

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

DOCKET NO. 04C-463CP

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IN THE MATTER OF LARRY HOLLE DOING BUSINESS AS BUS EXPRESS.

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**ORDER TO SHOW CAUSE AND NOTICE OF HEARING**

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Mailed Date: September 15, 2004  
Adopted Date: September 14, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. Larry Holle doing business as Bus Express (Bus Express) is a motor vehicle carrier exempt from regulation as a public utility that provides transportation services within the State of Colorado. Bus Express is registered with the Public Utilities Commission (Commission) as a children's activity bus under Registration No. CAB-00026. Therefore, Bus Express is required to meet minimum safety standards. See 4 Code of Colorado Regulations (CCR) 723-15.

2. Staff of the Commission (Staff) conducted Safety and Compliance Reviews (SCR) with Bus Express in April 2003, November 2003, and July 2004 in order to determine Bus Express' compliance with these rules.

3. Pursuant to § 40-16-103, C.R.S., the Commission may revoke the registration of any motor vehicle carrier exempt from regulation as a public utility that does not comply with safety requirements of the Commission.

**B. Findings of Fact**

4. Staff has performed multiple SCRs of Bus Express, and has reviewed Commission records and data submitted by Bus Express. Staff's opinion is that as of July 16,

2004, Bus Express was still not in significant compliance with the safety rules found in 4 CCR 723-15.

5. A letter from the Director of the Commission and a Proposed Order To Show Cause And Notice Of Hearing were mailed to Larry Holle doing business as Bus Express on August 11, 2004, offering an opportunity to produce documentation showing compliance with the safety and compliance report recommendations of July 13 and 16, 2004. Staff attempted to perform a follow up safety and compliance review on September 9, 2004 but was unable to inspect the records of Bus Express due to a lack of cooperation by Larry Holle.

### **C. Conclusions**

6. It is Staff's opinion that Bus Express was still not in significant compliance with the safety rules found in 4 CCR 723-15 as of September 10, 2004.

7. Sufficient cause exists to hold a hearing to determine the facts of the matter, to hear material arguments, to receive evidence and testimony, and to determine what penalty or remedy, if any, shall be imposed by order of the Commission.

8. If the Commission determines that it is appropriate to do so, the Commission may issue a decision that revokes the Registration of Bus Express.

## **II. ORDER**

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

1. Bus Express shall appear before the Commission, as set forth below, to show cause why the Commission should not take action and enter a decision, including but not limited to an order revoking the Registration issued by the Commission.

2. Docket No. 04C-463CP is set for hearing before an Administrative Law Judge:

Date: November 3, 2004

Time: 9:00 a.m.

Place: Colorado Public Utilities Commission  
Logan Tower, Office Level 2  
1580 Logan Street  
Denver, Colorado

3. The Staff shall file, at least 30 days before hearing: (1) two copies of a list containing the name, address, and title of each of its witnesses; and (2) two copies of each of the exhibits that it plans to present at the hearing. Copies of the witness list and exhibits shall be served upon all parties to the proceeding.

4. Bus Express shall file, at least 20 days before hearing: (1) two copies of a list containing the name, address, and title of each of its witnesses; and (2) two copies of each of the exhibits that it plans to present at the hearing. Copies of the witness list and exhibits shall be served upon all parties to the proceeding.

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

6. If Staff or Bus Express fails to meet the above requirements, the Commission may dismiss the proceeding or any defense, upon motion filed by any other party, unless good cause for non-filing is shown.

7. No motion for continuance shall be granted if filed within 20 days before the first day of the hearing, except for good cause shown.

8. No exception to the procedure in the Order shall be made except upon timely motion showing good cause.

9. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
September 14, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

CHAIRMAN GREGORY E. SOPKIN  
ABSENT.

I/TRANS/ORDERS/04C-463CP