

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF J.B.J.)
BUILDERS CORP., DOING BUSINESS)
AS METRO CASINO EXPRESS, INC.,)
FOR TEMPORARY AUTHORITY TO) DOCKET NO. 96A-062BP-TA
CONDUCT OPERATIONS AS A CONTRACT)
CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

**COMMISSION ORDER DENYING
TEMPORARY AUTHORITY**

Mailed date: March 6, 1996
Adopted date: March 6, 1996

I. BY THE COMMISSION:

Statement, Findings, and Conclusion

1. On February 9, 1996, J.B.J. Builders Corp., doing business as Metro Casino Express, Inc., filed an application (Docket No. 96A-062BP-TA) for temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of passengers and their baggage between Harvey's Wagon Wheel Hotel Casino located in Central City, Colorado, on the one hand, and all points within a one-half mile radius of the intersection of Colfax Avenue and Wadsworth Boulevard, in Lakewood, Colorado, on the other hand. This application is restricted to providing service for only Harvey's Wagon Wheel Hotel Casino ("Harvey's").

2. Interventions opposing a grant of the application were timely filed by Casino Transportation, Inc., and Queen City Transportation, Inc. Also, a petition to intervene was timely filed by Black Hawk

Central City Ace Express, Inc.

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

4. 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.

5. This application was filed under the guise of contract carriage; however, a review of the Passenger Transportation Agreement signed by both the Applicant and a representative of Harvey's indicates that the proposed service is common rather than contract carriage by nature. There is no indication within the support that an immediate and urgent need for the requested service exists. There are also several other carriers authorized to provide scheduled service from the Denver metropolitan area to Central City, including those carriers intervening into this application.

6. The Commission finds that the letter filed in support of this application does not establish that there is an immediate and urgent need for additional transportation services.

7. This application for temporary authority is not in the public interest and should be denied.

II. ORDER:

A. The Commission Orders That:

1. The petition to intervene, filed by Black Hawk Central City Ace Express, Inc., is granted.

2. This application is denied.

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.

B. This Order is effective on its Mailed Date.

C. ADOPTED IN OPEN MEETING March 6, 1996.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

1
ATTEST: A TRUE COPY

ROBERT J. HIX

Bruce N. Smith
Director

VINCENT MAJKOWSKI

Commissioners

COMMISSIONER CHRISTINE E.M. ALVAREZ
ABSENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 96A-062BP-TA
DECISION NO. C96-246
(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:
J.B.J. Builders Corp.
dba Metro Casino Express, Inc.
3060 East Bridge Street, No. 305
Brighton, CO 80601

INTERVENOR'S (CASINO) ATTORNEY:
James A. Beckwith, Esq.
Suite No. 7
7910 Ralston Road
Arvada, CO 80002

APPLICANT'S ATTORNEY:
James F. Frost, Esq.
4251 Kipling Street, No. 560
Wheat Ridge, CO 80033

INTERVENOR:
Queen City Transportation, Inc.
5974 Marion Drive, Unit A
Denver, CO 80216

INTERVENOR:
Casino Transportation, Inc.
251 Rooney Road
Golden, CO 80402

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

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. 96A-062BP-TA
DECISION NO. C96-246
(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:

Black Hawk Central City Ace
Express, Inc.
P. O. Box 132
Black Hawk, CO 81402

ROUTE:

1
2
3
4
6-Docketing
9
10
10.1
20
21
30
31/2 copies
40/5 copies
50
60
Black Book
Operating Rights Unit
DMS (plus certificate)

INTERVENOR'S (ACE) ATTORNEY:

Charles J. Kimball, Esq.
KIMBALL & NESPOR, P.C.
Suite No. 1500
1775 Sherman Street
Denver, CO 80203

ORDER-AGX

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

BRUCE N. SMITH
DIRECTOR