

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., DOING BUSINESS AS ENGLEWOOD EXPRESS &/OR WOLF EXPRESS SHUTTLE FOR PERMANENT APPROVAL TO TRANSFER CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY PUC NOS. 50790, 52940 AND 55363 TO COLORADO AIRPORT SHUTTLE SERVICES, LLC.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
GRANTING MOTION AND
SETTING PREHEARING CONFERENCE**

Mailed Date: February 27, 2014

I. STATEMENT

1. Scahafer-Schonewill and Associates Inc., doing business as Englewood Express &/or Wolf Express Shuttle (Wolf Express) and ¹Colorado Airport Services (Airport Services), LLC initiated the above captioned proceeding on July 11, 2013, by filing a joint application seeking Commission authority to transfer Certificates of Public Convenience and Necessity PUC Nos. 50790, 52940, and 55363 (the CPCNs) from Wolf Express to Shuttle Services. Included with this filing were exhibits in support of the proposed transfer of the CPCNs.

2. On July 15, 2013, the Commission provided public notice of the application by publishing a summary of the same in its Notice of Applications Filed as follows:

For an order of the Commission authorizing the transfer of Certificate of Public Convenience and Necessity PUC Nos. 50790, 52940, and 55363 from Schaffer-Schonewill and Associates, Inc., doing business as Englewood Express &/or Wolf Express Shuttle to Denver Airport Shuttle Services, LLC.

¹ Colorado Airport Shuttle Services was named Denver Airport Shuttle Services when the application was filed.

3. On August 19, 2013, the Staff of the Public Utilities Commission (Staff) filed their Entry of Appearance and Notice of Intervention Pursuant to Rule 1007(a) and Rule 1401 and Request for Hearing through counsel. In their filing Staff maintained that the Applicant could not demonstrate managerial, operational, or financial fitness to conduct operations in the proposed application and requested a hearing.

4. Later on August 19, 2013, Staff filed their Amended Notice of Intervention. In their amended notice Staff maintained that the Applicants would not be able to be able to fulfill their burden of proof with regard to subsections (A) through (E) of Commission Rule 6205(c)(XVI) of the Commission's Rules Regulating Transportation by Motor Vehicle, *4 Code of Colorado Regulations 723-6*.

5. On August 28, 2013, the Commission deemed the application complete and it was referred it to an Administrative Law Judge (ALJ) for disposition.

6. By Decision No. R13-1112-I, issued on September 9, 2013, a prehearing conference was scheduled for September 24, 2013

7. By Decision No. R13-1190-I, issued on September 24, 2013, a procedural schedule in the above captioned proceeding was established. As part of the procedural schedule, an evidentiary hearing was scheduled for November 20 and 21, 2013.

8. On October 11, 2013, Wolf Express and Airport Services jointly filed their Stipulated Motion to Vacate Procedural Schedule, Waive 210-Day Deadline and to Stay Further Proceedings in this Case.

9. By Decision No. R13-1295-I, issued on October 15, 2013, the Stipulated Motion to Vacate Procedural Schedule, Waive 210-Day Deadline and to Stay Further Proceedings in this Case was granted and the Proceeding was stayed.

10. On February 26, 2014, Wolf Express and Airport Services jointly filed their Stipulated Motion to Lift Stay of Proceedings in this Case Set Prehearing Conference and Waive Response Time (Motion). As grounds, Wolf Express and Airport Services state that there has been a resolution in Proceeding No. 13C-0937-INS and Proceeding No. 13A-0955CP-Suspension and therefore there is no longer a need to stay the above captioned proceeding.

11. Good cause having been shown the Motion shall be granted and a prehearing conference shall be scheduled as ordered below.

12. The undersigned ALJ expects the Parties to come to the prehearing conference with proposed dates, including hearing dates, for the procedural schedule. The Parties must consult prior to the prehearing conference with respect to the listed matters and are encouraged to present, if possible, a procedural schedule and hearing dates that are acceptable to all Parties.

13. If the Parties reach agreement on a procedural schedule prior to the prehearing conference, they may file the proposed procedural schedule and a motion to vacate the prehearing conference.

II. ORDER

A. It Is Ordered That:

1. The Stipulated Motion to Lift Stay of Proceedings in this Case Set Prehearing Conference and Waive Response Time (Motion) filed by Schafer-Schonewill and Associates Inc., doing business as Englewood Express &/or Wolf Express Shuttle and Colorado Airport Services, LLC on February 26, 2014, is granted.

2. The stay in and Proceeding No. 13A-0796CP-Transfer is lifted and the proceeding is reopened.

3. A prehearing conference is scheduled in this matter as follows:

DATE: March 17, 2014
TIME: 9:30 a.m.
PLACE: Hearing Room
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, Colorado.

4. Response time to the Motion is waived.

5. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director