

Decision No. C14-1410

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-0796CP-TRANSFER

IN THE MATTER OF THE JOINT APPLICATION OF SCHAFFER-SCHONEWILL AND ASSOCIATES, INC., D/B/A ENGLEWOOD EXPRESS AND/OR WOLF EXPRESS SHUTTLE FOR PERMANENT APPROVAL TO TRANSFER CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY, PUC NOS. 50790, 52940, AND 55363, TO COLORADO AIRPORT SERVICES, LLC.

**DECISION GRANTING MOTION TO WITHDRAW
JOINT APPLICATION FOR TRANSFER
OF CERTIFICATES OF PUBLIC CONVENIENCE
AND NECESSITY PUC NOS. 50790, 52940,
AND 55363, AND WAIVING RESPONSE TIME**

Mailed Date: November 25, 2014

Adopted Date: November 20, 2014

I. BY THE COMMISSION

A. Statement

1. On November 7, 2014, Schaffer-Schonewill and Associates, Inc. (SSA) and Colorado Airport Services, LLC (CAS) (collectively Joint Applicants) moved for leave to withdraw, pursuant to Rule 1309(d) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, their Joint Application to transfer Certificate of Public Convenience and Necessity PUC Nos. 50790, 52940, and 55363 (the CPCNs) from SSA to CAS, and for waiver of response time.

2. We grant the parties' motion and waive response time.

B. Background, Findings, and Conclusions

3. On July 11, 2013, the Joint Applicants filed an application seeking Commission approval to transfer the CPCNs. Trial Staff of the Colorado Public Utilities Commission

(Trial Staff) intervened pursuant to 4 CCR 723-1-1007(a) and 4 CCR 723-1-1401, and objected to the transfer.

4. The Commission referred the application to Administrative Law Judge (ALJ) Robert I. Garvey on August 28, 2013, and he established a procedural schedule.

5. On October 11, 2013, the Joint Applicants moved the Commission to vacate the procedural schedule, waive the 210-day deadline, and stay further proceedings.

6. On February 26, 2014, the Joint Applicants filed a stipulated motion to lift the stay of the proceedings and on April 9, 2014 by Decision No. R14-0376-I, ALJ Garvey scheduled an evidentiary hearing, which was held on June 23, 2014.

7. On September 16, 2014, ALJ Garvey issued his Recommended Decision, R14-1137, which granted the transfer application with conditions. Trial Staff and CAS timely filed exceptions, and SSA timely filed responses to the exceptions.

8. On November 7, 2014, before the Commission ruled on the exceptions, the Joint Applicants moved for leave to withdraw the transfer application and to waive response time.

9. In support of their Motion to Withdraw, the Joint Applicants state that they have reconsidered their respective, present interests in light of the nearly one and a half years since the Joint Application was filed. They further state that they have each, independently, determined that their respective business and regulatory interests are not served at this time by continuing to seek approval of transfer of the CPCNs.

10. The Joint Applicants mutually agreed to terminate and not consummate their Asset Purchase and Sale Agreement for the transfer.

11. The Joint applicants represent that Trial Staff does not object to the motion to withdraw the transfer application.

12. The Commission finds that no parties will be prejudiced by the withdrawal, and finds good cause to grant the Joint Applicants leave to withdraw their transfer application. We also waive response time.

II. ORDER

A. The Commission Orders That:

1. The uncontested motion filed November 7, 2014, in which Schafer-Schonewill and Associates, Inc. (SSA) and Colorado Airport Services, LLC (CAS) request leave to withdraw, pursuant to 4 *Code of Colorado Regulations* 723-1-1309(d), their Joint Application to transfer Certificate of Public Convenience and Necessity PUC Nos. 50790, 52940, and 55363 from SSA to CAS, and for waiver of response time, is granted.

2. The Recommended Decision on the merits of the requested transfer, R14-1137, is vacated and the exceptions are denied as moot.

3. This Decision is effective on its Mailed Date.

4. 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
November 20, 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