

Decision No. C04-1229

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

DOCKET NO. 04L-512CP

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**RE:** IN THE MATTER OF THE APPLICATION OF RDS[M] TRANSPORTATION, LTD.  
DOING BUSINESS AS YELLOW CAB COMPANY OF COLORADO SPRINGS TO  
PUBLISH A FUEL SUPPLEMENT PASSENGER TARIFF NO. 32, TO BECOME EFFECTIVE  
ON LESS-THAN-STATUTORY NOTICE.

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**Comment [LP1]:** caption of original application reads: IN THE MATTER OF THE APPLICATION OF BY RDSM TRANSPORTATION, LTD., DOING BUSINESS AS YELLOW CAB COMPANY OF COLORADO SPRINGS &/OR GREATER COLORADO SPRINGS TRANSPORTATION COMPANY FOR AUTHORITY TO CONTINUE TO ASSESS A \$0.40 PER TRIP FUEL SURCHARGE ON LESS THAN 30 DAYS NOTICE AND WITHOUT A FORMAL HEARING.

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**COMMISSION ORDER DENYING TARIFF CHANGES ON  
LESS-THAN-STATUTORY NOTICE**

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Mailed Date: October 25, 2004  
Adopted Date: October 20, 2004

**I. BY THE COMMISSION:**

**A. Statement**

1. On October 7, 2004, RDS Transportation, LTD, doing business as Yellow Cab Company of Colorado Springs (Yellow Cab), filed an application for authority to publish a fuel supplement increase to Passenger Tariff Number 32 to become effective on less-than-statutory notice. Yellow Cab provides passenger service between points in El Paso County, Colorado.

2. Yellow Cab proposes a forty-cent fuel surcharge to every trip. The proposed surcharge will expire 60 days from the effective date of the fuel supplement filing. The proposal will add a 5.9 percent cost increase to the average trip.

3. In support of the application, Yellow Cab states that fuel costs to the drivers has increased substantially since the beginning of the year. Yellow Cab drivers must pay for the fuel themselves. Yellow Cab represents under oath that the entire surcharge would accrue to the benefit of its drivers.

4. Yellow Cab did file a narrative suggesting conditions have not changed in the past eight months and the continuance of the fuel surcharge is warranted. However, no financial justification in support of the filing accompanied the application. Despite six weeks of price decreases in the summer of 2004, Yellow Cab makes no reference to these decreases, nor does it appear that it took these decreases into account in its narrative.

5. Rule 31(f)(1) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, allows an order authorizing carriers to change tariffs or time schedules on less-than-statutory notice for good cause shown. Rule 31(g) also requires that a carrier file concurrently, a statement of the justification for increases and all support data.

6. The Commission finds that Yellow Cab has failed to show good cause for the approval of the proposed forty-cent increase on a per trip basis to the rates in Passenger Tariff No. 32. Therefore, we find that the application should be denied.

## **II. ORDER**

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

1. The application of RDS Transportation, LTD, doing business as Yellow Cab Company of Colorado Springs to publish a fuel supplement to Passenger Tariff No. 32 on less-than-statutory notice is denied.

2. The 20-day time-period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, re-argument, or reconsideration shall begin on the first day after the effective date of this Order.

3. This Order is effective on its Mailed Date.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

COMMISSIONER POLLY PAGE  
ABSENT.