

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 14A-0091CP-EXTENSION

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IN THE MATTER OF THE APPLICATION OF UNION TAXI COOPERATIVE DOING  
BUSINESS AS UNION TAXI FOR AUTHORITY TO EXTEND OPERATIONS UNDER  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55776.

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**RECOMMENDED DECISION OF  
ADMINISTRATIVE LAW JUDGE  
ROBERT I. GARVEY  
VACATING HEARING; DISMISSING  
INTERVENTION; GRANTING  
APPLICATION; AND CLOSING PROCEEDING**

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Mailed Date: June 27, 2014

**I. STATEMENT**

1. Union Taxi Cooperative (Union Taxi or Applicant), initiated the captioned proceeding on January 23, 2014, by filing an application seeking authority to extend their certificate of public convenience and necessity as a common carrier by motor vehicle for hire with the Colorado Public Utilities Commission (Commission).

2. On February 10, 2014, the Commission provided public notice of the application to extend the authority by publishing a summary of the same in its Notice of Applications Filed:

Currently, Certificate No. 55776 authorizes the following:

Transportation of

passengers in taxi service:

between all points (except those points in Weld County) within a twenty (20) mile radius of 16th Street and Champa Street in Denver, Colorado, and from said points, on the one hand, to, on the other hand:

- (a) For trips originating in the City and County of Denver: all points in the State of Colorado outside the twenty-mile radius; and

- (b) For trips originating outside the City and County of Denver: all points outside the twenty-mile radius that are in the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso and Jefferson.

RESTRICTIONS: This certificate is restricted:

- (1) to the use of vehicles with a seating capacity of seven (7) passengers or less, not including the driver;
- (2) to the use of a maximum of two hundred sixty-two (262) vehicles; and
- (3) to the use of a maximum of two hundred twenty (220) vehicles in service at any time.

If the extension is granted restriction (2) shall be removed and Certificate No. 55776 will read:

Transportation of

passengers in taxi service:

between all points (except those points in Weld County) within a twenty (20) mile radius of 16th Street and Champa Street in Denver, Colorado, and from said points, on the one hand, to, on the other hand:

- (a) For trips originating in the City and County of Denver: all points in the State of Colorado outside the twenty-mile radius; and
- (b) For trips originating outside the City and County of Denver: all points outside the twenty-mile radius that are in the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso and Jefferson.

RESTRICTIONS:

- (1) to the use of vehicles with a seating capacity of seven (7) passengers or less, not including the driver;
- (2) to the use of a maximum of two hundred twenty (220) vehicles in service at any time.

3. On March 12, 2014, Colorado Cab Company LLC, doing business as Denver Yellow Cab and Boulder Yellow Cab (Colorado Cab) and Colorado Springs Transportation LLC (Springs) filed its Entry of Appearance and Notice of Intervention. The filing included Colorado Cab Commission Authorities No. 2378 and No. 150 and Springs Commission Authority No. 109 as the basis of its intervention.

4. On March 19, 2014, the Commission deemed the application complete and it was referred to an Administrative Law Judge (ALJ).

5. By Interim Decision No. R14-0313-I, issued March 21, 2014, a prehearing conference was scheduled for April 10, 2014.

6. At the prehearing conference the parties agreed upon a procedural schedule including an evidentiary hearing for June 26 and 27, 2014.

7. On June 25, 2014, the Parties filed their Stipulated Motion for Withdrawal of Intervention, Vacation of Hearing Dates and Consideration of Application as Uncontested (Motion). In the Motion, Colorado Cab and Springs state that they no longer wish to contest the application and that the withdrawal is not based upon any restrictive amendment.

8. Good cause is found to grant the Motion. Colorado Cab and Springs shall be allowed to withdraw from the proceeding.

9. Withdrawal of the interventions and dismissal of the Intervenors leaves the Application, as amended, uncontested. Pursuant to § 40-6-109(5), C.R.S., and Rule 1403 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, the uncontested application may be processed under the modified procedure, without a formal hearing.

10. In accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission the record in this proceeding along with a written recommended decision.

## **II. FINDINGS AND CONCLUSIONS**

11. Applicant is a Colorado corporation in good standing.

12. Applicant requests authority to extend their certificate of public convenience and necessity as a common carrier by motor vehicle for hire. By the Application, Union Taxi seeks authority to operate as a common carrier by motor vehicle for hire for:

Transportation of

passengers in taxi service:

between all points (except those points in Weld County) within a twenty (20) mile radius of 16th Street and Champa Street in Denver, Colorado, and from said points, on the one hand, to, on the other hand:

- (a) For trips originating in the City and County of Denver: all points in the State of Colorado outside the twenty-mile radius; and
- (b) For trips originating outside the City and County of Denver: all points outside the twenty-mile radius that are in the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso and Jefferson.

RESTRICTIONS:

- (1) to the use of vehicles with a seating capacity of seven (7) passengers or less, not including the driver;
- (2) to the use of a maximum of two hundred twenty (220) vehicles in service at any time.

13. The verified Application establishes that Applicant is familiar with the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, and agrees to be bound by, and to comply with, those rules. The verified Application and its supporting documentation establish that Applicant has sufficient equipment with which to render the proposed service and is financially fit to conduct operations under the extended authority requested. Therefore, because the Applicant is fit, financially and otherwise, to perform the proposed service and because the other prerequisites have been met, the extension should be granted.

14. In accordance with § 40-6-109, C.R.S., the ALJ recommends that the Commission enter the following order.

**III. ORDER****A. The Commission Orders That:**

1. The Motion for Withdrawal of Intervention filed by Colorado Cab Company LLC, doing business as Denver Yellow Cab and Boulder Yellow Cab and Colorado Springs Transportation, is granted.

2. The intervention filed by Colorado Cab Company LLC, doing business as Denver Yellow Cab and Boulder Yellow Cab and Colorado Springs Transportation LLC, is withdrawn and it is dismissed from the proceeding.

3. The evidentiary hearing scheduled for June 26 and June 27, 2014 is vacated.

4. The Application to extend Union Taxi Cooperative's authority under Certificate of Public Convenience and Necessity (CPCN) PUC No. 55776 as a common carrier by motor vehicle for hire is granted.

5. Union Taxi Cooperative, is granted an extension to its authority to operate as a common carrier by motor vehicle for hire as follows:

Transportation of

passengers in taxi service:

between all points (except those points in Weld County) within a twenty (20) mile radius of 16th Street and Champa Street in Denver, Colorado, and from said points, on the one hand, to, on the other hand:

- (a) For trips originating in the City and County of Denver: all points in the State of Colorado outside the twenty-mile radius; and
- (b) For trips originating outside the City and County of Denver: all points outside the twenty-mile radius that are in the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso and Jefferson.

**RESTRICTIONS:**

- (1) to the use of vehicles with a seating capacity of seven (7) passengers or less, not including the driver;

- (2) to the use of a maximum of two hundred twenty (220) vehicles in service at any time.

6. Union Taxi Cooperative, shall operate in accordance with all applicable Colorado laws and Commission rules. All operations under the permit granted shall be strictly common carrier operations.

7. Union Taxi Cooperative, shall not commence operation under the extended authority until it has complied with the requirements of Colorado laws and Commission rules, including without limitation:

- (a) causing proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- (b) paying to the Commission, the motor vehicle fee (\$5) for each vehicle to be operated under authority granted by the Commission, or in lieu thereof, paid the fee for such vehicle(s) pursuant to the Unified Carrier Registration Agreement;
- (c) having an effective tariff on file with the Commission. [Union Taxi Cooperative shall file an advice letter and tariff on not less than ten days' notice. The advice letter and tariff shall be filed as a new Advice Letter proceeding and shall comply with all applicable rules. In calculating the proposed effective date, the date received at the Commission is not included in the notice period and the entire notice period must expire prior to the effective date. (Additional tariff information can be found on the Commission's website at [dora.colorado.gov/puc](http://dora.colorado.gov/puc) and by following the transportation common and contract carrier links to tariffs)]; and
- (d) paying the applicable issuance fee (\$5).

8. If Union Taxi Cooperative, does not cause proof of insurance or surety bond to be filed, pay the appropriate motor vehicle fees, file an advice letter and proposed tariff, and pay the issuance fee within 60 days of the effective date of this Decision, then the grant of the extension of the CPCN shall be void. For good cause shown, the Commission may grant additional time

for compliance if the request for additional time is filed within 60 days of the effective date of this Decision.

9. The Commission will notify Union Taxi Cooperative in writing when the Commission's records demonstrate compliance with ¶ 7.

10. Proceeding No. 14A-0091CP-Extension is closed.

11. 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.

12. As provided by § 40-6-106, 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 recommended 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 a basic finding 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.

13. If exceptions to this Recommended 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

ROBERT I. GARVEY

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Administrative Law Judge