

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 03A-451CP-EXTENSION

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IN THE MATTER OF THE APPLICATION OF TOWN & COUNTRY TRANSPORTATION SERVICES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING AN EXTENSION OF OPERATIONS UNDER PUC NO. 53589.

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**RECOMMENDED DECISION OF  
ADMINISTRATIVE LAW JUDGE  
MANA L. JENNINGS-FADER  
ACCEPTING STIPULATION;  
DISMISSING INTERVENTIONS;  
GRANTING APPLICATION, AS  
AMENDED, UNDER MODIFIED  
PROCEDURE; VACATING HEARING  
DATE AND PROCEDURAL SCHEDULE;  
AND CLOSING DOCKET**

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Mailed Date: January 12, 2004

**I. STATEMENT**

1. By its Application for an Extension of Certificate of Public Convenience and Necessity PUC Number 53589 (Application), Town & Country Transportation Services, Inc. (Applicant), seeks to extend operations under its existing Certificate of Public Convenience and Necessity (CPCN) as more specifically described in the Notice of Application Filed (Notice). The Application, filed on October 16, 2003, commenced this docket.

2. On October 20, 2003, the Commission gave public notice of the Application. *See* Notice, dated October 20, 2003, at 1.

3. On November 19, 2003, Boulder Shuttle, LLC, and Boulder Taxi, LLC, intervened of right. On November 25, 2003, Shamrock Taxi of Fort Collins, Inc., doing business

as Shamrock Shuttle, Inc., intervened of right.<sup>1</sup> These are the only interventions in this proceeding.

4. On November 21, 2003, the Commission issued an Order Setting Hearing and Notice of Hearing. This Order set the hearing in this matter for December 18, 2004. On the request of Applicant, the undersigned Administrative Law Judge (ALJ) vacated this hearing date; established a procedural schedule; and scheduled the hearing in this matter for February 13, 2004. *See* Decisions No. R03-1349-I, No. R03-1405-I, and No. R04-0005-I.

5. On January 9, 2004, the Parties submitted a Stipulation for Restrictive Amendment and Withdrawal of Interventions, and Motion for Approval and to Vacate Hearing (Stipulation and Motion). In this filing Applicant restrictively amends the Application; Intervenors state that, subject to the Commission's express approval of the amendment, they withdraw their interventions; and the Parties ask the Commission to accept the amendment and to process this matter as an uncontested proceeding.

6. The proposed amendment is restrictive in nature, is clear and understandable, and is administratively enforceable. The Stipulation and Motion states good grounds, and granting the Stipulation and Motion will not prejudice any party. The Stipulation and Motion will be granted. The amendment to the Application will be accepted.

7. Accepting the amendment has two impacts. First, the Application will be amended to conform with the restrictive amendment. Second, the interventions of Boulder

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<sup>1</sup> Boulder Shuttle, LLC; Boulder Taxi, LLC; and Shamrock Taxi of Fort Collins, Inc., doing business as Shamrock Shuttle, Inc., are referred to collectively as Intervenors. Applicant and Intervenors, collectively, are referred to as the Parties.

Shuttle, LLC; Boulder Taxi, LLC; and Shamrock Taxi of Fort Collins, Inc., doing business as Shamrock Shuttle, Inc., will be dismissed.

8. In view of the dismissal of the interventions, the hearing in this docket scheduled for February 13, 2004, will be vacated.

9. In view of the dismissal of the interventions, the procedural schedule in this docket established in Decisions No. R03-1349-I, No. R03-1405-I, and No. R04-0005-I will be vacated.

10. The Application is now uncontested. Pursuant to § 40-6-109(5), C.R.S., and Rule 4 *Code of Colorado Regulations* (CCR) 723-1-24, the Application will be decided without hearing under the Commission's modified procedure.

11. In accordance with § 40-6-109, C.R.S., the undersigned ALJ now transmits to the Commission the record in this proceeding along with a written recommended decision.

## **II. FINDINGS AND CONCLUSIONS**

12. By the Application, as amended, Applicant seeks Commission approval of an extension of CPCN PUC No. 53589. Applicant seeks an extension to provide:

Transportation of

passengers and their baggage in taxi service

between all points within an eight mile radius of the intersection of U.S. Highway 287 and Colorado Highway 119 in Longmont, Colorado, and from said points, on the one hand, and all points in the State of Colorado, on the other hand.

13. Among other things, this amendment removes from CPCN PUC No. 53589 the existing restrictions. Removal of these restrictions was sought in the Application as filed.

14. The verified Application establishes that Applicant is familiar with the Rules, Regulations, and Civil Penalties Governing Common Carriers of Passengers by Motor Vehicle for Hire, 4 CCR 723-31, and agrees to be bound by, and to comply with, those Rules. The verified Application and its supporting documentation also establish that Applicant has sufficient equipment with which to render the proposed service and is financially fit to conduct operations under the authority requested. Therefore, Applicant is fit, financially and otherwise, to provide the proposed service.

15. Review of the verified Application and its supporting documentation indicates a need for the proposed service.

16. In accordance with § 40-6-109, C.R.S., the ALJ recommends that the Commission enter the following order.

### **III. ORDER**

#### **A. The Commission Orders That:**

1. The Stipulation for Restrictive Amendment and Withdrawal of Interventions, and Motion for Approval and to Vacate Hearing is granted.

2. The amendment to the Application for an Extension of Certificate of Public Convenience and Necessity PUC Number 53589 filed by Town & Country Transportation Services, Inc., is accepted.

3. The Application for an Extension of Public Convenience and Necessity PUC Number 53589 filed by Town & Country Transportation Services, Inc., is amended.

4. The intervention filed by Boulder Shuttle, LLC, is dismissed.

5. The intervention filed by Boulder Taxi, LLC, is dismissed.
6. The intervention filed by Shamrock Taxi of Fort Collins, Inc., doing business as Shamrock Shuttle, Inc., is dismissed.
7. The Application for an Extension of Certificate of Public Convenience and Necessity PUC Number 53589 filed by Town & Country Transportation Services, Inc., as that Application has been amended, is granted.
8. Certificate of Public Convenience and Necessity PUC No. 53589 is extended to read as follows:

Transportation of  
passengers and their baggage in taxi service  
between all points within an eight mile radius of the intersection of U.S. Highway 287 and Colorado Highway 119 in Longmont, Colorado, and from said points, on the one hand, and all points in the State of Colorado, on the other hand.
9. Town & Country Transportation Services, Inc., shall file an appropriate tariff with the Commission.
10. Town & Country Transportation Services, Inc., shall cause to be filed with the Commission certificates of insurance as required by Commission rules.
11. Town & Country Transportation Services, Inc., shall pay the issuance fee and annual vehicle identification fees.
12. Town & Country Transportation Services, Inc., may not begin operations under its extended authority until it has met the requirements set out in Ordering Paragraphs 9 through and including 11, above.

13. If Town & Country Transportation Services, Inc., does not comply with the requirements of Ordering Paragraphs 9 through and including 11, above, within 60 days of the effective date of this Order, then Ordering Paragraphs 7 and 8, above, shall be void. On good cause shown, the Commission may grant additional time for compliance.

14. The hearing scheduled for February 13, 2004, is vacated.

15. The procedural schedule established in Decisions No. R03-1349-I, No. R03-1405-I, and No. R04-0005-I is vacated.

16. Docket No. 03A-451CP-Extension is closed.

17. 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.

18. As provided by § 40-6-106, 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 recommended 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 a basic finding 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.

19. If exceptions to this Recommended Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Administrative Law Judge