

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF SHANNON)
BUCHANAN AND JEAN MAHAN, DOING)
BUSINESS AS WILD IRISH ROSES, FOR)
TEMPORARY AUTHORITY TO CONDUCT) DOCKET NO. 96A-474CP-TA
OPERATIONS AS A COMMON CARRIER)
BY MOTOR VEHICLE FOR HIRE.)
)

**COMMISSION ORDER DENYING
TEMPORARY AUTHORITY**

Mailed date: November 29, 1996
Adopted date: November 27, 1996

I. BY THE COMMISSION:

Statement, Findings, and Conclusion

1. On October 18, 1996, Shannon Buchanan and Jean Mahan, doing business as Wild Irish Roses, filed an application (Docket No. 96A-474CP-TA) for temporary authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage, in call-and-demand limousine service, between all points in the Counties of Adams, Arapahoe, Boulder, Denver, Jefferson, and Weld, State of Colorado. This application is restricted to the transportation of passengers that are 60 years of age or older.

2. The Commission gave notice of the application on November 4, 1996. Interventions opposing a grant of the application were filed by Denver Taxi, LLC, doing business as Yellow Cab, and/or Super Shuttle 1-800 BLUE VAN; Boulder Taxi, LLC, doing business as Boulder Yellow Cab; and Denver Shuttle, LLC, doing business as Super

Shuttle Airport Shuttle; and, Golden West Commuter, LLC. The Commission also received a protest from Janice Weaver, doing business as Viking Taxi.

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. The burden of proof created by this statute is indeed heavy. The Applicant must meet a two-fold test in order to satisfy the criteria demanded by the law. First, that there is an immediate and urgent need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If the Applicant fails to meet either test, the application cannot be granted.

6. Though the Applicant wishes to restrict its proposed services to individuals 60 years of age or older, its request still directly overlaps the services provided by many of the carriers who have intervened into this matter.

7. This application for temporary authority does not meet the criteria demanded by the law, and should be denied.

II. ORDER:

A. The Commission Orders That:

1. This application is denied.

2. 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 November 27, 1996.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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ATTEST: A TRUE COPY

ROBERT J. HIX

Bruce N. Smith
Director

VINCENT MAJKOWSKI

R. BRENT ALDERFER

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 96A-474CP-TA
DECISION NO. C96-1245
(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:

Shannon Buchanan and Jean Mahan
dba Wild Irish Roses
Unit D
6970 West 116th Avenue
Broomfield, CO 80020

INTERVENOR:

Denver Taxi, LLC,
dba Yellow Cab, and/or
Super Shuttle 1-800 BLUE VAN
7500 East 41st Avenue
Denver, CO 80216

INTERVENOR:

Boulder Taxi, LLC
dba Boulder Yellow Cab
7500 East 41st Avenue
Denver, CO 80216

INTERVENOR:

Denver Shuttle, LLC
dba Super Shuttle Airport Shuttle
7500 East 41st Avenue
Denver, CO 80216

INTERVENORS' (YELLOW CAB, BOULDER
CAB, SUPER SHUTTLE) ATTORNEY:

Melissa A. Dalla, Esq.
DENMAN & CORBETTA, P.C.
1290 Broadway, Suite No. 702
Denver, CO 80203

INTERVENOR:

Golden West Commuter, LLC
P. O. Box 1171
Golden, CO 80401

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-474CP-TA
DECISION NO. C96-1245
(Page 2 of 2 Pages)

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INTERVENOR'S (GOLDEN) ATTORNEY:

Richard J. Bara, Esq.
Suite No. 315
1155 Sherman Street
Denver, CO 80203

ROUTE:

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

PROTESTANT:

Janice Weaver
dba Viking Taxi
Route 4, Box 0811 Plum Avenue
Brighton, CO 80601

ORDER-AKD

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

BRUCE N. SMITH
DIRECTOR