

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

2009 JUN 13 AM 11:56

Docket No. 08A-117CP-XPTN; published in the PUC Notices of 4/14/2008 at page 2.

IN THE MATTER OF THE APPLICATION OF HOME JAMES TRANSPORTATION SERVICES, LTD. TO TRANSFER A PORTION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 16114 FROM HOME JAMES TRANSPORTATION SERVICES, LTD. TO VALLEY TAXI, INC.

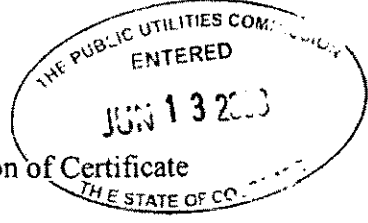
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A)

STIPULATED MOTION OF HOME JAMES TRANSPORTATION SERVICES, LTD., VALLEY TAXI, INC. AND COLORADO TOUR TRANSPORTATION, LLC (A) TO RESTRICTIVELY AMEND THE APPLICATION, (B) FOR WITHDRAWAL OF INTERVENTION CONTINGENT UPON ACCEPTANCE OF THE RESTRICTIVE AMENDMENT, (C) REQUEST TO PROCESS AND GRANT THE AMENDED APPLICATION UNDER MODIFIED PROCEDURE UNDER RULE 1403 (C), AND (D) FOR WAIVER OF THE RESPONSE TIME TO THE STIPULATED MOTION

Home James Transportation Services, Ltd. ("Home James" or "Transferor"), Valley Taxi, Inc. ("Valley Taxi" or "Transferee") (Home James and Valley Taxi may also be referred to herein jointly as "Applicants"), and Colorado Tour Transportation, LLC ("CTT" or "Intervenor") file their above stipulated motion to restrictively amend the application, for withdrawal of the Intervention contingent upon acceptance of the restrictive amendment, to process and grant the amended application under modified procedure under Rule 1403 (c), and for waiver of the response time to the stipulated motion. In support thereof, Applicants and CTT state as follows to the Colorado Public Utilities Commission (PUC or Commission):

Background

By this application Home James seeks PUC authority to transfer a portion of Certificate No. 16114 to Valley Taxi. The application was noticed in the PUC's Notices of April 14, 2008 and a copy of the PUC's Notice of the application is attached hereto as Exhibit A. A copy of Certificate No. 16114 in its entirety is attached hereto as Exhibit B. The intervention period has expired and CTT is the only intervenor to the application. Its interest in the application is minimal as its only authority in conflict is its Certificate No. 55712 a copy of which is attached



hereto as Exhibit C. On May 23, 2008, Applicants file a motion to strike the CTT intervention and or other relief. On or about May 30, 2008, CTT filed its reply. The Applicants and CTT have been engaged in settlement negotiations. The purpose of this stipulated motion is to advise the PUC that the parties have reached a settlement which, if approved by the PUC, will (1) restrictively amend the application, will satisfy the interest of the intervenor and will enable the application to be granted, as amended, under the PUC's modified procedure in Rule 1403 (c).

Stipulated Motion to Restrictively Amend the Application, for withdrawal of CTT's Intervention contingent upon acceptance of the restrictive amendment, and to process and grant the amended application under modified procedure under Rule 1403 (c).

Home James, Valley Taxi and CTT request that the application be restrictively amended to eliminate all geographic overlap between the Certificate of CTT and the authority Home James seeks to transfer to Valley Taxi, for withdrawal of the intervention of CTT contingent upon acceptance of the restrictive amendment, and to process and grant the amended application under modified procedure under Rule 1403 (c). Subsequent to the offered restrictive amendment to the application the authority to be transferred to Valley Taxi is as shown on Exhibit D attached and the authority to be retained by Home James will be as shown on Exhibit E attached. Both Valley Taxi and Home James consent to this restrictive amendment by their respective representatives' signatures on this stipulated motion and CTT consents to withdrawal of its intervention if the restrictive amendment is granted by its representative's signature on this motion.

The intent and effect of the restrictive amendment is to remove the geographic overlap between the authority of CTT in its Certificate No. 55712 and the authority being transferred to Valley Taxi. The parties recognize that this will result in a "split" of various parts of the authority under Certificate No. 16114, but advise the PUC that it is their understanding that since

the repeal and recodification of the PUC's Rules regarding transportation carriers that became effective in April, 2006 (and as subsequently amended) issues regarding a "split of authority" in a certificate, especially in a case that is otherwise unopposed, no longer exist. The current rules clearly contemplate that only a portion of a certificate may be involved in a transfer. See Rule 6205 (c) (IV). Further, in the current version of the rules, the burden of proof that the Applicants have under Rule 6205 (e) does not specifically include issues relating to "splits of authority". The parties believe that this is in recognition that in the underlying statutes, the PUC is can issue a certificate "for the partial exercise only of the privilege sought..." (Section 40-10-105 (1), C.R.S.) and that the PUC can transfer "rights obtained under any such certificate" (Section 40-10-106, C.R.S.). The parties submit this stipulated motion under Rule 1408 of the PUC's rules as a negotiated settlement of the parties and request that it be approved.

Wherefore, the parties request that the above portions of their stipulated motion be granted as requested.

Stipulated Request for Waiver of the Response Time to the Motion

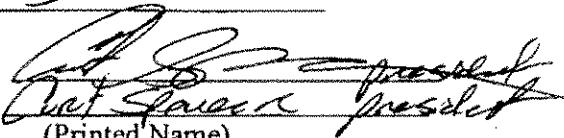
The parties request that the response time to their within motion be waived as there are no parties to respond to it.

WHEREFORE, Applicants respectfully request that their stipulated motion be granted as requested in its entirety and that the application also be granted as amended.

Respectfully submitted June 15th, 2008.

Read and Approved this ___ day of June by _____
President of Valley Taxi, Inc.

By:

5-6-8

(Printed Name)

Read and Approved this _____ day of June by Jack Van Horn, President of Home James Transportation Services, Ltd.

By: _____
Jack Van Horn, President

Read and Approved this 9th day of June by Richard Obene
Member and Manager of Colorado Tour Transportation, LLC

By: R. Obene
Richard Obene
(Printed Name)

Approved as to form this 13th day of June,
2008

[Signature]
Charles M. Williams #5342
Charles M. Williams, P.C.
303 East 17th Avenue
Suite 888
Denver, CO 80203
PUC Counsel for the Applicants

Approved as to form this 30th day of June,
2008 Charles J. Kimball

Charles J. Kimball
Charles J. Kimball, #1319
Kimball & Nespor, P.C.
5400 Ward Road
Building III, Suite 150
Arvada, CO 80002
Counsel for Colorado Tour Transportation,
LLC

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on June ____, 2008, I served the foregoing pleading on the following parties by first class mail, postage pre-paid.

Charles J. Kimball, Esq.
5400 Ward Road, Bldg. III, Suite 150
Arvada, CO 80002

Read and Approved this 5th day of June by Jack Van Horn, President of Home James Transportation Services, Ltd.


By: 
Jack Van Horn, President

Read and Approved this ___ day of June by _____
Member and Manager of Colorado Tour Transportation, LLC

By: _____

(Printed Name)

Approved as to form this 13th day of June,
2008


Charles M. Williams #5342
Charles M. Williams, P.C.
303 East 17th Avenue
Suite 888
Denver, CO 80203
PUC Counsel for the Applicants

Approved as to form this ___ day of June,
2008

Charles J. Kimball, #1319
Kimball & Nespor, P.C.
5400 Ward Road
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Counsel for Colorado Tour Transportation,
LLC

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Charles J. Kimball, Esq.
5400 Ward Road, Bldg. III, Suite 150
Arvada, CO 80002



IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO TRANSFER A PORTION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 16114 FROM HOME JAMES TRANSPORTATION SERVICES, LTD, TO VALLEY TAXI, INC.

DOCKET NUMBER(S):

08A-117CP-XPTN
08A-117CP-XPTN-TA

FILED ON:

April 7, 2008

TYPE(S):

Permanent and Temporary

APPLICANT(S):

TRANSFEROR

Home James Transportation Services, Ltd.
P.O. Box 279
Winter Park, CO 80482

TRANSFeree

Valley Taxi, Inc.
P.O. Box 653
Winter Park, CO 80482

For authority to transfer a portion of Certificate of Public Convenience and Necessity No. 16114 from Home James Transportation Services, Ltd., 535 Zerex Ave, Fraser, Colorado, to Valley Taxi, Inc., 78260 U.S. Highway 40, Winter Park, Colorado. The portion of Certificate of Public Convenience and Necessity No. 16114 to be transferred reads as follows: (I) Transportation of passengers and their baggage in charter service and call-and-demand limousine service between all points in Grand County, Colorado. (II) Transportation of passengers and their baggage in charter service and call-and-demand limousine service between all points in Grand County, Colorado, within a 5-mile radius of the intersection of Vasquez Road and U.S. Highway 40 near Winter Park, Colorado, on the one hand, and on the other hand: (A) The towns of Central City and Black Hawk, Colorado; (B) All points in Summit County, Colorado; and (C) The ski area at Vail, Colorado. (III) Transportation of passengers and their baggage in charter service and call-and-demand limousine service between all points in Denver, Colorado, as the same exists on May 2, 2001, on the one hand, and all points in Grand County, Colorado, on the other hand. (IV) Transportation of passengers and their baggage in taxi service: (A) Between all points in Grand County, Colorado, and between said points, on the one hand, and all points in the Counties of Jackson, Routt, and Summit, State of Colorado, on the other hand; (B) From all points in Grand County, Colorado, to all points in Denver, Colorado, as the same exists on May 2, 2001; and (C) From all points in the City and County of Denver, Colorado, to all points in Grand County, Colorado.

RESTRICTIONS: (1) Item (II) is restricted to round-trip same-day service originating and terminating at points in Grand County, Colorado, within a 5-mile radius of the intersection of Vasquez Road and U.S. Highway 40 near Winter Park, Colorado; (2) Item (IV) is restricted against providing service which originates in Summit County, Colorado; and (3) To the extent that overlap exists within this certificate, only one operating right exists.

Applicant has not filed its testimony and exhibits with its application, and is seeking a Commission decision within 210 days.



LETTER OF AUTHORITY

Issued By
Department of Regulatory Agencies
THE PUBLIC UTILITIES COMMISSION
OFFICE LEVEL TWO 1580 LOGAN STREET
DENVER, COLORADO 80203

ISSUED TO:

Certificate Number: 16114

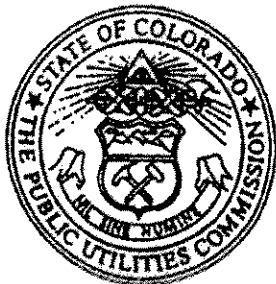
Home James Transportation Services, Ltd.
P.O. Box 279
Winter Park, CO 80482

Transportation of passengers and their baggage.

- I. In charter service and call-and-demand limousine service,
 - a. Between all points in Grand County, Colorado; and
 - b. Between all points in Grand County within a 5-mile radius of the intersection of Vasquez Road and U.S. Highway 40 near Winter Park, Colorado, on the one hand, and on the other hand:
 1. The towns of Central City and Black Hawk, Colorado;
 2. All points in Summit County, Colorado; and
 3. The ski area at Vail, Colorado; and
 - c. Between all points in Denver, Colorado, as the same exists on May 2, 2001 on the one hand, and all points in Grand County, Colorado, on the other hand.



(S E A L)



**CONTINUOUS
UNTIL REVOKED, CANCELED,
SUSPENDED, ALTERED, OR AMENDED**

THIS LETTER OF AUTHORITY MUST BE CARRIED IN THE CAB
OF EACH AND EVERY VEHICLE OPERATED UNDER THE
ABOVE AUTHORITY NUMBER.

LETTER OF AUTHORITY

Issued By
Department of Regulatory Agencies
THE PUBLIC UTILITIES COMMISSION
OFFICE LEVEL TWO 1580 LOGAN STREET
DENVER, COLORADO 80203

II. In taxi service,

- a. Between all points in Grand County, Colorado, and between said points, on the one hand, and all points in the Counties of Jackson, Routt, and Summit, State of Colorado, on the other hand;
- b. From all points in Grand County, Colorado, to all points in Denver, Colorado as the same exists on May 2, 2001; and
- c. From all points in the City and County of Denver, Colorado, to all points in Grand County, Colorado.

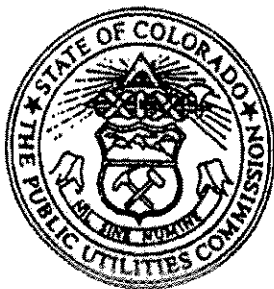
III. In scheduled service,

Between Denver International Airport, in Denver, Colorado, on the one hand, and all points in Grand County, Colorado, on the other hand, serving the intermediate points of Idaho Springs, Colorado; Empire, Colorado; and the Conoco Station and the Texaco Station at or near the intersection of Interstate 70 and Kipling Street in Wheat Ridge, Colorado.

RESTRICTIONS: This certificate is restricted as follows:

- A. Item I.b. is restricted to round-trip same-day service originating and terminating at points in Grand County within a 5-mile radius of the intersection of Vasquez Road and U.S. Highway 40 near Winter Park, Colorado;
- B. Item II. is restricted against providing service which originates in Summit County, Colorado;

(S E A L)



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Issued By
Department of Regulatory Agencies

THE PUBLIC UTILITIES COMMISSION

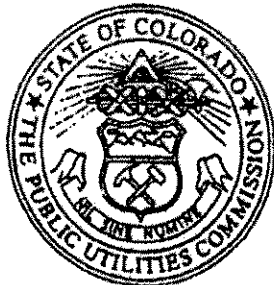
OFFICE LEVEL TWO 1580 LOGAN STREET
DENVER, COLORADO 80203

- C. Item III. is restricted to serving only points named in the carrier's schedule on file with the Commission;
- D. Item III. Is restricted against providing service between Denver International Airport and the Conoco Station and Texaco Station at or near the intersection of Interstate 70 and Kipling Street, Wheat Ridge, Colorado; and
- E. To the extent that overlap exists within this certificate, only one operating right exists.

Decision No. R01-516

Mailed Date: May 14, 2001

(S E A L)



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ABOVE AUTHORITY NUMBER.

LETTER OF AUTHORITY

Issued by
Department of Regulatory Agencies
THE PUBLIC UTILITIES COMMISSION
OFFICE (LEVEL TWO) 1588 LOGAN STREET
DENVER, COLORADO 80203

ISSUED TO:

Certificate Number: 55712

Colorado Tour Transportation LLC
P.O. Box 280
Winter Park, CO 80482

Transportation of passengers and their baggage:

- I. In charter service and call and demand limousine service, between all points in Grand County, State of Colorado, on the one hand, and, on the other hand:
 - A. The Vail Transportation Center, Vail, Colorado, with service to the intermediate points of: (1) the Summit Stage Park and Ride, Frisco, Colorado, located one block west of the intersection of Colorado Highway 91 and Interstate 70; and (2) the Copper Mountain Free Shuttle bus stop at the skiers parking lot, located on Colorado Highway 91 one-half mile south of the intersection of Colorado Highway 91 and Interstate 70.
- II. In charter service and call and demand limousine service, between The Isle of Capri Hotel and Casino in Black Hawk, Colorado, on the one hand, and all points within a 5-mile radius of the intersection of Vasquez Road and U.S. Highway 40 in Winter Park, Colorado, on the other hand.
- III. In sightseeing service, between all points within a 5-mile radius of the intersection of Vasquez Road and U.S. Highway 40 in Winter Park, Colorado, on the one hand, and all points in Rocky Mountain National Park, and all points within a five mile radius of the intersection of U.S. Highway 34 and U.S. Highway 36 in Estes Park, Colorado, on the other hand.

(S E A L)



**CONTINUOUS
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LETTER OF AUTHORITY

Issued By
Department of Regulatory Agencies
THE PUBLIC UTILITIES COMMISSION
OFFICE LEVEL TWO 1580 LOGAN STREET
DENVER, COLORADO 80202

IV. In charter service, between Denver International Airport, Denver, Colorado, on the one hand, and all points in the counties of Eagle and Summit, State of Colorado, on the other hand.

Decision No. C03-0796
Mailed Date: July 23, 2003

(S E A L)



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ABOVE AUTHORITY NUMBER.

EXHIBIT D

PORTION OF CERTIFICATE NO. 16114 TO BE TRANSFERRED TO VALLEY
TAXI

TRANSPORTATION OF PASSENGERS AND THEIR BAGGAGE

- I. In charter and call-and-demand limousine service:
 - a. Between points in Grand County, Colorado (except points within a 5-mile radius of the intersection of Vasquez Road and U.S. Highway 40 in Winter Park, CO, on the one hand, and all points in Rocky Mountain National Park, on the other hand); and
 - b. Between all points in Grand County within a 5-mile radius of the intersection of Vasquez Road and U.S. Highway 40 near Winter Park, CO, on the one hand, and on the other hand:
 1. The Towns of Central City and Black Hawk, CO (Except the Isle of Capri Hotel and Casino in Black Hawk, CO);
 2. All points in Summit County, CO (except the Summit Stage Park and Ride, Frisco, CO located on block west of the intersection of Colorado Highway 91 and Interstate 70; and the Copper Mountain Free Shuttle Bus Stop at the skiers parking lot, located on Colorado Highway 91 one-half mile south of the intersection of Colorado Highway 91 and Interstate 70); and
 3. The ski area at Vail, CO (except the Vail Transportation Center at Vail, CO); and
- II. In taxi service:
 - a. Between all points in Grand County, CO, (except points within a 5-mile radius of the intersection of Vasquez Road and U.S. Highway 40 in Winter Park, CO, on the one hand, and all points in Rocky Mountain National Park, on the other hand)
 - b. Between all points in Grand County, CO, on the one hand, and all points in the Counties of Jackson, Routt, and Summit, (except the Summit Stage Park and Ride, Frisco, CO located on block west of the intersection of Colorado Highway 91 and Interstate 70; and the Copper Mountain Free Shuttle Bus Stop at the skiers parking lot, located on Colorado Highway 91 one-half mile south of the intersection of Colorado Highway 91 and Interstate 70) State of Colorado on the other hand;

- c. From all points in Grand County, CO to all points in Denver, CO as the same exists on May 2, 2001; and
- d. From all points in the City and County of Denver, CO to all points in Grand County, CO.

RESTRICTIONS: This Certificate is restricted as follows:

- A. Item I.b. is restricted to round-trip same-day service originating and terminating at points in Grand County, within a 5-mile radius of the intersection of Vasquez Road and U.S. Highway 40 near Winter Park, CO;
- B. Item II.b. is restricted against providing service which originates in Summit County, CO;
- C. To the extent that overlap exists within this certificate, only one operating right exists.

III. In scheduled service:

Between Denver International Airport, in Denver, CO, on the one hand, and all points in Grand County, CO, on the other hand, serving the intermediate points of Idaho Springs, CO; Empire, CO; and the Conoco Station and the Texaco Station at or near the intersection of Interstate 70 and Kipling Street in Wheat Ridge, CO.

RESTRICTIONS: This Certificate is restricted as follows:

- A. Item I.b. is restricted to round-trip same-day service originating and terminating at points in Grand County, within a 5-mile radius of the intersection of Vasquez Road and U.S. Highway 40 near Winter Park, CO;
- B. Item II.b. is restricted against providing service which originates in Summit County, CO;
- C. Item III is restricted to serving only points named in the carrier's schedule on file with the Commission;
- D. Item III is restricted against providing service between Denver International Airport and the Conoco Station and the Texaco Station at or near the intersection of Interstate 70 and Kipling Street in Wheat Ridge, CO; and
- E. To the extent that overlap exists within this certificate, only one operating right exists.