

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04A-044CP-TRANSFER

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THE APPLICATION OF #10 HILLCREST, LLC., DOING BUSINESS AS WESTERN EXPRESS TAXI FOR APPROVAL TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 55708 TO CHANDA L. JONES AND JOHN T. JONES, JR. DOING BUSINESS AS DELTA TRANSIT COMPANY.

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**COMMISSION ORDER CONSTRUING LETTER AS A  
REQUEST TO REOPEN DOCKET NO. 04-044CP AND FOR  
ADDITIONAL TIME TO COMPLY WITH THE FILING  
REQUIREMENTS OF DECISION NO. C04-0265**

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Mailed Date: July 22, 2004  
Adopted Date: July 20, 2004

**I. BY THE COMMISSION:**

**A. Statement, Findings and Conclusions**

1. On January 26, 2004, #10 Hillcrest, LLC. doing business as Western Express Taxi (Western Express) filed an application for approval to transfer Certificate of Public Convenience and Necessity (CPCN) PUC No. 55708 to Chanda L. Jones and John T. Jones, Jr. doing business as Delta Transit Company (Delta Transit).

2. The Commission granted the application for approval to transfer CPCN PUC No. 55708 from Western Express to Delta Transit in Decision No. C04-0265 on March 19, 2004. Ordering Paragraph (6) of Decision No. C04-0265 included the following requirement: Western Express shall file a terminating annual report from the first of January to the date of this order. Ordering Paragraph (6) also states: Delta Transit may not begin operations until this requirement

has been met and it has received notice in writing from the Commission that it is compliance and may begin service.

3. Ordering Paragraph (7) of Decision No. C04-0265 required Western Express and Delta Transit to comply with the filing requirements of Ordering Paragraph (6) within 60 days of its effective date of March 19, 2004. Therefore, Western Express and Delta Transit had until May 18, 2004 to comply with the filing requirements of Decision No. C04-0265. Western Express and Delta Transit did not meet the filing requirements of Decision No. C04-0265 by May 18, 2004.

4. Delta Transit filed a letter with the Commission on July 9, 2004. In its letter, Delta Transit requests the reinstatement of Docket No. 04A-044CP, an extension of time of 30 days to meet the filing requirements of Decision No. C04-0265, and a waiver of the requirement for Western Express to file a terminating annual report. The letter from Delta Transit, that was received by the Commission on July 9, 2004, was not filed within the 60-day period allowed by Paragraph (7) of Decision No. C04-0265.

5. In support of its requests, John T. Jones the owner of Delta Transit states

“I have tried unsuccessfully to contact Mr. Bobby Collins (the owner of Western Express Taxi). I continue to receive calls from collection agencies attempting to reach Mr. Collins, I am unsure if he still resides in Montrose, Colorado. I would have contacted the Commission sooner, but my wife’s father passed away suddenly in June, 2004. Therefore, we were out of the office for a period.”

6. The Commission construes the letter filed by Delta Transit on July 9, 2004, as a Motion to Reinstate Docket No. 04A-044CP, a Motion to Waive the portion of Ordering Paragraph (6) of Decision C04-0265 that requires Western Express to file a terminating annual report, and a Motion to Extend the time to comply with the filing requirements of Ordering Paragraph (6) of Decision No. C04-044CP.

7. The requirement to file a terminating annual report is named in Rule 4 Colorado Code of Regulations (CCR) 723-1-25(f)(3). Rule 4 CCR 723-1-25(f)(3) states: “When a permanent transfer of authority is granted, the transferor shall complete a terminating annual report.” Therefore, the Commission finds that Delta Transit is requesting a waiver of Rule 4 CCR 723-1-25(f)(3).

8. The Commission finds that Delta Transit has shown good cause to reinstate Docket No. 04A-044CP, to grant an extension of time to comply with the filing requirements of Decision No. C04-0265, and to grant the waiver of Rule 4 CCR 723-1-25(f)(3).

## **II. ORDER**

### **A. The Commission Orders That:**

1. The letter filed by Delta Transit Company is construed as an application to reopen Docket No. 04A-044CP and is granted.

2. Docket No. 04A-044CP is reinstated.

3. Delta Transit Company is granted an extension of time of 30 days from the effective date of this order within which to comply with Decision No. C04-0265.

4. The letter filed by Delta Transit Company is construed as a Motion to Waive Rule 4 CCR 723-1-25(f)(3) as it relates to Ordering Paragraph (6) of Decision No. C04-0265.

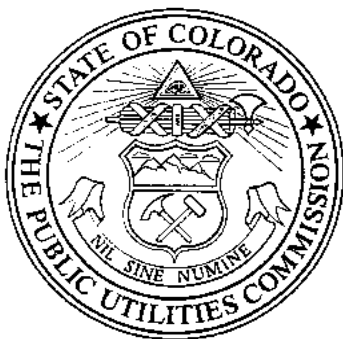
5. Delta Transit Company is granted a waiver of the requirement to file a terminating annual report.

6. 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.

7. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING  
July 20, 2004.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

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Commissioners