

Decision No. R20-0305-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20M-0009TR

IN THE MATTER OF THE FILING OF ANNUAL REPORTS IN ACCORDANCE WITH
RULE 4 CCR 723-6-6212 OF RULES REGULATING TRANSPORTATION BY MOTOR
VEHICLE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
GRANTING REQUESTS FOR EXTENSION
OF TIME TO FILE ANNUAL REPORTS**

Mailed Date: April 28, 2020

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. This matter was initiated on March 5, 2020, when the Commission Director issued letters to regulated common and contract carriers reminding them that under Rule 6212(a) of the Commission's Rules Regulating Transportation by Motor Vehicle, they are required to file an annual report using a Commission-prescribed form by April 30, 2020. 4 *Code of Colorado Regulations* (CCR) 723-6. The same letters notify motor carriers that they may file a request to extend the deadline to file their annual reports; that extensions may be granted for good cause shown for up to 30 days; and that failure to file their annual reports as required may result in negative action against their permits or authorities, including revocation or suspension.

2. On April 23, 2020, WHC FTC LLC (FTC), WHC COS LLC (COS), and Brown's Crew Car of Wyoming LLC (Crew Car) each filed requests in the Commission's E-Filing System seeking extensions of time to file their annual report under Rule 6212, 4 CCR 623-6.

3. FTC seeks a 60-day extension to file its annual report based upon the COVID-19 pandemic.

4. COS's request for an extension is filed in the Commission's E-Filing System under its name, but the text of the request seeks an extension of time on behalf of FTC. The Administrative Law Judge (ALJ) resolves this conflict by relying on the filing party information within the Commission's E-Filing System for this request. Specifically, the ALJ construes the request as being made on behalf of COS, the filing party for the request within the Commission's E-Filing System. COS seeks a 60-day extension to file its annual report based upon the COVID-19 pandemic.

5. Crew Car's request is filed within the Commission's E-Filing System under its name, but the text of the request itself seeks an extension of time on behalf of RailCrew Xpress, LLC. The ALJ resolves this conflict by relying on the filing party information within the Commission's E-Filing System for this request. Specifically, the ALJ construes the request as being made on behalf of Crew Car, the filing party for the request within the Commission's E-Filing System.

6. Crew Car's request asserts that it requires additional time to finalize figures for its annual report, and that due to COVID-19, employees must work remotely. Crew Car does not specify the amount of time it seeks for the deadline to be extended.

7. The ALJ finds that FTC, COS, and Crew Car have established good cause for an extension of time to file their annual reports, good cause has not been established for a 60-day extension. The ALJ concludes that under the circumstances, a 30-day extension is appropriate for all three entities and will grant a 30-day extension.

II. ORDER

A. It Is Ordered That:

1. WHC FTC LLC, WHC COS LLC, and Brown's Crew Car of Wyoming LLC are granted extensions of time to file their annual reports under Rule 6212(a) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6. Their annual reports must be filed by close of business on May 30, 2020.

2. This Decision is effective immediately.

(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