

Decision No. R24-0838

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0356CP

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
DISMISSING APPLICATION WITHOUT PREJUDICE**

Issued Date: November 18, 2024

I. STATEMENT

1. On August 23, 2024, Caring Hands Transport LLC, doing business as Caring Hands Community Services (“Caring Hands”), initiated the captioned proceeding by filing an application seeking a Certificate of Public Convenience and Necessity (“CPCN”) to Operate as a Common Carrier by Motor Vehicle for Hire (“Application”) with the Colorado Public Utilities Commission (“PUC” or “Commission”).

2. On August 27, 2024, the Commission provided public notice of the application by publishing a summary of the same in its Notice of Applications Filed:

For 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, Elbert, Fremont, Garfield, and Grand, State of Colorado.

3. On September 18, 2024, Aspire Tours (“Aspire”) filed its Petition for Intervention and Entry of Appearance through Katherine Troxler. Ms. Troxler is identified as the owner of Aspire in this filing. This filing attached Commission Authority No. 55865 held by Aspire.

4. On September 18, 2024, Tazco, Inc (“Tazco”) Estes Park Charters Inc. (“Estes Park”) and Home James Transportation Services LTD (“Home James”) filed their Joint Notice of Intervention by Right Alternative Motion through their counsel. This filing attached the Commission Authority held by Tazco, Home James and Estes Park.

5. On Sept 23, 2024, Mountain Star Transportation LLC, doing business as Explorer Tours (“Explorer”), filed its Intervention through Roman Lysenko. Mr. Lysenko is identified as the president and owner of Explorer in the filing. This filing attached Commission Authority No. 55952 held by Explorer.

6. On October 9, 2024, the Commission deemed the application complete and referred it by minute entry to the undersigned Administrative Law Judge (“ALJ”) for disposition.

7. On October 18, 2024, by Decision No. R24-0754-I, interventions were granted, and a prehearing conference was scheduled for November 13, 2024.

II. DISCUSSION

8. On November 13, 2024, the prehearing conference was held. Although scheduled to begin at 11:00 a.m. and although Intervenors were present at 11:00 a.m., the ALJ delayed the start of the prehearing conference until 11:15 a.m. because Applicant was not present at the scheduled start time. When the Applicant had not appeared by 11:15 a.m., the ALJ called the prehearing conference to order.

9. Prior to the prehearing conference, Applicant did not contact the ALJ, the Commission, or the Commission Staff to request a change in the date or time of the prehearing conference. At no time has Applicant explained his failure to appear at the scheduled prehearing conference.

10. An oral motion was made by the Intervenors to dismiss the application due to the Applicants failure to prosecute the case.

11. The oral motion to dismiss was granted at the prehearing conference. This decision memorializes that decision.

12. The Application will be dismissed for the failure of the Applicant to prosecute this case. Applicant had actual notice of the prehearing conference and failed to appear or to explain its failure to appear.

13. Decision No. R24-0754-I advised the Applicant that failure to appear for the prehearing conference could result in the application being dismissed without prejudice.

14. The Applicant has evidenced no interest in pursuing the Application. Under these circumstances, the ALJ finds that it would waste the Commission's time, would waste the Intervenors' time, and would increase Intervenors' litigation-related costs to keep this matter open.

15. Based on the foregoing, the ALJ finds that the oral Motion to Dismiss should be granted; that the Application should be dismissed without prejudice; and that Docket No. 24A-0356CP should be closed.

16. Pursuant to § 40-6-109(2), C.R.S., the ALJ recommends that the Commission enter the following order.

III. ORDER

A. It Is Ordered That:

1. The oral motion to dismiss is granted.
2. The Application for a Permit to Operate as a Common Carrier by Motor Vehicle for Hire, which application was filed by, Caring Hands Transport LLC, doing business as Caring Hands Community Services is dismissed without prejudice.
3. Docket No. 24A-0356CP is closed.
4. 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. 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.
5. 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.
6. 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.
7. 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.

8. 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

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director