

Decision No. C24-0325

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24C-0069-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.

**COMMISSION DECISION CONSTRUING FILING AS
APPLICATION FOR REHEARING, REARGUMENT, OR
RECONSIDERATION; GRANTING REQUESTED RELIEF;
AND REINSTATING COMMON CARRIER AUTHORITY**

Mailed Date: May 10, 2024

Adopted Date: May 1, 2024

I. BY THE COMMISSION

A. Statement

1. Through this Decision, and as discussed further below, the Commission construes the Motion for Waiver, Request for Stay of Revocation and Request for Reinstatement (Motion) filed by Rocky Mountain Taxi, LLC (Rocky Mountain) on April 10, 2024, requesting that its common carrier authority be reinstated, as an application for Rehearing, Reargument, or Reconsideration (RRR) under § 40-6-114, C.R.S., grants the application, *nunc pro tunc* and reinstates Rocky Mountain's authority as of March 24, 2024.

B. Background

2. On February 9, 2024, Public Utilities Commission Staff (Commission Staff or Staff) initiated the cases in this proceeding by filing Order of Summary Suspension and Complaint and Notice of Hearing (Complaints) against the motor carriers identified in Appendix A to the Decision No. R24-0136, issued March 4, 2024 (Recommended Decision). Rocky Mountain was

one of the motor carrier-respondents (Respondents) listed in Staff's Complaint, identified by Permit No. 55943.¹

3. The Complaints against each of the Respondents stated that the Commission had received notice from the Respondents' insurance or surety carriers that Respondents' insurance or surety coverage would be cancelled as specifically identified in each Complaint.² The Complaints also notified Respondents that their authorities or permits have been or will be summarily suspended on the specified date and informed Respondents that a hearing would be held by videoconference on February 28, 2024 to determine whether their authority or permits should be permanently revoked for failing to maintain proper evidence of insurance or surety coverage with the Commission.³

4. The ALJ held the hearing as noticed on February 28, 2024. Staff asked that the permits and authorities of the Respondents who were still not in compliance be revoked for failing to meet their financial responsibility obligations. In the Recommended Decision, the ALJ found that Staff established, by a preponderance of the evidence, that it had properly served the Complaint upon the motor-carrier respondents, filed notice of insurance cancellation with the Commission, and that the Respondents (including Rocky Mountain) were not in compliance with its financial responsibility requirements under § 40-10.1-107, C.R.S., and Rule 6008 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-6.⁴

5. The Recommended Decision did not become effective for 20 days after the date the Decision was mailed on March 4, 2024, allowing time for Respondents to take action to avoid a final Commission decision revoking their permits or authorities. Without further filings, including

¹ Appendix A to Decision No. R24-0136, p. 3.

² See Hearing Exhibits 1-5 and A.

³ Recommended Decision, ¶¶ 1-2.

⁴ *Id.* at ¶¶ 33-37.

for exceptions to the Recommended Decision, as permitted under § 40-6-109(2), C.R.S., the Recommended Decision became effective on March 24, 2024.

6. Rocky Mountain filed the Motion on April 10, 2024, 17 days after the Recommended Decision became a decision of the Commission pursuant to § 40-6-109(2), C.R.S. Commission Staff did not file a response to the Motion.

C. Rocky Mountain's Motion

7. In its Motion, Rocky Mountain states it recently changed insurers and incorrectly assumed that its new insurer would submit the insurance documentation itself as Rocky Mountain's previous insurer had done. Rocky Mountain further explains that it had not paid attention to the PUC notices it received regarding its filing obligations because it had relied on its previous insurer to handle the filings. Importantly, Rocky Mountain also states it was properly insured by the 20-day deadline of March 24, 2024, as demonstrated by its proof of insurance uploaded alongside the Motion. However, Rocky Mountain states it was unable to upload the documentation to the PUC's website because its permit had already been revoked.

8. The Motion further asserts that Rocky Mountain, as the only taxi service in Chaffee County, provides a vital service to its community by transporting commuters, tourists, and inebriated individuals. Rocky Mountain asks that the Commission stay the revocation of its permit and open the Public Utilities Commission's E-filing portal to allow its insurance carrier to upload the required insurance documents.

D. Findings and Conclusions

9. Because Rocky Mountain filed its Motion on April 10, 2024, 17 days after the 20-day deadline to submit exceptions under § 40-6-109(2), C.R.S., and 4 CCR 723-1-1505(a), we

necessarily construe its Motion as an application for RRR under Commission Rule 1506, 4 CCR 723-1 and § 40-6-114, C.R.S.

10. Given that Rocky Mountain was properly insured by the 20-day deadline of March 24, 2024, as demonstrated by its proof of insurance uploaded on April 10, 2024, we find that it had substantially complied with Rule 6008, 4 CCR 723-6, governing financial requirements for motor carriers. It appears to us that Rocky Mountain has made a good faith effort to comply with the deadline and, had it not been for the confusion associated with its change in insurance carriers, would have timely complied with the applicable Commission rules.

11. Under Rule 6008, 4 CCR 723-6, motor carriers must maintain and file proof of insurance with the Commission. The Commission may grant waivers to its rules upon good cause shown.⁵ As discussed above, we find good cause to grant Rocky Mountain's requested relief and reinstate its common carrier authority. We therefore reinstate Rocky Mountain's common carrier authority, effective *nunc pro tunc*, as of March 24, 2024.⁶

II. ORDER

A. The Commission Orders That:

1. The Motion for Waiver, Request for Stay of Revocation and Request for Reinstatement filed by Rocky Mountain Taxi, LLC on April 10, 2024 (Rocky Mountain) is necessarily construed as an application for rehearing, reargument, and reconsideration (RRR).

2. The requested relief in the RRR filed by Rocky Mountain is granted *nunc pro tunc* to March 24, 2024, consistent with the discussion above.

⁵ Rule 1003(a), 4 CCR 723-1.

⁶ Following this decision, Rocky Mountain shall ensure that its insurance is appropriately provided and uploaded to the Commission's e-filings system if additional submission is required by rule. Rocky Mountain may contact Commission Staff, including its administrators, if assistance in uploading any necessary filings is required going forward.

3. The 20-day time period provided by § 40-6-114, C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Decision.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 1, 2024.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners

Rebecca E. White,
Director