

Decision No. R04-1430

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-455CP

IN THE MATTER OF THE APPLICATION OF CARE-4-U TRANSPORTATION, INC., FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
GRANTING APPLICATION**

Mailed Date: December 3, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On September 2, 2004, Applicant Care-4-U Transportation, Inc., filed an application for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire.

2. On September 20, 2004, the Commission issued notice of the application as follows:

For a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of

passengers and their baggage, in call-and-demand limousine service,

between all points in the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson, State of Colorado.

3. On September 30, 2004, Metro Taxi, Inc. (Metro Taxi), filed an Entry of Appearance and Notice of Intervention.

4. On October 28, 2004, Applicant and Boulder Express, LLC, doing business as Boulder Shuttle (Boulder Express) and Nemarda Corporation (Nemarda) filed a Motion and Stipulation.

5. By the terms of the motion and stipulation, Applicant moved to amend its application to restrict the authority sought against transportation of passengers to and from Denver International Airport.

6. Boulder Express and Nemarda stated in the motion and stipulation that if the restrictive amendment was accepted by the Commission, they would not intervene in this docket.

7. By Decision No. R04-1294-I, mailed on November 1, 2004, the restrictive amendment was accepted.

8. On November 22, 2004, the date that the hearing of this matter was scheduled, Applicant and Metro Taxi filed a Motion and Stipulation. Under the terms of the Motion and Stipulation, Applicant moves to amend its application by adding the additional following restrictions:

- (1) Applicant restricts its application to the use of no more than five (5) vehicles; and
- (2) Applicant restricts its application to the use of vehicles with a seating capacity of eight or more passengers, plus the driver.

9. Metro Taxi states that if the amendment is accepted, it will withdraw its intervention.

10. The hearing scheduled for November 22, 2004 was orally vacated.

11. It is found that the proposed amendment filed on November 22, 2004 is restrictive in nature, clearly stated, and enforceable. The restrictive amendment is accepted.

12. Since this matter is now noncontested, the matter may be handled by the Commission pursuant to its modified procedure under the provisions of § 40-6-109(5), C.R.S., and Rule 24(a) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

13. It is found that Applicant is financially and otherwise fit to provide the proposed transportation. It is also found that there is a public need for the proposed transportation. These findings are based upon the verified application, financial statement, and letters of support from the public.

14. 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 restrictive amendment filed by Applicant Care-4-U Transportation, Inc., on November 22, 2004 is accepted.

2. Care-4-U Transportation, Inc., is granted a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of:

Passengers and their baggage, in call-and-demand limousine service,
between all points in the counties of Adams, Arapahoe, Boulder, Broomfield,
Denver, Douglas, and Jefferson State of Colorado.

RESTRICTIONS: This certificate is restricted as follows:

- (1) Against transportation of passengers to and from Denver International Airport;
- (2) To the use of no more than five (5) vehicles; and
- (3) To the use of vehicles with a seating capacity of eight or more passengers, plus the driver.

3. The authority granted in ordering paragraph no. 2 is conditioned upon Applicant meeting the requirements contained in this Order and is not effective until these requirements have been met.

4. Applicant shall file certificates of insurance, tariffs, rates, rules, and regulations as required by the rules and regulations of the Commission, and shall pay the issuance fee, annual identification fee, and comply with any other requirements of the Commission. Operations may not begin until these requirements have been met and Applicant has been notified by the Commission that operations may begin. If Applicant does not comply with the requirements of this ordering paragraph within 60 days of the effective date of this Order, then ordering paragraph no. 2 which grants authority to Applicant shall be void and the authority granted shall then be void. On good cause shown, the Commission may grant additional time for compliance provided the request is filed with the Commission within the 60-day time period.

5. The right of Applicant to operate shall depend upon Applicant's compliance with all present and future laws and regulations of the Commission.

6. 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.

7. 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.

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.

8. 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