

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-110CP

IN THE MATTER OF THE APPLICATION OF OWNER/DRIVER UNITED CORPORATION,
DOING BUSINESS AS BLUE SKY SHUTTLE, FOR AUTHORITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
GRANTING MOTION TO WITHDRAW,
DISMISSING APPLICATION WITHOUT
PREJUDICE, VACATING HEARING,
WAIVING RESPONSE TIME,
AND CLOSING DOCKET**

Mailed Date: April 14, 2004

I. STATEMENT, FINDINGS, AND CONCLUSION

1. On March 5, 2004, Owner/Driver United Corporation, doing business as Blue Sky Shuttle (Applicant), filed its Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire (Application). The Application commenced this proceeding.

2. On March 22, 2004, the Commission gave public notice of the Application in its Notice of Applications Filed (Notice). *See* Notice dated March 22, 2004. The Commission established a hearing date in that Notice.

3. On March 31, 2004, Nemarda Corporation filed its intervention by right. On April 6, 2004, Metro Taxi, Inc., filed its intervention by right. There are no other intervenors.

4. On April 12, 2004, Applicant filed a Motion to Withdraw (Motion). As grounds for the Motion Applicant states that it has leased a Certificate of Public Convenience and Necessity (CPCN) from another company and, therefore, no longer needs to obtain a CPCN in its own name. Applicant requests that the Commission permit Applicant to withdraw its Application.

5. The Administrative Law Judge (ALJ) finds and concludes that the Motion states good cause, that granting the request will not prejudice any party, and that the Motion will be granted. The Application will be dismissed without prejudice. The hearing scheduled for June 3, 2004, will be vacated. Docket No. 04A-110CP will be closed.

6. In view of the nature of the Motion, response time to the Motion will be waived.

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

II. ORDER

A. The Commission Orders That:

1. The Motion to Withdraw filed by Owner/Driver United Corporation, doing business as Blue Sky Shuttle, is granted.

2. The Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire filed by Owner/Driver United Corporation, doing business as Blue Sky Shuttle, is dismissed without prejudice.

3. The hearing scheduled for June 3, 2004, is vacated.

4. Response time to the Motion to Withdraw Application is waived.

5. Docket No. 04A-110CP is closed.

6. 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.

7. 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.

8. 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

Administrative Law Judge