

Decision No. C04-1559

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-264CP-EXTENSION

IN THE MATTER OF THE APPLICATION OF MTV GROUP, LLC FOR AN ORDER OF THE COMMISSION AUTHORIZING AN EXTENSION OF OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 55728.

**COMMISSION ORDER APPROVING REQUEST FOR
ADDITIONAL TIME TO COMPLY**

Mailed Date: December 28, 2004
Adopted Date: December 28, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. This matter comes before the Commission for consideration of a letter requesting an extension of time to meet the filing requirements of Decision No. R04-0992 filed by MTV Group, LLC on December 21, 2004. In Ordering Paragraph 8 of Decision No. R04-0992 (Recommended Decision) an Administrative Law Judge (ALJ), granted MTV Group, LLC's application to extend operations under its Certificate of Public Convenience and Necessity (CPCN) PUC No. 55728.

2. MTV Group, LLC may provide scheduled service between points in the Denver metropolitan area under CPCN PUC No. 55728.

3. Decision No. R04-0992 was mailed on August 23, 2004 and became a Decision of the Commission on September 13, 2004. Ordering Paragraph No. 9 of Decision No. R04-0992 required MTV Group, LLC to file an appropriate tariff. Ordering Paragraph No. 11 of Decision

No. R04-0992 required MTV Group, LLC to pay the issuance fee and annual vehicle identification fee.

4. Ordering Paragraph No. 13 of Decision No. R04-0992 states “If MTV Group, LLC does not comply with Ordering Paragraphs 9 and 11 within 60 days of the effective date of this Order then Ordering Paragraph 8 [granting MTV Group’s application] shall be void.” The 60-day period for compliance with these requirements expired on November 12, 2004.

5. MTV Group, LLC did not file the required tariff or pay the issuance fee by November 12, 2004 as required.

6. In his letter of December 21, 2004, Modeste Kouame, one of the managers of MTV Group, LLC requests a 60-day time extension to comply with the filing requirements of Decision No. R04-1320. In support of this request, Mr. Kouame states “The current deadline did not allow me sufficient time to: a) acquire/locate additional funds; b) acquire/locate additional drivers; c) acquire needed additional funds to start the additional schedules; and d) on our existing route RTD added buses to compete with our one van so our resources were limited.”

7. We find good cause to grant the requested extension of time.

II. ORDER

A. The Commission Orders That:

1. The letter requesting an extension of time to comply with Decision No. R04-1320 filed by MTV Group, LLC on December 21, 2004 is construed as a request to amend Decision No. R04-1320 pursuant to § 40-6-112, C.R.S.

2. MTV Group, LLC’s request for a 60-day extension of time to comply with the requirements of Decision No. R04-1320 is granted.

3. The 20-day time-period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, re-argument, or reconsideration shall begin on the first day after the Commission mails or serves this Order.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
December 27, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners