

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03C-280CP

IN THE MATTER OF MOTOR VEHICLE COMMON AND CONTRACT CARRIERS
LISTED IN APPENDIX A TO THIS DECISION, RESPONDENTS.

**COMMISSION ORDER GRANTING APPLICATION FOR
RECONSIDERATION, REARGUMENT, OR REHEARING**

Mailed Date: January 13, 2004
Adopted Date: December 22, 2003

I. BY THE COMMISSION

A. Statement

1. An Order to Show Cause and Notice of Hearing for Transportation Utilities, was issued by the Commission on September 18, 2003. *See* Decision No. C03-0714.

2. On September 18, 2003, the Commission mailed the Order to Show Cause and Notice of Hearing for Transportation Utilities to each of the Respondents, including Blazing Trails Jeep Tours, Inc. (Blazing Trails).

3. Pursuant to the Notice of Hearing, the case was called for hearing on November 4, 2003 before Administrative Law Judge (ALJ) Mana L. Jennings-Fader.

4. Blazing Trails received notice of the hearing, but did not appear, either personally or through a representative.

5. Pursuant to 4 *Code of Colorado Regulations* (CCR) 723-1-80(c), a case may be heard in a party's absence if, after notice, the party or its counsel fails to appear at the hearing.

6. Blazing Trails provides transportation services by motor vehicle within the State of Colorado.

7. Blazing Trails is required to file an annual report for the preceding calendar year on or before April 30th of each year. *See* Rule 4 CCR 723-1-25.

8. On February 27, 2003 and July 24, 2003, Commission Staff sent letters to Blazing Trails reminding them of their obligation to file an annual report, and informing them of the potential show cause proceeding.

9. As of the date of the hearing, Blazing Trails had not filed its annual report.

10. In Decision No. R03-1242, mailed November 4, 2003, pursuant to §§ 40-10-112 and 40-11-110, C.R.S., the ALJ revoked the authority of Blazing Trails to provide transportation services within the State of Colorado, for failure to file its annual report.

11. On December 1, 2003, Blazing Trails mailed the missing annual report to the Commission which has received the report.

12. By letter dated December 3, 2003, Blazing Trails filed an Application for Reconsideration, Reargument or Rehearing of Decision No. R03-1242, explaining its failure to file its annual report. The application was filed after the 20-day deadline allowed by § 40-6-109(2), C.R.S. Thus the ALJ's decision became effective by operation of law, revoking Blazing Trails' authority.

13. Nonetheless, good cause having been shown, we hereby reinstate the authority of Blazing Trails.

II. ORDER

A. The Commission Orders That:

1. The authority of Blazing Trails Jeep Tours to provide transportation services in the State of Colorado is reinstated.

2. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Order.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 22, 2003.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners