

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0038CP-TRANSFER

IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO TRANSFER
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 54840 FROM
KEITH HARPER AND CASEY HARPER DOING BUSINESS AS OUTLAW TOURS
TO CASEY HARPER AND TOMMY W. BARNES.

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

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

I. BY THE COMMISSION

A. Statement, Findings, and Conclusion

1. On January 21, 2014, Keith Harper and Casey Harper, a partnership doing business as Outlaw Tours, filed an application to transfer Certificate of Public Convenience and Necessity PUC No. 54840 to a partnership between Casey Harper and Tommy W. Barnes.¹ Amendments to the application were filed on January 15 and 30, 2014.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on January 27, 2014.

3. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

¹ Although the application was submitted and processed on January 6, 2014, the application fee was not paid until January 21, 2014.

4. On January 31, 2014, 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 the applicants of the following deficiencies with the application:

The application requires a copy of the transferee's Certificate of Assumed Trade Name or a Certificate of Fact of Trade Name issued by the Colorado Secretary of State's Office (Item #21(f) of the application). Please supplement the application with this information regarding the trade name "Outlaw Tours."

Rule 6205(c)(VII) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, requires that an application to transfer any authority must include a copy of all agreements concerning the transaction, including a copy of all documents creating a security interest, if any, and a statement of the consideration paid in the transaction (Item #21(b) of the application). Please supplement the application with this information.

5. 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.*

6. The Deficiency Letter was sent to the applicants on January 31, 2014. Therefore, the ten-day period allotted for curing the deficiencies expired on February 10, 2014.

7. The applicants have not filed a response or the requested information.

8. 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 Keith Harper and Casey Harper, doing business as Outlaw Tours, 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
March 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