

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0480CP

IN THE MATTER OF THE APPLICATION OF CATCH'A RIDE DRIVEN ADVENTURE COMPANY, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**RECOMMENDED DECISION
ACKNOWLEDGING INTERVENTION WITHDRAWALS,
GRANTING UNCONTESTED APPLICATION AND
CLOSING PROCEEDING**

Issued Date: January 8, 2025

I. PROCEDURAL HISTORY

1. On November 1, 2024, Catch'a Ride LLC ("Catch'a Ride" or "Applicant") initiated this matter by filing an Application seeking a Certificate of Public Convenience and Necessity ("CPCN") 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 within a 100-mile radius of the intersection of Colfax Avenue and Broadway in Denver, Colorado ("Application").¹

2. On November 4, 2024, the Public Utilities Commission (the "Commission") provided public notice of the Application, pursuant to § 40-6-108(2), C.R.S.²

3. On November 12, 2024, Mountain Star Transportation LLC, doing business as Explorer Tours ("Explorer") filed its Petition for Intervention and Entry of Appearance, timely noticing its intervention as of right in this Proceeding ("Explorer's Intervention").

¹ Application at p. 3.

² See Notice of Applications and Petitions Filed at p. 3, filed on November 4, 2024.

4. On November 13, 2024, Catch’a Ride filed an amendment to the Application, (“First Application Amendment”), seeking a CPCN to operate as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand shuttle service “[b]etween all points within a 100-mile radius of the intersection of Colfax Avenue and Broadway in Denver, Colorado.”³ Per §10. b) of the First Application Amendment⁴, proposed authority excluded: “Red Rocks Park and Amphitheatre, Lookout Mountain, Rocky Mountain National [sic] Park, Mount Blue Sky, Pikes Peak-America's Mountain, and Garden of the Gods.”⁵

5. On November 18, 2024, Catch’a Ride filed an amendment to the Application, (“Second Application Amendment”), seeking a CPCN to operate as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand shuttle service “[b]etween all points within a 100-mile radius of the intersection of Colfax Avenue and Broadway in Denver, Colorado.”⁶ In §10. b) of the Second Application Amendment⁷, Applicant stated: “Restrictions against providing transportation to and from Red Rocks Park and Amphitheatre, Lookout Mountain, Rocky Mountain National [sic] Park, Mount Blue Sky, Pikes Peak-America's Mountain, and Garden of the Gods.”⁸

6. On November 20, 2024, Explorer filed its Notice of Conditional Withdrawal (“Explorer’s Conditional Intervention Withdrawal”), conditionally withdrawing Explorer’s Intervention.

7. On November 27, 2024, Estes Park Charters Corp, (“Estes Park”) and Home James Transportation Services, LTD (“Home James”) filed their Notice of Intervention by Right,

³ First Application Amendment at p. 3.

⁴ Section 10. b) requests the Applicant to list the “[r]estrictions to the proposed authority, if applicable.”

⁵ First Application Amendment at p. 3.

⁶ Second Application Amendment at p. 3.

⁷ See *supra*, footnote 4.

⁸ Second Application Amendment at p. 3.

Alternative Motion for Intervention, Entry of Appearance of Estes Park Charters Corp, and Home James Transportation Services, Ltd, and Request for a Hearing, timely noticing their intervention of right in this Proceeding (“Estes Park’s and Home James’ Interventions”).

8. On December 2, 2024, Catch’a Ride filed a third amendment to the Application, (“Third Application Amendment”), seeking a CPCN to operate as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand shuttle service “[b]etween all points within a 100-mile radius of the intersection of Colfax Avenue and Broadway in Denver, Colorado.”⁹ In §10. b) of the Third Application Amendment¹⁰, Applicant stated: “Restrictions against providing transportation to and from Red Rocks Park and Amphitheatre, Lookout Mountain, Rocky Mountain Nationl [*sic*] Park, Mount Blue Sky, Pikes Peak-America's Mountain, Garden of the Gods, Larimer County, Grand County, and Summit County.”¹¹

9. On December 5, 2024, Home James and Estes Park filed their Notice of Conditional Withdrawal of Interventions (“Home James’ and Estes Park’s Joint Conditional Intervention Withdrawal”).

10. On December 11, 2024, the Commission deemed the Application complete and referred the matter by minute entry to an Administrative Law Judge (“ALJ”) for disposition.

II. RELEVANT LAW

11. Pursuant to § 24-4-105(7), C.R.S. and Rule 1500 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”) 723-1, the proponent of a Commission decision bears the burden of proof for the same.

⁹ Second Application Amendment at p. 3.

¹⁰ See *supra*, footnote 4.

¹¹ Third Application Amendment at p. 3.

12. Rule 1401(a) of the Rules of Practice and Procedure, 4 CCR 723-1 states, among other things, that "... any person may file a notice of intervention as of right..."

13. Pursuant to Section 40-6-109(5), C.R.S. and Rule 1403 of the Rules of Practice and Procedure, 4 CCR 723-1, the Commission may determine any application without a formal hearing.

III. FINDINGS AND CONCLUSIONS

14. On November 12, 2024, Explorer timely intervened as of right in this Proceeding. On November 20, 2024, after the filing of the Second Application Amendment, Explorer conditionally withdrew its intervention. Explorer's intervention withdrawal was conditioned on the Commission's approval of the authority requested by Applicant in the Second Application Amendment.¹²

15. On November 27, 2024, Estes Park and Home James timely intervened as of right in this Proceeding. On December 5, 2024, after the filing of the Third Application Amendment, Estes Park and Home James conditionally withdrew their respective interventions in this Proceeding. Estes Park's and Home James' intervention withdrawals were conditioned on the Commission's approval of the Third Application Amendment.¹³

16. The undersigned ALJ finds and concludes that each of the three Application amendments that were filed by the Applicant in this Proceeding further restrict the authority sought by the Applicant through the Application.

17. Through the Application, as amended by the Third Application Amendment, Catch'a Ride seeks a CPCN to operate as a common carrier by motor vehicle for hire for the

¹² Explorer's Conditional Intervention Withdrawal at pp. 1-2

¹³ Home James' and Estes Park's Joint Conditional Intervention Withdrawal at pp. 1-2.

transportation of passengers in call-and-demand shuttle service “[b]etween all points within a 100-mile radius of the intersection of Colfax Avenue and Broadway in Denver, Colorado.”¹⁴ Catch’a Ride further requests that its authority be restricted “against providing transportation to and from Red Rocks Park and Amphitheatre, Lookout Mountain, Rocky Mountain National [sic] Park, Mount Blue Sky, Pikes Peak-America's Mountain, Garden of the Gods, Larimer County, Grand County, and Summit County.”¹⁵

18. The ALJ finds that Catch’a Ride’s proposed authority, as set forth in the Third Application Amendment, subject to the correction of the misspelling of the word “National,”¹⁶ is clear, understandable, and administratively enforceable.

19. The intervention withdrawals in this Proceeding leave the Application, as amended by the Third Application Amendment and modified herein, uncontested. Pursuant to § 40-6-109(5), C.R.S., and Rule 1403 of the Rules of Practice and Procedure, 4 CCR 723-1, the Application may be processed under modified procedure, without a formal hearing.

20. The record shows that Catch’a Ride was formed or registered under the law of Colorado and is in good standing.¹⁷ The Application establishes that Catch’a Ride is familiar with the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, and agrees to be bound by, and to comply with, those Rules.¹⁸ The Application and supporting information that Catch’a Ride has sufficient equipment with which to render the proposed service and is financially fit to conduct operations under the authority requested.¹⁹ The Application and supporting information establishes

¹⁴ Third Application Amendment at p. 3.

¹⁵ *Id.*

¹⁶ See typo in the spelling of the word “National” in § 10 of the Application, First Application Amendment, Second Application Amendment, and Third Application Amendment.

¹⁷ See Certificate of Good Standing filed on November 1, 2024.

¹⁸ See Application at § 22.

¹⁹ See *id.* at §§ 10(d), 12, and 13. and Bank Statement, filed November 1, 2024.

that Catch'a Ride's managers have experience in the transportation and tourism industries, managing businesses and employees, which establishes that Catch'a Ride is managerially fit to operate the requested authority.²⁰ Finally, a review of the Application and supporting information indicate a need for the proposed service.²¹

21. Based on the foregoing and the record, the ALJ concludes that because Catch'a Ride is fit, financially and otherwise, to perform the proposed service and because the other prerequisites have been met, the requested authority should be granted, subject to the below conditions.

IV. TRANSMISSION OF THE RECORD

22. In accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission the record in this proceeding and recommends that the Commission enter the following order.

V. ORDER

A. The Commission Orders That:

1. The intervention of Mountain Star Transportation LLC, doing business as Explorer Tours, noticed November 11, 2024, and its conditional withdrawal, filed November 8, 2024, are acknowledged.

2. The interventions of Estes Park Charters Corp and Home James Transportation Services, LTD, noticed November 27, 2024, and their respective conditional withdrawals, filed December 5, 2024, are acknowledged.

3. The Application filed by Catch'a Ride LLC ("Catch'a Ride" or "Applicant") on November 1, 2024, as amended by the Third Application Amendment filed by Applicant on

²⁰ See Application at § 14.

²¹ See *id.* at § 11.

December 2, 2024 is granted, subject to minor modifications. Catch’a Ride is granted a Certificate of Public Convenience and Necessity as follows:

To operate on as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand shuttle service between all points within a 100-mile radius of the intersection of Colfax Avenue and Broadway in Denver, Colorado.

RESTRICTIONS:

This authority shall be restricted against providing transportation to and from Red Rocks Park and Amphitheatre, Lookout Mountain, Rocky Mountain National Park, Mount Blue Sky, Pikes Peak-America's Mountain, Garden of the Gods, Larimer County, Grand County, and Summit County.

4. Catch’a Ride must operate in accordance with all applicable Colorado Laws and Commission rules.

5. Catch’a Ride may not commence operation under the authority granted until it has complied with the requirements of Colorado law and Commission rules, including without limitation:

- (a) causing proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- (b) paying to the Commission, the motor vehicle fee 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) having an effective tariff on file with the Commission. To this end, Catch’a Ride must file an advice letter and tariff on not less than ten days’ notice. The advice letter and tariff must be filed as a new Advice Letter proceeding and must comply with all applicable rules. In calculating the proposed effective date, the date received at the Commission is not included in the notice period and the entire notice period must expire prior to the effective date. (Additional tariff information can be found on the Commission’s website at www.colorado.gov/pacific/dora/common-carriers); and
- (d) paying the applicable issuance fee.

6. If Catch’a Ride does not file proof of insurance or surety bond, pay the appropriate motor vehicle fees, file an advice letter and proposed tariff, and pay the issuance fee *within 60*

days of the effective date of this Decision, then the grant of the Permit will be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within 60 days of the effective date of this Decision.

7. The Commission will notify Catch'a Ride in writing when the Commission's records demonstrate compliance with ordering paragraph 4 above.

8. Proceeding No. 23A-0480CP is closed.

9. 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.

10. 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.

11. If exceptions to this Recommended 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

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director