

Decision No. R14-1096

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0409CP

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

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
NOTICING WITHDRAWAL OF APPLICATION,
VACATING EVIDENTIARY HEARING AND
PROCEDURAL SCHEDULE, DISMISSING
APPLICATION WITHOUT PREJUDICE,
AND CLOSING PROCEEDING**

Mailed Date: September 9, 2014

I. STATEMENT, DISCUSSION, AND CONCLUSION

1. On May 2, 2014, Doctor Park Shuttle Company, LLC (DPSC or Applicant), filed an Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire. That filing commenced this Proceeding.

2. On May 5, 2014, DPSC filed two amendments to the May 2, 2014 filing and filed a supplement to the May 2, 2014. Unless the context indicates otherwise, reference in this Decision to the Application is to the May 2, 2014 filing as amended and supplemented on May 5, 2014.

3. On May 5, 2014, the Commission issued its Notice of Application Filed (Notice) in this Proceeding (Notice at 5); established an intervention period; and established a procedural schedule. On June 23, 2014, Decision No. R14-0681-I vacated that procedural schedule.

4. On May 30, 2014, AEX, Inc., doing business as Alpine Express (Alpine Express), timely intervened by right and is a party in this Proceeding. Alpine Express opposes the Application.

5. On June 2, 2014, Dolly's Mountain Shuttle, LLC (DMS), timely intervened by right and is a party in this Proceeding. DMS opposes the Application.

6. Alpine Express and DMS, collectively, are the Intervenors. Applicant and Intervenors, collectively, are the Parties. Each party is represented by legal counsel.

7. On June 11, 2014, by Minute Order, the Commission referred this matter to an Administrative Law Judge (ALJ).

8. On June 11, 2014, by Minute Order, the Commission deemed the Application complete as of that date. Pursuant to § 40-6-109.5(2), C.R.S., and absent an enlargement of time by the Commission or Applicant's waiver of the statutory provision, a Commission decision on the Application should issue not later than January 7, 2015.

9. On July 16, 2014, by Decision No. R14-0834-I, the ALJ scheduled an October 15 and 16, 2014 evidentiary hearing and established the procedural schedule in this matter.

10. On August 28, 2014, Applicant filed a Withdrawal of Application. The filing complies with Rule 4 *Code of Colorado Regulations* 723-1-1309(d).¹ The ALJ will dismiss the Application without prejudice.

11. Pursuant to § 40-6-109(2), C.R.S., the Administrative Law Judge recommends that the Commission enter the following order.

¹ This Rule is found in the Rules of Practice and Procedure, Part 1 of 4 *Code of Colorado Regulations* 723.

II. ORDER

A. The Commission Orders That:

1. The August 28, 2014 Withdrawal of Application is acknowledged.
2. The Application for a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire filed by Doctor Park Shuttle Company, LLC, on May 2, 2014, as that application was amended and supplemented, is dismissed without prejudice.
3. The evidentiary hearing scheduled for October 15 and 16, 2014 is vacated.
4. The procedural schedule established in Decision No. R14-0834-I is vacated.
5. Proceeding No. 14A-0409CP is closed.
6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.
7. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.
 - a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
 - b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the

administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

8. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MANA L. JENNINGS-FADER

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director