

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-0796CP-TRANSFER

IN THE MATTER OF THE JOINT APPLICATION OF SCHAFFER-SCHONEWILL AND ASSOCIATES, INC., DOING BUSINESS AS ENGLEWOOD EXPRESS &/OR WOLF EXPRESS SHUTTLE FOR PERMANENT APPROVAL TO TRANSFER CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY PUC NOS. 50790, 52940 AND 55363 TO COLORADO AIRPORT SHUTTLE SERVICES, LLC.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
GRANTING MOTION, VACATING
PREHEARING CONFERENCE, AND
ADOPTING PROCEDURAL SCHEDULE**

Mailed Date: March 13, 2014

I. STATEMENT

1. Schaffer-Schonewill and Associates Inc., doing business as Englewood Express &/or Wolf Express Shuttle (Wolf Express) and ¹Colorado Airport Services (Airport Services), LLC initiated the above captioned proceeding on July 11, 2013, by filing a joint application seeking Commission authority to transfer Certificates of Public Convenience and Necessity Nos. 50790, 52940, and 55363 (the CPCNs) from Wolf Express to Airport Services. Included with this filing were exhibits in support of the proposed transfer of the CPCNs.

2. On July 15, 2013, the Commission provided public notice of the application by publishing a summary of the same in its Notice of Applications Filed as follows:

For an order of the Commission authorizing the transfer of Certificate of Public Convenience and Necessity PUC Nos. 50790, 52940, and 55363 from

¹ Colorado Airport Shuttle Services was named Denver Airport Shuttle Services when the application was filed.

Schafer-Schonewill and Associates, Inc., doing business as Englewood Express &/or Wolf Express Shuttle to Denver Airport Shuttle Services, LLC.

3. On August 19, 2013, the Staff of the Public Utilities Commission (Staff) filed their Entry of Appearance and Notice of Intervention Pursuant to Rule 1007(a) and Rule 1401 and Request for Hearing through counsel. In their filing Staff maintained that the Applicant could not demonstrate managerial, operational, or financial fitness to conduct operations in the proposed application and requested a hearing.

4. Later on August 19, 2013, Staff filed their Amended Notice of Intervention. In their amended notice Staff maintained that the Applicants would not be able to be able to fulfill their burden of proof with regard to subsections (A) through (E) of Commission Rule 6205(c)(XVI), 4 *Code of Colorado Regulations*, of the Commission's Rules Regulating Transportation by Motor Vehicle 723-6.

5. On August 28, 2013, the Commission deemed the application complete and it was referred it to an Administrative Law Judge (ALJ) for disposition.

6. By Decision No. R13-1112-I, issued on September 9, 2013, a prehearing conference was scheduled for September 24, 2013.

7. By Decision No. R13-1190-I, issued on September 24, 2013, a procedural schedule in the above captioned proceeding was established. As part of the procedural schedule, an evidentiary hearing was scheduled for November 20 and 21, 2013.

8. On October 11, 2013, Wolf Express and Airport Services jointly filed their Stipulated Motion to Vacate Procedural Schedule, Waive 210-Day Deadline and to Stay Further Proceedings in this Case.

9. By Decision No. R13-1295-I, issued on October 15, 2013, the Stipulated Motion to Vacate Procedural Schedule, Waive 210-Day Deadline and to Stay Further Proceedings in this Case was granted and the Proceeding was stayed.

10. On February 26, 2014, Wolf Express and Airport Services jointly filed their Stipulated Motion to Lift Stay of Proceedings in this Case, Set Prehearing Conference, and Waive Response Time. As grounds, Wolf Express and Airport Services stated a resolution had been reached in Proceeding No. 13C-0937-INS and Proceeding No. 13A-0955CP-Suspension and therefore was no longer a need to stay the above captioned proceeding.

11. By Decision No. R14-0221-I, issued on February 27, 2014, the Stipulated Motion to Lift Stay of Proceedings in this Case, Set Prehearing Conference, and Waive Response Time was granted and a prehearing conference was scheduled for March 17, 2014.

12. On March 10, 2014, the Parties filed a Joint Motion Proposing a Procedural Schedule and Request to Vacate Prehearing Conference (Motion). In the Motion the parties propose the following procedural schedule:

Applicant's and Intervenor's Witness and Exhibit List Update	April 15, 2014
Deadline to File Prehearing Motions/Stipulations.....	April 22, 2014
Evidentiary Hearing on Application	April 29, 2014
Deadline to File Statements of Position.....	May 13, 2014

13. The procedural schedule submitted by the parties is acceptable to the undersigned ALJ therefore the prehearing conference shall be vacated and the proposed procedural schedule adopted.

II. ORDER**A. It Is Ordered That:**

1. The Joint Motion Proposing a Procedural Schedule and Request to Vacate Prehearing Conference, filed by the Parties on March 10, 2014, is granted.

2. The prehearing conference scheduled for March 17, 2014 is vacated.

3. The procedural schedule as stated above in ¶12 is adopted.

4. An evidentiary hearing is scheduled in this matter as follows:

DATE: April 29, 2014

TIME: 9:00 a.m.

PLACE: Hearing Room
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, Colorado.

5. This Decision shall be effective immediately.

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge