

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0357CP

IN THE MATTER OF THE APPLICATION OF TOWN 2 MOUNTAIN LLC DOING BUSINESS AS TOWN 2 MOUNTAIN EXPRESS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION GRANTING
PERMANENT AUTHORITY SUBJECT TO CONDITIONS**

Mailed Date: October 13, 2022

Adopted Date: October 5, 2022

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On August 16, 2022, Town 2 Mountain LLC, doing business as Town 2 Mountain Express (Applicant),¹ filed an application for new permanent authority to operate as a common carrier of passengers by motor vehicle for hire.

2. Applicant requests common carrier authority to transport passengers in call-and-demand charter service and call-and-demand shuttle service between all points in the Counties of Adams, Arapahoe, Boulder, Broomfield, Clear Creek, Denver, Douglas, Gilpin, Jefferson, and all points in Weld County that are located south of Colorado Highway No. 14 and west of U.S. Highway No. 85, and between said points, on the one hand, and all points in the Counties of Eagle, El Paso, Garfield, Lake, Park, Pitkin, and Summit, on the other hand.

¹ Although the application states a slightly different name, the documents from the Secretary of State's Office, which were included with the application, make it clear that this is the correct name.

3. Applicant states that it has been successfully operating a car service under Mara Ink and filed this application to continue operations given the revocation of Mara Ink's authority due to no insurance.² Applicant further states that its operations are "considered a high-end boutique black car service" and that it works with "bigger well-known companies based in Vail and Aspen" to provide flexible services at all hours.

4. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on August 22, 2022.

5. 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.

6. Pursuant to Rule 6203(a) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, the information submitted with this application warrants the granting of the requested common carrier authority.

7. The present or future public convenience and necessity requires, or will require, the transportation service as requested.

8. Applicant is fit to perform the service as requested.

9. This application for permanent authority is in the public interest.

10. Applicant is granted, subject to conditions, a Certificate of Public Convenience and Necessity (CPCN) to operate as a common carrier of passengers by motor vehicle for hire as set

² Mara Ink's authority (Certificate of Public Convenience and Necessity PUC No. 55960) was reinstated by Decision No. C22-0487, mailed on August 17, 2022, in Proceeding No. 22C-0194-INS, because an application to suspend was filed in Proceeding No. 22A-0393CP-SUSP.

forth in the Appendix attached to this Decision, conditioned upon Applicant's full compliance with the requirements contained in this Decision.

11. If Applicant fails to comply with the prerequisites required by Ordering Paragraph No. 3 within 60 days of the effective date of the Decision, the requested CPCN will be deemed denied and Applicant will not be granted the requested permanent authority; the CPCN shall not be issued; and Applicant shall not be permitted to operate under the requested CPCN authority. No further action of the Commission is required.

12. For good cause shown, the Commission may grant additional time for compliance with Ordering Paragraph No. 3 if the request for additional time is filed within 60 days of the effective date of this Decision.

13. The Commission will notify Applicant in writing when the Commission's records demonstrate Applicant has fully complied with the requirements of Ordering Paragraph No. 3. Applicant shall not begin operations without the receipt of written notification of compliance from the Commission.

II. ORDER

A. The Commission Orders That:

1. This application was deemed complete for purposes of § 40-6-109.5, C.R.S., on October 5, 2022.

2. The issuance of a Certificate of Public Convenience and Necessity (CPCN) to operate as a common carrier of passengers by motor vehicle for hire as set forth in Appendix A attached to this Decision is granted to Town 2 Mountain LLC, doing business as Town 2 Mountain Express (Applicant), subject to Applicant's full compliance with the requirements contained in Ordering Paragraph No. 3.

3. Applicant shall not be granted a CPCN and shall not commence operations until it has fully complied with the following conditions:

- (a) register with the Colorado Secretary of State's Office the trade name, Town 2 Mountain Express, under the limited liability company, Town 2 Mountain LLC;
- (b) cause proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- (c) 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;
- (d) file with the Commission and have an effective, publicly available tariff. The tariff should comply with Rule 6208 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6. The tariff shall be filed in a *new* Advice Letter/Tariff proceeding on not less than ten days' notice prior to a proposed effective date. In calculating the proposed effective date, the date received at the Commission is not included in the notice period and the entire notice period must expire prior to the proposed effective date;
- (e) submit a Vehicle Inspection Report for each vehicle to be operated under the authority at the commencement of operations. The inspection must be done in accordance with Rules 6103 and 6104 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6; and the inspection must show that the vehicle passed the inspection. The inspection report may be found at: <https://puc.colorado.gov/common-carriers>;
- (f) register an authorized representative as a File Administrator on behalf of Applicant in the Commission's electronic filing system (E-Filings) and agree that Applicant shall receive notifications electronically through E-Filings. Information can be found at: www.dora.state.co.us/pls/efi/EFI.homepage; and
- (g) pay the applicable fee (\$5.00) for the issuance of the authority.

4. The CPCN shall not be issued, and Applicant shall not operate under the requested CPCN authority unless Applicant complies with all of the conditions in Ordering Paragraph No. 3.

5. If Applicant does not comply with each requirement in Ordering Paragraph No. 3, within 60 days of the effective date of this Decision, the CPCN is denied 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 60 days of the effective date of this Decision.

6. Applicant 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.

7. 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 effective date of this Decision.

8. This Decision is effective on 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

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Commissioners