

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0023CP

IN THE MATTER OF THE APPLICATION OF FOREVER EVENT TRANSPORTERS 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
MELODY MIRBABA
ACCEPTING APPLICATION
WITHDRAWAL AND CLOSING PROCEEDING**

Mailed Date: March 13, 2020

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On January 13, 2020, Forever Event Transporters LLC (Forever Event) initiated this proceeding by filing a verified Application for New Permanent Authority to Operate as a Common Carrier by Motor Vehicle for Hire (Application) with the Colorado Public Utilities Commission.¹ On January 21, 2020, Forever Event amended its Application to seek authority to provide call-and-demand shuttle service, rather than scheduled service, as originally proposed.² See Amendment to Section 9. Estes Valley Transport Inc. and Ramblin' Express, Inc. contest the Application.

2. On March 12, 2020, Forever Event filed a document titled "Proceeding Withdrawal," stating that Forever Event no longer needs the common carrier permit sought by the Application because it is pursuing a luxury limousine permit.

¹ The full procedural history is set forth in other Decisions; only the procedural history necessary to understand this Decision is included.

² All other references in this Decision to the Application are to the Application as amended by Forever Event's January 21, 2020 filing.

3. As an initial matter, the Administrative Law Judge (ALJ) finds that good cause exists to waive the response time to the Proceeding Withdrawal because it essentially eliminates the controversy in this proceeding. *See* Rule 1400(b), 4 *Code of Colorado Regulations* (CCR) 723-1 of the Commission's Rules of Practice and Procedure. Indeed, ruling on the filing as soon as possible serves administrative economy and potentially conserves the parties' resources. As such, the ALJ waives the response time to the Proceeding Withdrawal.

4. The ALJ construes the Proceeding Withdrawal as a notice withdrawing the Application. A party may withdraw an application by providing written notice to the Commission and other parties at least 45 days prior to the first day hearing. Rule 1309(d), 4 CCR 723-1. No evidentiary hearing is scheduled in this proceeding, and the Proceeding Withdrawal was served on all parties. Based on the foregoing, the ALJ concludes that Forever Event has properly withdrawn its Application consistent with Rule 1309(d), 4 CCR 723-1. As such, no controversy or dispute exists in this proceeding, and the proceeding should be closed.

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

II. ORDER

A. The Commission Orders That:

1. Consistent with the above discussion, Forever Event Transporters LLC's Verified Application is withdrawn.

2. Proceeding No. 20A-0023CP is closed.

3. This Recommended Decision will 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.

4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision will 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 will 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.

5. If exceptions to this Decision are filed, they must 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

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director