

Decision No. C20-0217

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0095BP-ETA

IN THE MATTER OF THE APPLICATION OF DIRECT TRANSPORTATION LLC DOING BUSINESS AS WESTERN SHUTTLES AND/OR WESTERN PARKING MANAGEMENT FOR EMERGENCY TEMPORARY AUTHORITY TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION GRANTING
IN PART THE APPLICATION FOR
EMERGENCY TEMPORARY AUTHORITY**

Mailed Date: April 3, 2020

Adopted Date: April 1, 2020

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On March 6, 2020, Direct Transportation LLC, doing business as Western Shuttles and/or Western Parking Management (Applicant), filed an application for emergency temporary authority to conduct operations as a contract carrier of passengers by motor vehicle for hire.

2. Applicant requests emergency temporary authority for 30 days to operate as a contract carrier and provide transportation for several hotels to and from Denver International Airport.

3. Staff of the Commission sent a Deficiency Letter pursuant to Rule 1303(c)(II) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, on March 10, 2020. This letter advised Applicant that Rules 6204(a)(V) and 6204(b) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, require an application for

emergency temporary authority to operate as a contract carrier to include a letter signed by each proposed customer. The letter then specifically requested that Applicant supplement the application with a support letter from each of the proposed customers. In response, Applicant submitted, on March 20, 2020, four customer support letters from Embassy Suites, Quality Inn & Suites, Ramada DIA, and Aloft Denver Airport.

4. Pursuant to § 40-10.1-204(1), C.R.S., the Commission is authorized to grant temporary authority 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.” Section 40-10.1-204(4), C.R.S., further states: “If the Commission determines that an emergency exists, it may issue temporary authority or approval at once by making specific reference in its order to the circumstances constituting the emergency, in which case no notice need be given, but any such emergency authority or approval expires no later than thirty days after it was issued.”

5. In support of the application, Applicant states that it is “the only company set-up, contracted and currently capable of running airport service for the hotels listed in this application, none of the hotels have the means or buses to run their own service and rely on airport transportation to get their guests from the airport to the hotel, a service more than half of their guests utilize.”

6. The Commission finds and concludes that the information submitted with this application shows that an emergency need exists for the requested transportation service to the four hotels that submitted a support letter, and that no other carrier has been shown to be capable of providing the service.

7. Applicant has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

8. This application for emergency temporary authority is in the public interest and will be granted in part.

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

II. ORDER

A. The Commission Orders That:

1. The application filed on March 6, 2020, by Direct Transportation LLC, doing business as Western Shuttles and/or Western Parking Management, for emergency temporary authority to conduct operations as a contract carrier of passengers by motor vehicle for hire is granted, in part.

2. Direct Transportation LLC, doing business as Western Shuttles and/or Western Parking Management, is granted emergency temporary authority to conduct operations as a contract carrier as set forth in the Appendix attached to this Decision for a period of 30 days commencing from the date that Direct Transportation LLC, doing business as Western Shuttles and/or Western Parking Management, is in full compliance with Ordering Paragraph No. 3.

3. Direct Transportation LLC, doing business as Western Shuttles and/or Western Parking Management, shall not commence 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) with all the trade names 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 on file with the Commission. The tariff should comply with Rule 6208 of the Rules Regulating Transportation by Motor

Vehicle, 4 *Code of Colorado Regulations* 723-6. The tariff shall be filed in a *new* Advice Letter/Tariff proceeding on not less than one day's notice prior to a proposed effective date. 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 proposed effective date; and,

(d) paying the applicable issuance fee (\$5.00).

4. If Direct Transportation LLC, doing business as Western Shuttles and/or Western Parking Management, does not comply with the requirements of this Decision within 30 days of its effective date, then the emergency temporary authority 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 Direct Transportation LLC, doing business as Western Shuttles and/or Western Parking Management, in writing when the Commission's records demonstrate compliance with Ordering Paragraph No. 3.

6. Direct Transportation LLC, doing business as Western Shuttles and/or Western Parking Management, 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.

7. 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.

8. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 1, 2020.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners