

Decision No. C19-0707

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0436CP-EXTENSION-TA

IN THE MATTER OF THE APPLICATION OF BRECKDIRECT LLC DOING BUSINESS AS PEAK 1 EXPRESS AND/OR PEAK ONE EXPRESS FOR TEMPORARY AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55937.

**COMMISSION DECISION GRANTING
TEMPORARY AUTHORITY**

Mailed Date: August 23, 2019

Adopted Date: August 21, 2019

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On August 8, 2019, BreckDirect LLC, doing business as Peak 1 Express and/or Peak One Express (Applicant), filed an application for temporary authority to extend operations under Certificate of Public Convenience and Necessity (CPCN) PUC No. 55937. A supplement to the application was filed on August 13, 2019.

2. Currently, CPCN PUC No. 55937 authorizes, in part, the transportation of passengers in scheduled service, from April 1st through Labor Day, between 100 Wulfson Road in Glenwood Springs, and the Hanging Lake parking lot. Applicant requests temporary authority for 60 days, from September 2, 2019 through October 31, 2019, to extend the authority by allowing scheduled service from May 1 through October 31.¹

¹ An application for permanent authority is pending in Proceeding No. 19A-0410CP-Extension.

3. The Commission gave notice of the application on August 12, 2019, for a period of five days pursuant to § 40-10.1-204(4), C.R.S.

4. There are no interventions opposing a grant of the application.

5. Pursuant to § 40-10.1-204(1), C.R.S., the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for common carrier service when “there appears to be an immediate and urgent need to any point or within a territory having no such service capable of meeting the need.”

6. In support of the temporary authority, Applicant explains:

The City of Glenwood Springs awarded a contract to [Applicant] following a bid process to provide ticket and transit services to Hanging Lake, as part of its Hanging Lake Area Management Plan. The contract with the City of Glenwood Springs requires [Applicant] to provide these services through the end of October because the need to address the traffic and congestion issues continues through September and October. The current authority allows [Applicant] to provide these services through Labor Day each year. [Applicant] seeks approval to extend the Authority granted under Certificate 55937 in order to continue operations as requested by the City of Glenwood Springs through October 31, 2019.

7. The Commission finds and concludes that the information submitted with this application shows that an immediate and urgent need for the requested transportation service exists, and there is no other carrier capable of meeting the need.

8. The Commission also finds that Applicant has adequate equipment and financial resources to begin immediate service within the scope of the authority sought, and the application for temporary authority is in the public interest.

9. Applicant is advised that the grant of a temporary authority creates no presumption that a permanent authority will be granted.

II. ORDER

A. The Commission Orders That:

1. BreckDirect LLC, doing business as Peak 1 Express and/or Peak One Express, is granted temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 55937 for a period of 60 days commencing from September 2, 2019, with authority as set forth in the Appendix attached to this Decision.

2. BreckDirect LLC, doing business as Peak 1 Express and/or Peak One Express, shall continue to operate in accordance with all applicable Colorado laws and Commission rules.

3. BreckDirect LLC, doing business as Peak 1 Express and/or Peak One Express, shall not commence the extended operations until it has complied with the requirements of Colorado laws and Commission rules, including without limitation:

- (a) causing proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- (b) paying to the Commission, the motor vehicle fee (\$50.00) for each vehicle to be operated under authority granted by the Commission, or in lieu thereof, paid the fee for such vehicle(s) pursuant to the Unified Carrier Registration Agreement;
- (c) having an effective tariff and time schedule on file with the Commission. [BreckDirect LLC, doing business as Peak 1 Express and/or Peak One Express, shall file an advice letter and tariff on not less than one day's notice. The advice letter and tariff shall be filed as a *new* Advice Letter proceeding and shall comply with all applicable rules. In calculating the proposed effective date, the date received at the Commission is not included in the notice period and the entire notice period must expire prior to the effective date. (Additional tariff information can be found on the Commission's website at dora.colorado.gov/puc and by following the transportation common and contract carrier links to tariffs)]; and,
- (d) paying the applicable issuance fee (\$5.00).

4. If BreckDirect LLC, doing business as Peak 1 Express and/or Peak One Express, does not comply with the requirements of this Decision within 30 days of its effective date, then the

temporary authority to extend operations shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 30 days.

5. The Commission will notify BreckDirect LLC, doing business as Peak 1 Express and/or Peak One Express, in writing when the Commission’s records demonstrate compliance with Ordering Paragraph No. 3.

6. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Decision.

7. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 21, 2019.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners