

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0945CP-EXT

IN THE MATTER OF THE APPLICATION OF COTTAGE HOMES, LLC DOING BUSINESS AS BANJO BILLY'S BOULDER BUS TOURS FOR AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55746.

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

Mailed Date: November 3, 2014

Adopted Date: October 29, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusion

1. On September 16, 2014, Cottage Homes, LLC, doing business as Banjo Billy's Boulder Bus Tours (Applicant) filed an application for permanent authority to extend operations under Certificate of Public Convenience and Necessity (CPCN) No. 55746.

2. On September 22, 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 Applicant of the following deficiency with the application:

Rule 6203(a)(IX) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, requires a complete description of the authority sought. Your answer to Item #10 of the application does not provide specific, complete geographic boundaries of the proposed service area. Please amend your application with a complete description of the authority sought and clarify the proposed geographic area of service. Please note that the application will not be noticed to the public until an adequate amendment has been submitted.

3. 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.*

4. The Deficiency Letter was mailed to Applicant on September 22, 2014. Therefore, the ten-day period allotted for curing the deficiencies expired on October 2, 2014.

5. Applicant has not filed a response to the Deficiency Letter or the requested information.

6. Pursuant to Rule 1206(c)(I), 4 CCR 723-1, the Commission did not provide notice of this application because of the above mentioned deficiencies.

7. Due to the foregoing, we deem the application incomplete and dismiss the application without prejudice.

II. ORDER

A. The Commission Orders That:

1. This application of Cottage Homes LLC doing business as Banjo Billy’s Boulder Bus 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
October 29, 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