

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF INDEPENDENT)	
CARRIERS' ASSOCIATION OF)	
TELLURIDE, INC., DOING BUSINESS)	
AS MOUNTAIN LIMO, INC., FOR)	
TEMPORARY AUTHORITY TO EXTEND)	DOCKET NO. 92A-613CP-
OPERATIONS UNDER CERTIFICATE OF)	EXTENSION-TA
PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 47426.)	
- - - - -)	

**COMMISSION ORDER DENYING
TEMPORARY AUTHORITY**

Mailed date: December 22, 1992
Adopted date: December 16, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On November 10, 1992, Independent Carriers' Association of Telluride, Inc., doing business as Mountain Limo, Inc., filed an application (Docket No. 92A-613CP-Extension-TA) for temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 47426 for the transportation of (1) passengers and their baggage, and (2) packages and parcels, in taxi service, between all points within a 100-mile radius of Telluride, Colorado, restricted against providing service to, from, or between points in the Counties of Pitkin, Lake, Chaffee, Gunnison, Saguache, Mineral, Rio Grande, Alamosa, Conejos, or Archuleta, State of Colorado.

2. The Commission gave notice of the application on November 23, 1992. Interventions opposing a grant of the application were filed by John L. Nusbaum and Martha L. Nusbaum, doing business as Western Express, and doing business as Western Transit; Telluride Transit Company; Sunshine Taxi, Inc.; Aspen Limousine Service, Inc.,

doing business as Vans to Vail; Telluride Taxi, Inc., and/or Skip's Taxi & Shuttle Service, Inc.; and Colorado Cartage, 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 is not sufficient to support a finding that an immediate and urgent need exists and that the existing carriers cannot provide the service requested in the application. The Commission notes that the support for the present application may indicate a potential need for carrier service other than by taxi. Also, the support indicated a desire for more carriers. However, neither of these issues constitutes an immediate and urgent situation, and both will be dealt with in the permanent authority application.

6. The Commission finds that due to the facts stated in Paragraph 5 above, there is no immediate and urgent need for additional transportation services. Therefore, the Commission will deny the application.

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

8. After consideration of this matter at the December 10, 1992, open meeting, the attorney for the Applicant filed a letter in further support of the request for temporary authority. Intervenor's filed Motions to Strike the letter. Intervenor's argue that submission of the letter was procedurally improper because Commission Rules of Practice and Procedure do not allow for such filings; that the letter, which was intended to support the application, was untimely; and that it would be improper for the Commission to rely on the letter, since it is not a formal submission (i.e., a formal pleading) or a verified document. We agree that the letter should not be considered, and we, therefore, grant the Motions to Strike.

THEREFORE THE COMMISSION ORDERS THAT:

1. This application is denied.
2. The Intervenor's Motions to Strike are hereby granted.

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 mailed date.

ADOPTED IN OPEN MEETING December 16, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER GARY L. NAKARADO
ABSENT.

ORDER-KI

APPLICANT:

Independent Carriers' Association
of Telluride, Inc.,
dba Mountain Limo, Inc.
P. O. Box 1662
Telluride, CO 81435

APPLICANT'S ATTORNEY:

BENDELOW & DARLING
Attn: Jeffrey R. Bergstrom, Esq.
1120 Lincoln Street, Suite 1000
Denver, CO 80203

INTERVENOR:

John L. Nusbaum and Martha L.
Nusbaum
dba Western Express, and
dba Western Transit
204 North Nevada
Montrose, CO 81401

INTERVENOR'S (WESTERN) ATTORNEY:

MATHIS AND MASTERS, P.C.
Attn: David L. Masters, Esq.
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121 North Park Avenue
Montrose, CO 81402

INTERVENOR:

Telluride Transit Company
P. O. Box 2400
Telluride, CO 81435

INTERVENOR'S (TELLURIDE) ATTORNEY:

JONES & KELLER, P.C.
Attn: David E. Driggers, Esq.
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Denver, Co 80202

INTEVENOR:

Sunshine Taxi, Inc.
3009 East Aspenwood Court
Grand Junction, CO 81504

INTERVENOR'S (SUNSHINE) ATTORNEY:

Mark A. Davidson, Esq.
KELLY, STANSFIELD & O'DONNELL
1225 17th Street, Suite 2600
Denver, CO 80202

INTERVENOR:

Aspen Limousine Service, Inc.,
dba Vans to Vail, Inc.
P. O. Box 1368
Glenwood Springs, CO 81602

INTERVENOR'S (ASPEN) ATTORNEY:

James A. Beckwith, Esq.
7910 Ralston Road, Suite No. 7
Arvada, CO 80002

INTERVENOR:

Colorado Cartage, Inc.
P. O. Box 861
Gunnison, CO 81230

INTERVENOR'S (COLORADO) ATTORNEY:

WILLIAMS & ISLEY, P.C.

Attn: Charles M. Williams, Esq.

1225 Mellon Financial Center

1775 Sherman Street

Denver, CO 80203

INTERVENOR:

Telluride Taxi, Inc., and/or

Skip's Taxi & Shuttle Service, Inc.

P. O. Box 751

Telluride, CO 81435

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