

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 03M-010CP

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IN THE MATTER OF THE PASSENGER TARIFF NUMBER TWO AS FILED BY #10 HILLCREST, LLC, DOING BUSINESS AS WESTERN EXPRESS TAXI, TO BECOME EFFECTIVE ON JANUARY 12, 2003.

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**COMMISSION ORDER REJECTING TARIFF CHANGES**

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Mailed Date: January 9, 2003  
Adopted Date: January 8, 2003

**I. BY THE COMMISSION**

**Statement, Findings, and Conclusion:**

1. On December 13, 2002, #10 Hillcrest, LLC, doing business as Western Express Taxi (Western Express Taxi), filed Passenger Tariff Number Two, to become effective January 12, 2003 (the tariff contains the typographical error January 12, 2002). Western Express Taxi provides taxi service between points in Ouray, San Juan, Hinsdale, and Gunnison Counties, Colorado as provided for in Certificate of Public Convenience and Necessity (CPCN) PUC No. 55708.

2. Passenger Tariff Number Two proposes the replacement of a mileage system with a zone system and a mileage rate system and would provide for deadhead expenses and the additional expense of serving the substantial geographical area contained in CPCN PUC No. 55708. The proposal increases rates up to 160 percent.

3. Rule 31 of the Commission's Rules of Practice and Procedure, *4 Colorado Code of Regulations (CCR) 723-1*, requires a common carrier that changes a tariff to file concurrently with the proposal cost justification for the tariff change.

4. Review of the tariff filing indicates that no justification accompanied the tariff filing as required by Rule 31(g) *4 CCR 723-1*.

5. Section 40-6-111(3), C.R.S., and 4 CCR 723-1-34(b) allow the Commission to reject a tariff or time schedule that is not in the form required by Commission rules.

6. The Commission finds that Passenger Tariff Number Two, to become effective January 12, 2003 should be rejected for violations of Rule 31(g) of the Commission's Rules of Practice and Procedure, *4 CCR 723-1*.

## **II. ORDER**

### **A. The Commission Orders That:**

1. Passenger Tariff Number Two, to become effective January 12, 2003, as filed by #10 Hillcrest, LLC, doing business as Western Express Taxi, is rejected.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
January 8, 2003.**

(S E A L)



**ATTEST: A TRUE COPY**

**Bruce N. Smith  
Director**

**THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

**RAYMOND GIFFORD**

**POLLY PAGE**

**JIM DYER**

**Commissioners**

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
**CERTIFICATE OF SERVICE**  
DOCKET NO. 03M-010CP  
DECISION NO. C03-0039

I, Bruce N. Smith, Director of The Public Utilities Commission of the State of Colorado, certify that I served a true and correct copy of the above Commission Decision -- entered in the above numbered matter of record -- upon each of the persons whose names and addresses appear below, by mailing the same in sealed envelopes properly addressed, with sufficient postage prepaid to carry the same to its destination on the date noted on this certificate at Denver, Colorado

APPLICANT:

Bobby Collins  
#10 Hillcrest, LLC  
PMB 254, 236 S. 3<sup>rd</sup>  
Montrose, CO 81401

ROUTE:

60; 6; all PUC staff, including staff that may be listed as parties, received this decision electronically.

SEAL



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

A handwritten signature in cursive script that reads "Bruce N. Smith".

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BRUCE N. SMITH  
Director