

Decision No. C14-0259

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-0908BP

IN THE MATTER OF THE APPLICATION OF SUMMIT ACTIVITY TRANSPORT LLC,
DOING BUSINESS AS, SUMMIT ACTIVITY TRANSPORT FOR A PERMIT TO OPERATE
AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION
GRANTING EXTENSION OF TIME**

Mailed Date: March 11, 2014
Adopted Date: March 5, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a letter filed on February 24, 2014, by Eunice Kinrade, the owner of Summit Activity Transport LLC (Summit) requesting that the Commission grant an additional 45 days to comply with the terms of Recommended Decision No. R13-1501.

B. Findings

2. On August 15, 2013, Summit filed an application for authority to operate as a contract carrier by motor vehicle for hire for the transportation of Medicaid recipients in non-medical transportation for the Colorado Department of Health Care Policy and Financing.

3. The Commission noticed the application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on September 9, 2013. Two interventions were filed against the application; those interventions were subsequently withdrawn and the

application was granted on December 4, 2013 by Recommended Decision No. R13-1501 (Decision).

4. The Decision approved the application for contract carrier authority. The Decision also set forth certain requirements to be completed prior to the commencement of operations.

5. Specifically, Ordering Paragraph No. 10 of the Decision states that Transport Line shall not commence operation until the following conditions are met:

Applicant shall not commence the operations under the permit until it has complied with the requirements of Colorado laws and Commission rules, including without limitation:

- (a) causing proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- (b) paying to the Commission, the motor vehicle fee (\$5) 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) having an effective tariff on file with the Commission. Applicant shall file 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. In calculating the proposed effective date, the date received at the Commission is not included in the notice period and the entire notice period must expire prior to the effective date. (Additional tariff information can be found on the Commission's website at dora.colorado.gov/puc and by following the transportation common and contract carrier links to tariffs); and
- (d) paying the applicable issuance fee (\$5).

6. Furthermore, Ordering Paragraph No. 11 of the Decision states:

If Applicant does not cause proof of insurance or surety bond to be filed, pay the appropriate motor vehicle fees, file an advice letter and proposed tariff, and pay the issuance fee within 60 days of the effective date of this Decision, then the grant of the extended [*sic*] operations under the Permit shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within 60 days of the effective date of this Decision.

7. The Decision became effective 20 days after its mailing date, on December 24, 2014. Therefore, Summit had until February 24, 2014 (the first business day after the 60 days had elapsed) to comply with the Decision or file a request for additional time. A request for additional time was timely filed on February 24, 2014.

8. In the letter filed on February 24, 2014, Ms. Kinrade states that the insurance coverage has been purchased but the insurance agent has unexpectedly gone on vacation without filing the necessary Form E, and there is an issue as to the entity name and filing requirements that needs to be resolved. Summit accordingly requests 45 days from the original date, or April 10, 2014, as a new deadline for the filing of the compliance items.

C. Conclusions

9. The Commission concludes that Summit has shown good cause to extend the time for compliance with the requirements of the Decision for an additional 45 days from the original deadline of February 24, 2014.

II. ORDER

A. The Commission Orders That:

1. The request of Summit Activity Transport LLC filed on February 24, 2014 that the Commission grant an additional 45 days for it to complete the requirements set forth in Decision No. R13-1501 is granted.

2. Summit Activity Transport LLC is granted until April 10, 2014 to complete the requirements set forth in Decision No. R13-1501.

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

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners