

Decision No. C14-0169-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1186CP-EXTENSION

IN THE MATTER OF THE APPLICATION OF HIGH COUNTRY SHUTTLE INC. FOR
AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY NO. 55806.

**INTERIM DECISION GRANTING EXCEPTIONS TO
RECOMMENDED DECISION NO. R14-0040**

Mailed Date: February 12, 2014

Adopted Date: February 5, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of the exceptions to Recommended Decision No. R14-0040 filed by High Country Shuttle Inc. (Applicant) on January 21, 2014. Being fully advised in this matter and consistent with the discussion below, we grant the exceptions.

B. Background

2. On November 1, 2013, Applicant filed an Application to Extend Operations under Certificate of Public Convenience and Necessity (CPCN) PUC No. 55806.

3. The Commission noticed the application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on November 4, 2013.

4. On December 4, 2013, Colorado Coach Transportation LLC and MT Acquisitions LLC, doing business as Mountains Taxi (collectively, interveners), timely intervened of right.

5. On December 11, 2013, the Commission deemed the application complete and referred the application and the interventions to an Administrative Law Judge (ALJ) by minute entry.

6. By Recommended Decision No. R14-0040 (Decision), mailed January 13, 2014, the ALJ dismissed the application without prejudice because CPCN PUC No. 55806 was revoked in Proceeding No. 13C-1255-INS, Decision No. R13-1472, for failing to have proof of financial responsibility on file with the Commission.

7. However, by Decision No. C14-0095 in Proceeding No. 13C-1255-INS, the Commission modified Decision No. R13-1472 and reinstated CPCN PUC No. 55806 contingent upon Applicant filing proof of insurance within 14 days of the effective date of Decision No. C14-0095. Decision No. C14-0095 became effective on its mailed date, which was January 24, 2014. Thus, Applicant had until February 7, 2014 to file proof of insurance. Applicant filed proof of insurance on January 29, 2014 and CPCN PUC No. 55806 was re-activated.

8. On January 21, 2014, Applicant submitted the instant filing requesting that the Commission reconsider the Decision. This filing is timely submitted as exceptions to the Decision.

9. On February 3, 2014, the interveners filed a response. However, pursuant to Rule 1505(a) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, this response was filed too late and will not be considered.

C. Discussion

10. In the exceptions, Mr. Imre Zelizi, the owner of Applicant, requests that his company be allowed to continue with the application process since CPCN PUC No. 55806 has been reinstated. In a letter attached to the exceptions, Mr. Zelizi explains that:

[t]he 1st half of 2013 had been financially challenging for me, and for the last 6 months, I have been searching for support from the community to help me cover my insurance costs for 2014. On November, 16, 2013, my commercial insurance expired, and I ceased using my van for airport business (all transport for monies stopped). On the same day, I purchase[d] private insurance through State Farm. For the last 6 weeks, I continued my search for support, and 3 days ago, I received what is needed.

11. The Commission concludes that good cause has been shown to grant the exceptions and refer the matter back to the ALJ for a determination of the merits of Applicant's application to extend operations under CPCN PUC No. 55806.

II. ORDER

A. It Is Ordered That:

1. Consistent with the discussion above, the exceptions to Recommended Decision No. R14-0040 filed by High Country Shuttle Inc. on January 21, 2014 are granted.

2. The matter is referred to the Administrative Law Judge for a determination of the merits of the Application to Extend Operations under Certificate of Public Convenience and Necessity PUC No. 55806 filed by High Country Shuttle Inc. on November 1, 2013.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 5, 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

GLENN A. VAAD

Commissioners