

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0283CP-SUSPENSION

IN THE MATTER OF THE APPLICATION OF FREEDOM CABS INC. FOR AN ORDER OF THE COMMISSION AUTHORIZING A SUSPENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 53638.

**INTERIM DECISION REQUESTING
ADDITIONAL INFORMATION**

Mailed Date: August 10, 2020
Adopted Date: July 29, 2020

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of an application filed by Freedom Cabs Inc. (Applicant) on June 26, 2020, requesting approval to suspend Certificate of Public Convenience and Necessity (CPCN) PUC No. 53638 from June 30, 2020 through June 30, 2021.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on June 29, 2020, for a period of ten days.¹

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.

¹ The application was automatically deemed complete by operation of Rule 1303(c)(III) Commission Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, on July 24, 2020.

4. In the application, Applicant states the following as the reason for the suspension:

Inadequate traffic on account of the COVID-19 virus. Substantial decrease in Denver International Airport traffic demand. Driver's reluctance to drive under circumstances of the COVID-19 virus.

5. Applicant also included a Permit Cancellation form for its Large-Market Taxi permit, PUC No. LMT-00003. Applicant cancelled this permit effective as of June 30, 2020. The Commission's records further reflect that Applicant's insurance cancelled on July 26, 2020.

6. As required by a 2018 change in the law, CPCN PUC No. 53638 was amended to remove all language authorizing large-market taxicab service, pursuant to § 40-10.1-203(2)(c)(III), C.R.S., and thus, the certificate contains no operating authority.² The certificate now constitutes a devalued asset under the provisions of § 40-10.1-701(1)(b), C.R.S.³ Section 40-10.1-702, C.R.S., requires that a person obtain a permit, and not a CPCN to operate large-market taxicab service.⁴

7. Applicant's request for a suspension did not address why CPCN PUC No. 53638, which contains no operating authority, is still necessary for its operations.⁵ Applicant also does not provide any information for the value, if any, it attaches to the CPCN that no longer contains operating authority. We therefore request additional information from Applicant in order to access whether there is good cause to suspend CPCN PUC No. 53638.

² See, Decision No. C19-0205, mailed on February 28, 2019 in Proceeding No. 19M-0103TR.

³ See, *Id.*

⁴ Large-market taxicab service is defined as "indiscriminate passenger transportation for compensation in a taxicab on a call-and-demand basis, within and between points in the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, and Weld, and between those points and all points within the state of Colorado, with the first passenger in the taxicab having exclusive use of the taxicab unless the passenger agrees to multiple loadings." § 40-10.1-101(9.5), C.R.S.

⁵ The Commission has previously requested additional information on valuation of these assets. See Decision No. C19-0604, issued July 18, 2019, Proceeding No. 19A-0151CP-Suspension.

8. We request Applicant provide additional information to support whether suspension is necessary, particularly given that this certificate has no operating authority, is a devalued asset under the provisions of § 40-10.1-701(1)(b), C.R.S., and that a permit, not a CPCN, is now required to operate large-market taxicab service pursuant to § 40-10.1-702, C.R.S. Applicant should also explain what value it attaches to CPCN PUC No. 53638, such as possible tax benefits or airport access requirements, if retention of the CPCN is necessary for those or other purposes.

9. We request that Applicant provide supplemental information by August 28, 2020. Failure to provide good cause to suspend the certificate could result in the request being denied, thereby allowing it to become “active” in the Commission’s system, which will trigger Commission action against the certificate for the failure to maintain effective insurance.

II. ORDER

A. It Is Ordered That:

1. Freedom Cab. Inc. shall provide additional information supporting its application no later than August 28, 2020, consistent with the discussion above.
2. The Commission retains jurisdiction to enter further required decisions.
3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 29, 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