

Decision No. C19-1029

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0613CP-XFER

IN THE MATTER OF THE APPLICATION FOR PERMANENT AUTHORITY TO TRANSFER
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55753 FROM FRESH
TRACKS TRANSPORTATION LLC TO FIVE NINETEEN LLC.

**COMMISSION DECISION APPROVING TRANSFER OF
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY SUBJECT TO CONDITIONS**

Mailed Date: December 20, 2019

Adopted Date: December 11, 2019

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On November 1, 2019, an application was filed requesting approval to transfer Certificate of Public Convenience and Necessity (CPCN) PUC No. 55753 from Fresh Tracks Transportation LLC to Five Nineteen LLC, doing business as Fresh Tracks Transportation (Applicants). The Applicants filed supplemental information on November 4, 2019, November 7, 2019, and November 22, 2019.

2. The Commission noticed this Application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on November 4, 2019.

3. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

4. The information submitted with this Application complies with Rule 6206(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, and warrants the granting of the requested transfer of CPCN PUC No. 55753.

5. The financial standing and overall fitness of the transferee has been satisfactorily established per § 40-10.1-205(3), C.R.S.

6. This Application for permanent approval of the transfer of CPCN PUC No. 55753 is in the public interest and will be granted, conditioned upon full compliance with the requirements contained in the Order.

7. CPCN PUC No. 55753 contains the historical term “limousine service.” By Rule 6001(uu), 4 CCR 723-6, the Commission has adopted the term “shuttle service” to replace “limousine service.” Therefore, the Commission finds good cause to revise CPCN PUC No. 55753 as set forth in the Appendix attached to this Decision.

II. ORDER

A. The Commission Orders That:

1. This Application was deemed complete on December 11, 2019, within the meaning of § 40-6-109.5, C.R.S.

2. The joint Application filed by Fresh Tracks Transportation LLC (Transferor) for approval to transfer Certificate of Public Convenience and Necessity (CPCN) PUC No. 55753, subject to encumbrances, if any, against the authority, to Five Nineteen LLC, doing business as Fresh Tracks Transportation (Transferee), is granted, subject to full compliance with the requirements contained in Ordering Paragraph Nos. 4 and 5.

3. CPCN PUC No. 55753 is revised according to the discussion in Paragraph No. 7 above and is set forth in the Appendix attached to this Decision.

4. Transferee shall not be granted CPCN PUC No. 55753 and shall not commence operations under CPCN PUC No. 55753 until the following conditions have been fully complied with:

- a) cause proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- b) pay 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) file an adoption notice that adopts as its own the currently effective tariff of Transferor;
- d) file a Commission-prescribed acceptance of transfer form that is signed by both the Transferor and Transferee;
- e) pay the applicable fee (\$5.00) for the issuance of the authority;
- f) register an authorized representative as a File Administrator on behalf of Transferee in the Commission's electronic filing system (E-Filings) and agree that Transferee shall receive notifications electronically through E-Filings. Information can be found at:
www.dora.state.co.us/pls/efi/EFI.homepage; and,
- g) receive notice in writing from the Commission that it is in compliance with the above requirements and may begin service.

5. Transferor shall file a terminating annual report from January 1, 2019 to the effective date of this Decision.

6. If the Transferor and Transferee do not comply with the requirements of Ordering Paragraph Nos. 4 and 5 within 60 days of the effective date of this Decision, then the approval to transfer CPCN PUC No. 55753 shall be void without further action of the Commission. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 60 days.

7. Transferee shall operate in accordance with all applicable statutes, orders, and rules of the Commission. The Commission may issue an order to cease and desist or to suspend, revoke, alter,

or amend any certificate or permit for violation of, or refusal to observe any statute, order, or rule of the Commission, consistent with § 40-10.1-112 (1), C.R.S.

8. 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.

9. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 11, 2019.**

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners

ATTEST: A TRUE COPY

Doug Dean,
Director