

Decision No. C14-1089

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0873BP-EXTENSION-TA

IN THE MATTER OF THE APPLICATION OF WESTERN PARKING MANAGEMENT LLC
FOR TEMPORARY AUTHORITY TO EXTEND OPERATIONS AS A CONTRACT CARRIER
UNDER PERMIT NO. B-09967.

**COMMISSION DECISION GRANTING
TEMPORARY AUTHORITY**

Mailed Date: September 9, 2014
Adopted Date: September 3, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On August 19, 2014, Western Parking Management LLC (Applicant), filed an application for temporary authority to extend operations as a contract carrier by motor vehicle for hire under Contract Carrier Permit No. B-09967. An application for emergency temporary authority, filed in Proceeding No. 14A-0873BP-Extension-ETA was granted for a period of 30 days beginning on September 3, 2014, by Commission Decision No. C14-1071.

2. Applicant specifically requests temporary approval to extend its permit to operate as a contract carrier for the City of Lone Tree. This authority is described more fully in the Appendix to this Decision.

3. Pursuant to § 40-10.1-204(1), C.R.S., the Commission is authorized to grant temporary authority when “there appears to be an immediate and urgent need to any point or within a territory having no such service capable of meeting the need.”

4. Applicant must meet a two-fold test: first, that there is an immediate and urgent need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If Applicant fails to meet either test, the application must be denied.

5. In support of the application, Applicant explains that the City of Lone Tree wants to launch a “last mile” pilot program to promote public transportation, beginning on September 17, 2014. The attached customer support letter from Seth Hoffman, City Manager for the City of Lone Tree, explains that “it is imperative service starts on time. This service is crucial to the city, as it will be utilized to get employees to work.” The letter also explains that Applicant was the only transportation carrier who could meet the needs of the City of Lone Tree for this pilot program.

6. The Commission finds and concludes that the information submitted with this application shows that an immediate and urgent need for the requested transportation service exists, and that no other carrier has been shown to be capable of providing the service.

7. Applicant has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

8. This application for temporary authority to extend operations is in the public interest.

9. Applicant is advised that the grant of a temporary authority to extend operations creates no presumption that a permanent authority will be granted.

II. ORDER

A. The Commission Orders That:

1. Western Parking Management LLC is granted temporary authority to extend operations for a period of 150 days¹ commencing on October 2, 2014, when the emergency temporary extension of authority expires, with the temporary extension of authority as set forth in the Appendix attached to this Decision.

2. Western Parking Management LLC shall operate in accordance with all applicable Commission rules and regulations.

3. Western Parking Management LLC shall not commence operation under this temporary extension of authority until it has:

- (a) caused proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission in accordance with applicable rules;
- (b) paid 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) filed an advice letter and tariff on not less than five days' notice to the Commission. The advice letter and tariff shall initiate a new Advice Letter proceeding and shall comply with all applicable rules (*see* <http://www.dora.state.co.us/puc/trans/TransFilingTariff.htm>). 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;
- (d) paid the applicable issuance fee (\$5); and,
- (e) received notice in writing from the Commission that it is in compliance with the above requirements and may begin service under the extended authority.

¹ Pursuant to § 40-10.1-204(1), C.R.S., temporary authority shall not be granted for more than an aggregate of 180 days.

4. 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.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 3, 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