

Decision No. R24-0331

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0599CP

IN THE MATTER OF THE APPLICATION OF CARING HANDS TRANSPORT, LLC DOING BUSINESS AS CARING HANDS COMMUNITY SERVICES, 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
ALENKA HAN
ACKNOWLEDGING WITHDRAWAL OF APPLICATION,
VACATING EVIDENTIARY HEARING, AND
CLOSING PROCEEDING**

Mailed Date: May 15, 2024

I. STATEMENT AND PROCEDURAL HISTORY

1. On December 11, 2023, Caring Hands Transport, LLC, doing business as Caring Hands Community Services (Caring Hands or Applicant) initiated this matter by filing an Application for New Permanent Authority to Operate as a Common Carrier Under a Certificate of Public Convenience and Necessity (CPCN).¹ Caring Hands' Application indicated that it sought to provide scheduled shuttle service to and from its day program facility for its senior clients and clients with special needs within the Counties of Adams, Boulder, Broomfield, Denver, Douglas, Jefferson, Larimer, Logan, Weld, Yuma, Pueblo, Morgan, Park, Mesa, Jackson, Lake, Gilpin, Elbert, Fremont, Garfield, and Grand.²

¹ Application for New Permanent Authority to Operate as a Common Carrier, p. 1, filed Dec. 11, 2023.

² *Id.* at p. 3.

2. On December 26, 2023, the Public Utilities Commission (the Commission) provided public notice under § 40-6-108(2), C.R.S., of the Application. As noticed, the Application seeks:

Authority to operate as a common carrier by motor vehicle for hire for the transportation of passengers in scheduled service between all points in the Counties of Adams, Boulder, Broomfield, Denver, Douglas, Jefferson, Larimer, Logan, Weld, Yuma, Pueblo, Morgan, Park, Mesa, Jackson, Lake, Gilpin, Elbert, Fremont, Garfield, and Grand, State of Colorado.³

3. Four entities subsequently submitted their Interventions:

- a) On January 2, 2024, Mountain Star Transportation LLC, doing business as Explorer Tours (Explorer Tours), filed its Petition for Intervention and Entry of Appearance, which was submitted by its president and owner, Roman Lysenko.
- b) Thereafter, on January 24, 2024, several entities represented by Mark Valentine of Keyes & Fox, LLP, filed a joint Notice of Intervention by Right, Alternative Motion for Intervention, Entry of Appearance, and Request for Hearing. The entities who jointly intervened are: Tazco, Inc. (Tazco); Estes Park Charters, Corp. (Estes Park Charters); and Home James Transportation Services, Ltd. (Home James) (collectively referred to as the Tazco Intervenors).

4. On January 31, 2024, the Commission deemed the Application complete and referred the matter to an Administrative Law Judge (ALJ) by minute entry for disposition. The Proceeding was subsequently assigned to the undersigned ALJ.

5. By Decision No. R24-0203-I, issued April 1, 2024, the ALJ acknowledged the Interventions of right filed by the four Intervenors.

6. Decision No. R24-0203-I also scheduled a prehearing conference for Tuesday, April 16, 2024, at 10:30 a.m.

7. On April 16, 2024, the undersigned ALJ held the prehearing conference as scheduled. Matthew Staffiero appeared on behalf of Applicant Caring Hands, and Roman Lysenko

³ Notice of Application and Petitions Filed, p. 2, filed Dec, 26, 2023.

appeared on behalf of Intervenor Explorer Tours. The Tazco Intervenors were represented at the prehearing conference by Mr. Valentine.

8. At the April 16, 2024 prehearing conference, the parties discussed whether Caring Hands might be better served by withdrawing this Application and/or pursuing a different form of authorization from the Commission.

9. At the parties' request, by Decision No. R24-0275-I, issued April 25, 2024, the ALJ scheduled a second prehearing conference on Monday, April 29, 2024, at 10:30 a.m. to further discuss Caring Hands' Application.

10. In addition, Decision No. R24-0275-I scheduled a fully remote evidentiary hearing to be held June 25, 2024, and adopted a procedural schedule to govern this Proceeding and ensure this Proceeding continues moving forward.

11. On April 29, 2024, the ALJ convened the second prehearing conference as scheduled. Mr. Staffiero again appeared on behalf of Applicant Caring Hands; Mr. Lysenko appeared on behalf of Explorer Tours; and Mr. Valentine appeared on behalf of the Tazco Intervenors.

12. At the April 29, 2024 prehearing conference, Mr. Staffiero advised that Caring Hands would be withdrawing its Application in order to pursue authority more closely tailored to the services Caring Hands seeks to provide.

13. Subsequently, on April 30, 2024, Caring Hands filed a letter with the Commission advising that it withdraws its Application. Caring Hands' letter stated that it had "deci[ded] to retract Application/Proceeding No 23A-0599CP. After careful review and discussion within our leadership team, it has come to our attention that this application pertains to the wrong service type."

14. The ALJ therefore acknowledges Caring Hands' withdrawal of this Application.

15. Because Caring Hands' Application has been withdrawn, the ALJ will vacate the evidentiary hearing scheduled for June 25, 2024.

16. Likewise, the ALJ will vacate the remainder of the procedural deadlines set by Decision No. R24-0275-I.

17. Finally, the ALJ will close this Proceeding.

II. ORDER

A. It is Ordered That:

1. The withdrawal of its December 11, 2023 Application for New Permanent Authority to Operate as a Common Carrier Under a Certificate of Public Convenience and Necessity, filed by Applicant Caring Hands Transport, LLC, doing business as Caring Hands Community Services (Caring Hands or Applicant), on April 30, 2024, is acknowledged.

2. The fully remote evidentiary hearing scheduled for Tuesday, June 25, 2024, is vacated.

3. The remainder of the procedural schedule adopted by Decision No. R24-0275-I, issued April 25, 2024, is also vacated.

4. Proceeding No. 23A-0599CP 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 shall 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, 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.

7. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown 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