

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0079CP

IN THE MATTER OF THE APPLICATION OF ALL AROUND TAXI FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**RECOMMENDED DECISION
AMENDING APPLICATION; DISMISSING
INTERVENTIONS; AND GRANTING PERMANENT
AUTHORITY SUBJECT TO CONDITIONS**

Issued Date: April 11, 2025

I. STATEMENT

1. On February 20, 2025, All Around Taxi, LLC (“All Around Taxi” or “Applicant”) filed the above-captioned application (“Application”) for a Certificate of Public Convenience and Necessity (“CPCN”) to operate as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand taxi service.

2. Notice of the Application was provided by the Commission on February 24, 2025.

As originally noticed, the application sought the following authority:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of passengers in call-and-demand taxi service between all points in Moffat County, and between said points, on the one hand, and all points in the Counties of Mesa, Routt, and Rio Blanco, on the other hand.

3. Also on February 24, 2025, All Around Taxi filed an Amendment to the Application. However, this amendment did not affect the scope of All Around Taxi’s proposed authority.

4. On March 24, 2025, Sober Buddy Shuttle, LLC (“Sober Buddy Shuttle”) filed their Notice of Intervention as of Right, or in the Alternative, Motion for Intervention of Sober Buddy Shuttle, LLC and Entry of Appearance and timely claiming intervention of right.

5. As required, Sober Buddy Shuttle included a copy of CPCN No. 55951 with their intervention which authorizes:

Transportation of passengers,

in call-and-demand shuttle service:

(I) between all points in Rio Blanco County, State of Colorado, and between said points, on the one hand, and Denver International Airport or Grand Junction Regional Airport, on the other hand;

(II) between all points in Rio Blanco County, on the one hand, and all points in the Counties of Moffat, Garfield, and Routt, on the other hand.

RESTRICTION:

This authority is restricted to the use of vehicles with a maximum seating capacity of 7 passengers (including driver).

6. On March 31, 2025, All Around Taxi filed a second Amendment to the Application (“Second Amendment”). By the Second Amendment, All Around Taxi seeks to amend the Application to request the following authority:

Transportation of passengers in taxi service between all points in Moffat County, and between said points, on the one hand.

7. Also on March 31, 2025, Sober Buddy Shuttle LLC filed its Notice of Withdrawal of Intervention. Sober Buddy Shuttle states that since All Around Taxi now seeks only to operate in Moffat County and has deleted the proposed authority’s reference to Rio Blanco County, the duplicative authority between All Around Taxi and Sober Buddy Shuttle has been eliminated.

Therefore, Sober Buddy Shuttle withdrew its intervention and opposition to the Amended Application.

8. On April 2, 2025, the Commission deemed the Initial Application complete and referred the proceeding by minute entry to an administrative law judge (“ALJ”).

9. In accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission, the record in this proceeding along with a written Recommended Decision.

II. FINDINGS AND CONCLUSIONS

10. Because the Second Amendment was filed after the intervention and notice period had ended, the ALJ will construe it as a Motion to Amend the Application pursuant to Rule 1309 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1.

11. To be acceptable, changes to an application’s requested authority must be restrictive in nature, clear and understandable, and administratively enforceable. Both the authority and any restriction on that authority must be unambiguous and must be contained wholly within the certificate. Both must be worded so that a person will know, from reading the certificate and without having to resort to any other document, the exact extent of the authority and of each restriction. Clarity is essential because the scope of an authority must be found within the four corners of the certificate, which is the touchstone by which one determines whether the operation of a common carrier is within the scope of its Commission-granted authority.

12. The Second Amendment is at least ambiguous, confusing, or in error.

13. As amended on February 24, 2025, Applicant sought authority authorizing some aspects of transportation in the Counties of Moffat, Mesa, Routt, and Rio Blanco.

14. The first phase of the one-sentence statement of authority in the construed request to further amend the application would authorize service solely within Moffat County.

However, like the application as amended on February 24th, continues in part: “and between said points, on the one hand.” Thus, implying something further to the other hand.

15. In withdrawing its intervention, Sober Buddy states in part: “certain proposed authorities in the Application are duplicative of the authority granted to Sober Buddy.” The intervenor also states: “Applicant amended its Application to seek only to operate between all points in Moffat County, and between said points, on the one hand, deleting the proposed authority’s reference to Rio Blanco County, and thereby eliminating the proposed duplicative authority between Applicant and Sober Buddy.” Based thereupon, Sober Buddy withdrew its intervention and opposition to the Amended Application.

16. Comparably, the application, as amended on February 24th continues to address proposed authority: “points in Moffat County, and between said points, on the one hand, and all points in the Counties of Mesa, Routt, and Rio Blanco, on the other hand.”

17. Attempting to construe the parties’ intent and proposed authority from the pleadings, it is found that Applicant seeks to amend the proposed authority to eliminate Rio Blanco County from the proposed authority. Further, based upon eliminating any overlap of the proposed authority with CPCN 55951, the interests of Sober Buddy are satisfied such that its intervention and opposition to the Amended Application is withdrawn. Notably, elimination of any overlap of the proposed authority also eliminates the basis of Sober Buddy’s claimed intervention of right.

18. Accordingly, the undersigned construes that Applicant requests to further amend the application through the Second Amendment to request the following:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of passengers

in call-and-demand taxi service

between all points in Moffat County, and between said points, on the one hand, and all points in the Counties of Mesa and Routt, on the other hand.

19. The ALJ finds and concludes that the requested amendment is restrictive in nature, is clear and understandable as construed herein, and is administratively enforceable.

20. Accepting the amendment to the Application has two impacts. First, the authority sought will be amended to conform to the restrictive amendment, as modified. Second, the intervention of Sober Buddy Shuttle is acknowledged as withdrawn.

21. Withdrawal of the interventions and dismissal of intervenors leaves the Application uncontested. Pursuant to § 40-6-109(5), C.R.S., and Rule 1403 of the Rules of Practice and Procedure, 4 CCR 723-1, the uncontested application may be processed under the modified procedure, without a formal hearing.

22. Applicant is a limited liability company in good standing.

23. Applicant requests authority to begin operations as a common carrier.

24. The verified Application, as now amended, establishes that Applicant is familiar with the Rules Regarding Transportation by Motor Vehicle, 4 CCR 723-6, and agrees to be bound by, and to comply with, those Rules.

25. The verified Application sufficiently establishes that Applicant has equipment with which to render the proposed service and is financially fit to conduct operations under the authority requested.

26. The verified Application establishes that Applicant's owner has experience in the transportation industry, which establishes that Applicant is managerially fit to operate the requested authority.

27. Finally, a review of the verified Application indicates a need for the proposed service.

28. Therefore, because Applicant is fit, financially and otherwise, to perform the proposed service and because the other prerequisites have been met, the requested CPCN should be granted.

29. In accordance with § 40-6-109, C.R.S., the ALJ recommends that the Commission enter the following order.

III. ORDER

A. The Commission Orders That:

1. The Second Amendment to the application filed by All Around Taxi, LLC ("All Around Taxi") as construed consistent with the discussion above, is granted.

2. The intervention filed by Sober Buddy Shuttles, LLC is withdrawn and they are dismissed as a party to this Proceeding.

3. The verified Application filed by All Around Taxi, as it has been amended, is granted consistent with the discussion above.

4. Subject to All Around Taxi's full compliance with the requirements contained in this Recommended Decision, All Around Taxi is granted a Certificate of Public Convenience and Necessity ("CPCN") to operate as a common carrier by motor vehicle for hire as follows:

For the transportation of passengers

in call-and-demand taxi service

between all points in Moffat County, and between said points, on the one hand, and all points in the Counties of Mesa and Routt, on the other hand.

5. The authority granted in Ordering Paragraph No. 4 is conditioned on All Around Taxi's meeting the requirements contained in this Decision and is not effective until these requirements have been met.

6. All Around Taxi shall operate in accordance with all applicable Colorado laws and Commission rules.

7. All Around Taxi shall not commence operation until it has complied with the requirements of Colorado law 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 with the Commission and have an effective, publicly available tariff. The tariff should comply with Rules 6208 and 6209 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* ("CCR") 723-6. The tariff shall be filed in a *new* Advice Letter/Tariff proceeding on not less than ten days' notice prior to a proposed effective date. In calculating the proposed effective date, the date received at the Commission is not included in the notice period and the entire notice period must expire prior to the proposed effective date;

(d) submit a Vehicle Inspection Report for each vehicle to be operated under the authority at the commencement of operations. The inspection must be done in accordance with Rules 6103 and 6104 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6; and the inspection must show that the vehicle passed the inspection. The inspection report may be found at: <https://puc.colorado.gov/common-carriers>;

(e) register an authorized representative as a File Administrator on behalf of Applicant in the Commission's electronic filing system ("E-Filings") and agree that Applicant shall receive notifications electronically through E-Filings. Information can be found at: <https://www.dora.state.co.us/pls/efi/EFI.homepage>; and

(f) pay the applicable fee (\$5.00) for the issuance of the authority.

8. If All Around Taxi does not comply with each requirement in Ordering Paragraph No. 7 within 60 days of the effective date of this Decision, the CPCN is denied without further action of the Commission. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within 60 days of the effective date of this decision.

9. The CPCN shall not be issued, and All Around Taxi shall not operate under the requested CPCN authority unless Applicant complies with all of the conditions in Ordering Paragraph No. 7.

10. Proceeding No. 25A-0079CP is closed.

11. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

12. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

- a. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
- b. If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

13. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director