

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1094CP-EXTENSION

IN THE MATTER OF THE APPLICATION OF MT ACQUISITIONS, LLC D/B/A
MOUNTAINS TAXI, P.O. BOX 694 CONIFER, CO 80433, FOR A CERTIFICATE TO
OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
GRANTING MOTION TO VACATE HEARING;
SCHEDULING HEARING ON STIPULATION;
ACKNOWLEDGING WAIVER OF 210-DAY
STATUTORY DEADLINE TO ISSUE FINAL DECISION;
AND WAIVING RESPONSE TIME TO MOTION**

Mailed Date: April 7, 2014

I. STATEMENT

1. On October 11, 2013, MT Acquisitions, LLC, doing business as Mountains Taxi (Applicant) filed an application for an extension of Certificate of Public Convenience and Necessity (CPCN) No. 55768 to provide additional taxi service in Jefferson and Park Counties, Colorado (Application).

2. On October 21, 2013, the Commission issued notice of the Application as follows:¹

Currently, CPCN No. 55768 authorizes the following:

Transportation of passengers in taxi service between all points in the following area: commencing at the intersection of Colorado State Highway 119 and U. S. Highway 6, near the boundaries of the Counties of Jefferson, Gilpin, and Clear Creek, State of Colorado, thence east along U.S. Highway 6 to its intersection with Jefferson County Parkway, thence east and south along Jefferson County

¹ While the Commission's Notice indicates that the Application was filed on October 18, 2013, it appears that it was actually filed on October 11, 2013.

Parkway to its intersection with Johnson Road, thence south along Johnson Road to its transition to Interstate C-470, thence south and east along Interstate C-470 to its intersection with the boundary of the County of Jefferson, thence south along the boundary of the County of Jefferson to a point one mile south of its intersection with Jefferson County Road 96 (South Platte River Road), thence west along an imaginary line to a point 8 miles west of the eastern boundary of the County of Park, thence north along an imaginary line for 28.25 miles thence east along an imaginary line to State Highway 119, thence southeast along State Highway 119 to the point of beginning, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

As extended, CPCN No. 55768 would authorize the following:

Transportation of passengers in call-and-demand taxi service between all points in the following area: commencing at the intersection of Colorado State Highway 119 and U. S. Highway 6, near the boundaries of the Counties of Jefferson, Gilpin, and Clear Creek, State of Colorado, thence North along the western border of the County of Jefferson to its intersection with Boulder County, thence easterly along the northern border of the County of Jefferson to its easternmost point, then southerly along the eastern border of the County of Jefferson to a point one mile south of its intersection with Jefferson County Road 96 (South Platte River Road), thence west along an imaginary line to a point 8 miles west of the eastern boundary of the County of Park, thence north along an imaginary line for 28.25 miles thence east along an imaginary line to State Highway 119, thence southeast along State Highway 119 to the point of beginning, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.

3. The Commission issued notice of the Application to all interested parties on October 21, 2013. Therefore, parties had until November 20, 2013 to intervene in this proceeding.

4. Intervenors in this proceeding include, MKBS, LLC, doing business as Metro Taxi &/or Taxis Fiesta &/or South Suburban Taxi &/or Northwest Suburban Taxi (Metro Taxi), and Colorado Cab Company, LLC, doing business as Denver Yellow Cab and Boulder Yellow Cab (Colorado Cab).

5. On November 26, 2013, the Commission, at its regular weekly meeting, deemed the application complete and referred the matter to an Administrative Law Judge (ALJ) for disposition. The matter was subsequently assigned to the undersigned ALJ.

6. By Interim Decision No. R14-0100-I, issued January 24, 2014, a procedural schedule in this proceeding was adopted, which among other things, set an evidentiary hearing for March 10 and 11, 2014.

7. By Interim Decision No. R14-0227-I, issued March 3, 2014, the hearing in this proceeding was continued until April 9 and 10, 2014.

8. On April 4, 2014, Applicant, Metro Taxi and Colorado Cab filed a Stipulation, Motion for Approval of Restrictive Amendment, and Approval of Conditional Withdrawal of Interventions, Motion to Vacate Hearing, and if the Commission Desires, Set a Hearing on the Stipulation for April, 10, 2014 (Motion) and Notice of Waiver of 210 Day Deadline (Notice of Waiver).

9. According to the Motion, the parties have reached a stipulation regarding a restrictive amendment to the Application which, if approved by the Commission, would result in the withdrawal of Metro Taxi and Colorado Cab as intervenors in this proceeding. The parties request that the evidentiary hearing scheduled for April 9 and 10, 2014 be vacated, and if the Commission desires, hold a hearing on the terms of the stipulation on April 10, 2014.

10. The restrictive amendment proposed by the parties would decrease the requested expansion of service territory and limit the number of vehicles that may be used at one time by the Applicant.

11. Additionally, Applicant voluntarily agrees to waive the 210-day statutory deadline by which a final Commission Decision must be entered in this matter.

12. Good cause is found to grant the relief requested by the Motion. The evidentiary hearing on the terms of the Application, scheduled for April 9 and 10, 2014 will be vacated. An evidentiary hearing on the terms of the stipulation will be scheduled for April 10, 2014. Response time to the Motion will be waived.

13. Applicant's voluntary waiver of the 210 day statutory deadline in which to enter a final Commission Decision in this proceeding pursuant to § 40-6-109(5), C.R.S. is acknowledged.

II. ORDER

A. It Is Ordered That:

1. The Motion for Approval of Restrictive Amendment, and Approval of Conditional Withdrawal of Interventions, Motion to Vacate Hearing, and if the Commission Desires, Set a Hearing on the Stipulation for April, 10, 2014 (Motion), filed by MKBS, LLC, doing business as Metro Taxi &/or Taxis Fiesta &/or South Suburban Taxi &/or Northwest Suburban Taxi, and Colorado Cab Company, LLC, doing business as Denver Yellow Cab and Boulder Yellow Cab on April 4, 2014 is granted.

2. The evidentiary hearing on the Application of MT Acquisitions, LLC, doing business as Mountains Taxi is vacated.

3. The Notice of Waiver of the 210-day deadline by which the Commission must enter a final Decision in this proceeding by MT Acquisitions, LLC, doing business as Mountains Taxi is acknowledged.

An evidentiary hearing on the terms of the stipulation is scheduled as follows:

DATE: April 10, 2014
TIME: 10:00 a.m.
PLACE: Hearing Room
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, Colorado 80202

4. Response time to the Motion is waived.
5. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge