

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0436CP

IN THE MATTER OF THE APPLICATION OF THE ORIGINAL GREEN STAR
EXCURSIONS LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE
FOR HIRE.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
NOTICING WITHDRAWAL OF APPLICATION,
VACATING FILING REQUIREMENTS,
DISMISSING APPLICATION WITHOUT
PREJUDICE, WAIVING RESPONSE TIME,
AND CLOSING PROCEEDING**

Mailed Date: July 15, 2014

I. STATEMENT, DISCUSSION, AND CONCLUSION

1. On May 8, 2014, The Original Green Star Excursions LLC (Applicant) filed an Application for New Permanent Authority to Operate as a Common Carrier of Passengers by Motor Vehicle for Hire. That filing commenced this Proceeding.

2. On May 13, 2014, Applicant filed amendments to the May 8, 2014 filing and filed a supplement to the May 8, 2014 filing. Unless the context indicates otherwise, reference in this Decision to the Application is to the May 8, 2014 filing as amended and supplemented on May 13, 2014.

3. On May 19, 2014, the Commission issued its Notice of Application Filed (Notice) in this Proceeding (Notice at 5-7) and established a procedural schedule. On June 26, 2014, Decision No. R14-0709-I vacated that procedural schedule.

4. On June 18, 2014, Colorado Cab Company LLC, doing business as Denver Yellow Cab (Denver Cab), intervened as of right. Denver Cab is an intervenor and a party in this Proceeding. Denver Cab opposes the Application and is represented by legal counsel.

5. On June 18, 2014, SuperShuttle International Denver, Inc. (SuperShuttle) intervened as of right. SuperShuttle is an intervenor and a party in this Proceeding. SuperShuttle opposes the Application and is represented by legal counsel.

6. Denver Cab and SuperShuttle, collectively, are the Intervenors. Applicant and Intervenors, collectively, are the Parties.

7. On June 25, 2014, by Minute Order, the Commission referred this matter to an Administrative Law Judge (ALJ).

8. On June 25, 2014, by Minute Order, the Commission deemed the Application complete as of that date.

9. By Decision No. R14-0709-I, the ALJ ordered Rachel K. Gillette, Esquire, to make, not later than July 15, 2014, a filing concerning whether she represents Applicant in this Proceeding. By this Decision, the ALJ will vacate that filing requirement.

10. By Decision No. R14-0709-I, the ALJ ordered Applicant to consult with Intervenors and then to make, not later than July 18, 2014, a filing that: (a) contains a procedural schedule, including hearing date, that is satisfactory to the Parties; and (b) addresses the issues discussed below. By this Decision, the ALJ will vacate that filing requirement.

11. On July 14, 2014, the Commission received a notice from Applicant that it has withdrawn the Application.¹ Given that there is no prejudice to Intervenors, the ALJ will waive

¹ A copy is attached to this Decision as Appendix 1.

response time. Given that there is no prejudice to the Intervenors, the ALJ will dismiss the Application without prejudice.

12. Pursuant to § 40-6-109(2), C.R.S., the Administrative Law Judge recommends that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The July 14, 2014 notice of withdrawal of the Application filed on May 8, 2014, as amended and supplemented on May 13, 2014, is acknowledged.

2. The Application filed on May 8, 2014, as amended and supplemented on May 13, 2014, is dismissed without prejudice.

3. The requirement that, not later than July 15, 2014, Rachel K. Gillette, Esquire, make a filing concerning whether she represents The Original Green Star Excursions LLC in this Proceeding is vacated.

4. The requirement that The Original Green Star Excursions LLC consult with the other parties and, not later than July 18, 2014, make a filing that complies with Decision No. R14-0709-I is vacated.

5. Proceeding No. 14A-0436CP is closed.

6. 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.

7. 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.

8. 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)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director