

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-1090CP-SUSPENSION

IN THE MATTER OF THE APPLICATION OF GARDEN OF THE GODS VISITOR CENTER, LLC FOR AN ORDER OF THE COMMISSION AUTHORIZING A SUSPENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 53532.

**COMMISSION DECISION GRANTING
SUSPENSION OF OPERATIONS
AND GRANTING WAIVER**

Mailed Date: December 19, 2014
Adopted Date: December 10, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On November 6, 2014, Garden of the Gods Visitor Center, LLC (Applicant) filed an application seeking authority to suspend operations under Certificate of Public Convenience and Necessity (CPCN) No. 53532 from October 29, 2014 through October 28, 2016.

2. Applicant also filed a Motion to Waive Rule 6204(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6. Applicant explained in the Motion that Applicant is seeking to transfer the CPCN to Adventures Out West, and therefore requests a Waiver from Rule 6204(b), which would otherwise prohibit this suspension of authority, since the authority had already been suspended from July 31, 2013 through July 31, 2014. Applicant explains that at the time of the initial suspension, Applicant was considering resuming services itself under the CPCN. However now Applicant has determined to attempt to transfer the CPCN to Adventures Out West, and as Applicant lacks any vehicles at this time and so cannot file proof of insurance, a suspension is the only way to preserve the CPCN so that it

may be transferred to Adventures out West for the benefit of the more than 2 million visitors per year that Garden of the Gods hosts.

3. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on November 17, 2014 for a period of ten days.

4. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

5. In accordance with Rule 6204 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, the information submitted with this application warrants the granting of the requested suspension, and the granting of the Motion to Waive Rule 6204(b).

6. The Commission finds that the application for authority to suspend CPCN No. 53532 is in the public interest.

II. ORDER

A. The Commission Orders That:

1. This application was deemed complete on December 10, 2014, within the meaning of § 40-6-109.5, C.R.S.

2. The application filed by Garden of the Gods Visitor Center LLC for authority to suspend operations under Certificate of Public Convenience and Necessity No. 53532 is granted, in part, *nunc pro tunc*, from October 29, 2014 through October 28, 2015.

3. On October 29, 2015, Certificate of Public Convenience and Necessity No. 53532 shall be administratively reactivated.

4. Prior to commencing operations, Garden of the Gods Visitor Center LLC shall:

(a) cause proof of insurance or surety bond coverage to be filed with the Commission pursuant to Rule 6007, 4 *Code of Colorado Regulations* 723-6; (b) pay to the Commission the applicable vehicle identification fee for each vehicle to be operated under authority granted by the Commission; and, (c) ensure that an effective tariff is on file with the Commission, in compliance with applicable Commission rules.

5. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, re-argument, or reconsideration shall begin on the first day after the Commission mails or serves this Decision.

6. 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

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners