

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03L-131CP

RE: IN THE MATTER OF THE APPLICATION OF CASINO COACH, INC., TO PUBLISH REVISED PAGE NUMBER FIVE TO PASSENGER TARIFF NO. 5, TO BECOME EFFECTIVE ON LESS-THAN-STATUTORY NOTICE.

**COMMISSION ORDER DENYING TARIFF CHANGES ON
LESS-THAN-STATUTORY NOTICE**

Mailed Date: April 11, 2003

Adopted Date: April 9, 2003

I. BY THE COMMISSION:

A. Statement

1. Casino Coach, Inc., provides scheduled service between the Boulder area and Black Hawk-Central City.

2. On April 1, 2003, Casino Coach, Inc., filed an application for authority to publish Revised Page No. 5 to Passenger Tariff No. 5 to become effective on less-than-statutory notice.

3. Casino Coach, Inc., proposes a rate increase of 33.3 percent or an increase from \$15 to \$20 per passenger. The proposal may result in revenue increases of \$35,310 by Commission Staff estimate.

4. In support of the application, Casino Coach, Inc., states that costs have gone up substantially in the last few years and that the rate increase is needed to offset these costs. In support of the filing, Casino Coach, Inc., provided an unverifiable cost allocation statement for the Boulder-Central City traffic lane. The filing relies on undated data, but no pro forma data

accompanied the filing. No complete Operating Statement for the Year 2002 was provided, so that Staff could verify the methods used in the application.

5. Rule 31(f)(1) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, allows an order authorizing carriers to change tariffs or time schedules on less-than-statutory notice for good cause shown.

6. Pursuant to Rule 31(j)(1)(D)(2) of the Commission's Rules of Practice and Procedure 4 CCR 723-1, an applicant seeking a tariff revision on less than 30 days notice "must post in a prominent place in each terminal facility and office of the carrier a printed notice of any proposed tariff revision or time schedule change concurrently with the filing of the application." Contact between Commission Staff and the applicant indicates that notice was not posted. Further, the application states that, "There are no other carriers authorized to provide subject service between the subject points."

7. Due to the Applicant's failure to, 1) file a 2002 Annual Report or similar financial data, 2) provide adequate information on the methods used to allocate costs of the Boulder-Central City traffic lane, and 3) publish and post notice of the increase of its request, the Commission finds that good cause has not been shown for the approval of the proposed changes on Revised Page No. 5 to Passenger Tariff No. 5 on less-than-statutory notice and that the application should be denied.

II. ORDER

A. The Commission Orders That:

1. The application of Casino Coach, Inc., to publish Revised Page No. 5 to Passenger Tariff No. 5 on less-than-statutory notice is denied.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
APRIL 9, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith

**Bruce N. Smith
Director**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RAYMOND L. GIFFORD

POLLY PAGE

JIM DYER

Commissioners