

Decision No. C14-0008

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1212CP

THE APPLICATION OF FUN TYME TROLLEYS, LLC FOR AUTHORITY TO CONDUCT
OPERATIONS AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION GRANTING
PERMANENT AUTHORITY**

Mailed Date: January 6, 2014

Adopted Date: January 2, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On November 12, 2013, Fun Tyme Trolleys, LLC (Fun Tyme Trolleys), filed an application for permanent authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers in sightseeing service between all points within 30 miles of the intersection of U.S. Highway 34 and U.S. Highway 36 in Estes Park, Colorado. The application is restricted to the use of vehicles with a seating capacity of 32 or more passengers.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on November 18, 2013.

3. On December 18, 2013, Estes Valley Transport, Inc. (Estes Valley Transport) filed an Entry of Appearance and Intervention to this application. Estes Valley Transport may, under Certificate of Public Convenience and Necessity PUC No. 54696, provide sightseeing service between all points within 12 miles of the intersection of U.S. Highway 34 and U.S. Highway 36, in Estes Park, Colorado.

4. Subsequently, on December 30, 2013, Estes Valley Transport filed a Motion to Withdraw Intervention.

5. Since the intervention of Estes Valley Transport is deemed withdrawn, this proceeding is now uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without hearing.

6. The Commission finds that: (a) the information submitted by Fun Tyme Trolleys with this application warrants the granting of the requested common carrier authority; (b) the present or future public convenience and necessity requires, or will require, the transportation service as requested; (c) Fun Tyme Trolleys is fit to perform the service as requested; and (d) this application for permanent authority is in the public interest.

II. ORDER

A. The Commission Orders That:

1. The application filed by Fun Tyme Trolleys, LLC, was deemed complete on January 2, 2014, within the meaning of § 40-6-109.5, C.R.S.

2. The Motion to Withdraw Intervention filed by Estes Valley Transport, Inc., on December 30, 2013, is granted.

3. Fun Tyme Trolleys, LLC is granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire with authority as set forth in the Appendix attached to this Decision.

4. Fun Tyme Trolleys, LLC shall operate in accordance with all applicable Commission rules and regulations.

5. Fun Tyme Trolleys, LLC shall not commence operation until it has: (a) caused proof of insurance or surety bond coverage to be filed with the Commission in accordance with

applicable rules; (b) paid to the Commission the applicable vehicle fee of \$5.00 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) filed an advice letter and tariff on not less than ten days' notice. The advice letter and tariff shall be filed as a new Advice Letter proceeding and shall comply with all applicable rules. 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 effective date. Additional tariff information can be found on the Commission's website at dora.colorado.gov/puc by following the transportation common carrier links to tariffs; (d) paid the applicable issuance fee of \$5.00; and (e) received notice in writing from the Commission that it is in compliance and may begin service.

6. If Fun Tyme Trolleys, LLC, does not comply with the requirements of Ordering Paragraph No. 5 within 60 days of the effective date of this Decision, then the grant of authority to conduct operations shall be void. 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. 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.

8. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 2, 2014.**

(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

JOSHUA B. EPEL

JAMES K. TARPEY

Commissioners

COMMISSIONER PAMELA J. PATTON ABSENT.