

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04M-031CP

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

DECISION GRANTING EXCEPTIONS

Mailed Date: February 3, 2004
Adopted Date: January 28, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of Exceptions filed by Lift Ticket Limousine (Lift Ticket) to Recommended Decision No. R03-1441. In that Decision, the Administrative Law Judge recommends revoking the authority of Lift Ticket to operate because of a failure to file the required certificate of insurance with the Commission.

2. On June 25, 2003, Lift Ticket filed a request to suspend Certificate of Public Convenience and Necessity (CPCN) PUC No. 55715 from June 30, 2003 through November 27, 2003. That request was granted on August 8, 2003, in Decision No. C03-0875. That Decision contains a proviso that Lift Ticket had to file another application, either for reinstatement of the CPCN, or for an extension of suspension, by October 27, 2003. Lift Ticket did not file the required application for suspension until November 27, 2003. That extension was granted on January 21, 2004. Lift Ticket has not operated under its authority since June 30, 2003.

3. Lift Ticket was subject to a showcase order issued on December 8, 2003, for failure to file an effective certificate of insurance as required by § 40-10-110, C.R.S. A hearing

was held on December 29, 2003, and Recommended Decision No. R03-1441 was mailed on December 30, 2003, revoking Lift Ticket's authority to operate. Lift Ticket did not attend the hearing.

4. Lift Ticket filed exceptions in the form of a letter on January 20, 2004, seeking reversal of the Recommended Decision. David Carrel, the operator of Lift Ticket, is currently in Ohio, and is seeking to transfer CPCN PUC No. 55715 to another carrier.

5. Because Lift Ticket filed its request for an extension of suspension late, and because the hearing on revocation was held while this request for an extension was pending, the procedural posture of the case worked to thwart Lift Ticket's filing for an extension of suspension. Typically, carriers that have requested an extension of a suspension are not subject to a showcause order for failure to file a certificate of insurance. In this case there was an administrative error. We believe that Lift Ticket has demonstrated that its Exceptions should be granted.

II. ORDER

A. The Commission Orders That:

1. The Exceptions to Recommended Decision No. R03-1441 filed by Lift Ticket Limo are granted consistent with the above discussion.

2. The operating authority under Certificate of Public Convenience and Necessity PUC No. 55715, revoked by Recommended Decision No. R03-1441, is reinstated.

3. 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.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 28, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners