

Decision No. R04-0985

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04F-265CP

BOULDER EXPRESS, LLC,

COMPLAINANT,

V.

BOULDER SHUTTLE, LLC,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
DISMISSING COMPLAINT WITHOUT PREJUDICE**

Mailed Date: August 19, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. The captioned proceeding was initiated on May 19, 2004, when the Complainant, Boulder Express, LLC (Boulder Express), filed a Formal Complaint (Complaint) with the Colorado Public Utilities Commission (Commission) against Respondent, Boulder Shuttle, LLC (Boulder Shuttle).

2. On May 25, 2004, the Commission issued an Order Setting Hearing and Notice of Hearing setting this matter for hearing on July 6, 2004, in Denver, Colorado. The hearing was subsequently continued to August 19, 2004, at the request of the parties. *See*, Decision No. R04-0648-I.

3. Boulder Shuttle filed its Answer and Affirmative Defenses on June 14, 2004.

4. The matter was called for hearing at the assigned time and place. Appearances were entered on behalf of Boulder Express and Boulder Shuttle by their respective legal counsel.

5. At the commencement of the hearing counsel for Boulder Express advised that remedial actions taken and/or representations made by Boulder Shuttle subsequent to the filing of the Complaint had effectively resolved the issues raised therein to the satisfaction of his client. As a result, Boulder Express requested that the Complaint be dismissed, without prejudice.

6. Pursuant to § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The Formal Complaint filed by Complainant, Boulder Express, LLC in the captioned proceeding is dismissed, without prejudice.

2. Docket No. 04F-265CP is closed.

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