

Decision No. C14-1264

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14C-0883-INS

IN THE MATTER OF COMMISSION ACTION AGAINST THE CERTIFICATE(S) AND PERMIT(S) OF MOTOR CARRIERS CONCERNING FINANCIAL RESPONSIBILITY PURSUANT TO § 40-10.1-112, C.R.S., AND RULE 4 CCR 723-6-6008 OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLES.

**DECISION GRANTING APPLICATION FOR REHEARING,
REARGUMENT, OR RECONSIDERATION**

Mailed Date: October 20, 2014

Adopted Date: October 15, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Public Utilities Commission (Commission or PUC) for consideration of the Request for Reinstatement of Contract Carrier Permit No. B-10037 (Request) filed on October 6, 2014 by Broadway Express LLC (Broadway). Being duly advised in the matter and consistent with the discussion below, we construe the Request as an Application for Rehearing, Reargument or Reconsideration (RRR) of Recommended Decision No. R14-1108 issued September 11, 2014, and grant the RRR giving Broadway 15 days from the mailing date of this Decision to file proof of Financial Responsibility.

2. On September 11, 2014, the Recommended Decision was issued. The Recommended Decision revoked the certificates and permits of a number of motor carriers, including Broadway, for failure to maintain proof of financial responsibility (proof of insurance or surety bond), pursuant to § 40-10.1.107, C.R.S., and Rules 6007 and 6008 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6.

3. On October 1, 2014, pursuant to § 40-6-109(2), C.R.S., the Recommended Decision became a Commission Decision. By the terms of the Recommended Decision, any Respondent who filed proof of financial responsibility on or before October 1, 2014, would not have their authority revoked.

4. On October 6, 2014, Broadway filed their Request for Reinstatement. On October 7, 2014, Broadway filed a supplemental letter from their insurance agent. Broadway states that it has not provided any actual transportation under Contract Carrier Permit No. B-10037 since the date of the summary suspension of the authority. Broadway states that Broadway was in the midst of attempting to change the name from Broadway Express LLC to Denver Express Transportation, but the insurance company could not find a listing on the PUC database to file the Form E, Proof of Financial Responsibility, for Denver Express Transportation. Broadway's insurance agent states that the insurance company will be ready to submit proof of insurance as soon as possible if given the opportunity to do so.

5. We find that Broadway has shown good cause to amend Recommended Decision No. R14-1108 and remove Broadway from the list of Respondents whose certificates and permits were revoked by the Recommended Decision, so long as Broadway submits proof of insurance within 15 days. Pursuant to the timeframe established by Commission Rule of Practice and Procedure 1506(d), 4 CCR 723-1, we construe the Motion as an Application for RRR to the Recommended Decision and grant the Exceptions. If Broadway fails to file Proof of Financial Responsibility within 15 days of the mailing date of this Decision, Contract Carrier Permit No. B-10037 will be revoked and Broadway will have to file an application for new authority as a contract carrier if they wish to resume service.

II. ORDER

A. The Commission Orders That:

1. The Request for Reinstatement of Contract Carrier Permit No. B-10037 filed by Broadway Express, LLC on October 6, 2014 is construed as an Application for Rehearing, Reargument or Reconsideration to the Recommended Decision and is granted, consistent with the discussion above. Broadway Express LLC is granted 15 days from the mailing date of this Decision to file proof of financial responsibility with the Commission.

2. This Decision is effective upon its Mailed Date.

3. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 15, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners