

Decision No. R04-1440

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04C-463CP

IN THE MATTER OF LARRY HOLLE, DOING BUSINESS AS BUS EXPRESS.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
DISMISSING SHOW CAUSE
PROCEEDING AND CLOSING DOCKET**

Mailed Date: December 6, 2004

I. STATEMENT

1. By Decision No. C04-1085, mailed on September 15, 2004, the Commission initiated the captioned show cause proceeding. The purpose of the show cause proceeding concerned an investigation of Respondent Larry Holle, doing business as Bus Express' compliance with the Commission's Safety Rules in regard to Respondent's operation of its bus company pursuant to bus registration no. CAB-00026.

2. On November 29, 2004, Staff of the Public Utilities Commission (Staff) filed a Motion to Dismiss the Case and to Close the Docket. Staff states that it sought to have the Commission revoke Respondent's children's activity bus registration no. CAB-00026. However, Staff states that it has learned that registration no. CAB-00026 was revoked by the Commission in a different proceeding, and therefore there is no purpose to continue the instant case. Staff requests that the case be dismissed.

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

II. ORDER

A. The Commission Orders That:

1. The motion of Staff of the Public Utilities Commission to dismiss the captioned case, filed by Staff of the Public Utilities Commission on November 29, 2004 is granted. Docket No. 04C-463CP is closed.

2. 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.

3. 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.

4. 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

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