

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0457CP-XFER-TA

IN THE MATTER OF THE APPLICATION FOR TEMPORARY AUTHORITY TO TRANSFER OPERATIONAL CONTROL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 48202S FROM SWEET PEA TOURS SBS, INC. DOING BUSINESS AS SWEET PEA TOURS TO BOILESEN SHUTTLES LLC DOING BUSINESS AS SWEET PEA TOURS.

**COMMISSION DECISION GRANTING
TEMPORARY APPROVAL**

Mailed Date: November 4, 2022

Adopted Date: November 2, 2022

I. BY THE COMMISSION

A. Statement

1. On October 19, 2022, Sweet Pea Tours SBS, Inc., doing business as Sweet Pea Tours, and Boilesen Shuttles LLC, doing business as Sweet Pea Tours (Boilesen Shuttles), filed a joint application for temporary approval to allow Boilesen Shuttles to assume operational control of Certificate of Public Convenience and Necessity (CPCN) PUC No. 48202S for 180 days.

2. The Commission gave notice of the application on October 24, 2022, for a period of five days pursuant to § 40-10.1-204(4), C.R.S. No interventions were filed opposing a grant of the application.

B. Findings

3. Pursuant to § 40-10.1-204(2), C.R.S., the Commission may, in its discretion and without hearings or other proceedings, grant temporary approval of a certificate transfer “if it appears that failure to grant such temporary approval may result in destruction of or injury to the

carrier or its properties sought to be acquired, or may interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.”

4. In support of the temporary approval, the application states that there will be a change in ownership of the entire business and the proposed transfer is set to occur on November 9, 2022. The application further states:

The need for a temporary approval to transfer is due to the seasonality of the shuttle business. The demand for shuttles to the Strawberry Hot Springs begins in November, when the ski resort opens and the snow begins. If we were to not receive this approval, this would hurt Sweet Pea and the Hot Springs significantly as the other shuttle company would not be able to keep up with the demand during peak season and Sweet Pea would also lose its reputation of reliability.

C. Conclusions

5. The Commission concludes that a failure to grant temporary approval of an assumption of operational control could result in injury to CPCN PUC No. 48202S and ultimately affect service to the public.

6. Boilesen Shuttles has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

7. This application for temporary approval is in the public interest and will be granted.

8. Sweet Pea Tours SBS, Inc., doing business as Sweet Pea Tours, and Boilesen Shuttles are advised that the grant of temporary approval of an assumption of operational control creates no presumption that permanent transfer approval will be granted.

II. ORDER

A. The Commission Orders That:

1. The application for temporary approval of an assumption of operational control filed by Sweet Pea Tours SBS, Inc., doing business as Sweet Pea Tours, and Boilesen Shuttles LLC is granted.

2. Boilesen Shuttles LLC is granted temporary approval to assume operational control of Certificate of Public Convenience and Necessity PUC No. 48202S for a period of 180 days commencing from the Mailed Date of this Decision.

3. Boilesen Shuttles LLC shall operate in accordance with all applicable Colorado laws and Commission rules.

4. Boilesen Shuttles LLC shall not assume operational control until it has complied with the requirements of Colorado laws and Commission rules, including without limitation:

- (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 Sweet Pea Tours SBS, Inc., doing business as Sweet Pea Tours;
- (d) pay the applicable fee (\$5.00) for the issuance of the authority; and,
- (e) receive notice in writing from the Commission that it is in compliance and may begin service.

5. If Boilesen Shuttles LLC does not comply with the requirements of this Decision within 30 days of its effective date, then the temporary approval 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.

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
November 2, 2022.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners