

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02A-598CP

IN THE MATTER OF THE APPLICATION OF ADVANCE CAR SERVICE, LLC FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
DISMISSING APPLICATION**

Mailed Date: February 3, 2003

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On November 6, 2002, Advance Car Service, LLC (Applicant) filed an application for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire.
2. On November 18, 2002, the Commission issued notice of the application.
3. Interventions were filed by Nemarda Corporation, doing business as Airport Boulevard Company and/or ABC Shuttle; Boulder Express, LLC, doing business as Boulder Express Shuttle; Denver Taxi, LLC, doing business as Yellow Cab; SuperShuttle International Denver, Inc.; Kids Wheels, LLC; Metro Taxi, Inc.; and Golden West Commuter, LLC.
4. The Commission set this matter for hearing for February 5, 2003.
5. On January 23, 2003, Applicant filed a letter with the Commission stating that it is withdrawing its application.

6. The request of Applicant to withdraw its application will be granted and the application dismissed.

7. Pursuant to § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The motion of Applicant, Advance Car Service, LLC to withdraw the application is granted.

2. The application of Advance Car Service, LLC, Docket No. 02A-598CP is dismissed without prejudice.

3. The hearing scheduled for February 5, 2003 is vacated.

4. 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.

5. 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.

6. If exceptions to this 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)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

WILLIAM J. FRITZEL

Administrative Law Judge