

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0265CP

IN THE MATTER OF THE APPLICATION OF SHANE'S SHUTTLE LLC, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**RECOMMENDED DECISION
DENYING APPLICATION AND CLOSING PROCEEDING**

Issued Date: November 14, 2024

I. STATEMENT

A. Background

1. On June 4, 2024, Shane's Shuttle, LLC ("Shane's Shuttle") filed the application described in the caption above ("Application").

2. On June 10, 2024, the Commission issued public notice of the authority sought by Shane's Shuttle in the Application as follows:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand shuttle service between all points in the County of Jefferson, on the one hand, and Denver International Airport, on the other hand.

3. On June 12, 2024, Golden West Airport Shuttle, LLC doing business as Golden West Airport Shuttle filed an intervention claiming that the authority sought by Shane's Shuttle would overlap with their own authority described in Certificate of Public Convenience and Necessity No. 55789. Shane's Shuttle further asserted that it would be harmed if the Application is granted.

4. On July 17, 2024, the Commission deemed the Application complete and referred the proceeding by minute entry to an Administrative Law Judge (“ALJ”). The proceeding was subsequently assigned to the undersigned ALJ.

5. On July 29, 2024, the ALJ issued Decision No. R24-0545-I that addressed the representation of the parties and provided the opportunity for the parties to file a Statement Regarding Hearing identifying the party’s preference for an in-person, remote, or hybrid hearing. Decision No. R24-0545-I also required a party that preferred an in-person hearing to identify its preferred location and provide an explanation of why the hearing should not take place in one of the Commission’s hearing rooms in Denver in its Statement Regarding Hearing. Decision No. R24-0545-I set August 12, 2024 as the deadline to file a Statement Regarding Hearing. Finally, Decision No. R24-0545-I ordered Shane’s Shuttle and Golden West Airport Shuttle to each file and serve: (a) a list that identifies their witnesses, the last known address and telephone number of each witness, and a summary of the anticipated testimony of each witness; and (b) copies of their exhibits. Decision No. R24-0545-I set deadlines of September 9, 2024 and October 9, 2024 for Shane’s Shuttle and Golden West Airport Shuttle, respectively, to file the documents described above.

6. On August 12, 2024, Golden West Airport Shuttle filed a Statement Regarding Hearing in which it expressed a preference for “a remote hearing to allow witnesses to appear virtually.” Shane’s Shuttle did not file a Statement Regarding Hearing.

7. On August 27, 2024, the ALJ issued Decision No. R24-0616-I that scheduled a remote evidentiary hearing in this proceeding for October 31, 2024, and set a deadline of September 9, 2024 for any party with a scheduling conflict to file a Motion to Reschedule Hearing.

8. Neither party filed a Motion to Reschedule Hearing.

9. Shane's Shuttle and Golden West Airport Shuttle did not comply with the requirement in Decision No. R24-0545-I to file their witness and exhibit lists and copies of exhibits by September 9, 2024 and October 9, 2024, respectively. Golden West Airport Shuttle filed its witness and exhibit list on October 31, 2024.

10. On October 31, 2024, the ALJ convened the remote evidentiary hearing. While counsel for Golden West Airport Shuttle appeared, Shane's Shuttle did not. The undersigned ALJ took a 15-minute recess to allow Shane's Shuttle to appear. However, Shane's Shuttle did not appear after the recess. As a result, the undersigned ALJ found that Shane's Shuttle failed to appear for the hearing.

B. Analysis

11. Shane's Shuttle has the burden of proof in this proceeding, but failed to appear for the hearing noticed in Decision No. R24-0616-I. As a result, Shane's Shuttle did not submit any evidence in support of the Application and thus failed to carry its burden.

12. In addition, Shane's Shuttle disregarded the order in Interim Decision No. R24-0545-I to file and serve its witness list and marked exhibits by October 9, 2024.

13. Under these circumstances, the undersigned ALJ finds and concludes that Shane's Shuttle has failed to prosecute the Application and to carry its burden of proof. Accordingly, the Application shall be dismissed.

II. ORDER

A. It Is Ordered That:

1. The Application filed by Shane’s Shuttle, LLC on June 4, 2024 is dismissed.
2. Proceeding No. 24A-0265CP is closed.
3. 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.

4. 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.

5. 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

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director