

Decision No. C03-0085

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03M-003CP

PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

VALERA LEA HOLTORF, DOING BUSINESS AS DASHABOUT TOWN TAXI,

RESPONDENT

**ORDER CONSTRUING LETTER AS APPLICATION
FOR REHEARING, REARGUMENT, OR
RECONSIDERATION OF DECISION
NO. R02-1330 PURSUANT TO § 40-6-114,
C.R.S., AND GRANTING APPLICATION**

Mailed Date: January 22, 2003

Adopted Date: January 22, 2003

I. BY THE COMMISSION:

Statement

1. This matter comes before the Commission for consideration of the letter requesting reinstatement of Certificate of Public Convenience and Necessity (CPCN) PUC No. 55683 filed by Valera Lea Holtorf, doing business as Dashabout Town Taxi (Dashabout Town Taxi), on January 6, 2003. In Decision No. R02-1400 (Recommended Decision) an Administrative Law Judge (ALJ), after a hearing on the matter, ordered that Dashabout Town Taxi's operating authority be revoked for failure to keep a currently effective Certificate of Insurance on file with the Commission. This request to reinstate CPCN PUC No. 55683 only

pertains to that portion of the Recommended Decision that deals with Dashabout Town Taxi's operating authority (Case No. 4399-INS).

2. On September 23, 2002, the Commission received a Form K cancellation notice from Dashabout Town Taxi's insurance provider, Insurance Company of New York. That cancellation was to become effective November 29, 2002. The Commission issued a Notice of Hearing and Order to Show Cause for failure to keep a currently effective Certificate of Insurance on file with the Commission on November 26, 2002. After a hearing on December 9, 2002, the ALJ issued the Recommended Decision revoking Dashabout Town Taxi's common carrier authority, CPCN PUC No. 55683.

3. On January 16, 2003, the Commission received notice via a Form E that Dashabout Town Taxi had procured insurance coverage from National Indemnity Insurance Company effective November 29, 2002. In compliance with Commission rules, Dashabout Town Taxi now has a currently effective Certificate of Insurance on file with the Commission.

4. Section 40-6-109(2), C.R.S., mandates that if no exceptions are filed to a recommended decision within 20 days, such decision shall become effective as the decision of the Commission by order of law. In this instance, the Recommended Decision was issued on December 13, 2002. Because no exceptions were filed, the Recommended Decision became effective as the Commission's decision on January 2, 2003. According to § 40-6-114(1), C.R.S., Dashabout Town Taxi then had an additional 20 days--until January 22, 2003--in which to make an application for rehearing, reargument, or reconsideration of the decision. The Commission received Dashabout Town Taxi's request on January 6, 2003--within that 20-day period. We therefore construe Dashabout Town Taxi's letter as an application for rehearing, reargument, or reconsideration of the Recommended Decision under § 40-6-114, C.R.S.

5. In the request filed on January 6, 2003, Valera Lea Holtorf, the owner of Dashabout Town Taxi, states she is also the owner of Dashabout Shuttle Company &/or Roadrunner Express, CPCN PUC No. 14167. Ms. Holtorf states “When insurance was obtained from National Indemnity Company (new to Dashabout) prior to the November 29th cancellation date, Dashabout requested filings be made in both Dashabout Shuttle Company and Dashabout Town Taxi, as separate filings. The insurance company filed correctly for Dashabout Shuttle Company but did not file for Dashabout Town Taxi. The vehicle used in the taxi service is listed and covered as an insured vehicle on the policy. Dashabout Town Taxi’s insurance has been in effect since November 29, 2002. There have been no accidents.”

6. The Commission finds that Dashabout Town Taxi has shown good cause to reinstate CPCN PUC No. 55683 and that there has been no lapse in insurance coverage. We therefore grant Dashabout Town Taxi’s application for rehearing, reargument, or reconsideration of the Recommended Decision, and reinstate Dashabout Town Taxi’s common carrier authority. However, Dashabout Town Taxi is reminded that it is responsible for knowing and following all applicable rules, Colorado statutes, and Commission orders in a timely fashion.

II. ORDER

A. The Commission Orders That:

1. The letter requesting reinstatement of common carrier Certificate of Public Convenience and Necessity PUC No. 55683 filed by Valera Lea Holtorf, doing business as Dashabout Town Taxi, on January 6, 2003, is construed as an application for rehearing, reargument, or reconsideration of Decision No. R02-1400 pursuant to § 40-6-114, C.R.S., and is granted. That portion of Decision No. R02-1400 pertaining to Valera Lea Holtorf, doing

business as Dashabout Town Taxi, (Case No. 4399-INS) is rescinded, and Certificate of Public Convenience and Necessity PUC No. 55683 is reinstated.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 22, 2003.**

(SEAL)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RAYMOND L. GIFFORD

POLLY PAGE

JIM DYER

Commissioners