

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02A-661BP-EXTENSION-TA

THE APPLICATION OF UNIVERSITY SERVICES, INC., DOING BUSINESS AS PASSENGER EXPRESS, FOR TEMPORARY AUTHORITY TO EXTEND OPERATIONS UNDER CONTRACT CARRIER PERMIT NO. B-9790.

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed Date: January 9, 2003
Adopted Date: January 8, 2003

I. BY THE COMMISSION:

A. Statement

1. On December 19, 2002, University Services, Inc., doing business as Passenger Express (Passenger Express), filed an application for temporary authority to extend operations under Contract Carrier Permit No. B-9790 to include the transportation of passengers and their baggage, between the La Quinta Inn, Inc., 6801 Tower Road, Denver, Colorado, on the one hand, and Denver International Airport, on the other hand. This application is restricted to providing transportation service for only the La Quinta Inn, Inc., 6801 Tower Road, Denver, Colorado 80249.

2. The Commission gave notice of the application on December 30, 2002.

3. There are no interventions opposing a grant of the application.

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. Passenger Express 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 Passenger Express fails to meet either test, the application must be denied.

B. Findings of Fact

6. The support filed on behalf of this application consists of a letter from Rita Burch, the general manager of the La Quinta Inn, Inc., 6801 Tower Road, Denver, Colorado 80249. In her letter, Ms. Burch states the La Quinta Inn has several unique transportation requirements that can be met by Passenger Express. The seven requirements named by Ms. Burch that can be provided by Passenger Express are: (1) customized bus seating with seats spaced to the needs of the guests, airline passengers, pilots, and attendants; (2) seat belts on its buses, significantly enhancing the safety of those involved in bus travel, a feature not available from other carriers; (3) scheduled service provided seven days per week and 23.5 hours per day; (4) no interruption of service due to inclement weather; (5) guaranteed replacement of all equipment every 18 months; (6) drivers trained in the specific needs of the hotel; and (7) dispatch service available 24 hours per day. Ms. Burch also states she has been unable to locate an alternative service provider that will meet the conditions and requirements of the service needed by the La Quinta Inn. Ms. Burch further states that the La Quinta Inn will be at a severe competitive disadvantage with other hotels near Denver International Airport if Passenger Express is not allowed to provide the service requested in this application.

C. Conclusions

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

8. Passenger Express has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

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

10. Passenger Express 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. University Services, Inc., doing business as Passenger Express, is granted temporary authority to extend operations under Contract Carrier Permit No. B-9790 for a period of 180 days commencing from the Mailed Date of this Order, with authority as set forth in the Appendix.

2. University Services, Inc., doing business as Passenger Express, shall operate in accordance with all applicable Commission rules and regulations.

3. University Services, Inc., doing business as Passenger Express, shall not extend operations until it has filed the proper tariff and notice in writing has been received from the Commission stating it is in compliance and may begin service.

4. If University Services, Inc., doing business as Passenger Express, 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.

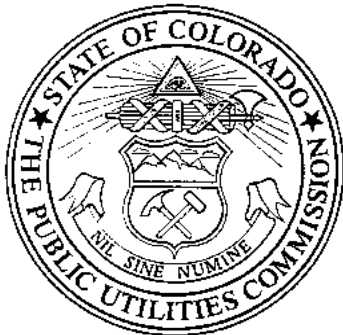
5. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Order.

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

B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING

January 8, 2003.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RAYMOND L. GIFFORD

POLLY PAGE

JIM DYER

Commissioners

ATTEST: A TRUE COPY

Bruce N. Smith

Bruce N. Smith
Director

Appendix
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Transportation of of passengers and their baggage between the La Quinta Inn, Inc., 6801 Tower Road, Denver, Colorado, on the one hand, and Denver International Airport, on the other hand.

This temporary authority is restricted to providing transportation service for only the La Quinta Inn, Inc., 6801 Tower Road, Denver, Colorado 80249.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

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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 to the following:

APPLICANT:

University Services, Inc.
dba Passenger Express
P.O. Box 4670 Attn:Lewis Levey
Scottsdale, AZ 85261

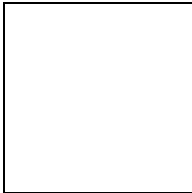
APPLICANT'S ATTORNEY:

Richard P. Kissinger
Kissinger & Fellman, P.C.
3773 Cherry Creek North Drive, Suite No. 900
Denver, CO 80209

ROUTE:

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

S E A L



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



BRUCE N. SMITH
Director