

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF FREDERICK)	
MICHAEL LA BEAU, DOING BUSINESS)	
AS C. M. EMPLOYEE TRANSIT, FOR)	
TEMPORARY AUTHORITY TO CONDUCT)	
OPERATIONS AS A CONTRACT CARRIER)	DOCKET NO. 92A-551BP-TA
BY MOTOR VEHICLE FOR HIRE.)	
-----)	
)	

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed date: December 2, 1992
Adopted date: November 25, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On October 20, 1992, Frederick Michael LaBeau, doing business as C. M. Employee Transit, filed an application (Docket No. 92A-551BP-TA) for temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of passengers and their baggage between Copper Mountain, Colorado and Leadville, Colorado. This application is restricted (a) to providing service for only Club Med of Colorado, Inc.; and (b) to providing service only between the dates of December 1 and the following April 16.

2. The Commission gave notice of the application on October 26, 1992. An intervention opposing a grant of the application was filed by Dee Hive Tours ("Dee Hive").

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. On November 23, 1992, the Commission Staff spoke with Ms. Joelle Koplin of Club Med of Colorado (Club Med). She indicated that Club Med has attempted to utilize the services of Dee Hive. However, Dee Hive cannot provide the level of services required by Club Med. Dee Hive will not wait more than five minutes past the scheduled departure time so that Dee Hive can meet their routes. The employees of Club Med cannot always meet rigorous time schedules due to work commitments. Also, Dee Hive will not operate past midnight. Club Med's bar staff needs to stay as late as 2 a.m. and will have no means of returning home if they are to depend on Dive Hive. On November 25, 1992, Club Med filed with the Commission a letter attesting to the statements made to the Staff in the phone conversation.

6. The support filed on behalf of this application indicates that Applicant is willing to meet the special needs of the employees of Club Med of Colorado, Inc. in that he is willing to provide them with a very flexible schedule and is willing to stay as late as necessary until all employees are ready to leave.

7. The Commission finds due to the facts stated in the above paragraphs, there is an immediate and urgent need for additional transportation services, and there is no carrier service capable of meeting the need, because they are unable or unwilling to provide the service. The Commission will grant the application.

8. The Applicant has adequate equipment and financial resources to begin immediate service within the scope of the authority sought and is willing, ready, and able to operate under all Commission rules and regulations governing carriers by motor vehicle.

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

10. The Applicant is advised that the granting of a temporary authority makes no presumption that permanent authority will be granted.

THEREFORE THE COMMISSION ORDERS THAT:

1. Frederick Michael LaBeau, doing business as C. M. Employee Transit, is granted temporary authority to conduct operations as a contract carrier by motor vehicle for hire for a period of 135 days commencing from the mailed date of this order, with authority as set forth in the attached Appendix.

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2. Frederick Michael LaBeau, doing business as C. M. Employee Transit, shall not commence operation 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. If the Applicant does not comply with the requirements of this ordering paragraph within 30 days after the effective date of this Order, ordering paragraph 1 above, which grants authority to the Applicant, shall be void, and the authority granted shall then be void.

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 mailing.

ADOPTED IN OPEN MEETING November 25, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER GARY L. NAKARADO
ABSENT, BUT CONCURRING IN THE
RESULT.

ORDER-JS

Transportation of
passengers and their baggage
between Copper Mountain, Colorado and Leadville, Colorado.

This application is restricted as follows:

- (a) to providing service for only Club Med of Colorado, Inc.; and
- (b) to providing service only between the dates of December 1 and the following April 16.

ORDER-JS

APPLICANT:

Frederick Michael LaBeau
dba C. M. Employee Transit
P. O. Box 3661
Copper Mountain, CO 80443

INTERVENOR:

Dee Hive Tours (The)
506 Harrison Avenue
Leadville, CO 80461

INTERVENOR'S ATTORNEY:

Joseph J. Folz, Jr., Esq.
12343 East Cornell Avenue
Aurora, CO 80014

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