

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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| THE APPLICATION OF GAMBLER'S) | |
| EXPRESS, INC. FOR EMERGENCY) | |
| TEMPORARY APPROVAL TO ASSUME) | |
| OPERATIONAL CONTROL OF) | |
| CERTIFICATE OF PUBLIC) | |
| CONVENIENCE AND NECESSITY PUC) | DOCKET NO. 92A-640CP- |
| NO. 48716 PENDING COMMISSION) | LEASE-ETA |
| CONSIDERATION OF THE RELATED) | |
| APPLICATION TO LEASE THE) | |
| CERTIFICATE FROM MOUNTAIN) | |
| DELIVERY SHUTTLE SERVICE, INC.) | |
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**COMMISSION ORDER DENYING
EMERGENCY TEMPORARY APPROVAL**

Mailed date: December 17, 1992
Adopted date: December 16, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

On December 9, 1992, Gambler's Express, Inc., filed an application (Docket No. 92A-640CP-Lease-ETA) for emergency temporary approval to assume operational control of Certificate of Public Convenience and Necessity PUC No. 48716 pending Commission consideration of the related application to lease the Certificate from Mountain Delivery Shuttle Service, Inc. An intervention opposing the application was filed by C.T.I., Inc.

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

Section 40-6-120(1), C.R.S., authorizes the Commission to grant emergency temporary approval ". . . if it appears that failure to grant such emergency temporary approval may result in destruction

of or injury to such carrier or carrier properties sought to be acquired or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public."

The support filed on behalf of this application fails to establish that there is an immediate problem that will result in destruction of, or injury to, Mountain Delivery Shuttle Service, Inc. or its properties if the Commission fails to grant the emergency application. In addition, there is no convincing evidence in the record that establishes that failure to grant the emergency application will interfere substantially with the future usefulness of the certificate in the performance of adequate and continuous service to the public.

This application for emergency temporary approval is not in the public interest and should be denied. The denial of this application does not impact the application for temporary authority which the Commission will give full consideration in the future.

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.
3. This Order is effective on its mailed date.

ADOPTED IN OPEN MEETING December 16, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER GARY L. NAKARADO ABSENT.

LESSEE:

Gambler's Express, Inc.
5850 East 58th Avenue
Commerce City, CO 80022

LESSOR:

Mountain Delivery Shuttle Service, Inc.
5308 Sheridan Boulevard
Arvada, CO 80002

ATTORNEY FOR LESSEE AND LESSOR:

John E. Archibold, Esq.
KELLY, STANSFIELD & O'DONNELL
1225 17th Street, Suite No. 2600
Denver, CO 80202

INTERVENOR:

Casino Transportation, Inc.
251 Rooney Road
Golden, CO 80401

INTERVENOR'S ATTORNEY:

James A. Beckwith, Esq.
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