

Decision No. C25-0360

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0154CP-TA

IN THE MATTER OF THE APPLICATION OF SHUTTLE RED ROCKS LLC FOR TEMPORARY AUTHORITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION DENYING
TEMPORARY AUTHORITY**

Issued Date: May 9, 2025

Adopted Date: April 30, 2025

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On April 3, 2025, Shuttle Red Rocks LLC (“Applicant”) filed an Application for Temporary Authority to Operate as a Common Carrier of Passengers by Motor Vehicle for Hire (“Application”). An amendment to the Application was filed on April 9, 2025.

2. Applicant requests temporary authority for 180 days to transport passengers in call-and-demand shuttle service between the Red Rocks Park and Amphitheatre (“Red Rocks”), on the one hand, and on the other hand, the following locations in Denver, Colorado: (a) 29th Street and Larimer Street; (b) 14th Street and California Street; (c) 19th Street and Wynkoop Street; and (d) West 30th Avenue and Tejon Street.

3. The Commission gave notice of the application on April 14, 2025, for a period of five days pursuant to § 40-10.1-204(4), C.R.S.

4. On April 15, 2025, a Notice of Intervention by Right and Alternative Motion for Intervention (“Intervention”) was filed jointly by Mountain Star Transportation LLC, doing

business as Red Rocks Shuttle, and Epic Charter LLC, which own Certificate of Public Convenience and Necessity (“CPCN”) PUC Nos. 55952 and 56012, respectively. The intervenors filed a supplemental filing on April 17, 2025.

5. Applicant filed responses to the Intervention on April 16, 2025, and April 18, 2025.

6. Pursuant to § 40-10.1-204(1), C.R.S., the Commission is authorized to grant temporary authority only when “there appears to be an immediate and urgent need to any point or within a territory having no such service capable of meeting the need.”

7. Therefore, Applicant must meet a two-fold test: first, that there is an *immediate and urgent need* for the transportation services, and second, that there is no existing carrier capable of meeting the need. If Applicant fails to meet either test, the Application must be denied.

8. In support of the temporary authority, Applicant states the following:

Due to the rising attendance for [Red Rocks] for both sightseeing and hiking, but also for evening shows, growing past 1.6 million attendees in 2024. We believe that adding an option for a shared shuttle will decrease congestion, and provide a more reliable service for visitors of our city. Attached are several screenshots of the price asked by Uber and of the surge pricing active at certain times during the day. We have also attached statements of Colorado residents who believe adding a shared shuttle service to Red Rocks would make it more affordable, convenient and safe to go to shows.

9. In their Intervention, the intervenors oppose the Application and state they have authority to provide call-and-demand shuttle and sightseeing service and/or scheduled service between Denver County and Red Rocks. The intervenors further assert the following:

Intervenors are ready, willing, and able to serve additional passengers seeking the services the applicant proposes to provide. Intervenors are not even close to operating at full capacity. They have the capacity to transport 371 passengers at the same time, but on a regular day, they transport only 30-40 passengers. The intervenors don’t operate at full capacity at this time, but are ready, willing, and able to purchase or lease more buses if needed and set up more pickup locations if needed. Furthermore, the intervenors

successfully operate from four pick-up locations in Denver County, ... which are exactly what the applicant applied for. ...

Intervenors would be harmed by diversion of their passengers and revenue from the provision of service in the proposed overlapping service territory if the temporary authority is granted. In addition, it will result in a lack of clarity for the public when the company with the exact same name picks up at the same pick-up locations.

10. We find the intervenors have met the requirements for intervention as of right set out by Commission Rule 1401(f)(I), 4 *Code of Colorado Regulations* (“CCR”), 723-1. We therefore acknowledge the Intervention and the intervenors, jointly, are a party to this Proceeding.

11. Considering that there is common carrier service available within the requested geographic area and that Applicant has not shown an immediate and urgent need, the Commission finds that the information submitted with this Application does not support the granting of temporary authority. Thus, this Application for temporary authority is not in the public interest and will be denied.

12. The denial of this Application creates no presumption about the final disposition of a permanent authority application. The permanent authority application (Proceeding No. 25A-0155CP) will be determined on the evidence presented using the statutory criteria.

II. ORDER

A. The Commission Orders That:

1. The application for temporary authority filed on April 3, 2025, by Shuttle Red Rocks LLC, is denied.

2. The Notice of Intervention by Right and Alternative Motion for Intervention filed jointly by Mountain Star Transportation LLC, doing business as Red Rocks Shuttle, and Epic Charter LLC, on April 15, 2025, is acknowledged.

3. 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.

4. This Decision is effective immediately on its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 30, 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