

Decision No. C14-0248

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1212CP

IN THE MATTER OF THE APPLICATION OF FUN TYME TROLLEYS, LLC FOR
AUTHORITY TO CONDUCT OPERATIONS AS A COMMON CARRIER BY MOTOR
VEHICLE FOR HIRE.

**COMMISSION DECISION
GRANTING EXTENSION OF TIME**

Mailed Date: March 10, 2014

Adopted Date: March 5, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a Motion for Extension of Time to Comply with Decision No. C14-0008 filed on February 21, 2014 by Fun Tyme Trolleys, LLC (Fun Tyme Trolleys), requesting that the Commission grant an additional 60 days to comply with the requirements named in Decision No. C14-0008 (Decision).

2. On November 12, 2013, Fun Tyme Trolleys filed an application (Application) for permanent authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers in sightseeing service between all points within 30 miles of the intersection of U.S. Highway 34 and U.S. Highway 36 in Estes Park, Colorado. The application was restricted to the use of vehicles with a seating capacity of 32 or more passengers.

3. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on November 18, 2013.

4. On December 18, 2013, Estes Valley Transport, Inc. (Estes Valley Transport) filed an Entry of Appearance and Intervention to this application. Subsequently, on December 30, 2013, Estes Valley Transport filed a Motion to Withdraw Intervention.

5. On January 6, 2014, the Commission issued the Decision and granted the Application. The Decision also set forth certain requirements to be completed by Fun Tyme Trolleys prior to commencing operations under the common carrier certificate.

6. Ordering Paragraph No. 5 of the Decision states that Fun Tyme Trolleys shall not commence operation until it has:

(a) caused proof of insurance or surety bond coverage to be filed with the Commission in accordance with applicable rules; (b) paid to the Commission the applicable vehicle fee of \$5.00 for each vehicle to be operated under authority granted by the Commission, or in lieu thereof, paid the fee for such vehicle(s) pursuant to the Unified Carrier Registration Agreement; (c) filed an advice letter and tariff on not less than ten days' notice. The advice letter and tariff shall be filed as a new Advice Letter proceeding and shall comply with all applicable rules; (d) paid the applicable issuance fee of \$5.00; and (e) received notice in writing from the Commission that it is in compliance and may begin service.

7. Ordering Paragraph No. 6 of the Decision states:

If Fun Tyme Trolleys, LLC, does not comply with the requirements of Ordering Paragraph No. 5 within 60 days of the effective date of this Decision, then the grant of authority to conduct operations shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 60 days.

8. The Decision became effective on January 26, 2014. Therefore, Fun Tyme Trolleys has until March 7, 2014 to comply with the Decision or file a request for additional time.

9. Fun Tyme Trolleys timely submitted its Motion for an extension of time on February 21, 2014.

10. In support of its Motion, Fun Tyme Trolleys states that due to the seasonal nature of the tourist trade in and around Estes Park, Colorado, and in an attempt to minimize the start-up costs of operation related to vehicle insurance, it is requesting that the deadline for compliance with the Decision be extended from March 7, 2014, to May 6, 2014.

11. The Commission finds that Fun Tyme Trolleys has shown good cause to extend the time to comply with the requirements of the Decision for an additional 60 days from the original deadline of March 7, 2014.

II. ORDER

A. The Commission Orders That:

1. The Motion for Extension of Time to Comply with Decision No. C14-0008 filed on February 21, 2014 by Fun Tyme Trolleys, LLC, that the Commission grant an additional 60 days to complete the requirements set forth in Decision No. C14-0008 is granted.

2. Fun Tyme Trolleys, LLC, is granted until May 6, 2014 to comply with the requirements named in Decision No. C14-0008.

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
March 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