

(Decision No. C95-1293)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF DENVER)
AIRPORT LIMOUSINE SERVICE, INC.,)
DOING BUSINESS AS DENVER AIRPORT)
SHUTTLE, INC., FOR TEMPORARY)
AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC)
NO. 82.)

DOCKET NO. 95A-546CP-
EXTENSION-TA

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY IN PART**

Mailed date: December 22, 1995
Adopted date: December 20, 1995

I. BY THE COMMISSION:

Statement

1. On November 21, 1995, Denver Airport Limousine Service, Inc., doing business as Denver Airport Shuttle, Inc. (DASH), filed an application (Docket No. 95A-546CP-Extension-TA) for temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 82 for the transportation of passengers and their baggage, on schedule, between all points within the City and County of Denver, State of Colorado, on the one hand, and the Colorado Springs Municipal Airport, Colorado Springs, Colorado, on the other hand, serving

all intermediate points on and within two miles of Interstate 25, between Denver and the Colorado Springs Municipal Airport, and serving all points located on and within one mile of Interstate 225 as off-route points. This application is restricted to serving only those points named in the carrier's schedule filed with the Public Utilities Commission.

2.The Commission gave notice of the application on November 27, 1995. Interventions opposing a grant of the application were filed by Greater Colorado Springs Transportation Company, doing business as Yellow Cab of Colorado Springs ("YCCS"), Neil J. DeRiso, doing business as Airport Boulevard Company ("ABC"), and Synergistics, Inc., doing business as Colorado Springs Airport Shuttle Services, Inc., ("Synergistics"). Petitions for permissive intervention were filed by Gateway Transportation, LLC, doing business as The Falcon Run ("Gateway"), and BBB Transportation, Inc., doing business as Overland Airport Express, Inc. ("Overland").

3.On December 12, 1995, DASH filed a petition for permission to file rebuttal to interventions of Synergistics, ABC, and YCCS. On December 19, 1995, responses to said petition were filed by Synergistics, ABC, and YCCS. Also, on December 19, 1995, DASH filed a restrictive

amendment which limits the scope of the authority sought against providing service originating or terminating at Denver International Airport or Stapleton International Airport; and against serving intermediate points in Douglas and El Paso Counties.

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

5. Pursuant to § 40-6-120(1), C.R.S., the Commission is authorized 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.

Findings

1. The support filed on behalf of this application is in the form of five letters from different hotels in the Denver metropolitan area, each indicating a need for service to and from their individual hotels.

2. There is no support for, or any indication of a need for service which cannot be provided by an existing carrier, between the Colorado Springs Municipal Airport and points in Douglas or El Paso Counties, State of Colorado. Also, there is no support for service along Interstate 225.

3. At present, there is no scheduled carrier service available between points within the City and County of Denver, including

the City of Glendale, and points within two miles of Interstate 25, between Belleview Avenue and County Line Road, on the one hand, and the Colorado Springs Municipal Airport, on the other hand.

Conclusion

1. The standard for granting a temporary authority is, in part, that there is no carrier service available. The Commission is aware that Gateway is presently seeking permanent authority to provide service which, if granted, would duplicate a portion of the instant application. However, Gateway is not now providing service to the public, nor does it hold any authority in conflict with this application. Gateway's petition to intervene will be granted due to the potential conflict with the authority requested.
2. Since DASH has restricted its application against providing service which conflicts with the authority held by Overland, the petition to intervene filed by Overland is now moot, and as such will be denied.
3. The petition of DASH for permission to file rebuttal will be denied.
4. The Commission finds that there is no scheduled carrier service available between the Colorado Springs Municipal Airport, on the one hand, and, on the other hand, points within the City and County of Denver, including the City of Glendale, and points within two miles of

Interstate 25, between Belleview Avenue and County Line Road. This application for temporary authority is in the public interest and will be granted, in part.

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

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

II. ORDER

A. The Commission Orders That:

- 1.The petition to intervene filed on behalf of Gateway Transportation, LLC, doing business as The Falcon Run, is granted.
- 2.The petition to intervene filed on behalf of BBB Transportation, Inc., doing business as Airport Express, Inc., is denied.
- 3.The petition of Denver Airport Limousine Service, Inc., doing business as Denver Airport Shuttle, Inc., to file rebuttal to the interventions of Greater Colorado Springs Transportation Company, doing business as Yellow Cab of Colorado Springs ("YCCS"), Neil J. DeRiso, doing business as Airport Boulevard Company

("ABC"), and Synergistics, Inc., doing business as Colorado Springs Airport Shuttle Services, Inc., is denied.

4. Denver Airport Limousine Service, Inc., doing business as Denver Airport Shuttle, Inc., is granted temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 82 for a period of 180 days commencing from the Mailed Date of this Order, with authority as set forth in the attached Appendix.

5. Denver Airport Limousine Service, Inc., doing business as Denver Airport Shuttle, 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.

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.

B. This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING December 20, 1995.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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ATTEST: A TRUE COPY

ROBERT J. HIX

Bruce N. Smith
Director

CHRISTINE E.M. ALVAREZ

VINCENT MAJKOWSKI

Commissioners

ORDER-AFS

Appendix
Page 1 of 1 Page
Decision No. C95-1293
Docket No. 95A-546CP-
Extension-TA
December 20, 1995

Transportation of

passengers and their baggage, on schedule,

between the Colorado Springs Municipal Airport in Colorado Springs,
Colorado, on the one hand, and, on the other hand: (1) points within
the City and County of Denver; (2) points within the City of Glendale,
Colorado; and (3) points within the area described as beginning at
the intersection of Belleview Avenue and Colorado Boulevard, thence
southeast along an imaginary line to a point on County Line Road lying
two miles west of its intersection with
I-25, thence east along County Line Road, as extended, to a point

two miles east of I-25, thence northwest along an imaginary line to the intersection of Belleview Avenue and South Havana Street, as extended, thence west along Belleview Avenue to the point of beginning.

This **Temporary Authority** is restricted to serving only points named in the time schedule filed with and approved by the Commission.

ORDER-AFS

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 95A-546CP-EXTENSION-TA
DECISION NO. C95-1293
(Page 1 of 2 Pages)

I, Bruce N. Smith, Director of The Public Utilities Commission of the State of Colorado, certify that I served a true and correct copy of the above Commission Decision -- entered in the above-numbered matter of record -- upon each of the persons whose names and addresses appear below, by mailing the same in sealed envelopes properly addressed, with sufficient postage prepaid to carry the same to its destination on the date noted on this certificate at Denver, Colorado.

APPLICANT:
Denver Airport Limousine
Service, Inc.

INTERVENOR:
Gateway Transportation, LLC
dba The Falcon Run

dba Denver Airport Shuttle, Inc.
3455 Ringsby Court
Denver, CO 80216

APPLICANT'S ATTORNEY:
Richard J. Bara, Esq.
Suite No. 315
1155 Sherman Street
Denver, CO 80203

INTERVENOR:
Greater Colorado Springs
Transportation Co.
dba Yellow Cab of Colorado Springs
845 West Moreno Avenue
Colorado Springs, CO 80905

2161 South Cherokee Street
Denver, CO 80223

INTERVENORS' (YELLOW CAB OF
C.S. & FALCON RUN) ATTORNEY:
James A. Beckwith, Esq.
Suite No. 7
7910 Ralston Road
Arvada, CO 80002

INTERVENOR:
Neil J. DeRiso
dba Airport Boulevard Company
10430 East Jewell Avenue, No. 76
Denver, CO 80231

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WITNESS MY HAND AND THE SEAL OF
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

BRUCE N. SMITH
DIRECTOR

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 95A-546CP-EXTENSION-TA
DECISION NO. C95-1293
(Page 2 of 2 Pages)

I, Bruce N. Smith, Director of The Public Utilities Commission of the State of Colorado, certify that I served a true and correct copy of the above Commission Decision -- entered in the above-numbered matter of record -- upon each of the persons whose names and addresses appear below, by mailing the same in sealed envelopes properly addressed, with sufficient postage prepaid to carry the same to its destination on the date noted on this certificate at Denver, Colorado.

INTERVENOR:
Synergistics, Inc.
dba Colorado Springs Airport
Shuttle Services, Inc.
P. O. Box 246
Colorado Springs, CO 80866

INTERVENORS' (AIRPORT BLVD. CO.
& C.S. AIRPORT) ATTORNEY:
Dale E. Isley, Esq.
WILLIAMS & ISLEY, P.C.
1225 Mellon Financial Center
1775 Sherman Street
Denver, CO 80203

INTERVENOR:
BBB Transportation, Inc.
dba Overland Airport Express, Inc.
1858 Arabian Trail
Elizabeth, CO 80107

INTERVENOR'S (BBB) ATTORNEY:
Charles J. Kimball, Esq.
KIMBALL & NESPOR, P.C.
Suite No. 1500
1775 Sherman Street
Denver, CO 80203

ROUTE:
1, 2, 3, 4, 6-Docketing, 9,
10, 20, 21, 30, 31/2 copies,
40/5 copies, 50, 60, Black Book,
Text Management,
Operating Rights Unit,
DMS (plus certificate),

ORDER-AFS

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3

BRUCE N. SMITH
DIRECTOR

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dba Denver Airport Shuttle, Inc.
3455 Ringsby Court
Denver, CO 80216

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Suite No. 315
1155 Sherman Street
Denver, CO 80203

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845 West Moreno Avenue
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AUTHORITY TO EXTEND OPERATIONS)	EXTENSION-TA
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NO. 82.)	

ERRATA NOTICE

(Mailed Date: December 22, 1995)
(Adopted Date: December 20, 1995)
(Decision No. C95-1293)

On December 20, 1995, the Commission adopted Decision No. C95-1293, granting Denver Airport Limousine Service, Inc., doing business as Denver Airport Shuttle, Inc., temporary authority to extend operations conducted under Certificate of Public Convenience and Necessity PUC No. 82. This Errata Notice amends the Appendix of Decision No. C95-1293 to read as follows:

Transportation of

passengers and their baggage, on schedule,

between the Colorado Springs Municipal Airport in Colorado Springs, Colorado, on the one hand, and, on the other hand:

- (1) points within the City and County of Denver;
- (2) points within the City of Glendale, Colorado; and
- (3) points within the area described as beginning at the intersection of Belleview Avenue and Colorado Boulevard, thence southeast along an imaginary line to a point on County Line Road lying two miles west of its intersection with I-25, thence east along County Line Road to a point two miles east of I-25, thence northwest along an imaginary line to the intersection of Belleview Avenue and South Havana Street, as extended, thence west to the point of beginning.

This temporary authority is restricted as follows:

1. against providing service originating or terminating at Denver International Airport or Stapleton International Airport; and

2. to serving only points named in the time schedule filed with and approved by the Commission.

(SEAL)

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Bruce N. Smith
Director

Dated at Denver, Colorado this
10th day of January, 1996.

ORDER-AFS\ERRATA

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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CERTIFICATE OF SERVICE

DOCKET NO. 95A-546CP-EXTENSION-TA
DECISION NO. C95-1293-E
(Page 1 of 2 Pages)

I, Bruce N. Smith, Director of The Public Utilities Commission of the State of Colorado, certify that I served a true and correct copy of the above Commission Decision -- entered in the above-numbered matter of record -- upon each of the persons whose names and addresses appear below, by mailing the same in sealed envelopes properly addressed, with sufficient postage prepaid to carry the same to its destination on the date noted on this certificate at Denver, Colorado.

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Denver, CO 80216

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Suite No. 315
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INTERVENOR:

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dba Yellow Cab of Colorado Springs
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