

Decision No. R14-1388-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 14A-0337CP

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IN THE MATTER OF THE APPLICATION OF COY CLUB, LLC DOING BUSINESS AS DENVER BAR CART FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
MELODY MIRBABA  
MODIFYING DECISION ACCEPTING  
AMENDMENTS TO APPLICATION**

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Mailed Date: November 20, 2014

**I. STATEMENT**

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

2. On April 14, 2014, CoY Club, LLC, doing business as Denver Bar Cart (Applicant) filed the above-captioned application.

3. The Commission has referred this matter to an administrative law judge (ALJ) for disposition.

4. On August 18, 2014, Applicant filed a proposed amended authority (second Application). The proposed amendment is an entirely new application, seeking authority to operate as a contract carrier by motor vehicle for hire.

5. On September 15, 2014, the ALJ approved the proposed amendments set forth by the second Application, with the modifications made during the September 11, 2014 hearing. Decision No. R14-1129-I. However, the Decision accepting those amendments inadvertently did

not include a proposed restriction to the authority sought. The restriction is that Applicant may only provide transportation service for “Denver Bar Cart Social Club.” *See* second Application. The ALJ interprets Applicant’s proposed restrictions to mean that Applicant will contract with Denver Bar Cart Social Club to provide contract carrier transportation service, and that is the only entity for which Applicant will provide contract carrier service. Based on the understanding that Denver Bar Cart Social Club is a different entity than Applicant, the ALJ finds that the restrictive amendment is clear, understandable and administratively enforceable.<sup>1</sup>

6. The ALJ will amend the Application to include the ALJ’s interpretation of Applicant’s proposed restriction.

7. As amended, the Application seeks the following:

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

passengers

within and between the following borders in the City of Denver:

Interstate 70 to Colorado Boulevard, Colorado Boulevard to Buchtel Boulevard, Buchtel Boulevard to Mississippi Avenue, Mississippi Avenue to Sheridan Boulevard, and Sheridan Boulevard to Interstate 70.

RESTRICTION: This Application is restricted:

To providing transportation service for Denver Bar Cart Social Club.

## II. ORDER

### A. It Is Ordered That:

1. Decision No. R14-1129-I is modified to reflect the amendment set forth above.

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<sup>1</sup> If Applicant is the same entity as Denver Bar Cart Social Club, a contract cannot exist between them, and a contract carrier permit cannot be granted. Decision No. C10-0282 in Proceeding No. 10A-038P, issued March 10, 2014. On the face of the second Application and the support letter provided with the second Application, the two entities are presented as different entities. At this stage, without evidence, the ALJ takes the second Application at face value, in that it portrays Denver Bar Cart and Denver Bar Cart Social Club as two different entities.

2. The Application in this proceeding is hereby amended as set forth in ¶ 7 above.
3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MELODY MIRBABA

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Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,  
Director