

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0479CP

IN THE MATTER OF THE APPLICATION OF STARRY NIGHTS, 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: December 16, 2014

Adopted Date: December 10, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a filing submitted on November 26, 2014 by Starr Martinez, the manager of Starry Nights (Applicant), requesting that the Commission grant an additional 60 days to comply with the terms of Decision No. R14-1154 (Decision).

B. Findings

2. On May 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 June 2, 2014. Interventions were filed and the proceeding was referred to an Administrative Law Judge.

4. On September 18, 2014, the Decision was issued and granted Applicant a Certificate of Public Convenience and Necessity to operate as a common carrier by

motor vehicle for hire. The Decision also set forth certain requirements to be completed by Applicant prior to the commencement of operations.

5. Specifically, Ordering Paragraph No. 6 of the Decision states that Applicant shall not commence operations 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. Applicant 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. 7 of the Decision states:

If Applicant 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 operations under the Permit 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 October 8, 2014. Therefore, Applicant had until December 8, 2014 (as the 60th day, December 7, 2014, was a Sunday) to comply with the

Decision or file a request for additional time. A request for additional time was timely filed on November 26, 2014.

8. In the filing submitted on November 26, 2014, Ms. Martinez states the following:

The reason for the request of extension is Starry Nights, has not been able to obtain Vehicle Insurance. The proposed vehicle for this venture is a 6 passenger Golf Cart. This is [a] new 'high risk' precedent in which coverages and premiums have not presently been established within the insurance market.

Therefore, while Starry Nights is persistently pursuing every avenue possible, with multiple insurance brokers we request an additional 60 days to comply with Decision No. R14-1154.

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 December 8, 2014.

II. ORDER

A. The Commission Orders That:

1. The request of Starry Nights, filed on November 26, 2014, that the Commission grant an additional 60 days for it to complete the requirements set forth in Decision No. R14-1154 is granted.

2. Starry Nights is granted until February 6, 2015 to complete the requirements set forth in Decision No. R14-1154.

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
December 10, 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