

Decision No. R14-0074-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PENDING NO. 13A-0962CP

IN THE MATTER OF THE APPLICATION OF 303 PARTYBUS, LLC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
ACCEPTING AMENDMENTS TO
APPLICATION AND REQUIRING AMENDED
APPLICATION TO BE RE-NOTICED**

Mailed Date: January 17, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On September 4, 2013, 303 Partybus LLC (Applicant), filed an Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire (Application).

2. The Commission gave notice of the Application on September 9, 2013.

As originally noticed, the Application sought:

Authority to operate as a common carrier by motor vehicle for hire for the transportation of

passengers in call-and-demand shuttle and charter service

between 6232 Beach Street, Denver, Colorado and the following venues:

Red Rocks Amphitheater, 18300 West Alameda Parkway, Golden, Colorado 80401;

1st Bank Center, 11450 Broomfield Lane, Broomfield, Colorado 80021;

Sports Authority at Mile High Stadium, 1701 Bryant Street, Denver, Colorado 80204;

Coors Field, 2001 Blake Street, Denver Colorado 80205;

Ogden Theater, 935 East Colfax Avenue, Denver, Colorado 80218;
Fiddlers Green, 6230 Greenwood Plaza Boulevard, Englewood, Colorado 80111;
Pepsi Center, 1000 Chopper Circle, Denver, Colorado 80204;
Dicks' Sporting Goods Park, 6000 Victoria Way, Commerce City, Colorado 80022;
Bluebird Theater, 3317 East Colfax Avenue, Denver, Colorado 80206.

RESTRICTIONS. This application is restricted:

- (a) to the use of one vehicle;
- (b) to the provision of service to no less than 20 passengers at a time;
- (c) to the use of a vehicle with a maximum capacity of 44 passengers; and,
- (d) to trips beginning and ending at 6232 Beach Street, Denver, Colorado.

3. MKBS LLC, doing business as Metro Taxi, Taxis Fiesta, South Suburban Taxi and Northwest Suburban Taxi (Metro), Colorado Cab Company LLC, doing business as Denver Yellow Cab (Colorado Cab), and SuperShuttle International Denver, Inc. (SuperShuttle) have timely intervened of right in this proceeding.

4. During the Commission's weekly meeting held October 16, 2013, the Commission deemed the Application complete and referred it to an administrative law judge (ALJ) for disposition.

5. On January 3, 2014, Colorado Cab filed a "Stipulation, Motion for Approval of Restrictive Amendments and Conditional Withdrawal of Interventions" (Stipulation). The Stipulation was executed by Colorado Cab, Applicant, and SuperShuttle.

6. Later that same day, Metro filed a "Motion for Conditional Withdrawal of Intervention" (Motion).

7. On January 17, 2014, the ALJ held a hearing regarding the language of the proposed authority. Decision No. R14-0020-I. Applicant and counsel, Mr. Knute Brody,

appeared at the hearing. Metro appeared through counsel, Ms. Cesilie Garles; Colorado Cab and SuperShuttle appeared through counsel, Mr. Mark Valentine. At the hearing, the parties discussed the issues identified by Decision No. R14-0020-I regarding the proposed authority. Applicant agreed to amend the Application to address those issues.

8. The ALJ will accept the proposed amendments to the Application, as discussed at the hearing, and in the Stipulation executed by Colorado Cab, Applicant, and SuperShuttle.

9. In particular, the Application shall be amended to read (in its entirety), as follows:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of

passengers in call-and-demand shuttle and charter service

between 6232 Beach Street, Denver, Colorado and the following venues:

Red Rocks Amphitheater, 18300 West Alameda Parkway, Golden, Colorado 80401;

1st Bank Center, 11450 Broomfield Lane, Broomfield, Colorado 80021;

Sports Authority at Mile High Stadium, 1701 Bryant Street, Denver, Colorado 80204;

Coors Field, 2001 Blake Street, Denver Colorado 80205;

Ogden Theater, 935 East Colfax Avenue, Denver, Colorado 80218;

Fiddlers Green, 6230 Greenwood Plaza Boulevard, Englewood, Colorado 80111;

Pepsi Center, 1000 Chopper Circle, Denver, Colorado 80204;

Dicks' Sporting Goods Park, 6000 Victoria Way, Commerce City, Colorado 80022;

Bluebird Theater, 3317 East Colfax Avenue, Denver, Colorado 80206.

RESTRICTIONS. This application is restricted:

- (a) to the use of one vehicle;
- (b) to the use of a vehicle with a maximum capacity of 44 passengers;
- (c) to round-trips originating and terminating at 6232 Beach Street, Denver, Colorado that may include stops only at the addresses identified herein;

(d) against service to or from hotels, motels, or airports.

10. This language reflects the following amendments to the Application: (1) deletes the restriction mandating a minimum of 20 passengers be transported at a time; (2) clarifies the restriction regarding round-trips to and from the originating and terminating address; and (3) adds the restrictive amendment requested by the parties in the Stipulation (to prohibit service to or from hotels, motels, or airports).

11. The ALJ finds that the amendments to the Application identified above will ensure that the authority is unambiguous and contained wholly within the authority granted. The amendments will also eliminate many problems that may arise with a restriction that 20 passengers be transported at a time. Moreover, as discussed in Decision No. R14-0020-I, such a restriction is not in the public interest.

12. Deleting the restriction mandating a minimum of 20 passengers be transported at a time broadens the scope of the Application. Because this amendment is not restrictive in nature, the ALJ will order that the amended Application be re-noticed to the public on the next notice date, January 27, 2014.

13. Metro, Colorado Cab, and SuperShuttle are not required to file a second intervention. If any of them object to the amended Application, they may do so by making a filing in this proceeding, on or before the expiration of the new intervention period.

14. If the above interveners do not make a filing objecting to the amended Application, they will be deemed to have no objection to the amended Application. In such a circumstance, the interventions already filed by Metro, Colorado Cab and SuperShuttle will be withdrawn as requested in the Stipulation and Motion.

15. At the hearing, Applicant agreed to waive the 210-day statutory deadline for a Commission decision to issue.

II. ORDER

A. It Is Ordered That:

1. The Application shall be amended to read (in its entirety), as follows:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of

passengers in call-and-demand shuttle and charter service

between 6232 Beach Street, Denver, Colorado and the following venues:

Red Rocks Amphitheater, 18300 West Alameda Parkway, Golden, Colorado 80401;

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RESTRICTIONS. This application is restricted:

- (a) to the use of one vehicle;
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- (c) to round-trips originating and terminating at 6232 Beach Street, Denver, Colorado that may include stops only at the addresses identified herein;
- (d) against service to or from hotels, motels, or airports.

2. The amended Application shall be re-noticed to the public in the Commission's January 27, 2014 "Notice of Applications Filed" (Notice). The Notice shall reflect the language of the amended Application as stated in Ordering Paragraph 1.

3. MKBS LLC, doing business as Metro Taxi, Taxis Fiesta, South Suburban Taxi and Northwest Suburban Taxi (Metro), Colorado Cab Company LLC, doing business as Denver Yellow Cab (Colorado Cab), and SuperShuttle International Denver, Inc. (SuperShuttle) are not required to file a second intervention in this proceeding. If Metro, Colorado Cab, or SuperShuttle object to the amended Application, they must make a filing in this proceeding on or before the expiration of the intervention period indicating that they object.

4. If Metro, Colorado Cab, and SuperShuttle do not make a filing objecting to the amended Application, any such intervener who fails to object will be deemed to have no objection to the amended Application.

5. Applicant's waiver of the 210-day statutory deadline for a Commission decision to issue is acknowledged.

6. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director