

Decision No. C14-1219

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0878CP

IN THE MATTER OF THE APPLICATION OF BREWERY TOURERY TO OPERATE AS A
COMMON CARRIER FOR CRAFT BREWERY TOURS.

**COMMISSION DECISION GRANTING
PERMANENT AUTHORITY**

Mailed Date: October 7, 2014

Adopted Date: October 1, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On August 21, 2014, Brewery Tourery, doing business as BeerTooth (Applicant), filed an application for permanent authority to conduct operations as a common carrier of passengers by motor vehicle for hire. Amendments to the application were filed on August 22, 2014 and August 25, 2014.

2. In general, Applicant requests authority to transport passengers in call-and-demand shuttle and charter service between all points within a 15-mile radius of the intersection of 28th Street and Pearl Street, Boulder, Colorado, and between said points, on the one hand, and all points within a 60-mile radius of the intersection of 28th Street and Pearl Street, Boulder, Colorado, on the other hand. The proposed authority contains several restrictions, including a restriction “to providing transportation services that either originate or terminate at breweries, hop farms and/or distilleries as part of a tour of breweries, hop farms and/or distilleries, these tours must consist of at least three (3) persons, excluding the driver, and

must visit at least two (2) breweries, hop farms or distilleries, but not more than four (4) breweries, hop farms or distilleries, on each tour.”

3. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on August 25, 2014.

4. On September 19, 2014, Beer Nut Craft Brewery Tours, Ltd. filed an intervention in opposition to the application. However, on September 24, 2014, Beer Nut Craft Brewery Tours, Ltd. withdrew its intervention.

5. Therefore, this proceeding is uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

6. The information submitted with this application warrants the granting of the requested common carrier authority. Applicant is a Colorado limited liability company that is in good standing with the Secretary of State; and, the application includes a sufficient statement of fact and fitness.

7. The present or future public convenience and necessity requires, or will require, the transportation service as requested.

8. Applicant is fit to perform the service as requested.

9. This application for permanent authority is in the public interest and will be granted.

II. ORDER

A. The Commission Orders That:

1. This application was deemed complete for purposes of § 40-6-109.5, C.R.S., on October 1, 2014.

2. Beer Nut Craft Brewery Tours, Ltd.'s Withdrawal of Intervention by Right, Alternative Motion for Permissive Intervention, Opposition to Application, and Request for Hearing, filed on September 24, 2014, is acknowledged.

3. Brewery Tourery, doing business as BeerTooth, is granted a Certificate of Public Convenience and Necessity (CPCN) to operate as a common carrier by motor vehicle for hire as set forth in the Appendix attached to this Decision.

4. Brewery Tourery, doing business as BeerTooth, shall operate in accordance with all applicable Colorado laws and Commission rules.

5. Brewery Tourery, doing business as BeerTooth, 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. [Brewery Tourery, doing business as BeerTooth, 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. If Brewery Tourery, doing business as BeerTooth, 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 Commission will notify Brewery Tourery, doing business as BeerTooth, in writing when the Commission’s records demonstrate compliance with Ordering Paragraph No. 5.

8. 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.

9. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 1, 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