

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03M-360CP

IN THE MATTER OF THE MOTION OF THE LABOR LIMO, INC., TO REINSTATE
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 55680.

**ORDER CONSTRUING LETTER AS APPLICATION
FOR EXCEPTIONS AND GRANTING APPLICATION**

Mailed Date: September 8, 2003

Adopted Date: August 27, 2003

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. This matter comes before the Commission for consideration of the letter requesting the reinstatement of Certificate of Public Convenience and Necessity (CPCN) PUC No. 55680 filed by Labor Limo, Inc., (Labor Limo), on August 14, 2003. In Decision No. R03-0836 (Recommended Decision) an Administrative Law Judge (ALJ), after a hearing on the matter, ordered that Labor Limo'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 No. 55680 only pertains to that portion of the Recommended Decision that deals with Labor Limo's operating authority (Case No. 5303-INS).

2. On March 7 2003, the Commission received a Form K cancellation notice from Labor Limo's insurance provider, National Casualty Company. That cancellation was to become effective April 9, 2003. 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 July 15, 2003. After a hearing on July 28, 2003, the ALJ issued the Recommended Decision

revoking Labor Limo's common carrier authority, CPCN No. 55680. Decision No. R03-0836 was mailed on August 1, 2003, and became a Decision of the Commission on August 21, 2003.

3. 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, Labor Limo filed its letter requesting the reinstatement of CPCN PUC No. 55680 within the 20 day period. We therefore construe Labor Limo's letter of August 14, 2003, as exceptions to Recommended Decision No. 03A-0836. In this letter, Chuck English, the owner of Labor Limo, Inc., states "I would sincerely like to ask the commission to reconsider Decision No. R03-0836 because of the following facts: On March 7, 2003, I had to terminate my business manager for failure to supply me with business records for Labor Limo, Inc., starting January 1, 2003, until time of his termination March 7, 2003. Although my insurance was still good until April 9, 2003, I voluntary (sic) suspend operations on March 7, 2003. I have made the difficult decision to list the business for sale and without P.U.C. certificates # the business would be of lesser value. I have invested several thousand dollars and time to obtain this certificate and would like to recoup at least part on my investment." However, Labor Limo does not currently have the required insurance for CPCN PUC No. 55680 on file with the Commission. CPCN PUC No. 55680 may only be reinstated if the required insurance is already on file with the Commission.

4. In the letter received by the Commission on August 14, 2003, Mr. English also requests a suspension of operations under CPCN PUC No. 55680 from April 9, 2003, through October 31, 2003. The request for suspension will be addressed in a separate docket.

5. The Commission finds that Labor Limo has shown good cause to postpone the revocation of CPCN PUC No. 55680 as ordered in Decision No. R03-0836. We therefore grant Labor Limo's request to file exceptions to the Recommended Decision. However, CPCN PUC No. 55680 is not being reinstated at this time. If the requested suspension of CPCN PUC No. 55680 from April 9, 2003, through October 31, 2003, is not granted, Labor Limo is advised that CPCN PUC No. 55680 may be revoked by the decision denying the suspension. If the requested suspension of CPCN PUC No. 55680 from April 9, 2003, through October 31, 2003, is granted, Labor Limo is advised that CPCN PUC No. 55680 may be revoked if the required insurance is not filed with the Commission by November 1, 2003.

II. ORDER

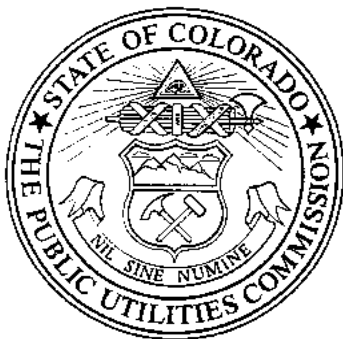
A. The Commission Orders That:

1. The letter requesting reinstatement of common carrier Certificate of Public Convenience and Necessity PUC No. 55680 filed by Labor Limo, LLC, on August 14, 2003, is construed as exceptions to Decision No. R03-0836 pursuant to § 40-6-109, C.R.S. That portion of Decision No. R03-0836 pertaining to Labor Limo, Inc., (Case No. 5303-INS) is stayed, and Certificate of Public Convenience and Necessity PUC No. 55680 is not revoked.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
August 27, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners

I/TRANS/ORDERS/03M-360CP