

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0131CP-TA

IN THE MATTER OF THE APPLICATION OF NDW ENTERPRISES, LLC, DOING
BUSINESS AS SKI TOWN TRANSPORTATION FOR TEMPORARY AUTHORITY TO
OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION GRANTING MOTION TO
EXTEND TEMPORARY AUTHORITY**

Mailed Date: October 7, 2022

Adopted Date: October 5, 2022

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a Motion To Extend Temporary Authority (Motion) submitted on September 9, 2022, by NDW Enterprises, LLC, dba Ski Town Transportation (Ski Town Transportation) requesting that the temporary authority granted by Decision No, C22-0215 be extended indefinitely until a final administrative decision is rendered in Proceeding 22A-0132CP and a certificate is issued to Ski Town Transportation.

2. Ski Town Transportation, on March 25, 2022, filed an application for temporary authority¹ in Proceeding No. 2A-0131CP-TA to operate as a common carrier of passengers by motor vehicle for hire.

¹ Ski Town Transportation previously filed an application on March 15, 2022, in Proceeding No. 22A-0117CP-ETA for emergency temporary authority to provide the service named in Items Nos. (1) and (2) of this temporary authority application. The emergency temporary authority application was granted at the Commissioner's Weekly Meeting of March 16, 2022. Decision No. C22-0169 granted the emergency temporary authority application for a period of 30-days on March 17, 2022.

3. In this application, Ski Town Transportation requested temporary authority for up to 180 days to provide:

1. Shuttle service between the Yampa Valley Regional Airport, Hayden, CO, on the one hand, and the town of Steamboat Springs, CO, including all points within one mile of the town limits of Steamboat Springs and the Steamboat Springs Ski Area, on the other hand; and

2. Shuttle service between the Yampa Valley Regional Airport, Hayden, CO, on the one hand, and the town of Craig, CO, including all points within one mile of the town limits of Craig, CO, on the other hand.

3. Shuttle service between all points within the town of Steamboat Springs, Colorado, including all points within one mile of the town limits of Steamboat Springs and the Steamboat Springs Ski Area.

4. The Commission gave notice of the application on March 28, 2022, for a period of five days pursuant to § 40-10.1-204(4), C.R.S. The five-day notice period expired on April 4, 2022. No petition to intervene or otherwise participate in this proceeding was filed. The proceeding was uncontested.

5. The temporary authority requested in Proceeding 22A-0131CP-TA was granted in part by Decision C22-0215 on April 7, 2022, for 150 days².

6. Ski Town Transportation submitted a permanent authority application on March 28, 2022, in Proceeding No. 22A-0132CP. The Commission gave notice of the permanent authority application on March 28, 2022, for a period of thirty days pursuant to § 40-10.1-204(4), C.R.S. The thirty-day notice period expired on April 27, 2022. Alpine Taxi/Limo, Inc., d/b/a Alpine and/or Go Alpine (Alpine Taxi/Limo) filed a notice of intervention by right to the permanent application on April 13, 2022.

² The temporary authority granted for 150 days by Decision 22A-0215 on April 7, 2022, in Proceeding 22A-0131CP-TA expired on September 4, 2022.

7. Ski Town Transportation's permanent authority application and Alpine Taxi/Limo's interventions were referred to an administrative law judge (ALJ) at the Commissioner's weekly meeting of May 4, 2022.

8. The ALJ scheduled a hearing on the permanent application for September 12 and 13, 2022, in Steamboat Springs. The hearing was held on September 12, 2022. As of October 4, 2022, the ALJ has not issued any decision on Proceeding No. 22A-0132CP.

9. Ski Town Transportation, in the Motion submitted on September 9, 2022, states

Applicant respectfully requests that the temporary authority granted by virtue of Decision No. C22-0215 be extended in its entirety, indefinitely, until a final administrative decision is rendered in Docket No. 22A-0132CP, namely a certificate issued and an "issuance letter" served upon Applicant stating that it is authorized to commence operations under the new authority, and that any other relief deemed appropriate to Applicant be granted to Applicant forthwith.

10. Alpine Taxi/Limo did not file a response to the Motion to extend the temporary authority application.

11. In consideration of the information submitted with the Motion submitted by Ski Town Transportation, the Commission finds that good cause has been shown to extend the temporary authority granted by Decision No. C22-0215. As the temporary authority granted by Decision No. C22-0215 expired on September 4, 2022, the extension of the temporary authority will be granted nunc pro tunc from September 5, 2022, through the date the recommended decision issued by the ALJ on the permanent application becomes a Commission decision. If exceptions are filed to the recommended decision, the temporary authority will be extended through the date the Commission issues a decision on the exceptions. However, Ski Town Transportation is advised that pursuant to § 40-10.1-204(3), C.R.S., The maximum time period of this temporary authority is not subject to further extension or renewal.

II. ORDER

A. The Commission Orders That:

1. The Motion To Extend the Temporaray Authorty.(Motion) submitted on September 9, 2022, by NDW Enterprises, LLC dba Ski Town Transportation (Ski Town Transportation) requesting that the temporary authority granted by Decision C22-0215 be extended is granted nunc pro tunc from September 5, 2022, through the date a recommended decision issued by the administrative law judge on the permanent authority application becomes a Commission decision. If exceptions are filed to the decision, the temporary authority will be extended through the date the Commission issues a decision on the exceptions.

2. The 20-day time period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 5, 2022.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners