

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1229BP

IN THE MATTER OF THE APPLICATION OF COLORADO JEEP TRAIL TOURS DOING BUSINESS AS MILD TO WILD TOURS FOR A PERMIT TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION DEEMING
APPLICATION INCOMPLETE AND DISMISSING
APPLICATION WITHOUT PREJUDICE**

Mailed Date: January 14, 2014

Adopted Date: January 8, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusion

1. On November 18, 2013, Colorado Jeep Trail Tours, doing business as Mild to Wild Tours (Applicant), filed an application for permanent authority to conduct operations as a contract carrier by motor vehicle for hire.

2. On November 26, 2013, Staff of the Commission issued a Deficiency Letter pursuant to Rule 1303(c)(II) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1. The Deficiency Letter advised Applicant of several deficiencies with the application, including the following:

Rule 6203(a)(IX) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, requires a complete description of the authority sought [Item #10 of the application]. Your response to Item #10 of the application is ambiguous. Knowing that service will originate in Durango or Cortez is helpful, but "travel to and around Mesa Verde National Park" is not precise. You must be very specific and list the proposed geographic area to be served. (e.g. "Transportation of passengers shall originate and terminate in Durango and Cortez, Colorado. Restrictions: The application is restricted to providing tours of Mesa Verde National Park for [Customer Company]."). Please amend your application with a complete description of the authority sought. Please note that the

application will not be noticed to the public until an adequate amendment has been submitted.

3. Rule 1303(c)(II), 4 CCR 723-1, states that upon receipt of a deficiency letter, “the applicant may file a response either curing all the deficiencies noted by Commission staff or explaining why it believes no further action is required.” This response “shall be filed no later than ten days after Commission staff’s written notification was sent.” *Id.* “If the applicant does not respond in the time allotted, the Commission may, after the application’s notice period has expired, deem the application incomplete, dismiss the application without prejudice, and close the proceeding.” *Id.*

4. The Deficiency Letter was mailed to Applicant on November 26, 2013. Therefore, the ten-day period allotted for curing the deficiencies expired on December 6, 2013.

5. Applicant has not filed a response or the requested information.

6. Pursuant to Rule 1206(c)(I), 4 CCR 723-1, the Commission did not provide notice of this application because of the above mentioned deficiencies.

7. Due to the foregoing, we deem the application incomplete and dismiss the application without prejudice.

II. ORDER

A. The Commission Orders That:

1. The application of Colorado Jeep Trail Tours, doing business as Mild to Wild Tours is deemed incomplete, within the meaning of § 40-6-109.5, C.R.S., and Rule 1303(c) of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, and is dismissed without prejudice.

2. This proceeding is closed.

3. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Decision.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 8, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

Commissioners

COMMISSIONER GLENN A. VAAD
NOT PARTICIPATING.