

Decision No. C14-1060

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0334CP

IN THE MATTER OF THE APPLICATION OF UP FROM ASHES TRANSIT LLC FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION GRANTING
EXTENSION OF TIME**

Mailed Date: September 2, 2014
Adopted Date: August 27, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a filing submitted on August 15, 2014 by Mr. Henry Price, the Managing Partner of Up From Ashes Transit LLC (Applicant), requesting that the Commission grant an additional 60 days to comply with the terms of Decision No. C14-0647 (Decision).

B. Findings

2. On April 14, 2014, Applicant filed an application for permanent authority to conduct operations as a common carrier by motor vehicle for hire.

3. The Commission noticed the application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on May 5, 2014. No petition to intervene or otherwise participate in the proceeding was filed. The proceeding was uncontested; and thus, it was determined without a hearing.

4. On June 16, 2014, the Commission issued the Decision and granted the application. The Decision also set forth certain requirements to be completed by Applicant prior to the commencement of operations.

5. Specifically, Ordering Paragraph No. 4 of the Decision states that Applicant shall not commence operation until it has complied with the requirements of Colorado laws 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. [Up From Ashes Transit LLC 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).

6. Furthermore, Ordering Paragraph No. 5 of the Decision states:

If Up From Ashes Transit LLC 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 60 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.

7. The Decision became effective on June 16, 2014. Therefore, Applicant had until August 15, 2014 to comply with the Decision or file a request for additional time. A request for additional time was timely filed on August 15, 2014.

8. In the filing submitted on August 15, 2014, Mr. Price states that he is having difficulty securing proper insurance. Specifically, Mr. Price states: "I have submitted my information to several brokers in the Denver metro area, and have been told that it will require additional time for their underwriters to investigate such a 'unique' request."

C. Conclusions

9. The Commission concludes that Applicant has shown good cause to extend the time for compliance with the requirements of the Decision for an additional 60 days from the original deadline of August 15, 2014.

II. ORDER

A. The Commission Orders That:

1. The request of Up From Ashes Transit LLC, filed on August 15, 2014, that the Commission grant an additional 60 days for it to complete the requirements set forth in Decision No. C14-0647 is granted.

2. Up From Ashes Transit LLC is granted until October 14, 2014 to complete the requirements set forth in Decision No. C14-0647.

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 or serves this Decision.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 27, 2014.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners