

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14C-0244-INS

IN RE: THE MATTER OF COMMISSION ACTION AGAINST THE CERTIFICATE(S) AND PERMIT(S) OF MOTOR CARRIERS CONCERNING FINANCIAL RESPONSIBILITY PURSUANT TO § 40-10.1-112, C.R.S., AND RULE 4 CCR 723-6-6008 OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLES.

**DECISION DENYING REQUEST
TO AMEND RECOMMENDED DECISION**

Mailed Date: July 2, 2014
Adopted Date: June 25, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Request to Reinstate Authority and Amend Recommended Decision No. R14-0373 filed by Prima Adult Day Services LLC (Prima) on June 10, 2014. Being fully advised in this matter and consistent with the discussion below we deny the Request.

B. Findings

2. Pursuant to § 40-10.1-107, C.R.S., and the rules and regulations of the Commission, every motor vehicle carrier of passengers must keep a currently effective proof of financial responsibility on file with the Commission, in the form of proof of liability insurance, proof of surety bond, or proof of self-insurance.

3. Prima's liability insurance was cancelled effective March 30, 2014.

4. Following a hearing held on April 8, 2014, an Administrative Law Judge issued Recommended Decision No. R14-0373, which found that Prima's authority should be revoked

for failure to maintain proof of financial responsibility. Recommended Decision No. R14-0373 was mailed on April 10, 2014, and became a decision of the Commission on April 30, 2014.

5. In the request to reopen filed on June 12, 2014, Gary Ruvins, Member of Prima Adult Day Services LLC, states:

Please note that attached is a Certificate of Insurance showing that Prima Adult Day Services LLC has had active insurance in effect since March 31, 2014 and there was never any interruption in coverage...it appears that there was an oversight on Prima Adult Day Services part for not double checking that the filing was accurately completed as well as had been accepted

6. Prima includes a copy of their Certificate of Insurance. The Certificate does indeed show a liability policy that was, and remains, in effect from March 31, 2014 through March 30, 2015. However, from February 14, 2014 through April 30, 2014, the required insurance amount for a contract carrier such as Prima operating vehicles seating eight or fewer persons, was \$1,500,000. Prima's Certificate shows a policy for \$500,000. Therefore, Prima's insurance carrier could not have correctly filled out Form E, certifying that Prima had coverage in effect that met the required Colorado minimum levels for the time period in question.

C. Conclusions

7. Under § 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."

8. The Commission has considered the request to reopen the proceeding and reinstate Prima's certificate of public convenience and necessity under § 40-6-112(1), C.R.S., and finds that good cause does not exist to grant the request. Therefore, Prima's request is denied.

II. ORDER

A. The Commission Orders That:

1. The Request to Reopen Docket and Reinstate Contract Carrier Permit No. B-9874 is denied.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

3. This Decision is effective on its Mailed Date.

B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING June 25, 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