

Decision No. C03-0262

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

DOCKET NO. 02A-412CP

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THE APPLICATION OF OWNER/DRIVER UNITED CORPORATION, DOING BUSINESS AS BLUE SKY SHUTTLE, FOR EMERGENCY TEMPORARY AUTHORITY TO CONDUCT OPERATIONS AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

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DOCKET NOS. 02A-531CP-LEASE-TA and 02A-531CP-LEASE

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THE APPLICATION OF OWNER/DRIVER UNITED CORPORATION, DOING BUSINESS AS BLUE SKY SHUTTLE, FOR TEMPORARY APPROVAL TO ALLOW BOULDER EXPRESS, LLC, DOING BUSINESS AS BOULDER EXPRESS SHUTTLE, TO ASSUME OPERATIONAL CONTROL OF TEMPORARY AUTHORITY.

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**COMMISSION ORDER  
REMANDING STIPULATION AND  
MOTION OF THE PARTIES TO  
THE ADMINISTRATIVE LAW JUDGE**

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Mailed Date: March 12, 2003  
Adopted Date: February 19, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of a stipulation to restrictively amend application and to withdraw intervention. The stipulation was filed by the applicant in Docket No. 02A-412CP-TA, Owner Driver United Corp., doing business as Blue Sky Shuttle (Blue Sky), the applicant/lessee in Docket Nos., 02A-531CP-Lease and 02A-531CP-Lease-TA, Boulder Express, LLC, doing business as Boulder Express Shuttle (Boulder Express), and Intervenor Golden West Commuter, LLC (Golden West) (collectively Parties).

2. Blue Sky seeks temporary authority for certain transportation services as enumerated in its application filed on August 12, 2002. Boulder Express seeks authority to lease the temporary authority of Blue Sky. Golden West intervened in these applications alleging a material interest in the proceedings.

3. According to the pleading filed by the Parties, restricting the applications sought in these dockets by eliminating all points in Jefferson County, Colorado, and those points in Denver County on and west of Sheridan Boulevard, from the current authorities sought by Blue Sky and Boulder Express, the interests of Golden West can be eliminated. Further, the Parties point out that restricting the applications as indicated here, will not impair Boulder Express' or Blue Sky's ability to perform the transportation services sought in the current applications.

4. However, we find that upon review of the various temporary authorities granted by the Commission and the various restrictive amendments granted, there appears to be some inconsistencies in the various authorities as indicated in Decision Nos. R03-0124-I, R03-0125-I, and C02-1003. Specifically, in Interim Order No. R03-0125-I, which, among other things, granted the motion of Boulder Express and Blue Sky to extend temporary authority, the scope of authority set forth in Appendix A to the order is not clear to us.

5. For example, Section II, A, page 1 of Appendix A indicates a grant of temporary authority for transportation of passengers and their baggage, in call-and-demand limousine service,

- A. Between all points in the area comprised of the Counties of Denver *lying east of Sheridan Boulevard*, Adams, and Arapahoe, State of Colorado, on the one hand, and Denver International Airport, on the other hand...

(emphasis added)

6. However, the Restrictions section of the authority, at Paragraph 2 on page 3 indicates that Item II is restricted as follows:

Item II(A) is restricted to providing service that either originates or terminates at points within the following described area: beginning at the intersection of Havana Street, and Interstate 70 in Denver, Colorado; then south along Havana Street, as extended, to its intersection with County Line Road, as extended; then west along County Line Road, as extended, to its intersection with *Federal Boulevard, as extended; then north along Federal Boulevard, as extended, to its intersection with Interstate 70*; then east along Interstate 70 to the point of beginning...

(emphasis added)

7. There appears to be a discrepancy between the temporary authority and the restrictions that leaves a gap existing between Federal Boulevard and Sheridan Boulevard. However, the administrative law judge (ALJ) assigned to this matter is much more familiar with the various authorities and restrictions filed and granted as part of these dockets. Therefore, we remand this stipulation and motion of the Parties to the ALJ for determination of the correct course of action consistent with the temporary authorities and restrictions already granted to Blue Sky and Boulder Express.

## **II. ORDER**

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

1. The Stipulation of Parties Motion to Restrictively Amend Application and to Withdraw Intervention filed by Owner Driver United Corp., doing business as Blue Sky Shuttle, Boulder Express. LLC, doing business as Boulder Express Shuttle, and Golden West Commuter, LLC is remanded to the administrative law judge assigned to these dockets.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
February 19, 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