

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04M-251CP

IN THE MATTER OF THE APPLICATION OF NEMARDA CORPORATION DOING BUSINESS AS ABC SHUTTLE TO INCREASE RATES FOR THE TRANSPORTATION OF PASSENGERS IN SCHEDULED SERVICE BETWEEN POINTS IN THE DENVER METROPOLITAN AREA AND THE DENVER INTERNATIONAL AIRPORT TO BECOME EFFECTIVE ON JUNE 6, 2004.

COMMISSION ORDER REJECTING RATE APPLICATION

Mailed Date: June 4, 2004
Adopted Date: June 2, 2004

I. BY THE COMMISSION

A. Statement

1. On May 4, 2004 Nemarda Corporation doing business as ABC Shuttle filed an application to increase rates for the transportation of passengers in scheduled service between points in the Denver Metropolitan area and the Denver Internatinonal Airport to become effective on June 6, 2004.

2. Tariff Page Number 5 of Passenger Tarriff 2 proposes to increase rates up to 66.7 percent.

3. ABC Shuttle provided no justification and the published notice gave notice to the public of only a twenty percent increase. Commission staff encouraged ABC Shuttle to postpone the filing to June 24, 2004, republish the notice, and provide current year justification. No response from ABC Shuttle had been received by the mail date of this order.

4. Rule 31(g) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, requires that a proposal for an increase in rates be supported by justification setting forth all the circumstances and conditions in support of the filing. Further, the Rule 31 (j) prescribes the manner in which the public notice is to be published.

5. The Commission finds that ABC Shuttle has not complied with Rule 31 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 in its rate increase proposal. The rate application must be rejected.

ORDER

B. The Commission Orders That:

1. The rate application by Nemarda Corporation doing business as ABC Shuttle is rejected.

2. Tariff Page Number 5 of Passenger Tarriff 2 scheduled to become effective on June 6, 2004 is rejected.

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 upon its Mailed Date.

**C. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
JUNE 2, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners