

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04S-442CP

RE: IN THE MATTER OF RATES FILED IN TARIFFS COLORADO PUC NOS. 4, 5, AND 9 BY ROCKY MOUNTAIN LIMOUSINE COMPANY, INC. TO INCREASE RATES FOR THE TRANSPORTATION OF PASSENGERS IN SERVICE BETWEEN PUEBLO, COLORADO SPRINGS, AND CRIPPLE CREEK TO BECOME EFFECTIVE ON SEPTEMBER 1, 2004.

COMMISSION ORDER SUSPENDING PROPOSAL

Mailed Date: August 31, 2004
Adopted Date: August 25, 2004

IMPORTANT NOTICE: ANY PERSON DESIRING TO PARTICIPATE ONLY BY MAKING A STATEMENT MAY DO SO BY APPEARING AT THE HEARING. IF YOU DESIRE TO ASK QUESTIONS OF A WITNESS OR OTHERWISE PARTICIPATE AS A PARTY IN THIS RATE MATTER, YOU MUST REQUEST PERMISSION FROM THE COMMISSION TO BE AN INTERVENOR (EVEN IF YOU HAVE ALREADY FILED AN OBJECTION). ANYONE DESIRING TO INTERVENE MUST CAREFULLY FOLLOW THE LAW AND COMMISSION RULES FOR BECOMING AN INTERVENOR. FOR FURTHER INFORMATION ON HOW TO INTERVENE CALL (303) 894-2070, (PUC EXTERNAL AFFAIRS OFFICE).

I. BY THE COMMISSION:

A. Statement

1. On July 20, 2004 Rocky Mountain Limousine, Inc. doing business as Ramblin' Express, Inc. filed proposed increased rates in Passenger Tariffs Colorado PUC NOS. 4, 5, and 9 for the transportation of passengers between Pueblo, Colorado Springs, and Cripple Creek, Colorado to become effective on September 1, 2004.

2. Ramblin' Express, Inc. proposes to increase rates up to 8.3 percent for passenger service between points in El Paso, Pueblo, and Teller Counties. In support of the increase Ramblin' Express filed a narrative which purports to show an increase in the per gallon price of

fuel from \$1.41 in 2003 to \$1.83 in 2004, and further states that labor cost also have risen. Ramblin' Express proposes a permanent increase of one dollar per passenger on the Cripple Creek traffic lane. No financial data demonstrating the increase in fuel expense actually paid out, nor any showing of the increased labor expense that was incurred to support the dollar per passenger increase, was provided. A calculation using 2003 gas prices as opposed to 2004 prices could thus substantially overstate fuel expenses for the purpose of an emergency supplement. Rule 31 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 requires that rate increase proposals be accompanied by statements setting forth all the circumstances, conditions, and data relied upon in justification of the proposed changes.

3. Commission Staff contacted Ramblin' Express with recommendations to postpone the filing or provide additional financial support in order that the Commission could determine whether the increases it requests are just and reasonable. Ramblin' Express has not responded as of August 27, 2004.

4. The Commission therefore finds that a hearing concerning the propriety of the tariff change is necessary and the effective date of September 1, 2004 should be suspended.¹

II. ORDER

A. The Commission Orders That:

1. Fifth Revised Page No. 7 and Sixth Revised Page No. 8 to Passenger Tariff No. 4, Sixth Revised Page No. 7 and Third Revised Page No. 8 to Passenger Tariff No. 5, and Fifth

¹ Of course, as an alternative to a hearing, Ramblin' Express is free to withdraw its proposed tariff, and refile one that may be acceptable to the Commission.

Revised Page No. 7 to Passenger Tariff No. 9, scheduled to become effective on September 1, 2004, are suspended for a period of 120 days, or until December 30, 2004, unless otherwise ordered by the Commission.

2. The Commission shall convene a hearing concerning the lawfulness and propriety of the suspended tariff pages as filed by Rocky Mountain Limousine, Inc. doing business as Ramblin' Express, Inc.

3. This Investigation and Suspension Docket No. 04S-442CP is set for hearing before an Administrative Law Judge of the Commission on:

DATE: December 20, 2004

TIME: 9:00 a.m.

PLACE: Logan Tower Office
1580 Logan Street OL-2
Denver, CO 80203

4. The investigation in this proceeding shall not be limited to the matter and issue stated here for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the proposal under Public Utilities law.

5. A copy of this order shall be filed in the office of the Commission and a copy shall be served upon Rocky Mountain Limousine, Inc. doing business as Ramblin' Express, Inc. 3465 Astrozon Place, Colorado Springs, CO 80910, and the required suspension supplement shall be posted and filed to the tariff.

6. Neither the tariff filing suspended here nor that sought to be altered by this filing shall be changed until this proceeding has been completed or until the period of suspension or any extension has expired, unless otherwise ordered by the Commission.

7. Any person, firm or corporation, including any who have previously filed an objection, who desires to intervene and participate as a party in this proceeding, shall file an appropriate pleading for intervention with the Commission within 30 days after the mailed date of this decision and shall serve a copy of the pleading upon Respondent, its tariff publishing agent, and its attorney, if any. The Staff of the Commission shall be a party in this proceeding and need not file an entry of appearance or notice of intervention. Rule 20(b)(3) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, is waived for this limited purpose.

8. Respondent is directed to file with the Director of the Commission eight copies of a list containing the name, address, and title of each of its witnesses and ten copies of a list of the proposed testimony and exhibits to be presented at the hearing 60 days prior to the first day of hearing and serve copies upon intervenors and their attorneys, if any.

9. Intervenors (including Staff) are directed to file with the Director of the Commission an original and eight copies of a list containing the name, address, and title of each witness, and an original and eight copies of proposed testimony and exhibits to be presented at the hearing 20 days prior to the first day of hearing and serve copies upon Respondent, and other intervenors and their attorneys, if any.

10. No witness shall be permitted to testify nor shall any document be received in evidence, except in rebuttal, unless served and filed as required in this Order.

11. Upon motion of the Commission or any party, the suspended tariff filing may be rejected by the Commission if the Respondent does not meet the requirements in this Order, including but not limited to the prefiling requirements found in Ordering ¶ 8, unless good cause for non-filing is shown.

12. No motion for any continuance shall be granted if filed within 20 days before the first day of hearing, except for good cause shown. No objection to the procedure established in this Decision shall be granted, except upon timely motion showing good cause.

13. If the hearing date in Ordering ¶ 3 is postponed or changed for any reason, Respondent shall file its exhibits and testimony 30 days before any new hearing date and all intervenors (including Staff) shall file their exhibits and testimony 20 days before any new hearing date.

14. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
AUGUST 25, 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

POLLY PAGE

CARL MILLER

Commissioners