held entity owned by Ms. Ochoa's husband. Ms. Ochoa is an officer and manager of Respondent Danny Boys Towing. Ms. Ochoa, a non-attorney, requested that she be permitted to appear on Danny Boys Towing's behalf because it is a closely-held entity with which she holds a position of authority. Commission Staff indicated it had no objection to Ms. Ochoa appearing on Danny Boys Towing's behalf. Therefore, the ALJ determined that Ms. Ochoa (a non-attorney) may represent Danny Boys Towing in this proceeding and allowed Ms. Ochoa to do so.

17. Danny Boys Towing owns PUC No. T-04720. The Complaint against Danny Boys Towing alleges that it failed to ensure that proof of active cargo insurance (Commission

Form H) and active liability insurance (Commission Form E) is on file with the Commission in the form and manner required.

18. Ms. Ochoa testified that she and her husband have operated Danny Boys Towing for six years and had never been out of compliance with the Commission's financial responsibility rules. She stated that nearly one year ago, Danny Boys Towing obtained new insurance to take advantage of a lower premium payment. She testified that almost at the end of the insurance term, Danny Boys Towing's truck "died." She paid the remaining premium balance for the remainder of the insurance term but learned later that a new rate went into effect when Danny Boys Towing replaced the vehicle. Although Danny Boys Towing's insurance broker informed her that Danny Boys Towing owed only an additional \$1,500 in insurance premiums to cover the remainder of the insurance term, the insurer, KBK Insurance Group, had sent two demand letters each requesting payment of \$3,500 in premiums. Ms. Ochoa indicated that she believes this is incorrect and is the result of a miscommunication with the broker. She is working to rectify the insurance premium confusion. However, she conceded that she is uncertain whether the insurer has filed the necessary forms with the Commission.

19. Thus, Ms. Ochoa admitted that, as of the time of the hearing, Danny Boys Towing may not have current and updated proof of its financial responsibility with respect to all requisite, applicable forms of insurance coverage on file with the PUC. Ms. Riley's testimony indicates that Danny Boys Towing does not have current versions of the necessary forms on file.

20. When Ms. Ochoa asked for guidance on how best to rectify the situation and ensure that the proper forms are filed with the Commission, Ms. Riley assured Ms. Ochoa that once the PUC receives the forms, Danny Boys Towing will be in compliance and its permit will not be revoked. Ms. Riley also stated that any Respondent could either check the PUC's website

or contact her to confirm that the form(s) had been filed with the PUC. In addition, Ms. Riley explained that the Commission's decision revoking permits and authorities of non-compliant Respondents, including Danny Boys Towing, would not go into effect until twenty days *after* the issuance of this decision. Thus, Ms. Riley told Ms. Ochoa, she should have ample time to address the issue and ensure the forms are filed with the PUC.

21. Nevertheless, based on this testimony and the evidence, the undersigned ALJ finds that, as of the date of the hearing, Danny Boys Towing has not established that Forms H and E have been filed on its behalf with the Commission.

22. Consistent with Rule 1201(b)(II), 4 *Code of Colorado Regulations* (CCR) 723-1 of the Commission's Rules of Practice, Denver Ride is a closely-held entity owned by Mr. Geleto. Mr. Geleto, a non-attorney, requested that he be permitted to appear on Denver Ride's behalf. Commission Staff indicated it had no objection. Therefore, the ALJ determined that Mr. Geleto (a non-attorney) may represent Denver Ride in this proceeding and allowed Mr. Geleto to do so.

23. Denver Ride owns PUC No. LL-04096. The Complaint against Denver Ride alleges that it failed to ensure that proof of active liability insurance (Commission Form E) is on file with the Commission in the form and manner required.

24. Mr. Geleto testified that Denver Ride experienced an issue with the electronic payment of its premium. Mr. Geleto obtained the insurance policy for Denver Ride in May 2023. He testified that the first electronically deducted insurance premium was paid without incident. However, the next due payment was not automatically electronically deducted as Mr. Geleto anticipated. The insurer, Progressive, informed Mr. Geleto that correspondence it had

sent to Denver Ride had been returned. Denver Ride then received a letter from the insurer, indicating that the policy would be canceled.

25. Denver Ride offered into evidence Respondent Hearing Exhibit 100, which is a copy of Denver Ride's Certificate of Liability Insurance which shows an effective date of May 24, 2023, and an expiration date of May 24, 2024.¹³ The ALJ finds and concludes that the Certificate of Liability Insurance suggests Denver Ride has active insurance in place.

26. However, as Commission Staff pointed out in its questioning of Mr. Geleto, Hearing Exhibit 100 does not indicate that the proper form has been filed with the Commission establishing Denver Ride's compliance with the Commission's Rules pertaining to financial responsibility. Mr. Geleto admitted that the Certificate is not proof that the required Form E has been filed with the PUC.

27. Based on this testimony and the evidence, the undersigned ALJ finds that, as of the date of the hearing, Denver Ride has not established that Form E has been filed on its behalf with the Commission.

C. Applicable Law.

1. Financial Responsibility Requirements and the Commission's Authority to Revoke Permits and Authorities.

28. Generally, motor carriers holding a Commission permit, authority, or certificate must maintain and file evidence of financial responsibility with the Commission in such sum, for such protection, and in such form as the Commission deems necessary to adequately safeguard

¹³ See Hearing Exhibit 100.

the public interest.¹⁴ Motor carriers must ensure their insurance or surety coverage is kept continuously effective during the life of a certificate or permit to operate.¹⁵ Commission Rule 6008, 4 CCR 723-6 of the Rules Regulating Transportation by Motor Vehicle, identifies the amount, type of protection, and form for the insurance or surety coverage that motor carriers must maintain at all times in order to safeguard the public interest.

29. Specifically, motor carriers must obtain and keep motor vehicle liability insurance or surety bond coverage in force at all times.¹⁶ In addition to motor vehicle liability coverage, towing carriers and household goods movers must maintain and keep cargo liability insurance or surety bond coverage in force at all times.¹⁷ Towing carriers must obtain and keep workers' compensation insurance in force at all times; and towing carriers providing storage must obtain and keep garage keeper's liability insurance in force at all times.¹⁸ And, in addition to motor vehicle liability and cargo liability coverage, household goods movers must obtain and keep general liability insurance or surety coverage in force at all times.¹⁹

¹⁴ § 40-10.1-107(1), C.R.S.; Rule 6008 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6.

¹⁵ § 40-10.1-107(3), C.R.S.

¹⁶ Rule 6008(a)(I), 4 CCR 723-6.

¹⁷ Rule 6008(a)(I) and (III), 4 CCR 723-6.

¹⁸ Rule 6008(a)(IV) and (V), 4 CCR 723-6.

¹⁹ Rule 6008(a)(VI), 4 CCR 723-6.

30. Motor carriers are responsible for maintaining and filing evidence of the required financial responsibility coverage with the Commission.²⁰ They must ensure their insurance or surety coverage is kept continuously effective during the life of a certificate or permit to operate.²¹ Insurers and sureties must notify the policy or bond holder *and* the Commission when terminating a policy or bond at least 30 days before the effective date of termination; failing that, termination is not valid.²² As a result, the Commission regularly receives notice from insurance or surety carriers about imminent policy or bond terminations for motor carriers licensed by the Commission.²³

31. Notice of cancellation from a motor carrier's insurance or surety carrier is evidence that the motor carrier no longer has proof of financial responsibility on file with the Commission.²⁴ Failure to have proof of current and effective insurance or surety coverage on file with the Commission creates a rebuttable presumption that the carrier is in violation of the financial responsibility requirements.²⁵

32. Section 40-10.1-112(1)(a) and (c), C.R.S., provides that a Commission-issued authority or permit may be suspended, revoked, altered, or amended if it is established to the satisfaction of the Commission at a properly-noticed hearing that the holder of that authority or permit has violated Article 10.1, Title 40 of the Colorado Revised Statutes, or any applicable Commission rule. Rules 6009 and 6011, 4 CCR 723-6, also provide the Commission authority to revoke a permit or authority in the circumstances here.

²⁰ § 40-10.1-107(1), C.R.S., and Rule 6008(a), 4 CCR 723-6.

²¹ § 40-10.1-107(3), C.R.S.

²² § 40-10.1-107(4), C.R.S.

²³ *Id.*

²⁴ Rule 6008(e), 4 CCR 723-6.

²⁵ *Id.*

2. Notice and Service Requirements

33. The Commission must provide Respondents with notice of the Complaints against them, including sufficient facts to adequately advise Respondents of the relief sought and how they are alleged to have violated the law, as well as the time affixed for a hearing on the Complaints.²⁶ Such notice must be served upon the Respondents, which may be accomplished by mail.²⁷

34. Regulated motor carriers must provide the Commission “its designation of the name, mailing address, and physical address of a Person upon whom service may be made of any lawful notice, order, process, or demand.”²⁸ That person is the motor carrier’s designated agent upon whom the Commission may serve complaints and other notices.²⁹ And, regulated motor carriers are responsible for updating the Commission on changes to their designated agent, including the agent’s mailing and email addresses, within two days of the change.³⁰ Service on a motor carrier’s designated agent on file with the Commission is service upon the carrier and is “prima facie evidence” that the carrier received notice.³¹ A certificate of service issued by the Commission’s Director is *prima facie* evidence that service has been obtained.³²

35. In addition, Commission Rule 1205(a), 4 CCR 723-1, requires that a person filing any pleading or other document with the Commission must serve all other parties; the same rule allows parties to serve pleadings and documents by e-mail.

²⁶ §§ 40-10.1-112(1) and 40-6-108, C.R.S.; Rule 1302(h), 4 CCR 723-1, of the Commission’s Rules of Practice and Procedure; *see also* § 24-4-105(2), C.R.S.

²⁷ § 40-6-108(3), C.R.S.; Rule 1205(a) and (d), 4 CCR 723-1; *see also* § 24-4-104(10), C.R.S.

²⁸ Rule 6006(a), 4 CCR 723-6.

²⁹ *Id.*; Rule 1205(a) and (d), 4 CCR 723-1.

³⁰ Rule 6006(b), 4 CCR 723-6.

³¹ Rule 6006(c) and (d), 4 CCR 723-6.

³² § 40-6-108(3), C.R.S.

3. Burden of Proof

36. Staff carries the burden of proof by a preponderance of the evidence to demonstrate that the allegations in the Complaints are true and that the Complaints were properly served on each of the Respondents.³³ The preponderance standard requires the fact finder to determine whether the existence of a contested fact is more probable than its non-existence.³⁴ A party has met this burden of proof when the evidence, on the whole, tips in favor of that party.³⁵

D. Findings, Analysis, and Conclusions

37. The ALJ concludes that Staff demonstrated by a preponderance of the evidence that it properly served the Complaints and Attachment A thereto upon each of the Respondents listed in Hearing Exhibit 5 by mailing them to the designated agents and addresses on file with the Commission for each of the Respondents.³⁶

38. The ALJ finds that the Complaints and Attachment A thereto comply with the relevant notice requirements because they: (a) inform Respondents that the Commission has received insurance or surety cancellation notices for each Respondent and the effective date of such cancellation; (b) advise Respondents that their authorities or permits are summarily suspended as of the coverage cancellation date; (c) notify Respondents that they may not conduct

³³ § 24-4-105(7), C.R.S.; Rule 1500, 4 CCR 723-1.

³⁴ *Swain v. Colorado Dep't of Revenue*, 717 P.2d 507, 508 (Colo. App. 1985).

³⁵ *Schocke v. State Dep't of Revenue*, 719 P.2d 361, 363 (Colo. App. 1986).

³⁶ Hearing Exhibits 1 through 5; § 40-6-108(3), C.R.S.; Rules 1205(a) and (d) and 1302(g)(II)(e), 4 CCR 723-1; and Rule 6006(a) and (c), 4 CCR 723-6.

operations under their authorities or permits after the coverage cancellation and summary suspension date; (d) inform Respondents that the Commission has initiated a proceeding to permanently revoke their permits or authorities for failing to maintain and provide proof of effective insurance or surety coverage; (e) notify Respondents of the date, time, and means to attend the remote hearing on the Complaints at which Respondents have an opportunity to present data, views, and arguments; and (f) advise Respondents of the legal authority for the Complaints and relief sought.³⁷

39. In addition, the ALJ concludes that on August 8, 2023, Staff served Hearing Exhibits 1 to 5 on Respondents listed in Hearing Exhibit 5 at the e-mail addresses which Respondents provided. As such, Respondents had the opportunity to review those exhibits before and during the hearing.³⁸

40. The ALJ finds that Staff established by a preponderance of the evidence that the Commission received notice from the insurance or surety providers for the motor carriers identified in Hearing Exhibit 5 that their insurance or surety coverage was or will be cancelled or terminated.³⁹ This creates the rebuttable presumption that the Respondent carriers listed in Hearing Exhibit 5 are in violation of their respective financial responsibility requirements.⁴⁰

³⁷ Hearing Exhibits 1, 2, and 4; Rule 6009(e), 4 CCR 723-6; *see* §§ 40-6-108 and 24-4-105(2), C.R.S.

³⁸ *See* Rule 1205(a), 4 CCR 723-1; *see* Notice and Exhibit A to Notice; Hearing Exhibit 5. Exhibits were displayed on the video-conference screen during the hearing and were available to download during the hearing.

³⁹ Hearing Exhibit 2.

⁴⁰ Rule 6008(e), 4 CCR 723-6.

41. The ALJ finds and concludes that Samurai Movers came into compliance before the creation of Hearing Exhibit 5, is not among the Respondents listed on Hearing Exhibit 5 as remaining out of compliance, and that, consequently, the complaint asserted against Samurai Movers (Case No. 13602-INS) was dismissed before the commencement of the hearing.

42. The ALJ further finds that although Ms. Ochoa is working to ensure Danny Boys Towing's liability and cargo insurance coverages remain in effect, it is unclear that all the necessary insurance coverages were in effect as of the date of the hearing. Moreover, proof of full financial responsibility had not been filed with the PUC as of the date of the hearing. The ALJ therefore finds that Danny Boys Towing is not in compliance with Commission Rule 6008, 4 CCR 723-6.

43. Likewise, the ALJ finds that although Mr. Geleto offered the Certificate of Liability Insurance as proof of active liability coverage, he did not establish that Form E confirming Denver Ride's compliance with the Commission's financial responsibility requirements had been filed with the PUC. The ALJ therefore finds that Denver Ride is not in compliance with Commission Rule 6008, 4 CCR 723-6.

44. Except as noted above, the preponderance of the evidence established that the Respondents listed in Hearing Exhibit 5 are out of compliance with their respective financial responsibility requirements per § 40-10.1-107(3), C.R.S., and Rule 6008, 4 CCR 723-6 as of the time of the hearing. The ALJ finds that Staff established by a preponderance of the evidence that the Commission's records do not show a currently effective level of financial responsibility in such form and in such manner as required by § 40-10.1-107, C.R.S., and Rule 6008, 4 CCR 723-6, as noted in the Complaints against each Respondent listed in Hearing Exhibit 5. Finally, the ALJ concludes that Staff met its burden of proof to show by a preponderance of the

evidence that the allegations in the Complaints against Respondents listed in Hearing Exhibit 5⁴¹ are true.

45. The Commission's only means of performing its important duty to the public to ensure that persons who hold an active motor carrier authority meet their financial responsibility obligations is to require documentation of the carriers' current and effective insurance or surety furnished in a uniform format to the Commission. The holder of the authority is responsible for ensuring that documentation is provided to the Commission. § 40-10.1-107, C.R.S., and Rule 6008, 4 CCR 723-6. The Respondents listed in Hearing Exhibit 5 have failed to do so. This failure warrants revocation of their permits or authorities.

46. Respondents may take action before the effective date of this Decision to avoid revocation. First, carriers may avoid revocation by: (a) obtaining insurance or surety coverage as required by Rule 6008, 4 CCR 723-6; and (b) causing proof of that insurance to be filed with the Commission in the form and manner required by Rule 6008, 4 CCR 723-6. The Complaints against carriers who take this action before the effective date of this Decision will be dismissed, and their permits will not be revoked.

47. In addition, limited regulation carriers,⁴² luxury limousine carriers, household goods movers, towing carriers, and hazardous materials carriers who submit a form to cancel their permits or authorities before the effective date of this Decision may avoid revocation of

⁴¹ Hearing Exhibit 5 is attached to this Recommended Decision as Appendix A.

⁴² Limited regulation carriers are defined as carriers who provide transportation service by charter bus, children's activity bus, fire crew transport, luxury limousine, Medicaid client transport, or off-road scenic charter. Rule 6001(qq), 4 CCR 723-6.

their permits. The Complaints against carriers who take this action before the effective date of this Decision will be dismissed, and their permits will not be revoked. Permit cancellation forms are available on the Commission's website at:

https://drive.google.com/file/d/0B3u7jb_duOQ2QWlrMFlvUDJoNjQ/view?.authuser=0.

48. Fully regulated intrastate carriers, including common carriers operating a shuttle service, sightseeing service, charter service, taxicab service, and contract carriers who submit an application to suspend their authority under Rule 6205, 4 CCR 723-6, before the effective date of this Recommended Decision, may also avoid revocation of their permits. The Complaints against carriers who take this action before the effective date of this Decision will be dismissed, and their permits will not be revoked. Applications to suspend a common carrier authority are available at:

https://drive.google.com/file/d/0B3u7jb_duOQ2dXZ0UTNIXzBvRIU/view.

And applications to suspend a contract carrier authority are available at:

https://drive.google.com/file/d/0B3u7jb_duOQ2U2JQS2dvek5HWm8/view.

49. Having a permit revoked, cancelled, or suspended does not always mean that a carrier's business is permanently terminated. Generally, Commission rules allow many types of motor carriers, including luxury limousine, household goods movers, and towing carriers, to obtain new permits without difficulty by filing an application.⁴³ For the most part, such permits

⁴³ While the ALJ does not warrant or otherwise guarantee this outcome, it is her understanding that carriers may request that a prior permit number be reinstated as part of the carrier's application for a permit.

may be obtained by completing an application that can be submitted to the Commission online, providing related supporting information and proof of financial responsibility, and paying a fee.⁴⁴

50. Applications for luxury limousine, towing, or household goods mover permits are available at the following link: <https://doraapps.state.co.us/puc/TransportationApplications/>. Referenced carrier types who voluntarily cancel their permits or whose permits are revoked may reapply for a permit.

51. As provided below, this Recommended Decision will not become effective for 20 days after the date the Decision is mailed. This allows ample time for Respondents to take action to avoid a final Commission decision revoking their permits or authorities.

52. Pursuant to § 40-6-109, C.R.S., the ALJ transmits the record of this proceeding, this recommended decision containing findings of fact and conclusions thereon, and a recommended order to the Commission.

III. ORDER

A. The Commission Orders That:

1. Consistent with the above discussion, the Complaint against Samurai Movers, LLC, (PUC No. HHG-00597, Case No. 13602-INS) is dismissed.

2. The authorities and permits listed in Appendix A, attached hereto, are revoked as of the effective date of this Recommended Decision.

⁴⁴ Rule 6302 (luxury limousine application and permit); Rule 6503 (towing carrier application and permit); and Rule 6603 (household goods mover carrier application and permit). Carriers concerned about their ability to comply with application requirements may request that the Commission waive an application requirement, per Rule 1003(a), 4 CCR 723-1. That rule allows parties to request a waiver of a Commission rule; in deciding whether to waive a rule, the Commission may consider hardship, equity, or more effective implementation of a rule on an individual basis. 4 CCR 723-1. Such requests are decided on an individual and case-by-case basis and are outside the scope of this proceeding. *See* Rule 1003(a), 4 CCR 723-1.

3. Ordering Paragraph No. 2 will be void and the Complaint dismissed as to any Respondent who takes one of the following actions before the effective date of this Recommended Decision:

- a. files the required Certificate of Insurance or surety with the Commission;
- b. files an Application to Suspend their permit or authority with the Commission, if allowed by Commission rules; or
- c. submits a permit cancellation form to the Commission, if allowed by Commission rules.

4. Proceeding No. 23C-0382-INS is closed.

5. 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.

6. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision will 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, this Recommended Decision will 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.

7. If exceptions to this Recommended Decision are filed, they may not exceed 30 pages in length, unless the Commission finds good cause and permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director