

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1248BP

IN THE MATTER OF THE APPLICATION OF SAHAL TRANSPORTATION LLC FOR A
PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION DEEMING
APPLICATION INCOMPLETE AND DISMISSING
APPLICATION WITHOUT PREJUDICE**

Mailed Date: January 14, 2014
Adopted Date: January 8, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusion

1. On November 22, 2013, Sahal Transportation LLC (Applicant) filed an application for permanent authority to operate as a contract carrier of passengers by motor vehicle for hire.

2. On November 26, 2013, Staff of the Commission issued a Deficiency Letter pursuant to Rule 1303(c)(II) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1. The Deficiency Letter advised Applicant of several deficiencies with the application, including the following:

Rule 6203(a)(IX) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, requires a complete description of the authority sought. Your answer to Item #10 of the application is too vague. You must be very specific and list the proposed geographic area, points, or routes to be served. Please amend your application with a complete description of the authority sought and/or submit a map showing the proposed geographic area of service. Please note that the application will not be noticed to the public until an adequate amendment has been submitted.

Rule 6203(a)(XII) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, requires the application for contract carrier authority to include a letter signed by each proposed customer (Items #9 and #20(e) of the application). The customer is the party responsible for paying the compensation for the

transportation service. Please supplement the application with a letter signed by each proposed customer.

Rule 6203(a)(XIV) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, requires a statement of the facts upon which the applicant relies to establish that the application should be granted. You did not provide a response to Item No. 11 of the application. Please supplement your application with statements that establish the superior, special, or distinctive nature of the transportation service, or how the transportation service will be specifically tailored to meet the customer's needs.

Rule 6203(a)(XV) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, requires a statement setting forth the qualifications of the applicant, including managerial, operational, and financial fitness, to conduct the proposed operations. You did not provide a response to Items Nos. 12, 13, and 14 of the application. Please supplement your application with this information. ...

3. Rule 1303(c)(II), 4 CCR 723-1, states that upon receipt of a deficiency letter, "the applicant may file a response either curing all the deficiencies noted by Commission staff or explaining why it believes no further action is required." This response "shall be filed no later than ten days after Commission staff's written notification was sent." *Id.* "If the applicant does not respond in the time allotted, the Commission may, after the application's notice period has expired, deem the application incomplete, dismiss the application without prejudice, and close the proceeding." *Id.*

4. The Deficiency Letter was mailed to Applicant on November 26, 2013. Therefore, the ten-day period allotted for curing the deficiencies expired on December 6, 2013.

5. Applicant has not filed a response or the requested information.

6. Pursuant to Rule 1206(c)(I), 4 CCR 723-1, the Commission did not provide notice of this application because of the above mentioned deficiencies.

7. Due to the foregoing, we deem the application incomplete and dismiss the application without prejudice.

II. ORDER**A. The Commission Orders That:**

1. The application of Sahal Transportation LLC is deemed incomplete, within the meaning of § 40-6-109.5, C.R.S., and Rule 1303(c) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, and is dismissed without prejudice.

2. This proceeding is closed.

3. 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.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 8, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

Commissioners

COMMISSIONER GLENN A. VAAD
NOT PARTICIPATING.