

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF VALERA LEA)
HOLTORF, DOING BUSINESS AS)
DASHABOUT SHUTTLE COMPANY,)
AND/OR ROADRUNNER EXPRESS, FOR) DOCKET NO. 95A-530CP-
TEMPORARY AUTHORITY TO EXTEND) EXTENSION-TA
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 14167.)

**COMMISSION ORDER DENYING
RECONSIDERATION**

Mailed date: January 9, 1996
Adopted date: January 3, 1996

I. BY THE COMMISSION:

Statement, Findings, and Conclusion

1. On November 29, 1995, the Commission issued Decision No. C95-1178 which denied the application of Valera Lea Holtorf, doing business as Dashabout Shuttle Company, and/or Roadrunner Express, ("Dashabout"), for temporary authority to extend operations under Certificate of Public Convenience and Necessity ("CPCN"), PUC No. 14167.

2. On December 19, 1995, Dashabout filed an application for rehearing, reargument, or reconsideration of said Decision.

3. 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.

4. The support filed with the application includes letters from communities in northeast Colorado, including Wray, Yuma, and Fort Morgan, Colorado. The ability to transport passengers from these and adjacent communities to and from Denver International Airport ("DIA") lies within paragraph A(1) of CPCN PUC No. 14167¹. However, before commencing such service, Dashabout must file a time schedule properly identifying dates, times, and points of service as required by applicable Commission rules.

5. Dashabout also includes letters from residents of southwest Nebraska. This Commission can neither confer nor deny authority to provide interstate service between Nebraska and Denver International Airport. These letters are accordingly insufficient to support Dashabout's request.

6. Dashabout contends that it needs the revenues from urban airport service to subsidize its rural operations. CPCN PUC

¹ Denver International Airport lies within 10 miles of Interstate 76.

No. 14167 does not, in any way, authorize Dashabout to provide point-to-point service within the Denver metropolitan area. Nor does it authorize Dashabout to carry passengers from Boulder, Colorado to DIA.

Accordingly, Dashabout's desire to commence or continue such operations cannot be addressed via an application to "follow the traffic." To provide these types of service, Dashabout would be required to seek additional authority by separate application.

7. Dashabout contends that it is seeking to "reinstate" the right to "tack" the separate paragraphs of its certificate.

Dashabout does not specify what it means by the term "tack," nor does it identify how such a right would result in new or additional service. Most importantly, Dashabout failed to submit letters of support or other evidence in support of its request for temporary "tacking." Dashabout has failed to demonstrate that there exists an immediate and urgent need for such tacking or that such tacking is in the public interest.

8. Finally, Dashabout contends that as the City of Denver grows, its service territory should also grow automatically. Pursuant to the Commission's decision in U.S. Cargo v. Bill's Rubbish, Decision No. 79820, a carrier's authority, previously granted, does not automatically

expand with annexations and increases in the limits of the communities it serves. See also Re Thomas D. Lane, Decision No. 62326 (February 17, 1964).

9. In this case, at the time Dashabout's authority was last extended, the city limits of Denver, Colorado did not include the area on which DIA is presently located. Accordingly, for those paragraphs of CPCN PUC No. 14167 in which Denver is a point of service (specifically paragraphs A(6) and A(7)), Dashabout's authority did not automatically extend to the area containing DIA. Dashabout may obtain such a geographic extension only by proper application.

10. The Commission finds that Dashabout has failed to demonstrate that the application herein is in the public interest. The only letters of support provided with the application relate to service in communities to which Dashabout may already provide airport service. Dashabout provided no evidence or explanation in support of its request for tacking. Dashabout's application for rehearing, reargument, or reconsideration, should be denied.

II. ORDER

A. The Commission Orders That:

1. The application for rehearing, reargument, or reconsideration of Decision No. C95-1178 filed by Valera Lea Holtorf,

doing business as Dashabout Shuttle Company, and/or
Roadrunner Express, is denied.

B. This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING January 3, 1996.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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ATTEST: A TRUE COPY

ROBERT J. HIX

Bruce N. Smith
Director

CHRISTINE E.M. ALVAREZ

VINCENT MAJKOWSKI

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 95A-530CP-EXTENSION-TA
DECISION NO. C96-16
(Page 1 of 1 Page)

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:

Valera Lea Holtorf
dba Dashabout Shuttle
and/or Roadrunner Express
Buffalo Springs Ranch
Akron, CO 80720

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)

INTERVENOR:

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INTERVENOR'S ATTORNEY:

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ORDER-AGD

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

BRUCE N. SMITH
DIRECTOR