

Decision No. R04-0438

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-089BP

IN THE MATTER OF THE APPLICATION OF DARREL SEGERS, D/B/A DESIGNATED DRIVER SERVICES, 3012 ½ HILL COURT, GRAND JUNCTION, COLORADO 81504, FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
GRANTING MOTION TO DISMISS APPLICATION**

Mailed Date: April 27, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. The captioned application of Darrel Segers, doing business as Designated Driver Services (Segers), was filed with the Colorado Public Utilities Commission on February 19, 2004. It was originally published in the Commission's "Notice of Applications Filed" on March 8, 2004, and was then "re-noticed" in the Commission's "Notice of Applications Filed" on April 5, 2004. *See*, Decision No. R04-0336-I.

2. Tazco, Inc., doing business as Sunshine Taxi (Sunshine Taxi), and Agnes Weir, doing business as Care Cars (Weir), intervened in this matter.¹

3. By pleading entitled "Withdrawal of Permit Application" dated April 12, 2004, and received by the Commission on April 15, 2004, Segers requests that this application be

¹ The Weir intervention was deemed withdrawn on the basis of certain restrictive amendments agreed to by Segers. *See*, Decision No. R04-0321-I.

withdrawn, reserving the right to resubmit it at a later time. This request will be construed as a motion to dismiss the application, without prejudice (Motion to Dismiss).

4. No responses were submitted to the Motion to Dismiss within the response period provided by Rule 22(b) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1-22. Therefore, it is uncontested.²

5. Good grounds having been shown, the Motion to Dismiss will be granted.

6. Pursuant to § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The Withdrawal of Permit Application filed by Darrel Segers, doing business as Designated Driver Services, is granted.

2. The captioned application of Darrel Segers, doing business as Designated Driver Services, is dismissed, without prejudice.

3. Docket No. 04A-089BP is closed.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

5. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

² The dismissal of the application renders pending motions and/or petitions previously submitted by Sunshine Taxi on March 29, March 31, April 12, and April 14, 2004, moot.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

6. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge