

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0261CP-TRANSFER

IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO TRANSFER
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55803 FROM
SILVERTON SHUTTLE TO WESTERN SLOPE RIDES LLC.

**COMMISSION DECISION APPROVING TRANSFER OF
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY SUBJECT TO CONDITIONS**

Mailed Date: July 18, 2019

Adopted Date: July 10, 2019

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On May 16, 2019, an application was filed requesting approval to transfer Certificate of Public Convenience and Necessity (CPCN) PUC No. 55803 from Silverton Shuttle to Western Slope Rides LLC. Supplemental information was filed on May 24, 2019 and June 5, 2019.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on May 20, 2019.

3. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

4. The information submitted with this application complies with Rule 6206(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, and warrants the granting of the requested transfer of CPCN PUC No. 55803. The

Commission, on its own motion, waives the requirement in Rule 6206(b), 4 CCR 723-6, to file an application not less than 60 days prior to the effective date of the proposed transfer.

5. The financial standing of the transferee has been satisfactorily established.

6. This application for permanent approval of the transfer of CPCN PUC No. 55803 is in the public interest and will be granted, conditioned upon full compliance with the requirements contained in the Decision.

7. The transfer of CPCN PUC No. 55803 to Western Slope Rides LLC, which already owns and operates another CPCN (PUC No. 55885), will create overlapping and/or duplicating authority.¹ Rule 6207, 4 CCR 723-6, states that “[t]he Commission may cancel Duplicating or Overlapping Authorities that arise as a result of any grant, extension, or other modification to a Certificate.” Therefore, the Commission finds good cause to: (a) cancel the duplicating or overlapping authority between CPCN PUC No. 55803 and CPCN PUC No. 55885;² and (b) revise CPCN PUC No. 55803 as set forth in the Appendix attached to this Decision.

II. ORDER

A. The Commission Orders That:

1. The application was automatically deemed complete on July 5, 2019, by operation of Rule 1303(c)(III) of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1.

¹ Rule 6001(z), 4 CCR 723-6, defines “Duplicating or Overlapping Authority” to mean “transportation of the same Common Carrier Type of Service between the same points under two or more separate Authorities which are held by the same Fully Regulated Intrastate Carrier.”

² Specifically, the call-and-demand shuttle service authorized by Item Nos. (VI), (VII), and (VIII) within CPCN PUC No. 55803 duplicates and/or overlaps the shuttle service authorized by CPCN PUC No. 55885.

2. The requirement in Rule 6206(b), 4 CCR 723-6, to file an application not less than 60 days prior to the effective date of the proposed transfer is waived *sua sponte*.

3. The application filed by Silverton Shuttle (Transferor), for approval to transfer Certificate of Public Convenience and Necessity (CPCN) PUC No. 55803, subject to encumbrances, if any, against the authority, to Western Slope Rides LLC (Transferee), is granted, subject to full compliance with the requirements contained in Ordering Paragraph No. 5.

4. CPCN PUC No. 55803 is revised according to the discussion in Paragraph No. 7 above and is set forth in the Appendix attached to this Decision.

5. Transferee shall not be granted CPCN PUC No. 55803 and shall not commence operations under CPCN PUC No. 55803 until the following conditions have been fully complied with:

- (a) cause proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- (b) pay to the Commission, the motor vehicle fee (\$50.00) for each vehicle to be operated under authority granted by the Commission, or in lieu thereof, paid the fee for such vehicle(s) pursuant to the Unified Carrier Registration Agreement;
- (c) file an adoption notice that adopts as its own the currently effective tariff of Transferor;
- (d) file a Commission-prescribed acceptance of transfer form that is signed by both the Transferor and Transferee;
- (e) pay the applicable fee (\$5.00) for the issuance of the authority;
- (f) register an authorized representative as a File Administrator on behalf of Transferee in the Commission's electronic filing system (E-Filings) and agree that Transferee shall receive notifications electronically through E-Filings. Information can be found at:
www.dora.state.co.us/pls/efi/EFI.homepage; and,
- (g) receive notice in writing from the Commission that it is in compliance with the above requirements and may begin service.

6. If the Transferor and Transferee do not comply with the requirements of Ordering Paragraph No. 5 within 60 days of the effective date of this Decision, then the approval to transfer CPCN PUC No. 55803 shall be void without further action of the Commission. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 60 days.

7. Transferee shall operate in accordance with all applicable statutes, orders, and rules of the Commission. The Commission may issue an order to cease and desist or to suspend, revoke, alter, or amend any certificate or permit for violation of, or refusal to observe any statute, order, or rule of the Commission, consistent with § 40-10.1-112(1), C.R.S.

8. 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.

9. 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

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners