

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1318CP

THE APPLICATION OF VAIL BEAVER CREEK TRANSPORT EXPRESS, INC., FOR
AUTHORITY TO CONDUCT OPERATIONS AS A COMMON CARRIER BY MOTOR
VEHICLE FOR HIRE.

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

Mailed Date: February 7, 2014

Adopted Date: February 5, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On December 16, 2013, Vail Beaver Creek Transport Express, Inc. (Vail Beaver Creek), filed an application for permanent authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand shuttle service between all points in Eagle County, State of Colorado.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on December 30, 2013.

3. On December 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. This letter advised the owner of Vail Beaver Creek of several deficiencies with the application, including the following: a) no statements were submitted to support and show that a public need exists for the requested service;

b) no information was provided to show Vail Beaver Creek's financial fitness; and c) no letters of public support were submitted.

4. 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.*

5. The Deficiency Letter was mailed to Vail Beaver Creek on December 26, 2013. Therefore, the ten-day period allotted for curing the deficiencies expired on January 6, 2014.

6. On January 6, 2014, Hy-Mountain Transportation, doing business as High Mountain Taxi and Snow Limousine, Inc. filed an Entry of Appearance and Notice of Intervention in this proceeding.

7. As of February 4, 2014, Vail Beaver Creek has not submitted any documents in response to the Deficiency Letter.

8. Therefore, due to the lack of a response by Vail Beaver Creek, we deem the application incomplete and dismiss the application without prejudice.

II. ORDER

A. The Commission Orders That:

1. The application of Vail Beaver Creek Transport Express, Inc. 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. The interventions filed by Hy-Mountain Transportation, doing business as High Mountain Taxi and Snow Limousine, Inc. are denied as moot.

3. This proceeding is closed.

4. 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.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 5, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners