

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

DOCKET NO. 04L-512CP

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IN THE MATTER OF THE APPLICATION OF 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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**DECISION DENYING APPLICATION FOR REHEARING,  
REARGUMENT OR RECONSIDERATION**

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Mailed Date: December 13, 2004

Adopted Date: November 23, 2004

**I. BY THE COMMISSION**

**A. Background**

1. This matter comes before the Commission for consideration of an application for rehearing, reargument, or reconsideration (RRR) filed by RDSM Transportation, Ltd., doing business as Yellow Cab Company of Colorado Springs &/or Greater Colorado Springs Transportation Company (Yellow Cab). The motion, timely filed on November 15, 2004, asks the Commission to reconsider Decision No. C04-1229 in which the Commission denied Yellow Cab's application for a tariff supplement adding a fuel surcharge of forty cents to every trip to be implemented on less-than-statutory notice.

2. In our decision we noted that Yellow Cab failed to provide financial justification for a surcharge. While the application provided a narrative, it made no reference to fuel decreases during the summer of 2004, the fuel surcharge recently granted Yellow Cab, and fails to note the current trend of decreasing prices. While the applicant presented some information in the narrative, the information presented does not justify the need for a fuel surcharge.

**B. Findings**

3. Applicant Yellow Cab does not present any new arguments in its motion for RRR, or suggest why our original decision was in error. Section 40-6-114(3), C.R.S., provides that we may change our original decision if we find it to be just or unwarranted. We find our initial decision to be just. As we noted in Decision No. C04-1229, Rule 4 *Code of Colorado Regulations* 723-1-31(g), a carrier must provide justification for an increase. Rule 31(g) also requires that a carrier file concurrently, a statement of the justification for increases and all support data. Rule 31(g)(3) requires that carriers submit a statement of any prior Commission action relating to either the current or proposed rates. The application filed by Yellow Cab does not contain the required justification and information. Yellow Cab may in fact need a fuel surcharge, and it may file another application.

4. Yellow Cab argues that the Commission should have approved its application because the same justification was provided in Yellow Cab's current application as was provided in its application from April of this year, which was approved. We believe that its application from April contained a far more complete financial analysis given the information available to it at the time. Regardless, Yellow Cab's application cannot ignore the recent surcharge, and revenue gains from that surcharge in its analysis. Yellow Cab's application for RRR provides no justification for reconsidering our original decision.

**II. ORDER****A. The Commission Orders That:**

1. The application of RDSM Transportation, Ltd., doing business as Yellow Cab Company of Colorado Springs &/or Greater Colorado Springs Transportation Company for rehearing, reargument, or reconsideration is denied.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
November 23, 2004**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners