

Decision No. C04-0519

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-163CP-LEASE

THE APPLICATION OF SCHAFFER-SCHONEWILL & ASSOCIATES, INC., DOING BUSINESS AS ENGLEWOOD EXPRESS &/OR WOLF EXPRESS SHUTTLE, FOR APPROVAL TO LEASE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY PUC NOS. 50790, 52940, 55363, & 55519, TO OWNER/DRIVER UNITED CORPORATION, DOING BUSINESS AS BLUE SKY SHUTTLE.

**COMMISSION ORDER APPROVING LEASE OF
CERTIFICATES OF PUBLIC CONVENIENCE
AND NECESSITY**

Mailed Date: May 27, 2004
Adopted Date: May 26, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On April 7, 2004, Schafer-Schonewill & Associates, Inc., doing business as Englewood Express &/or Wolf Express Shuttle (Englewood Express), filed an application for approval to lease Certificates of Public Convenience and Necessity (CPCN) PUC Nos. 50790, 52940, 55363, & 55519, to Owner/Driver United Corporation, doing business as Blue Sky Shuttle (Blue Sky Shuttle). The lease is for the period from April 5, 2004 through April 5, 2007.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on April 19, 2004. The Commission set this matter for hearing on July 9, 2004.

3. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

4. The information submitted with this application warrants granting the requested lease.

5. The financial standing of Blue Sky Shuttle has been satisfactorily established.

6. Blue Sky Shuttle, is ready, willing, and able properly to engage in motor carrier operations under the authority to be leased.

7. This application for approval of the lease of CPCN PUC Nos. 50790, 52940, 55363, & 55519, from April 5, 2004, through April 5, 2007, is in the public interest.

II. ORDER

A. The Commission Orders That:

1. The hearing set for July 9, 2004, is vacated.

2. This application was deemed complete on May 26, 2004, within the meaning of § 40-6-109.5, C.R.S.

3. The application filed by Englewood Express for approval to lease Certificates of Public Convenience and Necessity PUC Nos. 50790, 52940, 55363, & 55519, subject to encumbrances, if any, against the authority to Blue Sky Shuttle from April 5, 2004, through April 5, 2007, is granted.

4. Blue Sky Shuttle shall operate in accordance with all applicable Commission rules and regulations.

5. Blue Sky Shuttle shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Blue Sky Shuttle shall adopt the tariffs currently on file with the Commission for CPCN PUC Nos. 50790, 52940, 55363, & 55519. Blue Sky Shuttle shall pay the issuance fee. An acceptance of lease signed by both Englewood Express and Blue Sky Shuttle shall be filed with the Commission. Blue Sky Shuttle may not begin operations under CPCN PUC Nos. 50790, 52940, 55363, & 55519, until these requirements have been met and notice in writing has been received from the Commission stating that it is in compliance and may begin service.

6. If Englewood Express and Blue Sky Shuttle, do not comply with the requirements of this Order within 60 days of its effective date, then the approval to lease Certificates of Public Convenience and Necessity PUC Nos. 50790, 52940, 55363, & 55519, from April 5, 2004, through April 5, 2007, shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 60 days.

7. The 20-day time period provided by §40-6-141(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 Order.

8. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
May 26, 2004**

(SEAL)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners