

Decision No. R14-1516-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-1195CP

VALLEY TAXI INC,

COMPLAINANT,

VS.

FIRST TRANSIT INC.,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
DENYING EMERGENCY RELIEF**

Mailed Date: December 24, 2014

I. STATEMENT

1. On December 23, 2014, Valley Taxi Inc., doing business as Winter Park Taxi (Valley Taxi) filed its Emergency Request for Commission Order Requiring First Transit Inc. to Cease and Desist Proceeding Service and Formal Complaint.

2. Valley Taxi alleges that it operates a taxi company providing common carrier service for the transportation of passengers in Grand County, Colorado pursuant to a Certificate of Public Convenience and Necessity issued by this Commission.

3. Valley Taxi alleges upon information and belief that First Transit Inc. (First Transit), provides transportation to the public in Winter Park, Colorado, in the nature of

call-and-demand service, pursuant to a contract between the Town of Winter Park and First Transit after 5 p.m.

4. Valley Taxi alleges that First Transit has no authority to provide the service and that any remaining authorities are dormant.

5. Valley Taxi alleges that the transportation regarding which emergency relief is requested has been being provided for 48 months.

6. The Complaint failed to establish sufficient grounds for emergency relief on an *ex parte* basis. The status quo has been in place for four years.

7. Additionally, article V, section 35, of the Colorado Constitution “prohibits PUC regulation of public utilities owned and operated by a city within the boundaries of that city.” *City of Durango v. Durango Transp., Inc.*, 807 P2d 1152 (Colo. 1991)(citations omitted). “Transportation performed by the federal government, a state, or any agency or political subdivision of either, whether through an intergovernmental agreement, contractual arrangement, or otherwise” is not subject to regulation by the Commission. § 40-10.1-105(1)(j), C.R.S. Valley Taxi failed to demonstrate that the service provided is contrary to law.

II. ORDER

A. It Is Ordered That:

1. The Emergency Request for Commission Order Requiring First Transit Inc. to Cease and Desist Proceeding Service is denied.

2. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director