

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14C-0851TR

IN THE MATTER OF COMMISSION ACTION AGAINST THE CERTIFICATE(S) AND PERMIT(S) OF MOTOR CARRIERS PURSUANT TO § 40-10.1-112, C.R.S., AND RULE 6008,4 CCR 723-6, OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLES, CONCERNING THE ANNUAL FEE.

DECISION MODIFYING DECISION NO. R14-1115

Mailed Date: December 19, 2014

Adopted Date: December 10, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a request to reinstate Certificate of Public Convenience and Necessity (CPCN) No. 53532 filed by Garden of the Gods Visitor Center LLC (Garden of the Gods) on November 7, 2014. Being fully advised in this matter and consistent with the discussion below we grant the request to reinstate the CPCN.

B. Findings

2. Garden of the Gods may, pursuant to Certificate of Public Convenience and Necessity No. 53532, provide:

Transportation of passengers, in scheduled and call-and-demand limousine service, between all points within Garden of the Gods City Park located near Manitou Springs, Colorado.

3. Pursuant to § 40-10.1-111(1)(f), C.R.S., and Rule 6009 4 CCR 723-6, every motor carrier shall pay an annual fee as set by the Commission each year for each motor vehicle that the carrier owns, operates, controls or manages. The Commission issues that carrier one stamp for each vehicle for which the fee has been paid.

4. Following a hearing held on September 9, 2014, an Administrative Law Judge issued Recommended Decision No. R14-1115, which found that Garden of the Gods' authorities (along with a number of other carriers) should be revoked for failure to pay their annual vehicle fees. Recommended Decision No. R14-1115 was mailed on September 11, 2014, and became a decision of the Commission on October 1, 2014.

5. In the request to reinstate authority filed on November 7 2014¹, Linda Carter, General Manager of Garden of the Gods states:

I mistakenly thought that since Garden of the Gods did not own a vehicle and was not providing any service it did not need to purchase a stamp for 2014. I am writing to request that Garden of the Gods Visitor Center's letter of authority, certificate number 53532 be reinstated so it may be immediately suspended. We anticipate this certificate will be leased or transferred to Adventures Out West. It is our intention to develop additional tour options for visitors' to the Garden of the Gods Park, under this letter of authority with Adventures Out West.

C. Conclusions

6. Under § 40-6-112(1), C.R.S., "[t]he commission, at any time upon notice to the public utility affected ... may rescind, alter, or amend any decision made by it. Any decision rescinding, altering, or amending a prior decision, when served upon the public utility affected, shall have the same effect as original decisions."

7. The Commission has considered the request to reopen the docket and reinstate Garden of the Gods' CPCN under § 40-6-112(1), C.R.S., and finds that good cause exists to grant the Motion and reinstate CPCN No. 53532. Garden of the Gods did not have any vehicles to purchase stamps for in 2014, and did not operate at any time when the authority had been revoked. Garden of the Gods has filed an application to suspend the authority, in Proceeding No.

¹ Although Garden of the Gods also had a Contract Carrier Permit, No. B-9854, it is only Requesting the Reinstatement of the CPCN.

14A-1090CP-SUSP, and an application to transfer the authority to Marketing Services Inc. of Pueblo doing business as Adventures Out West, in Proceeding No. 14A-1167CP-XFER.

II. ORDER

A. The Commission Orders That:

1. The Request to Reopen Docket and Reinstate Certificate of Public Convenience and Necessity No. 53532 filed by Garden of the Gods Visitor Center LLC is granted and Certificate of Public Convenience and Necessity No. 53532 is reinstated as of the effective date of this Decision.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

3. 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