

Decision No. C25-0045

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0512CP-XPTN

IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO TRANSFER A PORTION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (CPCN) NO. 55952 FROM MOUNTAIN STAR TRANSPORTATION LLC, DOING BUSINESS AS EXPLORER TOURS AND/OR RED ROCKS SHUTTLE, TO EPIC CHARTER LLC.

**COMMISSION DECISION APPROVING THE TRANSFER
OF A PORTION OF CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY SUBJECT TO
CONDITIONS**

Issued Date: January 22, 2025

Adopted Date: January 8, 2025

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On November 21, 2024, an application was filed to request approval for the transfer of a portion of Certificate of Public Convenience and Necessity (“CPCN”) PUC No. 55952 from Mountain Star Transportation LLC, doing business as Explorer Tours and/or Red Rocks Shuttle, to Epic Charter LLC. On November 25, 2024, an amendment to the application was filed.

2. The portion of CPCN PUC No. 55952 to be transferred is Item (II), including the restriction, which reads as follows:

(II) Transportation of passengers in scheduled service and call-and-demand shuttle service: (A) Between all points in Denver County, on the one hand, and all points in Eagle County, on the other hand; (B) Between all points in Denver County, on the one hand, and all points in Pitkin County, on the other hand; and (C) Between all points in the Counties of Eagle and Pitkin, State of Colorado.

RESTRICTION: Item (II) is restricted against the transportation of passengers in vehicles with a manufacturer’s rated passenger capacity of less than 9 passengers, including the driver.

3. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on December 2, 2024.

4. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

5. The information submitted with this application complies with Rule 6206(c) of the Rules Regulating Transportation by Motor Vehicle, 4 Code of Colorado Regulations (“CCR”) 723-6, and warrants the granting of the requested partial transfer of CPCN PUC No. 55952.

6. The financial standing and overall fitness of the transferee has been satisfactorily established per § 40-10.1-205(3), C.R.S.

7. This application for permanent approval of the partial transfer of CPCN PUC No. 55952 is in the public interest and will be granted, conditioned upon full compliance with the requirements contained in the Order.

II. ORDER

A. The Commission Orders That:

1. This Application is deemed complete for purposes of § 40-6-109.5, C.R.S., and is granted.

2. The joint application filed by Mountain Star Transportation LLC, doing business as Explorer Tours and/or Red Rocks Shuttle (“Transferor”), for approval to transfer a portion of Certificate of Public Convenience and Necessity (“CPCN”) PUC No. 55952, subject to

encumbrances, if any, against the authority, to Epic Charter LLC, is granted, subject to full compliance with the requirements contained in Ordering Paragraph No. 5.

3. The authority in Item (II) of CPCN PUC No. 55952, as set forth in Appendix A attached to this Decision, is transferred to Epic Charter LLC (“Transferee”).

4. The remainder of CPCN PUC No. 55952 is revised as set forth in Appendix B attached to this Decision and shall be re-issued to Transferor.

5. Transferee shall not be granted the above referenced portion of CPCN PUC No. 55952 and shall not commence operations until the following conditions have been fully complied with:

- (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 (\$50.00) for each vehicle to be operated under authority granted by the Commission, or in lieu thereof, paid the fee for such vehicle(s) pursuant to the Unified Carrier Registration Agreement;
- (c) file an adoption notice that adopts as its own the currently effective portion of Transferor’s tariff which is applicable to the authority within Item (II) of CPCN PUC No. 55952;
- (d) file a Commission-prescribed acceptance of a partial transfer form that is signed by both the Transferor and Transferee;
- (e) pay the applicable fee (\$5.00) for the issuance of the authority;
- (f) register an authorized representative as a File Administrator on behalf of Transferee in the Commission's electronic filing system (E-Filings) and agree that Transferee shall receive notifications electronically through E-Filings. Information can be found at: www.dora.state.co.us/pls/efi/EFI.homepage; and,
- (g) receive notice in writing from the Commission that it is in compliance with the above requirements and may begin service.

6. If Transferee does not comply with the requirements of Ordering Paragraph No. 5 within 60 days of the effective date of this Decision, then the approval to transfer a portion of CPCN PUC No. 55952 shall be void without further action of the Commission. For good cause

shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 60 days.

7. Transferee shall operate in accordance with all applicable statutes, orders, and rules of the Commission. The Commission may issue an order to cease and desist or to suspend, revoke, alter, or amend any certificate or permit for violation of, or refusal to observe any statute, order, or rule of the Commission, consistent with § 40-10.1-112 (1), C.R.S

8. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Decision.

9. This Decision is effective immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 8, 2025.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners

Rebecca E. White,
Director

Appendix A
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Transportation of passengers,

in scheduled service and call-and-demand shuttle service:

- (A) Between all points in Denver County, on the one hand, and all points in Eagle County, on the other hand;
- (B) Between all points in Denver County, on the one hand, and all points in Pitkin County, on the other hand; and
- (C) Between all points in the Counties of Eagle and Pitkin, State of Colorado.

RESTRICTION:

This authority is restricted against the transportation of passengers in vehicles with a manufacturer's rated passenger capacity of less than 9 passengers, including the driver.

Appendix B
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Certificate Number: 55952

(I) Transportation of passengers in call-and-demand sightseeing service originating in Denver and Boulder Counties, to all points in the Counties of Denver, Boulder, Clear Creek, Douglas, El Paso, Grand, Jefferson, and Larimer, State of Colorado, returning to the origination point.

(II) Transportation of passengers in call-and-demand shuttle service between all points in Denver County and Origin Hotel Red Rocks at 18485 West Colfax Avenue in Golden, Colorado 80401, on the one hand, and Red Rocks Park and Amphitheatre, State of Colorado, on the other hand.

RESTRICTION:

Item (II) is restricted against the transportation of passengers to and/or from Denver International Airport.