

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

PROCEEDING NO. 14A-0537CP

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IN THE MATTER OF THE APPLICATION OF TASTE OF CRAFT INC., FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A  
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

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**RECOMMENDED DECISION OF  
ADMINISTRATIVE LAW JUDGE  
ROBERT I. GARVEY  
ACCEPTING AMENDMENTS; DISMISSING  
INTERVENTIONS; VACATING HEARING; GRANTING  
APPLICATION AMENDED UNDER MODIFIED  
PROCEDURE; AND CLOSING PROCEEDING**

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Mailed Date: October 1, 2014

**I. STATEMENT**

1. On May 27, 2014, A Taste of Craft Inc. (Craft or Applicant), filed an Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire (Application). That filing commenced this proceeding.

2. On May 29, 2014, Craft filed amendments to the Application.

3. On June 2, 2014, the Commission issued its Notice of Application Filed (Notice) in this proceeding by publishing a summary of the same in its Notice as follows:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of

passengers in call-and-demand shuttle service and call-and-demand charter service

between all points in the Counties of Boulder and Broomfield, the Town of Erie, and the Cities of Arvada and Golden, State of Colorado.

4. On June 5, 2014, MKBS, LLC, doing business as Metro Taxi and/or Taxis Fiesta and/or South Suburban Taxi (Metro Taxi) filed their Entry of Appearance and Notice of Intervention of Right through counsel. This filing attached Commission Authority No. 1481 held by Metro Taxi and a preliminary list of witnesses and exhibits.

5. On June 27, 2014, Craft filed an amendment to the Application restricting the number of vehicles in operation at any one time to two.

6. On June 30, 2014, Metro Taxi filed its Withdrawal of Intervention.

7. On July 2, 2014, Colorado Cab Company LLC (Colorado Cab), doing business as, Denver Yellow Cab and Boulder Yellow Cab, timely intervened of right through counsel. This filing attached Commission Authority No. 2378 and No. 150 held by Colorado Cab.

8. On July 9, 2014, by Minute Order, the Commission referred this matter to an Administrative Law Judge (ALJ).

9. By Decision No. R14-0913-I, issued July 31, 2014, a procedural schedule was adopted and an evidentiary hearing was scheduled for October 14, 2014.

10. On September 30, 2014, the parties filed their Motion for Approval of Restrictive Amendments and Motion for Conditional Withdrawal of Intervention.

11. Under the amendment, the restrictively amended authority will read:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of

passengers in call-and-demand charter service

between all points in the Counties of Boulder and Broomfield, the Town of Erie, and the Cities of Arvada and Golden, State of Colorado.

RESTRICTIONS: This application is restricted as follows:

(A) To brewery and distillery tours within A Taste of Craft's approved service territory;

- (B) The use of not more than two vehicles at any one time;
- (C) Vehicles must stay with the tour at all times; and
- (D) Vehicles shall have a minimum capacity of 12 passengers not including the driver.

12. To be acceptable, restrictions must be restrictive in nature, clear and understandable, and administratively enforceable. Both the authority and any restriction on that authority must be unambiguous and must be contained wholly within the permit. Both must be worded so that a person will know, from reading the permit and without having to resort to any other document, the exact extent of the authority and of each restriction. Clarity is essential because the scope of an authority must be found within the four corners of the permit, which is the touchstone by which one determines whether the operation of a contract carrier is within the scope of its Commission-granted authority.

13. The ALJ finds and concludes that the proposed amendments are restrictive in nature, are clear and understandable, and are administratively enforceable.

14. The restrictions to the authority sought by Applicant (*i.e.*, the amendments to the Application) will be accepted.

15. Accepting the amendments to the Application has two impacts. First, the authority sought will be amended to conform to the restrictive amendments. Second, the intervention of the Intervenor shall be withdrawn.

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

17. 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**

18. Applicant is a Colorado corporation in good standing.

19. Applicant requests authority to operate as a common carrier. By the Application, A Taste of Craft Inc., seeks authority to operate as a common carrier by motor vehicle for hire:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of

passengers in call-and-demand charter service

between all points in the Counties of Boulder and Broomfield, the Town of Erie, and the Cities of Arvada and Golden, State of Colorado.

RESTRICTIONS: This application is restricted as follows:

- (A) To brewery and distillery tours within A Taste of Craft's approved service territory;
- (B) The use of not more than two vehicles at any one time;
- (C) Vehicles must stay with the tour at all times; and
- (D) Vehicles shall have a minimum capacity of 12 passengers not including the driver.

20. 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 authority requested. Finally, review of the verified Application indicates a need for the proposed service from the support letters contained within the Application. Therefore, because the Applicant is fit, financially and otherwise, to perform the

proposed service and because the other prerequisites have been met, the permit should be granted.

21. 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 Approval of Restrictive Amendments and Motion for Conditional Withdrawal of Intervention, filed by the parties on September 30, 2014, is granted.

2. The verified Application to Operate as a Common Carrier of Passengers by Motor Vehicle is amended consistent with the discussion above.

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

4. The intervention filed by MKBS, LLC, doing business as Metro Taxi and/or Taxis Fiesta and/or South Suburban Taxi is withdrawn and it is dismissed from the proceeding.

5. The Application to Operate as a Common Carrier of Passengers by Motor Vehicle filed by, A Taste of Craft Inc., as that application has been amended, is granted.

6. The evidentiary hearing scheduled for October 14, 2014 is vacated.

7. A Taste of Craft Inc., is granted authority to operate as a common carrier by motor vehicle for hire as follows.

For authority to operate as a common carrier by motor vehicle for hire for the transportation of

passengers in call-and-demand charter service

between all points in the Counties of Boulder and Broomfield, the Town of Erie, and the Cities of Arvada and Golden, State of Colorado.

RESTRICTIONS: This application is restricted as follows:

- (A) To brewery and distillery tours within A Taste of Craft's approved service territory;
- (B) The use of not more than two vehicles at any one time;
- (C) Vehicles must stay with the tour at all times; and
- (D) Vehicles shall have a minimum capacity of 12 passengers not including the driver.

8. A Taste of Craft Inc. shall operate in accordance with all applicable Colorado law and Commission rules. All operations under the permit granted shall be strictly common carrier operations.

9. A Taste of Craft Inc. shall not commence operation until it has complied with the requirements of Colorado law 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. A Taste of Craft Inc., 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).

10. If A Taste of Craft Inc. 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 Permit 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.

11. The Commission will notify A Taste of Craft Inc., in writing when the Commission's records demonstrate compliance with paragraph 9.

12. Proceeding No. 14A-0537CP is closed.

13. 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.

14. 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.

15. 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

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

ROBERT I. GARVEY

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Administrative Law Judge