

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-0202CP

IN THE MATTER OF THE APPLICATION OF ALPINE SPORTS LLC FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER
BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION REOPENING PROCEEDING
AND GRANTING EXTENSION OF COMPLIANCE TIME**

Mailed Date: February 11, 2014
Adopted Date: February 5, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a letter filed on January 16, 2014 by Thomas McDonald, the owner of Alpine Sports, LLC, doing business as Alpine Sports (Applicant), requesting that the proceeding be reopened to accept the late-filed proof of insurance.

2. On March 18, 2013, Applicant filed an application for permanent authority to conduct operations as a common carrier by motor vehicle for hire.

3. On May 7, 2013, the Commission issued Decision No. C13-0533 (Decision) and granted the application. The Decision set forth certain requirements to be completed by Applicant prior to the commencement of operations.

4. Specifically, Ordering Paragraph No. 4 of the Decision states that Applicant shall not commence operation until it has complied with the requirements of Colorado law and Commission rules including without limitation:

- (a) causing proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- (b) paying to the Commission, the motor vehicle fee (\$5) 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) having an effective tariff on file with the Commission. [Alpine Sports, LLC, doing business as Alpine Sports, shall file 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 and by following the transportation common and contract carrier links to tariffs)]; and
- (d) paying the applicable issuance fee (\$5).

5. Applicant was required by Ordering Paragraph No. 5 of the Decision to complete the above named terms within 60 days of the Decision's effective date; otherwise, the decision becomes void and the proceeding is closed. Pursuant to Ordering Paragraph No. 8, the Decision was effective on its Mailed Date, which was May 7, 2013. Therefore, Applicant had until July 8, 2013 to complete the terms of the Decision, as July 6, 2013, the 60th day, was a Saturday.

6. Applicant timely paid the motor vehicle fee and the issuance fee, and filed an advice letter and tariff. However, the proof of insurance was not filed until September 10, 2013. Hence, the proceeding was closed and a Letter of Authority was not issued.

7. In the letter filed on January 16, 2014, Mr. McDonald states that there was a miscommunication between his company and the insurance company. He explains that the insurance company waited to send the proof of insurance after an old policy expired and a new one became effective. Mr. McDonald further states that his company “has not been operating with a PUC Number during this time, and the use of this permit is intended to provide service for the summer of 2014.” Mr. McDonald also submitted a letter from the insurance company, which confirms this misunderstanding.

8. Pursuant to § 40-6-112(1), C.R.S., “[t]he commission, at any time upon notice to the public utility affected ... may rescind, alter, or amend any decision made by it. Any decision rescinding, altering, or amending a prior decision, when served upon the public utility affected, shall have the same effect as original decisions.” Thus, the Commission may construe the instant letter as a motion to reopen the proceeding and amend the Decision such that additional time is granted to allow the late-filed proof of insurance.

9. The Commission finds that good cause exists to construe the letter filed on January 16, 2014 as a Motion to Reopen the Proceeding and Amend the Decision (Motion) and will grant the Motion. The Decision will be amended such that the time for compliance in Ordering Paragraph No. 5 is changed in order to allow for an additional 67 days to complete the compliance requirements. Therefore, Applicant will have had until September 11, 2013 to complete the terms of the Decision, and will now be in compliance with the Decision.

II. ORDER

A. The Commission Orders That:

1. The letter filed by Alpine Sports, LLC, doing business as Alpine Sports, on January 16, 2014, is construed as a Motion to Reopen the Proceeding and Amend Decision No. C13-0533 pursuant to § 40-6-112(1), C.R.S.

2. The Motion to Reopen the Proceeding and Amend Decision No. C13-0533 is granted. Decision No. C13-0533 is amended to allow additional time to complete the compliance requirements.

3. Ordering Paragraph No. 5 of Decision No. C13-0533 is amended to read as follows:

If Alpine Sports, LLC, doing business as Alpine Sports, does not cause proof of insurance or surety bond to be filed, pay the appropriate motor vehicle fees, file an advice letter and proposed tariff, and pay the issuance fee within 127 days of the effective date of this Decision, then the grant of the CPCN shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within 60 days of the effective date of this Decision.

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 orders 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,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners