

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04S-322CP

RE: IN THE MATTER OF RATES FILED IN TAXI TARIFF COLORADO PUC NO. 3 BY SUMMIT COUNTY TAXI SERVICE, LLC. TO INCREASE RATES FOR THE TRANSPORTATION OF PASSENGERS IN TAXI SERVICE BETWEEN POINTS IN SUMMIT COUNTY TO BECOME EFFECTIVE ON JUNE 18, 2004.

**COMMISSION ORDER SUSPENDING EFFECTIVE DATE
AND SETTING MATTER FOR HEARING**

Mailed Date: June 17, 2004
Adopted Date: June 16, 2004

IMPORTANT NOTICE: ANY PERSON DESIRING TO PARTICIPATE ONLY BY MAKING A STATEMENT MAY DO SO BY APPEARING AT THE HEARING. IF YOU DESIRE TO ASK QUESTIONS OF A WITNESS OR OTHERWISE PARTICIPATE AS A PARTY IN THIS RATE MATTER, YOU MUST REQUEST PERMISSION FROM THE COMMISSION TO BE AN INTERVENOR (EVEN IF YOU HAVE ALREADY FILED AN OBJECTION). ANYONE DESIRING TO INTERVENE MUST CAREFULLY FOLLOW THE LAW AND COMMISSION RULES FOR BECOMING AN INTERVENOR. FOR FURTHER INFORMATION ON HOW TO INTERVENE CALL (303) 894-2070, (PUC EXTERNAL AFFAIRS OFFICE).

I. BY THE COMMISSION:

A. Statement

1. On May 18, 2004, Summit County Taxi Service, LLC (Summit County Taxi) filed proposed increased rates in Taxi Tariff Colorado PUC NO. 3 (Tariff NO. 2 was previously rejected by Commission Decision C04-0300) for the transportation of passengers between points in Summit County, Colorado to become effective on June 18, 2004.

2. Summit County Taxi proposes increases of 83.3 percent for taxi service within Summit County. Rule 31 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 requires that rate increase proposals must be accompanied by

statements setting forth all the circumstances, conditions, and data relied upon in justification of the proposed changes. The current annual report that was due on April 30, 2004 has not been filed. The rate increase is to be applied only in Summit County. The rate proposal may result in an 88.4 operating ratio with much of the increase going to owner's draw. The proposed tariff changes may result in charges that are not just and reasonable.

3. The Commission therefore finds that a hearing concerning the propriety of the tariff change is necessary and the effective date of June 18, 2004 should be suspended.

II. ORDER

A. The Commission Orders That:

1. Passenger Tariff 3 scheduled to become effective on June 18, 2004 is suspended for a period of 120 days, or until October 18, 2004 unless otherwise ordered by the Commission.

2. The Commission shall convene a hearing concerning the lawfulness and propriety of Passenger Tariff 3, as filed by Summit County Taxi.

3. This Investigation and Suspension Docket No. 04S-322CP is set for hearing before an Administrative Law Judge of the Commission on:

DATE: October 8, 2004

TIME: 9:00 a.m.

PLACE: Logan Tower Office
1580 Logan Street OL-2
Denver, CO 80203

4. The investigation in this proceeding shall not be limited to the matter and issue stated here for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the proposal under Public Utilities law.

5. A copy of this order shall be filed in the office of the Commission and a copy shall be served upon Summit County Taxi Service, LLC, Robert Chestnut, Owner-Manager, 135 Main Street, Suite 18, P.O. BOX 1002, Dillon, Colorado 80435, and the required suspension supplement shall be posted and filed to the tariff.

6. Neither the tariff filing suspended here nor that sought to be altered by this filing shall be changed until this proceeding has been completed or until the period of suspension or any extension has expired, unless otherwise ordered by the Commission.

7. Any person, firm or corporation, including any who have previously filed an objection, who desires to intervene and participate as a party in this proceeding, shall file an appropriate pleading for intervention with the Commission within 30 days after the mailed date of this decision and shall serve a copy of the pleading upon Respondent, its tariff publishing agent, and its attorney, if any. The Staff of the Commission shall be a party in this proceeding and need not file an entry of appearance or notice of intervention. Rule 20(b)(3) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, is waived for this limited purpose.

8. Respondent is directed to file with the Director of the Commission eight copies of a list containing the name, address, and title of each of its witnesses and ten copies of a list of the proposed testimony and exhibits to be presented at the hearing 60 days prior to the first day of hearing and serve copies upon intervenors and their attorneys, if any.

9. Intervenors (including Staff) are directed to file with the Director of the Commission ten copies of a list containing the name, address, and title of each witness, and ten copies of proposed testimony and exhibits to be presented at the hearing 20 days prior to the first

day of hearing and serve copies upon Respondent, and other intervenors and their attorneys, if any.

10. No witness shall be permitted to testify nor shall any document be received in evidence, except in rebuttal, unless served and filed as required in this Order.

11. Upon motion of the Commission or any party, the suspended tariff filing may be rejected by the Commission if the Respondent does not meet the requirements in this Order, including but not limited to the prefiling requirements found in Ordering ¶ 8, unless good cause for non-filing is shown.

12. No motion for any continuance shall be granted if filed within 20 days before the first day of hearing, except for good cause shown. No objection to the procedure established in this Decision shall be granted, except upon timely motion showing good cause.

13. If the hearing date in Ordering ¶ 3 is postponed or changed for any reason, Respondent shall file its exhibits and testimony 30 days before any new hearing date and all intervenors (including Staff) shall file their exhibits and testimony 20 days before any new hearing date.

14. This Order is effective on its Mailed Date

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
JUNE 16, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners
COMMISSIONER POLLY PAGE ABSENT