

Decision No. R23-0781

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0456CP

IN THE MATTER OF THE APPLICATION OF TAVA CAB, LLC DOING BUSINESS AS TAVA CAB FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY ACCEPTING AMENDMENT OF
APPLICATION, ACCEPTING WITHDRAWAL OF
INTERVENTION, GRANTING APPLICATION AS
AMENDED, AND CLOSING PROCEEDING**

Mailed Date: November 27, 2023

I. STATEMENT

A. Background

1. On September 12, 2023, Tava Cab, LLC, doing business as Tava Cab (Tava Cab), filed its Permanent Authority Application.

2. The Commission gave notice of the application on September 18, 2023 for the following authority:

a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand taxi service between all points in Teller County, and between said points on the one hand, and all points in the Counties of Denver, Douglas, El Paso, Fremont, Park, and Pueblo, on the other hand.

3. On September 29, 2023, Pikes Peak Cab LLC, doing business as, Pikes Peak Transport (Pikes Peak Transport), timely intervened as of right (Intervention).

4. The Commission deemed the Application complete and referred the proceeding to an Administrative Law Judge (ALJ) for resolution by minute entry during the Commission's Weekly Meeting held on October 25, 2023. The proceeding was subsequently assigned to the undersigned ALJ.

5. On November 2, 2023, Tava Cab filed an Amendment and Withdrawal of Intervention (Amendment and Withdrawal). The Amendment and Withdrawal proposes to modify the existing proposed authority by adding the following restriction:

Restriction: This certificate is restricted against providing any taxi service that originates in El Paso County.

The Amendment and Withdrawal is signed by the owner of Tava Cab, who signed the Application, and the owner of Pikes Peak Cab, who signed the Intervention. In the Amendment and Withdrawal, the parties state if the restrictive amendment is approved, Pikes Peak Cab agrees to withdraw its Intervention and opposition to the application.

B. Analysis

6. The amendments proposed by the parties are restrictive in nature, clear and understandable, and administratively enforceable. They are contained wholly within the scope of the authority sought in the Application. Accordingly, the restrictive amendments proposed by the parties will be accepted.

7. Accepting the amendment has two relevant results. First, the authority sought in the Application will be amended to conform to the restrictive amendments set forth in paragraph 5 above. Second, because Intervenors' intervention has been withdrawn, the Application, as

revised by the amendment, is unopposed and, pursuant to § 40-6-109(5), C.R.S. and Commission Rule 1403,¹ will be considered under the modified procedure, without a formal hearing.

8. The Application establishes that Tava Cab is familiar with the Rules Regulating Transportation by Motor Vehicle and agrees to be bound by, and to comply with, those Rules.² The Application and its supporting documentation establish that Tava Cab has or will have sufficient equipment with which to render the proposed service, and is financially, operationally, and managerially fit to conduct operations under the authority requested. Finally, the Application and the lack of opposition thereto indicate a need for the proposed service as amended. The ALJ finds that the Application, as amended, is reasonable and in the public interest. For the foregoing reasons, the requested authority will be granted.

9. Therefore, in accordance with § 40-6-109, C.R.S., the ALJ recommends that the Commission enter the following order.

II. **ORDER**

A. The Commission Orders That:

1. The Amendment and Withdrawal of Intervention (Amendment and Withdrawal) filed by Tava Cab, LLC (Tava Cab) on November 2, 2023 is granted.

2. The restrictive amendment proposed in the Amendment and Withdrawal is approved.

3. The withdrawal of the intervention of Pikes Peak Cab LLC, doing business as, Pikes Peak Transport (Pikes Peak Transport) is accepted.

¹ 4 *Code of Colorado Regulations* (CCR) 723-1 of the Rules of Practice and Procedure.

² 4 CCR 723-6.

4. Pikes Peak Transport is dismissed from this proceeding.
5. The Application is amended as set forth in paragraph 5 above.
6. The Application, as amended, is granted.
7. Tava Cab is granted authority to operate as a common carrier by motor vehicle for

hire as follows:

Transportation of passengers in call-and-demand taxi service between all points in Teller County, and between said points on the one hand, and all points in the Counties of Denver, Douglas, El Paso, Fremont, Park, and Pueblo, on the other hand.

Restriction: This certificate is restricted against providing any taxi service that originates in El Paso County.

8. Tava Cab shall operate in accordance with all applicable Colorado law and Commission rules.

9. Tava Cab shall not commence operation under the authority until it has complied with the requirements of Colorado law and Commission rule, including without limitation:

- 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 for each vehicle to be operated under authority granted by the Commission, or in lieu thereof, paying 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 must 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 ten 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;
- 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. The inspection report may be found at:
<https://puc.colorado.gov/common-carriers>;

- e) register an authorized representative as a File Administrator on behalf of Applicant in the Commission’s electronic filing system (E-Filings) and agree that Applicant shall receive notifications electronically through E-Filings. Information can be found at: www.dora.state.co.us/pls/efi/EFI.homepage; and
- f) pay the applicable fee for the issuance of the authority.

10. If Tava Cab does not cause proof of insurance or surety bond to be filed, pay the appropriate motor vehicle fees, file an advice letter and proposed tariff, and pay the issuance fee within 60 days of the effective date of this Decision, then the grant of the extended 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.

11. Proceeding No. 23A-0456CP is closed.

12. 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.

- 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, the recommended decision shall 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.

13. If exceptions to this Recommended Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(SEAL)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

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

Rebecca E. White,
Director