

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 02A-464CP-Extension-TA

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THE APPLICATION OF DSC/PURGATORY, LLC, DOING BUSINESS AS MOUNTAIN TRANSPORT, FOR TEMPORARY AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 54985.

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**COMMISSION ORDER GRANTING IN PART  
AND DENYING IN PART TEMPORARY AUTHORITY**

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Mailed Date: January 7, 2003  
Adopted Date: December 30, 2002

**I. BY THE COMMISSION:**

**A. Statement**

1. On September 3, 2002, DSC/Purgatory, LLC, doing business as Mountain TranSport (Mountain TranSport), filed an application for temporary authority to extend operations under Certificate of Public Convenience and Necessity (CPCN) PUC No. 54985 as follows: Transportation of passengers and their baggage, in call-and-demand limousine service, between Durango Mountain Resort, on the one hand, and all points in the Counties of La Plata, Montezuma, Ouray, and San Juan, State of Colorado, on the other hand. This temporary application is restricted against providing transportation service for passengers who originate or terminate at Cascade Village Resort (which is defined to include all points within its present development and within the current Cascade Village Resort Master Plan, and any renamed or successor resort at the same location) located in the County of San Juan, except for providing transportation service between Durango Mountain Resort and Cascade Village Resort for owners of properties, or overnight guests registered at lodging facilities, located at Durango Mountain Resort, which for purposes of

this restriction shall be defined as the existing Durango Mountain Resort and all property located within the current Durango Mountain Resort Master Plan.

2. CPCN PUC No. 54985 currently allows Mountain TranSport to provide scheduled service between Durango Mountain Resort and points within the city limits of Durango. The La Plata County Airport is located outside the city limits of Durango.

3. The Commission gave notice of the application on December 16, 2002.

4. Durango Transportation, Inc., filed an intervention opposing the grant of this application.

5. Durango Transportation, Inc., may provide taxi, charter, and call-and-demand limousine service, under Certificate of Public Convenience and Necessity CPCN PUC No. 14916, between the La Plata County Airport, on the one hand, and on the other hand, all points within a 100-mile radius of the intersection of U. S. Highway 160 and U. S. Highway 550 in Durango, Colorado.

6. 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."

7. Mountain TranSport must meet a two-fold test: 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 Mountain TranSport fails to meet either test, the application must be denied.

**B. Findings of Fact**

8. The support filed on behalf of this application consists of letters from Gayle Darwin, an employee of American Airlines Vacations; Todd Johnson, the Senior Vice President of Adventure Tours USA; Davelyn Mason, an employee of High Point Travel, Inc.; and Klaus Gebhardt, a resident of Eolus Condominiums at Durango Mountain Resort. Mountain TranSport also includes as support various filings and letters relating to its permanent application, Docket No. 02A-464CP-Extension.

9. In his letter, Mr. Johnson of Adventure Tours USA, states “Our projections for the 2002/2003 season call for approximately 5000 enplanements at the La Plata County Airport. Approximately 25% of those passengers will be staying with you at the Purgatory Village Hotel at Durango Mountain Resort, and it is of the utmost importance, as part of our package pricing, that these passengers have included in their vacation packages, transfers to and from the airport to the Purgatory Village.” Ms. Mason of High Point Travel, Inc., states “ One of the problems in selling Durango to our clients is your lack of public transportation to and from the airport and/or the ski area. One amenity that is lacking in Durango is a town transportation system and airport shuttle system.” Mr. Gebhardt states “In my capacity as President of the Eolos Condominium Association, I have received complaints from owners in the rental program regarding the lack of transportation services at Durango Mountain Resort. In sum, it is the sense of the owners at the resort that transportation service is inadequate.”

10. Durango Transportation, Inc., states in response that it has authority to provide transportation services in those areas in question, most importantly, between the La Plata County

Airport and Durango Mountain Resort. Durango Transportation, Inc., states that it has the ability to handle all the traffic in the area.

11. While it is unclear at this point exactly how many vehicles Durango Transportation, Inc., operates, we find that Mountain TranSport has shown there to be an immediate and urgent need for transportation between the LA Plata County Airport and Durango Mountain Resort beyond what Durango Transportation, Inc., can accommodate.

**C. Conclusions**

12. An immediate and urgent need for a portion of the requested transportation services has been shown to exist, and no other carrier has been shown to be capable of providing the service.

13. Mountain Transport has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

14. This application for temporary authority is in the public interest.

15. Mountain Transport is advised that the grant of a temporary authority creates no presumption that a permanent authority will be granted.

**II. ORDER**

**A. The Commission Orders That:**

1. DSC/Purgatory, LLC, doing business as Mountain TranSport, is granted temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 54985 for a period of 180 days commencing from the Mailed Date of this Order, or until final

disposition of its permanent application, whichever is sooner, with authority as set forth in the Appendix.

2. DSC/Purgatory, LLC, doing business as Mountain TranSport, shall operate in accordance with all applicable Commission rules and regulations.

3. DSC/Purgatory, LLC, doing business as Mountain TranSport, shall not extend operations until it has filed the proper tariff and notice in writing has been received from the Commission that it is in compliance and may begin service.

4. If DSC/Purgatory, LLC, doing business as Mountain TranSport, does not comply with the requirements of this Order within 30 days of its effective date, then the temporary authority to extend operations shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 30 days.

5. 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 Order.

6. This Order is effective immediately on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING  
December 30, 2002.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RAYMOND L. GIFFORD

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POLLY PAGE

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JIM DYER

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Commissioners

Transportation of passengers and their baggage in call-and-demand limousine service between Durango Mountain Resort, defined as the existing Durango Mountain Resort and all property located within the current Durango Mountain Resort Master Plan, on the one hand, and the La Plata County Airport, on the other hand.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**CERTIFICATE OF SERVICE**

DOCKET NO. 02A-464CP-Extension-TA

DECISION NO. C03-0018

(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 to the following:

APPLICANT:

DSC/Purgatory, LLC  
dba Mountain TranSport  
#1 Skier Place  
Durango, CO 81301

APPLICANT'S ATTORNEY:

Duke Eggleston  
Crane, Leake, Ehlers & Eggleston, P.C.  
102 West 18th Street  
Durango, CO 81301

INTERVENOR:

Durango Transportation, Inc.  
P. O. Box 1445  
Durango, CO 81301

ROUTE:

6, 60, all PUC staff, including staff that may be listed as parties, received this decision electronically.

INTERVENOR'S ATTORNEY:

Mark W. Williams  
Berryhill, Cage & North, P.C.  
1433 Seventeenth Street  
Denver, CO 80202

INTERVENOR:

Mill Creek Management Co., LLC  
50827 Highway 550 North  
Durango, CO 81301

INTERVENOR'S ATTORNEY:

Richard L Fanyo  
Dufford & Brown, PC  
1700 Broadway, Suite No. 1700  
Denver, CO 80290

S E A L



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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BRUCE N. SMITH  
Director



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