

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF ARLEN)
BAUMERT, DOING BUSINESS AS)
BOULDER COUNTY EXPRESS, FOR) DOCKET NO. 96A-175CP-TA
TEMPORARY AUTHORITY TO CONDUCT)
OPERATIONS AS A COMMON CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY, IN PART**

Mailed date: May 20, 1996
Adopted date: May 15, 1996

I. BY THE COMMISSION:

A. Statement, Findings, and Conclusion

1. On April 24, 1996, Arlen Baumert, doing business as Boulder County Express, filed an application (Docket No. 96A-175CP-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 charter and call-and-demand limousine service, between Black Hawk and Central City, Colorado, on the one hand, and points in the County of Boulder, State of Colorado, on the other hand.

2. The Commission gave notice of the application on April 29, 1996. Interventions opposing a grant of the application were filed by Boulder Airporter, Inc. ("Airporter") and Black Hawk Central City Ace Express, Inc. ("ACE").

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 support filed on behalf of this application indicates that there is presently no readily available transportation service between certain points in the County of Boulder, State of Colorado, and points in the Cities of Black Hawk and Central City, Colorado.

6. ACE, within its intervention, states that it is providing daily service between Broomfield, Colorado and Black Hawk and Central City, Colorado. A follow-up call by Commission Staff revealed that such service is, in fact, not being provided.

7. Airporter, under Certificates of Public Convenience and Necessity PUC Nos. 191 and 13348, has authority to provide the requested service. However, the only services it provides to Black Hawk and Central City from points within Boulder County are on a charter basis.

8. The Commission finds, due to the facts stated above, that: (1) the requested charter service is already being provided by the intervenor, Airporter; and (2) there is no carrier presently providing a call-and-demand limousine service between points within the Cities of Black Hawk and Central City, Colorado and points in the County of Boulder, State of Colorado. There has been no showing of an immediate and urgent need for service to or from points other than where the support was derived. Only that portion of the

application which requests to provide call-and-demand limousine service between points within the Cities of Black Hawk and Central City, Colorado, on the one hand, and points within the Cities of Boulder, Longmont, Louisville, and that portion of Broomfield lying within the County of Boulder, State of Colorado, shall be granted.

9. The Applicant has adequate equipment and financial resources to begin immediate service within the scope of the authority granted and is willing, ready, and able to operate under all Commission rules and regulations governing carriers by motor vehicle.

10. This application for temporary authority is in the public interest and should be granted, in part.

11. 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. Arlen Baumert, doing business as Boulder County Express, is granted temporary authority, in part, to conduct operations as a common carrier by motor vehicle for hire for a period of 180 days commencing from the Mailed Date of this order, with authority as set forth in the attached Appendix.

2. Arlen Baumert, doing business as Boulder County Express, 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.

C. ADOPTED IN OPEN MEETING May 15, 1996.

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ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT J. HIX

Bruce N. Smith
Director

VINCENT MAJKOWSKI

Commissioners

COMMISSIONER R. BRENT ALDERFER
NOT PARTICIPATING.

ORDER-AHP

Appendix
Page 1 of 1 Page
Decision No. C96-509
Docket No. 96A-175CP-TA

May 15, 1996

Temporary Authority to provide:

Transportation of passengers and their baggage, in call-and-demand limousine service,

between Black Hawk and Central City, Colorado, on the one hand, and points within the following cities:

Boulder, Colorado;

Longmont, Colorado;

Louisville, Colorado; and

that portion of Broomfield, lying within the County of Boulder, State of Colorado.

ORDER-AHP

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 96A-175CP-TA

DECISION NO. C96-509

(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:

Arlen Baumert
dba Boulder County Express
3905 West 127 Avenue
Broomfield, CO 80020

INTERVENOR:

Boulder Airporter, Inc.
3686 19th Street
Boulder, CO 80303

INTERVENOR'S (AIRPORTER)
ATTORNEY:

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

INTERVENOR:

Black Hawk Central City Ace
Express, Inc.
P. O. Box 132
Black Hawk, CO 81402

INTERVENOR'S (ACE) ATTORNEY:

Charles J. Kimball, Esq.
KIMBALL & NESPOR, P.C.
Suite No. 1500
1775 Sherman Street
Denver, CO 80203

ROUTE:

1, 2, 3, 4, 6-Docketing, 9, 10,
10.1, 20, 21, 30, 31/2 copies,
40/5 copies, 50, 60, Black
Book, Operating Rights Unit &
DMS (plus certificate)

ORDER-AHP

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

BRUCE N. SMITH
DIRECTOR