

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF CASINO)
TRANSPORTATION, INC., FOR)
TEMPORARY AUTHORITY TO CONDUCT) DOCKET NO. 92A-638CP-TA
OPERATIONS AS A COMMON CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

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

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On December 2, 1992, Casino Transportation, Inc. (C.T.I.) filed an application (Docket No. 92A-638CP-TA) for temporary authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage, on schedule, between points within Central City and Black Hawk, on the one hand, and on the other hand, points in the following-described area: Beginning at the intersection of Alameda Avenue and I-25, thence south along I-25 to its intersection with I-470, thence west along I-470 to Quincy Street (as extended), thence north along Quincy Street (as extended) to Alameda Avenue, thence east to the point of beginning.

2. The Commission gave notice of the application on December 7, 1992. Interventions opposing a grant of the application were filed by Blackjack Shuttle Express, Inc. (Blackjack), and Gambler's Express, Inc. (Gamblers). In addition, Gambler's requests intervention by permission under Rule 64(b) of the Commission's Rules of Practice and Procedure.

3. On December 22, 1992, a motion entitled "Joint Motion for

Acceptance of Restrictive Amendment and Withdrawal of Intervention" was filed by the Applicant and Blackjack. The effect of the amendment is to diminish the territory so that C.T.I. now seeks authority only in that portion of the above-stated area lying west of Federal Boulevard or South Santa Fe Drive. The motion further provides that the intervention of Blackjack will be withdrawn upon acceptance of the amendment. The Commission finds that, as a result of the amendment, Gambler's holds no authority in conflict with the application. In addition, Gambler's has shown insufficient grounds for allowing permissive intervention.

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

5. Section 40-6-120(1), C.R.S., authorizes the Commission to grant temporary authority when there appears to be ". . . an immediate and urgent need to any point or within a territory having no carrier service capable of meeting such need."

6. The Commission finds that there is presently no scheduled carrier service being provided between Central City and Black Hawk and the area sought by C.T.I. in the instant application. Therefore, the Commission will grant the application.

7. The Applicant has adequate equipment and financial resources to begin immediate service within the scope of the authority sought and is willing, ready, and able to operate under all Commission rules and regulations governing carriers by motor vehicle.

8. This application for temporary authority is in the public interest and should be granted.

9. The Applicant is advised that the granting of an temporary authority makes no presumption that permanent authority will be granted.

THEREFORE THE COMMISSION ORDERS THAT:

1. The joint motion for acceptance of restrictive amendment and withdrawal of intervention filed by Casino Transportation, Inc. and Blackjack is granted.

2. The request of Gambler' Express, Inc. for permissive intervention is denied.

3. Casino Transportation, Inc. is granted temporary authority

to conduct operations as a common carrier by motor vehicle for hire for a period of 165 days commencing from the mailed date of this order, with authority as set forth in the attached Appendix.

4. Casino Transportation, Inc. shall not commence operation 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. If the Applicant does not comply with the requirements of this ordering paragraph within 30 days of the effective date of this Order then ordering paragraph 1 above, which grants authority to the Applicant, shall be void, and the authority granted shall then be void. On good cause shown, the Commission may grant additional time for compliance, if the request for additional time is filed within the 30 days.

5. 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.

6. This Order is effective on its date of mailing.

ADOPTED IN OPEN MEETING December 23, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONERS CHRISTINE E. M.
ALVAREZ ABSENT.

ORDER-KL

Appendix
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Decision No. C92-1625
Docket No. 92A-638CP-TA
December 23, 1992

Transportation of

passengers and their baggage, on schedule,

between points within Central City and Black Hawk, on the one hand, and on the other hand, points in the following-described area: Beginning at the intersection of Alameda Avenue and Federal Boulevard; thence south along Federal Boulevard to its intersection with Belleview Avenue; thence east along Belleview Avenue to South Santa Fe Drive; thence south along South Santa Fe Drive to C-470; thence west along C-470 to its intersection with U.S. Highway 285; thence northeast along an imaginary line to the intersection of Union Street and Alameda Avenue; thence east along Alameda Avenue to the point of beginning.

Restriction: This temporary authority is restricted as follows:

- (1) against providing service to or from points within a 1/2 mile radius of the intersection of Bowles Avenue and South Wadsworth Boulevard; and
- (2) against providing service to or from points within one mile of Federal Boulevard or South Santa Fe Drive.

ORDER-KL

APPLICANT:

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

APPLICANT'S ATTORNEY:

James A. Beckwith, Esq.
7910 Ralston Road, Suite No. 7
Arvada, CO 80002

INTERVENOR:

Blackjack Shuttle Express, Inc.
12117 East Hawaii Drive
Aurora, CO 80012

INTERVENOR'S (BLACKJACK) ATTORNEY:

James F. Frost, Esq.
1600 Broadway, Suite No. 1950
Denver, CO 80202-4919

INTERVENOR:

Gambler's Express, Inc.
P. O. Box 6794
Denver, CO 80206

INTERVENOR'S ATTORNEY:

John E. Archibold, Esq.
KELLY, STANSFIELD & O'DONNELL
1225 - 17th Street, Suite No. 2600
Denver, CO 80202

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