

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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THE APPLICATION OF ABDELLAH)
ELHABBASSI, DOING BUSINESS AS)
CASABLANCA LIMOUSINE SERVICE,)
FOR TEMPORARY AUTHORITY TO) DOCKET NO. 95A-312CP-TA
CONDUCT OPERATIONS AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

**COMMISSION ORDER DENYING
TEMPORARY AUTHORITY**

Mailed date: August 4, 1995
Adopted date: August 2, 1995

I. BY THE COMMISSION:

Statement, Findings, and Conclusion

1. On July 3, 1995, Abdellah Elhabbassi, doing business as Casablanca Limousine Service, filed an application (Docket No. 95A-312CP-TA) for temporary authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage, in call-and-demand limousine service, (1) between Denver International Airport, in Denver, Colorado, on the one hand, and all points in the area comprised of the Counties of Jefferson, Boulder, Adams, Arapahoe, and Denver, State of Colorado, on the other hand; and (2) between all points

within the following described area: beginning at the intersection of Colorado Boulevard and Hampden Avenue; thence east along Hampden Avenue, as extended, to its intersection with Colorado Highway 83; thence south along Colorado Highway 83 to its intersection with E-470; thence west along E-470 to its intersection with Interstate 25 and Colorado Highway 470; thence west along Colorado Highway 470 to Colorado Boulevard; thence north along Colorado Boulevard to the point of beginning; and between said points, on the one hand, and all points in the Counties of Adams, Arapahoe, Boulder, Denver, and Jefferson, State of Colorado, on the other hand.

2.The Commission gave notice of the application on July 10, 1995.

Interventions opposing a grant of the application were filed by Boulder Airporter, Inc.; Colorado PUC 191 Corp.; Rocky Mountain Shuttlines, Inc., doing business as Rocky Mountain Supercoach, Ltd.; Golden West Commuter, LLC; BBB Transportation, Inc., doing business as Overland Airport Express, Inc.; and Yellow Cab Cooperative Association, doing business as Yellow Cab, Inc., and its division, Denver Airport Limousine Service, Inc., doing business as Denver Airport Shuttle.

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

4.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."

5.The burden of proof created by this statute is indeed heavy. The Applicant must meet a two-fold test in order to satisfy the criteria demanded by the law. First, that there is an immediate and urgent need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If the Applicant fails to meet either test, the application cannot be granted. In light of the interventions filed on behalf of the carriers listed above, we cannot find that there is no other carrier service available.

6.The support filed on behalf of this application fails to prove that there is an immediate and urgent need for the transportation services requested, and that there is no other carrier service available capable of providing the service.

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

II. ORDER:

A. 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.

B. This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING August 2, 1995.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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ATTEST: A TRUE COPY

CHRISTINE E.M. ALVAREZ

Bruce N. Smith
Director

VINCENT MAJKOWSKI

Commissioners

CHAIRMAN ROBERT J. HIX ABSENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 95A-312CP-TA
DECISION NO. C95-727
(Page 1 of 2 Pages)

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:

Abdellah Elhabbassi
dba Casablanca Limousine Service
9238 East Lehigh Avenue
Denver, CO 80237

INTERVENOR:

Boulder Airporter, Inc.
2560 49th Street
Boulder, CO 80301

INTERVENOR:

Colorado PUC No. 191 Corp.
dba Airporter
P. O. Box 492082
Denver, CO 80249-2082

INTERVENORS' (BOULDER & AIRPORTER)

ATTORNEY:

Mark W. Williams, Esq.
BERRYHILL, CAGE & NORTH, P.C.
Suite No. 600
1401 17th Street
Denver, CO 80202

INTERVENOR:

Rocky Mountain Shuttlines, Inc.
dba Rocky Mountain Supercoach, Ltd.
5454 Conestoga Court
Boulder, CO 80301

INTERVENOR:

BBB Transportation, Inc.
dba Overland Airport Express, Inc.
1858 Arabian Trail
Elizabeth, CO 80107

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

BRUCE N. SMITH
DIRECTOR

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 95A-312CP-TA
DECISION NO. C95-727
(Page 2 of 2 Pages)

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.

INTERVENORS' (ROCKY & BBB) ATTORNEY:
Charles J. Kimball, Esq.
Suite No. 1500
1775 Sherman Street
Denver, CO 80203

INTERVENORS' (GOLDEN & YELLOW)
ATTORNEY:
Richard J. Bara, Esq.
Suite No. 315
1155 Sherman Street
Denver, CO 80203

INTERVENOR:
Golden West Commuter, LLC
P. O. Box 1171
Golden, CO 80401

ROUTE:
1, 2, 3, 4, 6-Docketing, 9, 10, 20,
21, 30, 31/2 copies, 40/5 copies,
50, 60, Black Book, Text Management,
Operating Rights Unit, DMS (plus
certificate), Index.

INTERVENOR:
Yellow Cab Cooperative Association
dba Yellow Cab, Inc.,
and its division, Denver Airport
Limousine Service, Inc., dba
Denver Airport Shuttle
3455 Ringsby Court
Denver, CO 80216

ORDER-AEB

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

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BRUCE N. SMITH
DIRECTOR