

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

DOCKET NO. 03A-055CP-TRANSFER-ETA

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THE APPLICATION OF SCHAFER-SCHONEWILL & ASSOCIATES, INC, DOING BUSINESS AS ENGLEWOOD EXPRESS &/OR WOLF EXPRESS SHUTTLE, FOR EMERGENCY TEMPORARY APPROVAL TO ALLOW HOTELS OF DENVER MOUNTAIN CARRIER, INC., DOING BUSINESS AS DENVER MOUNTAIN EXPRESS, TO ASSUME OPERATIONAL CONTROL OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY PUC NOS. 52940, 50790, AND 55363.

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**COMMISSION ORDER GRANTING  
EMERGENCY TEMPORARY APPROVAL**

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Mailed Date: February 13, 2003  
Adopted Date: February 12, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. On February 11, 2003, Schafer-Schonewill & Associates, Inc, doing business as Englewood Express &/or Wolf Express Shuttle (Englewood Express), filed an application for emergency temporary approval to allow Hotels of Denver Mountain Carrier, Inc., doing business as Denver Mountain Express, to assume operational control of Certificates of Public Convenience and Necessity (CPCN) PUC Nos. 52940, 50790, and 55363, pending Commission consideration of the related application to permanently transfer the certificates.

2. Pursuant to § 40-6-120(2), C.R.S., the Commission may grant temporary approval of a certificate transfer "if it appears that failure to grant such temporary approval may result in destruction of or injury to such carrier or carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public." Section 40-6-120(4), C.R.S., further states: "If the Commission is of the opinion

that an emergency exists, it may issue temporary authority or approval at once by making specific reference in its order to the circumstances constituting the emergency, in which case no notice need be given, but any such emergency authority or approval shall expire no later than thirty days after it was issued."

3. The application states that Khalil Laleh owns 100% of the stock of Englewood Express. As a result of the incidents on September 11, 2001, and the recent economic downturn, it is reported that Englewood Express has had to reduce its fleet to less than a one-third of its level of September 10, 2001. This reduction in the number of passengers being transported has resulted in a significant decrease in revenue. The application states Mr. Laleh has had to invest "a tremendous amount of personal savings to keep Wolf (Englewood Express) afloat." It is also reported that "Mr. Laleh's health has degenerated to the extent that he is no longer able to devote the time, finances, and energy to keep Wolf (Englewood Express) running. Because his company is undercapitalized, and because Mr. Laleh's health concerns prevent him from investing any more money into the company, it became imperative that Mr. Laleh locate a buyer for the company."

4. Two letters were filed in support of this application. One letter is from Dr. Timothy Judd. Dr. Judd states that "Mr. Laleh has been a medical patient of his office for more than ten years. Recently, in reviewing his health condition it has become clear that he is undergoing increasingly significant elevated levels of stress, which in turn, are having a negative effect on this health. This stress appears to be resulting from his struggling transportation business. As a result of recent medical examinations it has become my considered opinion that in the interest of Mr. Laleh's health, Mr. Laleh should immediately make every attempt to reduce the business creating his stress levels." The other letter is from Mr. James D. Rapp, the general

manager of Englewood Express. Mr. Rapp states that “The last two years have been turbulent ones for the transportation industry. These tribulations have taken their toll on Mr. Laleh. I have been personally concerned about his continued health ever since he advised me that his attending doctor has advised him to get out of the transportation business. In recent months, when he had to advance his personal funds to keep the operation going, I could see additional stress and its bad effects. Mr. Laleh now has the opportunity to relieve himself of the common carrier burden while protecting the public who has grown to rely on Wolf’s service.”

5. The information submitted with this application does indicate that Mr. Laleh’s health condition and his inability to maintain Englewood Express in a financially viable manner may interfere substantially with Englewood Express’ ability to provide adequate and continuous service to the public. Therefore, the Commission finds that a failure to grant emergency approval of an assumption of operational control could result in injury to Certificates of Public Convenience and Necessity CPCN PUC Nos. 52940, 50790, and 55363 and ultimately affect service to the public.

6. Hotels of Denver Mountain Carrier, Inc., doing business as Denver Mountain Express, has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

7. This application for emergency temporary approval is in the public interest.

8. Schafer-Schonewill & Associates, Inc, doing business as Englewood Express &/or Wolf Express Shuttle and Hotels of Denver Mountain Carrier, Inc., doing business as Denver Mountain Express, are advised that the grant of emergency temporary approval of an

assumption of operational control creates no presumption that either temporary approval of an assumption of operational control or permanent approval of the transfer will be granted.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The application for emergency temporary approval of an assumption of operational control filed by Schafer-Schonewill & Associates, Inc, doing business as Englewood Express &/or Wolf Express Shuttle, is granted.

2. Hotels of Denver Mountain Carrier, Inc., doing business as Denver Mountain Express, is granted emergency temporary approval to conduct operations under Certificate of Public Convenience and Necessity CPCN PUC Nos. 52940, 50790, and 55363 for a period of 30 days commencing from the Mailed Date of this Order.

3. Hotels of Denver Mountain Carrier, Inc., doing business as Denver Mountain Express, shall operate in accordance with all applicable Commission rules and regulations.

4. Hotels of Denver Mountain Carrier, Inc., doing business as Denver Mountain Express, shall not assume operational control until it has paid the appropriate vehicle identification fees and adopted the tariffs and time schedules of Schafer-Schonewill & Associates, Inc, doing business as Englewood Express &/or Wolf Express Shuttle, and it has received notice in writing from the Commission that it is in compliance and may begin service.

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 COMMISSIONERS' WEEKLY MEETING  
February 12, 2003.**

(S E A L)



**ATTEST: A TRUE COPY**

**Bruce N. Smith  
Director**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**GREGORY E. SOPKIN**

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**POLLY PAGE**

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**JIM DYER**

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Commissioners