

Decision No. R04-1478

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-499CP-EXTENSION

IN THE MATTER OF THE APPLICATION OF R&R TRANSPORTATION, INC.,
P.O. BOX 200246, DENVER, COLORADO 80220 FOR AUTHORITY TO EXTEND
OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PUC NO. 55693.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
DALE E. ISLEY
GRANTING MOTION TO
RESTRICTIVELY AMEND APPLICATION
AND FOR WITHDRAWAL OF INTERVENTION;
AND GRANTING APPLICATION UNDER
MODIFIED PROCEDURE**

Mailed Date: December 14, 2004

I. STATEMENT

1. The captioned application of R&R Transportation, Inc. (R&R), was filed with the Colorado Public Utilities Commission (Commission) on September 30, 2004, and was published in the Commission's "Notice of Applications Filed" on October 18, 2004. It is currently scheduled for hearing on December 21, 2004. *See*, Decision No. R04-1418-I.

2. By this application, R&R seeks authority to extend operations under Certificate of Public Convenience and Necessity (CPCN) PUC No. 55693 as follows:

Transportation of

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

between all hospitals, clinics, therapy centers, rehabilitation centers, child development centers, schools, and daycare centers in the Counties of Adams, Arapahoe, Boulder, Denver, Douglas, Jefferson, and Larimer, State of Colorado, and between said points, on the one hand, and all points in the Counties of

Adams, Arapahoe, Boulder, Denver, Douglas, Jefferson, and Larimer, State of Colorado, on the other hand.

RESTRICTIONS:

- I. Restricted against service to or from Denver International Airport, Denver, Colorado;
 - II. Restricted against service to all airports within a 25-mile radius of the intersection of Colfax Avenue and Broadway in Denver, Colorado; and
 - III. Restricted against service to Central City and Black Hawk, Colorado casinos and hotels.
3. Shamrock Taxi of Fort Collins, Inc., doing business as Shamrock Shuttle, Inc.

(Shamrock) filed a timely intervention in this matter.

4. On December 2, 2004, Shamrock and R&R filed a Contingent Withdrawal of Intervention (Withdrawal). Under the Withdrawal, R&R has agreed to restrictively amend its application so as to exclude Larimer County from the geographic area it seeks to serve. Shamrock has, in turn, agreed to withdraw its intervention upon Commission acceptance of this amendment.

5. In accordance with § 40-6-109, C.R.S., the undersigned now transmits to the Commission the record in this proceeding along with a written recommended decision.

II. FINDINGS AND CONCLUSIONS

6. The amendment to this application described in paragraph 5 above is restrictive in nature, clearly stated, and enforceable. Such amendment will, therefore, be accepted and the intervention previously filed by Shamrock may be deemed withdrawn.

7. By this amended application, R&R seeks authority to extend operations under CPCN PUC No. 55693 as follows:

Transportation of

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

between all hospitals, clinics, therapy centers, rehabilitation centers, child development centers, schools, and daycare centers in the Counties of Adams, Arapahoe, Boulder, Denver, Douglas, and Jefferson, State of Colorado, and between said points, on the one hand, and all points in the Counties of Adams, Arapahoe, Boulder, Denver, Douglas, and Jefferson, State of Colorado, on the other hand.

RESTRICTIONS:

- I. Restricted against service to or from Denver International Airport, Denver, Colorado;
- II. Restricted against service to all airports within a 25-mile radius of the intersection of Colfax Avenue and Broadway in Denver, Colorado; and
- III. Restricted against service to Central City and Black Hawk, Colorado casinos and hotels.

8. Dismissal of the Shamrock intervention renders the application uncontested.

Therefore, it is eligible for processing under modified procedure pursuant to § 40-6-109(5), C.R.S., and Rule 24 of the Commission's **Rules of Practice and Procedure**, 4 CCR 723-1-24, without a formal hearing.

9. The verified application submitted by R&R establishes that it is familiar with the Commission's Rules, Regulations and Civil Penalties Governing Common Carriers of Passengers by Motor Vehicle for Hire and that it agrees to be bound by the same. The application and the attachments thereto also indicate that R&R has sufficient equipment with which to render the proposed service and is financially fit to conduct operations under the authority requested. Therefore, it is fit, financially and otherwise, to provide the proposed service.

10. The letters of support appended to the application establish that the common carrier service proposed by R&R is required by the public convenience and necessity and will not result in “destructive competition” to other common carriers serving the same geographic area encompassed by the application.

III. ORDER

A. The Commission Orders That:

1. The Contingent Withdrawal of Intervention filed by R&R Transportation, Inc., and Shamrock Taxi of Fort Collins, Inc., doing business as Shamrock Shuttle, Inc., is granted.

2. The intervention previously filed in this proceeding by Shamrock Taxi of Fort Collins, Inc., doing business as Shamrock Shuttle, Inc., is dismissed.

3. Docket No. 04A-499CP-Extension, being an amended application of R&R Transportation, Inc., to extend operations under Certificate of Public Convenience and Necessity PUC No. 55693, is granted.

4. The hearing of this matter currently scheduled for December 21, 2004, is vacated.

5. The authority sought by this amended application completely overlaps and duplicates the operations currently authorized by Certificate of Public Convenience and Necessity PUC No. 55693. Therefore, Certificate of Public Convenience and Necessity PUC No. 55693 is hereby amended to read as follows:

Transportation of

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

between all hospitals, clinics, therapy centers, rehabilitation centers, child development centers, schools, and daycare centers in the Counties of Adams, Arapahoe, Boulder, Denver, Douglas, and Jefferson, State of Colorado, and between said points, on the one hand, and all points in the Counties of Adams,

Arapahoe, Boulder, Denver, Douglas, and Jefferson, State of Colorado, on the other hand.

RESTRICTIONS:

- I. Restricted against service to or from Denver International Airport, Denver, Colorado;
 - II. Restricted against service to all airports within a 25-mile radius of the intersection of Colfax Avenue and Broadway in Denver, Colorado; and
 - III. Restricted against service to Central City and Black Hawk, Colorado casinos and hotels.
6. Applicant shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Applicant shall also file an appropriate tariff and pay the issuance fee and annual vehicle identification fee. Operations may not begin until these requirements have been met. If the Applicant does not comply with the requirements of this ordering paragraph within 60 days of the effective date of this Order, then the ordering paragraph granting authority to the Applicant shall be void. On good cause shown, the Commission may grant additional time for compliance.
7. 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.
8. 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.

9. 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