

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1235CP-EXTENSION

IN THE MATTER OF THE APPLICATION OF 1ST ABC TRANSPORTATION LLC, DOING BUSINESS AS ABC SHUTTLE, TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 25810.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
ACKNOWLEDGING WITHDRAWAL OF APPLICATION
AND CLOSING PROCEEDING**

Mailed Date: January 13, 2014

I. STATEMENT, FINDINGS, DISCUSSION, AND CONCLUSION

1. On November 19, 2013, 1st ABC Transportation LLC, doing business as ABC Shuttle (Applicant) filed an Application to Extend Operations Under Certificate of Public Convenience and Necessity No. 25810 (Application). Between November 22 and 29, 2013, Applicant made several other filings supplementing or amending the Application.

2. On December 2, 2013, the Commission provided public notice of the Application.

3. On December 16, 2013, MKBS LLC, doing business as Metro Taxi, Taxis Fiesta, South Suburban Taxi and Northwest Suburban Taxi, timely intervened of right.

4. On December 31, 2013, Heart of the Rockies, LLC, Colorado Springs Shuttle, LLC, and MT Acquisitions, LLC doing business as Mountains Taxi, timely intervened of right.

5. On January 2, 2014, SuperShuttle International Denver, Inc., Colorado Cab Company LLC, doing business as Denver Yellow Cab, and Colorado Springs Transportation LLC timely intervened of right.

6. During the Commission's weekly meeting held January 8, 2014, the Commission deemed the Application complete and referred the matter to an administrative law judge (ALJ) for disposition.

7. On January 8, 2014, Applicant filed a "Notice of Withdrawal of Application by Applicant 1st ABC Transportation LLC" (Withdrawal). The Withdrawal states that Applicant "hereby withdraws" its Application in this proceeding.

8. Rule 1309(d) of the Rules of Practice of Procedure permits a party to withdraw an application upon notification to the Commission and all parties "prior to 45 days before the first day of hearing." Rule 1309(d), 4 *Code of Colorado Regulations* 723-1.

9. No hearing is scheduled in this matter. Consequently, under Rule 1309(d), Applicant is entitled to withdraw the Application upon notice to the Commission and all parties. *Id.* Applicant provided this notice by its Withdrawal, which was served on the parties through the Commission's e-filing system.

10. Pursuant to § 40-6-109, C.R.S., and for the foregoing reasons and authorities, the ALJ recommends that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The Application to Extend Operations Under Certificate of Public Convenience and Necessity No. 25810 (Application) filed by 1st ABC Transportation LLC, doing business as ABC Shuttle is withdrawn.

2. Proceeding No. 13A-1235CP-Extension is closed.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

5. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(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

MELODY MIRBABA

Administrative Law Judge