

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

PROCEEDING NO. 20A-0283CP-SUSPENSION

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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.

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**COMMISSION DECISION DENYING  
SUSPENSION OF OPERATIONS**

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Mailed Date: September 22, 2020

Adopted Date: September 16, 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.<sup>1</sup>

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.

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<sup>1</sup> 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 was 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.<sup>2</sup> The certificate now constitutes a devalued asset under the provisions of § 40-10.1-701(1)(b), C.R.S.<sup>3</sup> Section 40-10.1-702, C.R.S., requires that a person obtain a permit, and not a certificate of public convenience and necessity to operate large-market taxicab service.<sup>4</sup>

7. By Interim Decision No. C20-0582-I, mailed on August 10, 2020, the Commission requested additional information from Applicant "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."<sup>5</sup> The

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

<sup>3</sup> See, *Id.*

<sup>4</sup> 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.

<sup>5</sup> Decision No. C20-0582-I at ¶ 8.

Commission also requested that Applicant explain what value it attaches to CPCN PUC No. 53638.

8. In response, Applicant submitted a filing on August 26, 2020, titled “Conditional Consent to Termination of PUC 53638.” It states:

Upon further investigation, the necessity for Freedom Cabs, Inc.’s retaining PUC 53638, in the absence of a collateral obligation securing PUC 53638, Freedom Cabs, Inc. consents to its cancellation at this time and believes it is no longer necessary. Freedom Cabs, Inc. does not object to termination of that Authority without prejudice to a subsequent application, should taxi and related authority become necessary in the future.

9. We find Applicant’s response to be a concession that good cause to retain the certificate does not exist, and therefore, deny the application to suspend. By denying the application, CPCN PUC No. 53638 may be included in a show cause proceeding for revocation due to Applicant not having effective insurance on file with the Commission. The Commission agrees that this Decision, and revocation of CPCN PUC No. 53638, in no way precludes Applicant from applying for authority in the future.

**II. ORDER**

**A. The Commission Orders That:**

1. The application filed by Freedom Cabs Inc. on June 26, 2020, for authority to suspend Certificate of Public Convenience and Necessity PUC No. 53638 is denied.
2. 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.
3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
September 16, 2020.**

( S E A L )



ATTEST: A TRUE COPY



Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

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JOHN GAVAN

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MEGAN M. GILMAN

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Commissioners