

Decision No. C20-0910

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0524CP-SUSP

IN THE MATTER OF THE APPLICATION OF DJTURMAN ENTERPRISES, LLC DOING BUSINESS AS OLD TOWN TOURS/SHUTTLE SERVICES FOR AN ORDER OF THE COMMISSION AUTHORIZING A SUSPENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 55908.

**COMMISSION DECISION GRANTING
SUSPENSION OF OPERATIONS AND WAIVING RULE**

Mailed Date: December 23, 2020

Adopted Date: December 23, 2020

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On November 30, 2020, DJTurman Enterprises, LLC doing business as Old Town Tours/Shuttle Services (Old Town Tours/Shuttle Services) filed an application seeking approval to suspend operations under Certificate of Public Convenience and Necessity (CPCN) PUC No. 55908, from November 30, 2020 through March 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 December 7, 2020, for a period of ten days. The notice period expired on December 17, 2020.

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. Rule 6205(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, states that “A regulated intrastate carrier may not request

and the Commission shall not grant a voluntary suspension persisting for longer than: (I) 12 consecutive months; or (II) 12 months in any 24-month period.” Rule 6205(c), 4 CCR 723-6, further states that “any request for waiver or variance from this time period limitation must demonstrate that the suspension is in the public interest and that alternative service will be available during the period of suspension.”

5. Pursuant to Rule 1501(c) of the Commission’s Rules of Practice and Procedure, 4 CCR 723-1, we administratively notice that Old Town Tours/Shuttle Services was previously granted a suspension of operations under CPCN PUC No. 55908 from December 1, 2019 through May 1, 2020, by Decision No. C20-0080, in Proceeding No. 20A-0005CP-SUSP; from May 1, 2020 through August 1, 2020, by Decision No. C20-0389, in Proceeding No. 20A-0186CP-SUSP; and from August 2, 2020 through November 30, 2020, by Decision No. C20-0631, in Proceeding No. 20A-0326CP-SUSP. If the suspension requested in this application is granted, CPCN PUC No. 55908 will be suspended for a period of 16 months in a 24-month period. Therefore, to grant the suspension requested in this application, the Commission will have to waive on its own motion, Rule 6205(b), 4 CCR 723-6.

6. Pursuant to Rule 1003(a) of the Commission’s Rules of Practice and Procedure, 4 CCR 723-1, the Commission may “for good cause shown, grant waivers or variances from tariffs, Commission rules, and substantive requirements contained in Commission decisions. In making its determination the Commission may take into account, but is not limited to, considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.”

7. In support of this suspension application, Mr. Darrel Turman, the manager of Old Town Tours/Shuttle Services, states the request to suspend is the result of the “continued issues with Covid-19 restricting business.” The Commission is very aware that the Covid pandemic

has significantly decreased the demand for public passenger transportation during the past nine months. The possible continuation of the Covid pandemic may also limit the demand for passenger transportation for the next several months.

8. Therefore, the Commission finds that recent reduction in demand for passenger transportation and the information submitted with this application warrant the granting of a suspension of operations and a waiver of Rule 6205(b), 4 CCR 723-6. The application for authority to suspend CPCN PUC No. 55908 is in the public interest and will be granted.

II. ORDER

A. The Commission Orders That:

1. This application was deemed complete on December 23, 2020, within the meaning of § 40-6-109.5, C.R.S.

2. On its own motion, the Commission waives Rule 6205(b), 4 *Code of Colorado Regulations* (CCR) 723-6, consistent with the discussion above.

3. The application filed by DJTurman Enterprises, LLC doing business as Old Town Tours/Shuttle Services (Old Town Tours/Shuttle Services) on December 7, 2020, for approval to suspend operations under Certificate of Public Convenience and Necessity (CPCN) PUC No. 55908 is granted, *nunc pro tunc*, from November 30, 2020 through March 30, 2021.

4. On March 31, 2020, CPCN PUC No. 55908 shall be administratively reactivated.

5. Prior to commencing operations, Old Town Tours/Shuttle Services shall: (a) cause proof of insurance or surety bond coverage to be filed with the Commission pursuant to Rule 6008, 4 *Code of Colorado Regulations* 723-6; (b) pay to the Commission the applicable vehicle identification fee for each vehicle to be operated under authority granted by the Commission;

and, (c) ensure that an effective tariff is on file with the Commission, in compliance with applicable Commission rules.

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
December 23, 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