

Decision No. C04-1576

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-610CP

IN THE MATTER OF THE APPLICATION OF VAIL VALLEY TRANSPORTATION, INC.
FOR APPROVAL TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY PUC NO. 22485 TO BRYAN MACSATA DOING BUSINESS AS COLORADO
VAIL VALLEY TRANSPORTATION.

**DECISION GRANTING REQUEST
TO SUBSTITUTE TRANSFEREE**

Mailed Date: December 30, 2004
Adopted Date: December 28, 2004

I. BY THE COMMISSION:

Statement

1. This matter comes before the Colorado Public Utilities Commission (Commission) for consideration of a letter filed by Bryan Macsata on December 27, 2004 requesting the substitution of Colorado Vail Valley Transportation, LLC for Bryan Macsata doing business as Colorado Vail Valley Transportation as the transferee in Docket No. 04A-610CP-TA and Docket No. 04A-610CP.

2. On November 23, 2004, Vail Valley Transportation, Inc. filed an application for temporary approval to allow Bryan Macsata doing business as Colorado Vail Valley Transportation to assume operational control of transfer Certificate of Public Convenience and Necessity (CPCN) PUC No. 22485 pending Commission consideration of the related application to permanently transfer the certificate.

3. The Commission granted Bryan Macsata doing business as Colorado Vail Valley Transportation temporary approval to assume operational control of CPCN PUC No. 22485 on December 8, 2004 in Decision No. C04-1449.

4. Decision No. C04-1449 required that Bryan Macsata doing business as Colorado Vail Valley Transportation file with the Commission the appropriate certificates of insurance within 30 days of the effective date of the order. The required certificate of insurance, a Form E Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, was filed with the Commission on December 23, 2004. However, the certificate of insurance was filed with the insured's name indicated as Colorado Vail Valley Transportation, LLC.

5. Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-23-12.3.1 states "[a]ll insurance coverage must be filed with the exact name, initials, corporate and trade name (if any), and address as shown in the application or records of the Commission. The Form E filed on December 23, 2004 was not filed in the name indicated as the transferee in Docket No. 04A-610CP-TA and Docket No. 04A-610CP and as a result did not meet the Commission's filing requirements.

6. In his letter of December 27, 2004, Mr. Macsata states that he faxed an application for authority to transfer CPCN PUC No. 22485 from Vail Valley Transportation, Inc. to Colorado Vail Valley Transportation to Mr. I. H. Kaiser, Esq., on November 2, 2004. Mr. Kaiser was to file the application with the Commission. Mr. Macsata states he inadvertently omitted the LLC designation from the company name on the application.

7. Mr. Macsata included a Certificate from the Office of the Secretary of State of the State of Colorado with the letter filed on December 27, 2004. This Certificate indicates that Colorado Vail Valley Transportation was formed or registered as a Limited Liability Company with the Colorado Secretary of State's Office on November 2, 2004.

8. Mr. Macsata also states "[w]hen I obtained insurance from Burns & Wilcox, LTD, I listed the company name as Colorado Vail Valley Transportation, LLC. In an attempt to rectify this situation, I would like you to add the LLC to any documentation that the PUC may have in reference to my company. Colorado Vail Valley Transportation is a limited liability company and I have learned that I need to attach the LLC after the company name on all correspondence and forms regarding my company."

9. The Commission will construe the statements in Mr. Macsata's letter as a motion to substitute Colorado Vail Valley Transportation, LLC as the transferee in Docket No. No. 04A-610CP-TA and Docket No. 04A-610CP.

10. The Commission finds that good cause has been shown to grant the motion to substitute Colorado Vail Valley Transportation, LLC for Bryan Macsata doing business as Colorado Vail Valley Transportation as the transferee in Docket No. 04A-610CP-TA and Docket No. 04A-610CP.

II. ORDER

A. The Commission Orders That:

1. The letter filed by Bryan Macsata is construed as a Motion to substitute Colorado Vail Valley Transportation, LLC for Bryan Macsata doing business as Colorado Vail Valley Transportation as the transferee in Docket No. 04A-610CP-TA and Docket No. 04A-610CP

2. The Motion to substitute Colorado Vail Valley Transportation, LLC for Bryan Macsata doing business as Colorado Vail Valley Transportation as the transferee in Docket No. 04A-610CP-TA and Docket No. 04A-610CP is granted.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 28, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners