

Decision No. R98-1

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 97A-410BP

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IN THE MATTER OF THE APPLICATION OF STEAMBOAT VACATIONS, INC. FOR  
AUTHORITY TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR  
HIRE.

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RECOMMENDED DECISION OF  
ADMINISTRATIVE LAW JUDGE  
LISA D. HAMILTON-FIELDMAN  
DISMISSING APPLICATION

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Mailed Date: January 6, 1998

I. STATEMENT, FINDINGS, AND CONCLUSIONS

A. This application by Applicant Steamboat Vacations, Inc., to provide contract passenger services to several ski resorts in Colorado was filed on September 16, 1997, and was noticed to the public by the Commission on September 29, 1997, for hearing on December 11, 1997. Several interventions were filed. On November 12, 1997, Intervenors Vail Valley Transportation, Inc., and Vail Valley Taxi, Inc., filed a Motion for Clarification of Applicant's Position and/or, In the Alternative, Motion to Vacate Hearing. On November 18, 1997, Intervenor Alpine Taxi/Limo, Inc., filed a Motion to Dismiss Application and Alternative Motion in Limine. Both motions were predicated on a lack of filings and responses to discovery on the part of the Applicant.

B. On December 5, 1997, the Applicant fax filed a letter which stated in pertinent part: "I respectfully request that the commission entertain our application during Spring 1998. The rescheduling would permit all persons with the luxury of time and allow for a well planned marketing effort following your approval." Further contact with the Applicant by telephone clarified that, although the letter spoke in terms of a delay of the hearing date, the Applicant's actual intent was to withdraw the application and refile it at a later time. The pending motions are therefore moot and should be denied as such, the application should be dismissed, and the docket closed.

C. Pursuant to § 40-6-109, C.R.S., the Administrative Law Judge hereby transmits to the Commission the record of this proceeding, a written recommended decision containing findings of fact and conclusions of law, and a recommended order.

## II. ORDER

A. The Commission Orders That:

1. The Motion for Clarification of Steamboat Vacations, Inc.'s Position and/or, In the Alternative, Motion to Vacate Hearing filed by Intervenors Vail Valley Transportation, Inc., and Vail Valley Taxi, Inc., on November 12, 1997, and the Motion to Dismiss Application and Alternative Motion in Limine filed on November 18, 1997, by Intervenor Alpine Taxi/Limo, Inc., are dismissed as moot.

2. The application by Steamboat Vacations, Inc., to provide contract passenger services to several ski resorts in Colorado, filed on September 16, 1997, is dismissed, and Docket No. 97A-410BP is closed.

3. 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.

4. As provided by § 40-6-109, 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 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 § 40-6-115, 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 shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

A handwritten signature in cursive script, appearing to read "Miss D. Ham-Ch-Dill", written over a horizontal line.

Administrative Law Judge