

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-143CP

IN THE MATTER OF THE APPLICATION OF AURORA LIMOUSINE, LLC,
D/B/A AURORA AIRPORT SHUTTLE, 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: June 7, 2004

Appearances:

Shehzad I. Mian (*Pro Se*), Aurora Limousine, LLC, doing business
as Aurora Airport Shuttle;

Richard L. Fanyo, Esq., and Michelle R. Brandt, Esq., Denver,
Colorado, for SuperShuttle International Denver, Inc.; and

Charles J. Kimball, Esq., Arvada, Colorado, for Nemarda
Corporation, and

Charles M. Williams, Esq., Denver, Colorado, for Metro Taxi, Inc.

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On March 24, 2004, Aurora Limousine, LLC, doing business as Aurora Airport Shuttle (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 April 5, 2004, the Commission issued notice of the application.

3. Notices of Intervention were filed by Metro Taxi, Inc. (Metro Taxi); SuperShuttle International Denver, Inc. (SuperShuttle), and Nemarda Corporation (Nemarda).

4. The Commission scheduled a hearing for June 7, 2004. On this date, the matter proceeded to hearing.

5. As a preliminary matter, SuperShuttle orally moved to dismiss the application for the reason that Applicant, an LLC was not represented by an attorney and that therefore Shehzad I. Mian who is the president of the company, a non-attorney, could not represent the Applicant under the provisions of 4 *Code of Colorado Regulations* (CCR) 723-1-21(a). The attorney for SuperShuttle also orally argued a motion to limit evidence and to dismiss the application filed with the Commission on June 1, 2004. Metro Taxi and Nemarda also joined in the motions to dismiss.

6. SuperShuttle's Motion to Dismiss the Application for the reason that Applicant as an LLC could not proceed with its application without an attorney licensed to practice law in the State of Colorado was orally granted. It was found that Applicant could not proceed with the case without an attorney-at-law currently in good standing before the Colorado Supreme Court under the provisions of 4 CCR 723-1-21(a).

7. Pursuant to § 40-6-102(2), C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The oral motion to dismiss of SuperShuttle International Denver, Inc., joined in by Metro Taxi, Inc., and Nemarda Corporation is granted.

2. Docket No. 04A-143CP, the application of Aurora Limousine, LLC, doing business as Aurora Airport Shuttle is dismissed without prejudice.

3. 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.

4. 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.

5. 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge