

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF GAMBLER'S)
EXPRESS, INC. FOR EMERGENCY)
TEMPORARY APPROVAL TO ASSUME)
OPERATIONAL CONTROL OF)
CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC)
NO. 48716 PENDING COMMISSION)
CONSIDERATION OF THE RELATED)
APPLICATION TO LEASE THE)
CERTIFICATE FROM MOUNTAIN)
DELIVERY SHUTTLE SERVICE, INC.)

DOCKET NO. 92A-649CP-
LEASE-ETA

**COMMISSION ORDER GRANTING
EMERGENCY TEMPORARY APPROVAL**

Mailed date: December 28, 1992
Adopted date: December 23, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

On December 16, 1992, Gambler's Express, Inc., filed an application (Docket No. 92A-649CP-Lease-ETA) for emergency temporary approval to assume operational control of Certificate of Public Convenience and Necessity PUC No. 48716 pending Commission consideration of the related application to lease the Certificate from Mountain Delivery Shuttle Service, Inc. (MDSS). An intervention opposing the application was filed by Casino Transportation, Inc.

By § 40-6-120, C.R.S., the application for emergency temporary approval is under consideration for a Commission order.

Section 40-6-120(1), C.R.S., authorizes the Commission to grant

emergency temporary approval ". . . if it appears that failure to grant such emergency temporary approval may result in destruction of or injury to such carrier or carrier properties sought to be acquired or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public."

The support filed on behalf of this application establishes that there is an immediate problem that will result in destruction of, or injury to, Mountain Delivery Shuttle Service, Inc. or its properties if the Commission fails to grant the emergency application. The verified affidavit of Maxine Sealock, owner of MDSS, states she is financially unable to continue to provide the service under the certificate.

This application for emergency temporary approval is in the public interest and should be granted. The Applicant is advised that the granting of an emergency temporary approval makes no presumption that temporary or permanent approval will be granted.

THEREFORE THE COMMISSION ORDERS THAT:

1. Gambler's Express, Inc. is granted emergency temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 48716 for a period of 15 days commencing from the mailed date of this order.

2. Gambler's Express, Inc. shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that the Applicant is in compliance and may begin service.

3. 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.

4. This Order is effective on its mailed date.

ADOPTED IN OPEN MEETING December 23, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER CHRISTINE E. M. ALVAREZ
ABSENT.

ORDER-KH

LESSEE:

Gambler's Express, Inc.
5850 East 58th Avenue
Commerce City, CO 80022

LESSOR:

Mountain Delivery Shuttle Service, Inc.
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Arvada, CO 80002

ATTORNEY FOR LESSEE AND LESSOR:

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KELLY, STANSFIELD & O'DONNELL
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INTERVENOR:

Casino Transportation, Inc.
251 Rooney Road
Golden, CO 80401

INTERVENOR'S ATTORNEY:

James A. Beckwith, Esq.
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