

(Decision No. C95-180)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

THE APPLICATION OF CASINO COACH, )  
INC. FOR TEMPORARY AUTHORITY TO )  
EXTEND OPERATIONS UNDER ) DOCKET NO. 95A-046CP-  
CERTIFICATE OF PUBLIC ) EXTENSION-TA  
CONVENIENCE AND NECESSITY PUC )  
NO. 49180. )

**COMMISSION ORDER GRANTING  
TEMPORARY AUTHORITY**

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Mailed date: February 24, 1995  
Adopted date: February 23, 1995  
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**I. BY THE COMMISSION:**

**A. Statement**

1. On February 1, 1995, Casino Coach, Inc. filed an application (Docket No. 95A-046CP-Extension-TA) for temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 49180 for the transportation of passengers, in sightseeing service, between all points in the County of Summit, State of Colorado, and between said points, on the one hand, and all points in the State of Colorado, on the other hand. This application is restricted (1) to providing service which both originates and

terminates in the County of Summit, State of Colorado;  
and (2) against providing service to Central City or  
Black Hawk, Colorado.

2.The Commission gave notice of the application on February 7, 1995.

An intervention opposing a grant of the application  
was filed by The 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.

### **B.Findings of Fact**

1.Pursuant to § 40-6-120(1), C.R.S., the Commission is authorized  
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."

2.The support filed on behalf of this application indicates that there  
are no carriers presently providing sightseeing  
services from Summit County, State of Colorado. The  
Intervenor, Dee Hive, does hold Certificate of Public  
Convenience and Necessity PUC No. 19428 which  
authorizes the transportation of passengers in  
sightseeing service, between Leadville, Colorado, on  
the one hand, and all points within a 25-mile radius  
of Leadville, on the other hand. However, with the  
restriction placed upon the application of having to  
both originate and terminate service in Summit County,

State of Colorado, there is virtually no overlap between the proposed service and Dee Hive's existing authority.

### **C. Conclusion**

1. The Commission finds that due to the facts stated in paragraph 2 above, there are presently no carriers capable of providing the services requested, and that there is as immediate and urgent need for those services. The Commission will grant the application.
2. 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.
3. This application for temporary authority is in the public interest and should be granted.
4. The Applicant is advised that the granting of a temporary authority makes no presumption that permanent authority will be granted.

## **II. ORDER**

### **A. The Commission Orders That:**

1. Casino Coach, Inc. is granted temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 49180 for a period of 180 days commencing from the Mailed Date of this Order, with

authority as set forth in the attached Appendix.

2. Casino Coach, Inc. 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 of the effective date of this Order, then ordering paragraph 1 above, which grants authority to the Applicant, shall be void, and the authority granted shall then be void. On good cause shown, the Commission may grant additional time for compliance, if the request for additional time is filed within the 30 days.

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.

**B.** This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING February 23, 1995.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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ATTEST: A TRUE COPY

ROBERT J. HIX

Bruce N. Smith  
Director

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CHRISTINE E.M. ALVAREZ

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VINCENT MAJKOWSKI

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Commissioners

ORDER-ACJ

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Extension-TA  
February 23, 1995

Transportation of

passengers, in sightseeing service,

between all points in the County of Summit, State of Colorado, and  
between said points, on the one hand, and all points in the State

of Colorado, on the other hand.

This **temporary authority** is restricted as follows:

- A. To providing service which both originates and terminates in the County of Summit, State of Colorado; and
- B. Against providing service to Central City or Black Hawk, Colorado.

ORDER-ACJ

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**CERTIFICATE OF SERVICE**

DOCKET NO. 95A-046CP-EXTENSION-TA  
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I, Bruce N. Smith, Director of The Public Utilities Commission of the State of Colorado,

certify that I served a true and correct copy of the above Commission Decision -- entered in the above numbered matter of record -- upon each of the persons whose names and addresses appear below, by mailing the same in sealed envelopes properly addressed, with sufficient postage prepaid to carry the same to its destination on the date noted on this certificate at Denver, Colorado.

APPLICANT:

Casino Coach, Inc.  
Attn: Jim R. Bebee, President  
840 North Summit Boulevard, Box 2308  
Frisco, CO 80443

INTERVENOR:

The Dee Hive Tours  
c/o Deanna R. Cline  
506 Harrison Avenue  
Leadville, CO 80461

INTERVENOR'S ATTORNEY:

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

ROUTE:

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WITNESS MY HAND AND THE SEAL OF  
THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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BRUCE N. SMITH  
DIRECTOR