

Decision No. C22-0743

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22L-0495CP

IN THE MATTER OF THE APPLICATION OF PIKE PEAK CAB LLC DOING BUSINESS
AS PIKES PEAK TRANSPORT FOR AUTHORITY TO REVISE PASSENGER TARIFF,
COLORADO PUC NO. 2 ON LESS THAN STATUTORY NOTICE.

**COMMISSION DECISION GRANTING TARIFF CHANGES
ON LESS-THAN-STATUTORY NOTICE**

Mailed Date: November 18, 2022
Adopted Date: November 16, 2022

I. BY THE COMMISSION

A. Statement

1. On November 7, 2022, Pikes Peak Cab, doing business as Pikes Peak Transport (Pikes Peak Transport) filed an Application for authority to publish a supplement to Passenger Tariff, Colorado PUC No. 2 to become effective on less-than-statutory notice. The supplement will increase the fares for call-and-demand shuttle service.

2. Pikes Peak Transport, under Certificate of Public Convenience and Necessity (CPCN) PUC No. 55884, may provide call-and-demand shuttle service: (I) between all points in El Paso County; and (II) between all points in El Paso County on the one hand, and all points in the State of Colorado, on the other hand

3. In this Application, Pikes Peak Transport proposes to add a fuel surcharge of \$0.50 per loaded¹ mile to the existing charge for each shuttle service one-way or round-trip as authorized by CPCN PUC No. 55884. Pikes Peak Transport requests that the \$0.50 per loaded mile fuel surcharge remain in effect for a period of 60 days.

4. In support of the request for the fuel surcharge, Pikes Peak Transport states:

Pikes Peak Cab LLC DBA Pikes Peak Transport requests approval for a temporary \$0.50 per mile fuel surcharge for the exclusive benefit of its transportation drivers to enable them to recover some of their sharply increased cost of gasoline. Pikes Peak Cab LLC DBA Pikes Peak Transport, request[s] that a fuel charge becomes effective on one day's notice and remain in effect for the next 60 days.

Pikes Peak Transport proposes to implement [a] \$0.50 per mile surcharge. Pikes Peak Cab LLC DBA Pikes Peak Transport will receive none of the revenue from the surcharge because Pikes Peak Cab LLC DBA Pikes Peak Transport lease fees to its drivers will not change during the effective period of the surcharge. Thus, the drivers will receive the exclusive benefit of the surcharge for its duration. The sole purpose and effect of the surcharge will be to increase the revenue retained by the drivers in a manner that is designated to offset their increased cost of gasoline, which has been acute since the beginning of 2022.

Pikes Peak Cab LLC DBA Pikes Peak Transport drivers are independent contractors who purchase the gasoline at their own expense from gas stations. As gasoline prices have increased dramatically, the driver's income has eroded. The temporary fuel charge has been granted and expires on November 16th, 2022. The price of gas is an average of a \$1.20 or more per gallon increase in the state of Colorado since the beginning of 2021. Pikes Peak Transport will soon be submitting a new permanent tariff. Along with gas price increases, the average cost of living in Colorado has also increased dramatically. Our tariff has not kept up with the rising cost of living in Colorado. Costs include commercial insurance policies, car maintenance, used car prices, cost of vehicles, car parts, advertising and marketing, rental spaces, home rents, food, utilities, phone bills, internet, and gas have all increased and keep increasing from year to year. Our tariff has not increased and should be adjusted to meet the new cost of living and basic operating expenses in Colorado.

¹ The calculation of the \$0.50 per loaded mile fuel surcharge is defined in the supplement to Passenger Tariff, Colorado PUC No. 2.

5. The Commission is aware that the retail price of gasoline has increased significantly since January of 2021. The Commission is also aware that the independent contractor drivers of Pikes Peak Transport purchase all the gasoline that is used to provide the shuttle service between points in El Paso County, and between all points in El Paso County on the one hand, and all points in the State of Colorado, on the other hand. Therefore, since January of 2021, the drivers of Pikes Peak Transport have been required to pay a significantly greater percentage of their daily or weekly revenue received from providing the shuttle service for the purchase of gasoline.

6. Rule 6208(d) of the *Rules Regulating Transportation by Motor Vehicle, 4 Code of Colorado Regulations* 723-6, states:

Proposed Tariffs must be filed on a form approved by the Commission and shall be complete, providing all of the information required by the form. Proposed Tariffs shall provide for 30 days' notice before they are in effect, unless the Commission has approved an application for less than statutory notice to shorten this time period, or as otherwise ordered by the Commission.

7. In consideration of the information submitted with this Application, the Commission finds that Pikes Peak Transport has shown good cause to approve the proposed changes to Passenger Tariff, Colorado PUC No. 2 on less-than-statutory notice for a period of 60 days.

II. ORDER

A. The Commission Orders That:

1. The Application filed on November 7, 2022, by Pikes Peak Cab, LLC, doing business as Pikes Peak Transport (Pikes Peak Transport) is deemed complete.

2. The Application for authority to publish a fuel surcharge supplement to Passenger Tariff, Colorado PUC No. 2 on less-than-statutory notice filed by Pikes Peak Transport is granted.

3. Pikes Peak Transport is authorized to file, on not less than one day's notice to the Commission, a supplement to Passenger Tariff, Colorado PUC No. 2, attached as Appendix A and made a part of this Decision.

4. The advice letter and supplement to Passenger Tariff, Colorado PUC No. 2 shall be filed as a new proceeding within ten days of the effective date of this Decision.

5. The supplement to Pikes Peak Transport's Passenger Tariff, Colorado PUC No. 2 shall be effective for a period of 60 days from the effective date of this Decision.

6. 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.

7. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 16, 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