

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION)
OF BLACKJACK SHUTTLE EXPRESS,)
INC. FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A COMMON) DOCKET NO. 92A-480CP-ETA
CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

**COMMISSION ORDER DENYING
EMERGENCY TEMPORARY AUTHORITY**

Mailed date: October 7, 1992
Adopted date: October 7, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On May 19, 1992, Blackjack Shuttle Express, Inc. (Blackjack), filed Docket No. 92A-480CP-ETA for emergency temporary authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage, on scheduled, between points in Central City and Black Hawk, Colorado and points within a two-mile radius of each of said cities, 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; and (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 north from said point to the intersection of 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. All via I-25, I-225, I-70, K-470, Sixth Avenue, U.S. 6, U.S. 285, Colorado 121, and Colorado 119. Interventions filed by: K.V.S. Gambling Ride, Inc.; Mountain Delivery Shuttle Service, Inc.; and Gambler's Express, Inc.

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

3. Section 40-6-120(1), C.R.S., authorizes the Commission to grant emergency temporary authority when there appears to be ". . . an emergency need to any point or within a territory having no carrier service capable of meeting such need."

4. The support filed on behalf of this application consists of a letter from Blackjack. The letter states that the temporary authority that Blackjack operates under is limited to the use of vehicles with a passenger capacity of 15 or less. Blackjack has experienced an increase of business to the extent that two or three vehicles are required to meet demand on some schedules. Blackjack states that the ability to use larger vehicles will be more cost-effective, energy efficient and safe.

The Commission Staff reported an incident related to safety that warrants further investigation. The Staff requested further time to thoroughly investigate this matter.

Based on the evidence in the record, the Commission cannot find that there is an emergency need for additional transportation and will therefore deny the application.

5. This application for emergency temporary authority is not in the public interest and should be denied.

THEREFORE 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.

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3. This Order is effective on its date of mailing.

ADOPTED IN OPEN MEETING October 7, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN ROBERT E. TEMMER NOT
PARTICIPATING.

ORDER-HV

<u>APPLICANT:</u> Blackjack Shuttle Express, Inc. 12117 East Hawaii Drive Aurora, CO 80012	<u>ROUTE:</u> 1 2 3 4
<u>APPLICANT'S ATTORNEY:</u> James F. Frost, Esq. 1600 Broadway, Suite No. 1950 Denver, CO 80202	6-Docketing 9 10 15 20 30
<u>INTERVENOR:</u> K.V.S. Gambling Ride, Inc. Attn: Mr. Karl Sauer P. O. Box 7 9932 North Tammy Lane Parker, CO 80134	31 (5 copies) 40 (7 copies) 50 60 Black Book Text Management
<u>INTERVENOR:</u> Mountain Delivery Shuttle Service, Inc. Attn: Ms. Maxine Sealock 5308 Sheridan Boulevard Arvada, CO 80002	Operating Rights Unit DMS (plus certificate) ORDER-HV
<u>INTERVENOR:</u> Gambler's Express, Inc. P. O. Box 6974 Denver, CO 80206	
<u>INTERVENOR'S (Gambler's) ATTORNEY:</u> John E. Archibold, Esq. KELLY, STANSFIELD & O'DONNELL 1225 - 17th Street, Suite No. 2600 Denver, CO 80202	