

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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THE APPLICATION OF BLACKJACK)
SHUTTLE EXPRESS, INC., FOR)
TEMPORARY AUTHORITY TO CONDUCT) DOCKET NO. 92A-480CP-TA
OPERATIONS AS A COMMON CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

**COMMISSION ORDER MODIFYING
TEMPORARY AUTHORITY**

Mailed date: October 8, 1992
Adopted date: September 30, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On September 4, 1992, Blackjack Shuttle Express, Inc. (Blackjack), filed Docket No. 92A-480CP-TA for temporary authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage, on schedule, between points in and within a two-mile radius of the towns of Central City and Black Hawk, Colorado, on the one hand, and on the other hand: (1) points within an area commencing at the intersection of 16th Street and Broadway, thence north along Broadway to 23rd Street, thence northwest along 23rd Street/31st Avenue to the Platte River, thence southwest along the Platte River to 16th Street, thence southeast along 16th Street to the point of beginning; (2) points in an area commencing at the intersection of Alameda Avenue and Colorado Boulevard, thence south along Colorado Boulevard to I-25, thence south along I-25 to I-470, thence west along I-470 to the intersection of I-470 and South Santa Fe Drive, thence from said point north to the intersection of Federal Boulevard and West Belleview Avenue, thence north along Federal Boulevard to Alameda Avenue, thence east along Alameda Avenue to the point of beginning, with authority to serve points located within one-mile of Colorado Boulevard, I-25, I-470 and Federal Boulevard, as described above; (3) points within a one-half

mile radius of the intersection of Wadsworth Boulevard and Bowles Avenue; and (4) points within a two-mile radius of the intersection of I-225 and Parker Road. Restricted to the use of vehicles with a passenger capacity of 15 or more.

2. The Commission gave notice of the application on September 14, 1992. Interventions opposing a grant of the application were filed by Gamblers' Express, Inc. (Gambler's), Mountain Delivery Shuttle Service, Inc. and K.V.S. Gambling Ride, Inc.

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

4. Section 40-6-120(1), C.R.S., authorizes the Commission 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 support filed on behalf of this application consists of one letter from the Applicant. The letter states that Blackjack is operating under a temporary authority from this Commission and that this authority is restricted to the use of vehicles with a passenger capacity of 15 or less. Blackjack has experienced an increase in demand for service so that on some schedules two or three vans must be utilized to move all the passengers wishing to ride at that time. This is neither energy-efficient nor cost-effective. With the ability to use one vehicle instead of three, Blackjack can operate more efficiently and safely.

6. The Commission finds that it is preferable for Blackjack to move the same number of passengers between the same origin and destination and over the same routes in one vehicle instead of three. Blackjack holds temporary authority to move the passengers now. Pursuant to § 40-3-101 governing reasonable charges and adequate service of public utilities, the legislature has required the provision of service and equipment as shall in all respects be efficient. The use of one vehicle instead of three vehicles both increases efficiency and conserves energy. By granting this application we are not authorizing any additional service, we are merely allowing the Applicant to operate more efficiently via the use of larger vehicles. By filing this application, the Applicant is not seeking new temporary authority that is independent of the temporary authority it holds under Docket No. 91A-681CP. Blackjack's attorney has assured Commission Staff that there is no intent to "stack" temporary authorities as alleged by Gambler's, and Applicant is specifically prohibited from any such action.

7. This application for temporary authority is in the public interest and should be granted.

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8. The Applicant is advised that the granting of an temporary authority makes no presumption that permanent authority will be

granted.

THEREFORE THE COMMISSION ORDERS THAT:

1. The application of Blackjack Shuttle Express, Inc. is granted by authorizing Blackjack to use vehicles with a passenger capacity of 15 or more under the temporary authority it now holds under Docket No. 92A-681CP. This temporary authorization will expire concurrent with the temporary authority granted under Docket No. 92A-681CP.

2. Blackjack Shuttle Express, Inc. shall not commence with the use of the larger vehicles until all requirements have been met, and notice in writing has been received from the Commission, that the Applicant is in compliance and may begin service.

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.

4. This Order is effective on its date of adoption.

DONE IN OPEN MEETING September 30, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN ROBERT E. TEMMER NOT
PARTICIPATING.

ORDER-IA

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