

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0233CP

IN THE MATTER OF THE APPLICATION OF GET2VAIL CORP FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
STEVEN H. DENMAN
RESCINDING RECOMMENDED DECISION NO. R19-0851**

Mailed Date: October 29, 2019

I. STATEMENT AND FINDINGS

1. On May 6, 2019, Applicant Get2Vail Corp (Applicant or Get2Vail) filed the above-captioned application for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire (Application) and commenced this proceeding.¹

2. The detailed procedural history of this proceeding is set forth in decisions previously issued, and it is repeated here as necessary to put this Decision into context.

3. On June 18, 2019, Hy-Mountain Transportation, Inc., doing business as High Mountain Taxi (High Mountain), by and through its counsel, filed its Entry of Appearance and Intervention (Intervention). Get2Vail and High Mountain are the only Parties to this proceeding.

4. On September 17, 2019, Get2Vail filed a “Service Restriction Agreement” (Agreement), signed only by Serghei Timinschi on behalf of Get2Vail. High Mountain did not sign the Agreement or reveal its position on the Agreement.

¹ On May 13, 2019, Applicant filed an Amendment to the Application in order to clarify the scope of the proposed authority.

5. By Decision No. R19-0774-I (mailed on September 18, 2019), the Administrative Law Judge (ALJ) ordered counsel for High Mountain to make a filing stating High Mountain's position on the Agreement; whether High Mountain intended to withdraw its Intervention; its position on whether this Application should be granted as restricted; and regarding whether the evidentiary hearing should be held or vacated. This filing was due by September 20, 2019.

6. On the morning of September 19, 2019, Get2Vail filed a "Restrictive Amendment," stating the restriction differently from the Agreement filed on September 17, 2019, and asking that the hearing be vacated and that the Application [as amended] be granted.

7. Later in the morning of September 19, 2019, counsel for High Mountain sent an email to the ALJ stating that, "The restrictive amendment attached to the PUC Notice of 9-19-19, at 9:09 AM, satisfies the interest of Hy Mountain Transportation, Inc. and it requests that its intervention be deemed withdrawn and that the 9-24-19 hearing be vacated."²

8. On October 18, 2019, the ALJ issued Recommended Decision No. R19-0851, accepting the restriction agreed to by the Parties and granting the amended Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire, filed by Get2Vail Corp on May 6, 2019.

9. Since issuing Recommended Decision No. R19-0851, the ALJ has discovered a typographical error in the statement of the authority and restriction included in the Decision.

10. Pursuant to § 40-6-109(2), C.R.S., and Rule 1505(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, Recommended Decision No. R19-0851 will not become an effective decision of the Commission until 20 days after the October 18, 2019

² Email from Charles J. Kimball, counsel for High Mountain, to ALJ Steven Denman, dated 10:04 a.m. on September 19, 2019, filed in this proceeding as Withdrawal of Intervention.

mailed date, or until November 7, 2019. Until that date (or until a party files exceptions), the ALJ may correct any errors discovered in the Recommended Decision.

11. Therefore, as of the date of this Decision, the ALJ herewith rescinds Recommended Decision No. R19-0851.

12. The ALJ will issue a corrected Recommended Decision adjudicating the merits of the Application, as amended, as soon as possible.

II. ORDER

A. It Is Ordered That:

1. Recommended Decision No. R19-0851 (mailed on October 18, 2019) is herewith rescinded.

2. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

STEVEN H. DENMAN

Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,
Director