

Decision No. C14-1073

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0257BP

IN THE MATTER OF THE APPLICATION OF BOSSY TRANSPORTATION FOR A PERMIT
TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE

**COMMISSION DECISION REOPENING PROCEEDING
AND GRANTING EXTENSION OF COMPLIANCE TIME**

Mailed Date: September 5, 2014
Adopted Date: August 27, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a Motion to Reopen the Proceeding and Amend Decision No. C14-0535 (Motion) filed on August 21, 2014 by Nitche Ward the owner of Bossy Transportation LLC (Applicant), requesting that the proceeding be reopened and compliance time extended to allow for the filing of an advice letter and tariff.

2. On March 25, 2014, Applicant filed an application for permanent authority to conduct operations as a contract carrier by motor vehicle for hire.

3. On May 22, 2014, the Commission issued Decision No. C14-0535 (Decision) and granted the application. The Decision set forth certain requirements to be completed by Applicant prior to the commencement of operations.

4. Specifically, Ordering Paragraph No. 4 of the Decision states that Applicant shall not commence operation until it has complied with the requirements of Colorado law 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. [Bossy Transportation LLC 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).

5. Applicant was required by Ordering Paragraph No. 5 of the Decision to complete the above named terms within 60 days of the Decision's effective date; otherwise, the Decision would become void. Pursuant to Ordering Paragraph No. 8, the Decision was effective on its Mailed Date, which was May 22, 2014. Therefore, Applicant had until July 21, 2014 to complete the terms of the Decision.

6. Applicant timely paid the motor vehicle fee and the issuance fee, and filed proof of insurance. However, the advice letter and tariff were not officially filed with the Commission.

7. In the Motion filed on August 21st, Ms. Ward states that Applicant had filed an advice letter and tariff over the counter with the Commission on June 16, 2014 (and includes a copy of both documents). She explains that she did not receive any notification to the effect that

the advice letter and tariff had been rejected, and therefore assumed that they had been accepted by the Commission as properly filed. Ms. Ward states that because she did not receive any notice that the advice letter and tariff were insufficient or improperly filed, Applicant filed the other compliance items and was expecting to receive its authority. Applicant did not have a chance to correct the advice letter and tariff issue prior to the expiration of the compliance deadline because Applicant was not aware that there was any issue with the advice letter and tariff.

8. Pursuant to § 40-6-112(1), C.R.S., “[t]he commission, at any time upon notice to the public utility affected ... may rescind, alter, or amend any decision made by it. Any decision rescinding, altering, or amending a prior decision, when served upon the public utility affected, shall have the same effect as original decisions.” Thus, the Commission may amend the Decision such that additional time is granted to allow additional time to file the advice letter and tariff.

9. The Commission finds that good cause exists to grant the Motion to allow more compliance time. The Decision will be amended such that the time for compliance in Ordering Paragraph No. 5 is changed in order to allow for an additional 20 days from the mailing date of this Decision to complete the compliance requirements of Decision No. C14-0535. Applicant must still file the advice letter and tariff as a new advice letter and tariff proceeding and otherwise comply with the requirements of Ordering Paragraph 4(c).

II. ORDER

A. The Commission Orders That:

1. The Motion to Reopen the Proceeding and Amend Decision No. C14-0535 filed by Bossy Transportation is granted and Decision No. C14-0535 is amended pursuant to

§ 40-6-112(1), C.R.S., to allow an additional 20 days from the mailing date of this Decision to complete the compliance requirements

2. 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.

3. 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