

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25C-0170-INS

IN THE MATTER OF COMMISSION ACTION AGAINST THE CERTIFICATE(S) AND PERMIT(S) OF MOTOR CARRIERS CONCERNING FINANCIAL RESPONSIBILITY PURSUANT TO § 40-10.1-112, C.R.S., AND RULE 4 CCR 723-6-6008 OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE.

**COMMISSION DECISION CONSTRUING FILING AS
APPLICATION FOR REHEARING, REARGUMENT, OR
RECONSIDERATION AND GRANTING APPLICATION**

Issued Date: July 25, 2025

Adopted Date: July 16, 2025

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. Staff of the Public Utilities Commission (“Staff”) initiated this Proceeding by instituting “Order of Summary Suspension and Complaint and Notice of Hearing” (“Complaints”) against motor carrier Respondents on April 21, 2025.¹

2. Staff’s Complaints against each of the Respondents alleged that the Commission received notice from the Respondents’ insurance or surety carriers that the Respondents’ insurance or surety coverage will be cancelled as specifically identified in each Complaint. The Complaints further notified Respondents that their authorities or permits have been, or will be, summarily suspended on the date specified in each Complaint and informed Respondents that a hearing will

¹ This Proceeding involves numerous Respondents against whom the Commission initiated Complaints by sending them each an “Order of Summary Suspension and Complaint and Notice of Hearing.” Hr. Ex. 2. Each of those Complaints, which is assigned a unique “Case No.,” specifies the grounds unique to each Respondent. And each of those case numbers are part of this single proceeding.

be held by videoconference to determine whether their authorities or permits should be permanently revoked for failing to maintain proper evidence of insurance or surety coverage with the Commission.

3. The Administrative Law Judge (“ALJ”) held the hearing as noticed in the Complaints on May 14, 2025.

4. Generally, motor carriers holding a Commission permit, authority, or certificate must maintain and file evidence of financial responsibility with the Commission in such sum, for such protection, and in such form as the Commission deems necessary to adequately safeguard the public interest. Motor carriers must ensure their insurance or surety coverage is kept continuously effective during the life of a certificate or permit to operate. Commission Rule 6008, 4 *Code of Colorado Regulations* (“CCR”) 723-6, of the Rules Regulating Transportation by Motor Vehicle, identifies the amount, type of protection, and form for the insurance or surety coverage that motor carriers must maintain at all times in order to safeguard the public interest.

5. Specifically, pursuant to Rule 6008(a), motor carriers must obtain and keep motor vehicle liability insurance or surety bond coverage in force at all times and are responsible for maintaining and filing evidence of the required financial responsibility coverage with the Commission.

6. Rules 6009 and 6011 grant the Commission authority to revoke a permit or authority under the circumstances in this Proceeding, provided that Respondents are provided notice in accordance with Rule 1302(h), 4 CCR 723-1.

7. Through Recommended Decision No. R25-0401 (“Recommended Decision”), issued May 27, 2025, the ALJ granted the relief sought by Staff, finding, among other things, that Staff properly served the Complaints to the motor carrier Respondents listed in Hearing Exhibit 5

in this Proceeding, that the notice complied with the relevant notice requirements, and that the preponderance of the evidence established that the Respondents listed in Hearing Exhibit 5 were out of compliance with their respective financial responsibility requirements per § 40-10.1-107(3), C.R.S., and Rule 6008. The Recommended Decision therefore revoked the permits or authorities of the motor carriers listed in Hearing Exhibit 5 (with exceptions noted in the Recommended Decision).

8. Pursuant to § 40-6-109(2), C.R.S., the Recommended Decision became a Commission decision on June 16, 2025.

9. Topsy Velo LLC, doing business as Topsy Voyage (“Topsy Voyage”), is a motor carrier Respondent included in Staff’s Complaint,² and had its Certificate of Public Convenience and Necessity No. 56000 revoked for failure to keep active proof of insurance on file with the Commission (Case # 15325-INS in this Proceeding).

10. On July 3, 2025, Topsy Voyage filed a letter in this Proceeding wherein the carrier apologizes for neglecting to keep active proof of insurance with the Commission. John Barbier, the owner of Topsy Voyage, explains he was out of the country and therefore did not receive the notifications from the Commission. Mr. Barbier adds that he spoke with Commission Staff, who informed him he would need to file in this Proceeding to reinstate his certificate.

11. Pursuant to § 40-6-114, C.R.S., parties may file an application for rehearing, reargument, or reconsideration (“RRR”) within 20 days of the issuance of a Commission decision. Since the Recommended Decision became a Commission decision on June 16, 2025, the deadline for parties to file RRR was July 7, 2025.

² Hr. Ex. 5 at p. 4.

12. Since Topsy Voyage filed its letter within the deadline for RRR, we construe the filing as such. We also find good cause to grant the RRR, subject to Topsy Voyage filing proof of active insurance in accordance with Rule 6008, 4 CCR 723-6, within 20 days of issuance of this Decision.

13. Topsy Voyage's certificate No. 56000 will therefore be reinstated once the carrier files proof of active insurance with the Commission.

II. ORDER

A. The Commission Orders That:

1. The letter filed by Topsy Velo LLC, doing business as Topsy Voyage, on July 3, 2025, is construed as an application for rehearing, reargument, or reconsideration and granted subject to the filing of proof of active insurance with the Commission, consistent with the discussion above.

2. Topsy Voyage has **20 days** from the issuance of this Decision to file currently active proof of insurance with the Commission.

3. This Decision is effective immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 16, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners