

(Decision No. C96-245)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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THE APPLICATION OF COLORADO )  
TRANSPORTATION SERVICES, INC., )  
DOING BUSINESS AS AMERICAN CAB )  
COMPANY OF DENVER, INC., FOR ) DOCKET NO. 96A-046CP-  
TEMPORARY AUTHORITY TO EXTEND ) EXTENSION-TA  
OPERATIONS UNDER CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
PUC NO. 53680. )

**COMMISSION ORDER DENYING  
TEMPORARY AUTHORITY**

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Mailed date: March 13, 1996  
Adopted date: March 13, 1996  
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**I. BY THE COMMISSION:**

**Statement Findings, and Conclusion**

1. On January 31, 1996, Colorado Transportation Services, Inc., doing business as American Cab Company of Denver, Inc. ("American"), filed an application (Docket No. 96A-046CP-Extension-TA) for temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 53680 by increasing the number of taxis authorized under said certificate from 50 to 75.

2. The Commission gave notice of the application on February 5, 1996. On February 20, 1996, Metro Taxi, Inc., filed an intervention opposing a grant of the application.

3. On February 21, 1996, the Commission orally struck the intervention of Metro Taxi, Inc., as late-filed. The application then became non-contested. The Commission then instructed Staff of

the Public Utilities Commission ("Staff") to do an independent analysis of American's need for additional taxis in its fleet.

4. We first note that American filed no public support to support its application. Instead, American chose to rely upon its own dispatch records to establish a need for additional vehicles.

American relies upon statistics it generated for the months of December, 1995 and January, 1996. While the Applicant did supply us with the number of vehicles it had under lease for this time period, it did not choose to provide statistics on the number of cars on the street on an hour-by-hour basis. Therefore, from the Applicant's data, we cannot conclude that American is utilizing its maximum vehicle authorization at all times. Without this information, it is impossible to determine the need for additional taxis. On this point, we find that American has failed to sustain its burden of proof required for us to grant temporary authority.

5. The Staff submitted data for seven days (February 8, 9, 10, 19, 20, 21, and 22, 1996) as well as a graph of American's calls for service from December 15, 1995 through February 22, 1996.

This data details American's calls for service and shows the time of the calls, the response time in picking up the customers, the number of cabs in service, and the number of cabs at Denver International Airport ("DIA"). Our review of Staff's data indicates that American is not presently using all the vehicles authorized under its certificate. For instance, on February 8, 1996, between 8 a.m. and 1 p.m., American had between 27 and 39 cars on the street. During

this time, customer response time exceeded 30 minutes on eight occasions. On February 20, 1996, between the hours of 3 p.m. and 8 p.m., American had between 26 and 32 cars on the street. During these hours, four service failures (over 30 minutes) occurred. There are numerous similar examples in Staff's seven-day sample.<sup>1</sup> It seems reasonable to us that these service failures would not have occurred if the full allotment of 50 cabs would have been in service during these times. In any event, American submitted no evidence that this is not the case.

6. Staff also did an analysis of service failures as they relate to American's cabs waiting at DIA. The data indicates that during the sample period, American experienced 132 service failures.

Staff's data indicates that 89 percent of these failures occurred while 25 percent or more of the in-service fleet was waiting at the airport. We note that, at times, American has had as much as 100 percent of its fleet sitting at DIA. Data obtained from DIA indicates that American's cabs can wait for over three hours for a customer.

7. We find it inconsistent for American to not fully utilize its authorized fleet, on the one hand, and argue, on the other hand, that it needs more vehicles to meet the public's demand. In addition, we question the efficiency of how American allows a large percentage of its fleet to sit idle at the airport (for hours) while patrons seeking service in the rest of the metropolitan area often

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<sup>1</sup> A number of requests for service are never filled. These may actually be service failures, but it is not possible to determine this with the data before us.

must wait more than 30 minutes for service. 8. 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. Upon analysis of the data submitted to us, we find that there is no immediate and urgent need and that 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 intervention of Metro Taxi, Inc., is stricken.
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 March 13, 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

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VINCENT MAJKOWSKI

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Commissioners

COMMISSIONER CHRISTINE E.M. ALVAREZ  
ABSENT.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**CERTIFICATE OF SERVICE**

DOCKET NO. 96A-046CP-EXTENSION-TA  
DECISION NO. C96-245  
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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:

Colorado Transportation Services, Inc.  
dba American Cab Company of Denver, Inc.  
7500 Martin Luther King Boulevard  
Denver, CO 80207

APPLICANT'S ATTORNEY:

Duane H. Kamins, Esq.  
7500 Martin Luther King Boulevard  
Denver, CO 80207

INTERVENOR:

Metro Taxi, Inc.  
4238 York Street  
Denver, CO 80216

INTERVENOR'S ATTORNEY:

Robert W. Nichols, Esq.  
NICHOLS & HECHT, LLC  
Suite No. 200  
2060 Broadway  
Boulder, CO 80302

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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