

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1246CP

IN THE MATTER OF THE APPLICATION FOR NEW PERMANENT AUTHORITY TO
OPERATE AS A COMMON CARRIER OF PASSENGERS BY MOTOR VEHICLE FOR HIRE

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

Mailed Date: February 6, 2014

Adopted Date: January 29, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusion

1. On November 22, 2013, Jerry M. Evert, doing business as Jerry's Valley Taxi (Applicant), filed an application for permanent authority to conduct operations as a common carrier by motor vehicle for hire.

2. On November 27, 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 to be served, along with any restrictions to that service. Please amend your application with a complete description of the authority sought. Please note that the application will not be noticed to the public until an adequate amendment has been submitted.

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 27, 2013. Therefore, the ten-day period allotted for curing the deficiencies expired on December 9, 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 Jerry M. Evert, doing business as Jerry’s Valley Taxi 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 orders this Decision.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 29, 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

GLENN A. VAAD

Commissioners