

Decision No. C14-1040

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0754CP

IN THE MATTER OF THE APPLICATION OF AMA EXPRESS, LLC, FOR A PERMIT TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

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

Mailed Date: August 27, 2014
Adopted Date: August 27, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusion

1. On July 10, 2014, aMa Express LLC filed an application for authority to operate as a common carrier by motor vehicle for hire.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on July 14, 2014.

3. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

4. On July 18, 2014, 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 the applicant of the following deficiencies with the application:

1. Rule 6203(a)(XV) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, requires a statement setting forth the qualifications of the applicant, including managerial and financial fitness to conduct the proposed operations. Your response to item 13(financial fitness) is not very responsive to the issue of aMa Express's financial fitness, and item 14 (managerial fitness) has been left blank. Please supplement your

application with this information. It would be particularly helpful to the Commission in evaluating aMa's application to have supporting documentation regarding the financial fitness of aMa to operate the proposed authority (e.g. income statement, bank statement, and/or approval for lines of credit). You may choose to file a redacted public version and a confidential version in accordance with Commission rules.

5. 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.*

6. The Deficiency Letter was sent to the applicant on July 18, 2014. Therefore, the ten-day period allotted for curing the deficiencies expired on July 28, 2014.

7. The applicant has not filed a response or the requested information.

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

9. Interventions were filed against the application on July 18, 2014 by Colorado Coach Transportation LLC, Colorado Springs Shuttle LLC, Dashabout Shuttle Co &/or Roadrunner Express, Estes Valley Transport Inc., Mountains Taxi, and Ramblin' Express Inc. An intervention was filed on August 1, 2014 by MKBS LLC, doing business as Metro Taxi. An intervention was filed on August 7, 2014 by Home James Transportation Services, Ltd. An intervention was filed on August 11, 2014 by Magic Bus LLC. An intervention was filed on August 13, 2014 by Colorado Cab Company LLC, doing business as Denver Yellow Cab,

Boulder Yellow Cab, and Boulder SuperShuttle; SuperShuttle International Denver, Inc.; Colorado Springs Transportation LLC, doing business as Yellow Cab Company of Colorado Springs; Shamrock Taxi of Fort Collins, Inc., doing business as Yellow Cab of Northern Colorado and/or Yellow Cab NOCO; and Shamrock Charters, Inc. Due to the application being dismissed, we deny the interventions as moot.

II. **ORDER**

A. **The Commission Orders That:**

1. The application of aMa Express LLC 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. The interventions filed by Colorado Springs Shuttle LLC; Colorado Coach Transportation LLC; Estes Valley Transport Inc.; Dashabout Shuttle Co &/or Roadrunner Express; Mountains Taxi; Ramblin' Express Inc.; MKBS LLC, doing business as Metro Taxi; Home James Transportation Services Ltd.; Magic Bus LLC; Colorado Cab Company LLC, doing business as Denver Yellow Cab, Boulder Yellow Cab, and Boulder SuperShuttle; SuperShuttle International Denver, Inc.; Colorado Springs Transportation LLC, doing business as Yellow Cab Company of Colorado Springs; Shamrock Taxi of Fort Collins, Inc., doing business as Yellow Cab of Northern Colorado and/or Yellow Cab NOCO; and Shamrock Charters, Inc. are denied as moot.

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
August 27, 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