

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING 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
VACATING HEARING**

Mailed Date: March 4, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. Only those portions of the procedural history necessary to understand this Decision are included.

2. 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).

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) (collectively, interveners), 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.”

7. On January 17, 2014, the ALJ held a hearing regarding the language of the proposed authority and the Stipulation. 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. By Decision R13-0074-I issued January 17, 2014, the ALJ accepted the proposed amendments to the Application, as discussed at the hearing, and in the Stipulation executed by Colorado Cab, Applicant, and SuperShuttle, and ordered that the amended Application be re-noticed to the public.

9. On February 10, 2014, Applicant paper-filed a supplement to its Application (Supplement). The Supplement purported to expand the scope of the authority sought by the Application for a second time. Because the Supplement did not include the name or signature of the party who submitted it, and because Applicant is represented by counsel in this proceeding, the ALJ ordered Applicant to submit a filing clarifying the meaning of the Supplement on or by 5:00 p.m. February 21, 2014. Decision No. R14-0181-I.

10. One week after the deadline, on February 28, 2014 at 4:32 p.m., Applicant's counsel submitted a paper-filing, "Notice of Withdrawal of February 10, 2014 Supplemental Filing" (Notice) which addresses the issues identified by Decision No. R14-0181-I.

11. Paper-filings must be processed before they are input into the electronic and official record through the Commission's e-filings system. On occasion, the processing of paper-filings may require additional time.

12. On March 3, 2014, the ALJ issued Decision No. R14-0226-I, scheduling the matter for a hearing to address the issues identified by Decision No. R14-0181-I. At the time the ALJ issued Decision No. R14-0226-I, Applicant's Notice had not been input into the electronic record, or otherwise reached the ALJ.

13. Although filed one full week late, Applicant's Notice adequately addresses the issues identified by Decision No. R14-0181-I. In particular, the Notice states that Applicant withdraws the February 10, 2014 supplement, that Applicant does not wish to amend the Application, and that Applicant binds itself to Decision No. R13-0074-I.

14. As noted by Decision No. R14-0226-I, no new interventions have been filed, and the interveners failed to make a filing by the close of the intervention period indicating they object to the amended Application. Thus, the amended Application is unopposed and may be addressed through a modified procedure, without the need for an evidentiary hearing.

15. The ALJ will vacate the March 14, 2014 hearing and will issue a written recommended decision on the merits of the Application.

II. ORDER

A. It Is Ordered That:

1. The hearing scheduled in this proceeding for March 14, 2014 at 10:00 a.m. regarding the supplement filed by Applicant 303 Partybus LLC is vacated.

2. 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