

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0151CP-SUSPENSION

IN THE MATTER OF THE APPLICATION OF MILE HIGH CAB, INC. DOING BUSINESS AS MILE HIGH CAB FOR AN ORDER OF THE COMMISSION AUTHORIZING A SUSPENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55849.

COMMISSION DECISION LIFTING SUSPENSION

Mailed Date: July 18, 2019

Adopted Date: July 10, 2019

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On March 28, 2019, Mile High Cab Inc., doing business as Mile High Cab (Mile High Cab), filed an Application to Suspend Certificate of Public Convenience and Necessity (CPCN) PUC No. 55849. Mile High Cab sought to suspend CPCN PUC No. 55849, explaining that it was recently under new management.

2. Notice of this application pursuant to § 40-6-108(2), C.R.S., issued on April 1, 2019, for a period of ten days. No petition to intervene or otherwise participate in this proceeding was filed. Through our order issued May 8, 2019, we allowed the unopposed suspension.¹

3. However, in permitting the suspension, we advised Mile High Cab that, as required by recent changes of law, CPCN PUC No. 55849 has been amended to remove all language authorizing large-market taxicab service, pursuant to § 40-10.1-203(2)(c)(III), C.R.S. The certificate now constitutes a devalued asset under the provisions of § 40-10.1-701(1)(b),

¹ See, Decision No. C19-0400, mailed on May 8, 2019 in this proceeding (No. 19A-0151CP-Suspension).

C.R.S.² We further explained that § 40-10.1-702, C.R.S., requires that a person obtain a permit, and not a CPCN, to operate large-market taxicab service.³ We requested additional information if Mile High Cab sought further action regarding the need to suspend or otherwise act on CPCN PUC No. 55849, given that it no longer contained operating authority.

4. Shortly following our May 8, 2019 order, Mile High Cab provided a short letter on May 23, 2019. Mile High Cab now requests that the suspension be lifted, stating that it has insurance on file and has purchased 45 vehicle identification stamps for the year. The letter does not further explain Mile High Cab's interest in CPCN PUC No. 55849, which no longer contains operating authority.

5. We construe the letter filed on May 23, 2019, as a motion to lift the suspension of CPCN PUC No. 55849. Mile High Cab has obtained the requisite permit to operate large-market taxicab service, and the required insurance. We further note that similarly situated carriers have CPCNs which were scrubbed of operating authority for large-market taxicab service, as required by § 40-10.1-203(2)(c)(III), C.R.S. These other certificates are not currently "suspended" if the provider also has the necessary large-market taxi permit, insurance, and necessary stamps to operate. We therefore find it appropriate to lift the suspension of CPCN PUC No. 55849 in order to be consistent with the other similarly situated certificates.

6. In lifting this suspension, we are acutely aware that the changes in the statute created changes in CPCN and permit requirements for large-market taxi operations that may

² See, Decision No. C19-0205, mailed on February 28, 2019 in Proceeding No. 19M-0103TR.

³ Large-market taxicab service is defined as "indiscriminate passenger transportation for compensation in a taxicab on a call-and-demand basis, within and between points in the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, and Weld, and between those points and all points within the state of Colorado, with the first passenger in the taxicab having exclusive use of the taxicab unless the passenger agrees to multiple loadings." § 40-10.1-101(9.5), C.R.S.

require administrative or other changes going forward. We direct Commission Staff to solicit, on an informal basis, stakeholder input on how best to address CPCNs that were amended pursuant to § 40-10.1-203(2)(c)(III), C.R.S., and no longer include operating authority, similar to CPCN PUC No. 55849, administratively or otherwise.

II. ORDER

A. The Commission Orders That:

1. The filing provided on May 23, 2019, by Mile High Cab Inc., doing business as Mile High Cab, is construed as a motion requesting to lift the suspension of Certificate of Public Convenience and Necessity (CPCN) PUC No. 55849, and the motion is granted.
2. Suspension of CPCN PUC No. 55849 is lifted, effective upon the mailed date of this Decision, consistent with the discussion above.
3. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Decision.
4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 10, 2019.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads 'Doug Dean'.

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners