

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-108CP-TA

THE APPLICATION OF DARREL G. SEGERS, DOING BUSINESS AS STAR TAXI, FOR TEMPORARY AUTHORITY TO CONDUCT OPERATIONS AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION ORDER DENYING
TEMPORARY AUTHORITY**

Mailed Date: April 10, 2003

Adopted Date: April 2, 2003

I. BY THE COMMISSION:

A. Statement

1. On March 5, 2003, Darrel G. Segers, doing business as Star Taxi (Star Taxi), filed an application for temporary authority ("Application") to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage, in taxi service, between all points within Mesa County, State of Colorado, and between said points, on the one hand, and all points within a 300-mile radius of Walker Field in Grand Junction, Colorado, on the other hand.

2. The Commission gave notice of the Application on March 24, 2003.

3. #10 Hillcrest, LLC, doing business as Western Express Taxi (Western Express Taxi), San Miguel Mountain Ventures, LLC., doing business as Telluride Express (Telluride Express), Chanda L. and John T. Jones, Jr., doing business as Delta Transit Company (Delta Transit Company), Tazco, Inc., doing business as Sunshine Taxi, Inc. (Sunshine Taxi), and Agnes

T. Weir, doing business as Care Cars (Care Cars), filed interventions opposing the grant of this Application.

4. Telluride Express, under Certificate of Public Convenience and Necessity (CPCN) PUC No. 1648 may provide taxi service as follows: (1) between all points within a 100-mile radius of the U. S. Post Office in Telluride, Colorado; (2) from points in Montrose, Colorado, to Grand Junction, Colorado; (3) from points in Delta, Colorado, to Grand Junction, Colorado; (4) and between all points within San Miguel County, Colorado, that are within 10-mile radius of Telluride, Colorado, and between said points, on the one hand, and all points within the State of Colorado, on the other hand.

5. Delta Transit Company, under CPCN PUC No. 52100, may provide taxi service from all points in Delta County, Colorado, to all points within a 100-mile radius of the intersection of U. S. Highway 50 and Colorado Highway 92 in Delta, Colorado.

6. Care Cars, under CPCN PUC No. 53096, may provide call-and-demand limousine service as follows: (1) between all points within a 5-mile radius of I-70 and Horizon Drive in Grand Junction, Colorado, and between said points, on the one hand, and points within a 5-mile radius of the intersection of U. S. Highway 50 and Colorado Highway 92 in Delta, Colorado; and (2) between all points within a 5-mile radius of the intersection of U. S. Highway 50 and Colorado Highway 90 in Montrose, Colorado, on the one hand, and all points within a 5-mile radius of the U. S. Post Office in Fruita, Colorado, on the other hand.

7. Sunshine Taxi, under CPCN PUC No. 19429, may provide taxi service between all points in Mesa County, Colorado, and between said points, on the one hand, and all points, in the State of Colorado, on the other hand.

8. Western Express Taxi, under CPCN PUC No. 55708, may provide taxi service between all points within Montrose County, Colorado, and between said points, on the one hand, and, on the other hand: (1) all points within a ten-mile radius of Delta, Colorado (including all points within the city limits of Delta, Colorado); (2) all points within the Counties of Ouray, San Juan, and Hinsdale, and (3) that portion of Gunnison County within a 100-mile radius of the United States Post Office at Telluride, Colorado.

B. Findings

9. As an initial matter, the Commission must determine which entities have an interest in this matter. Commission Rule 65 governs Interventions of Right to Applications of Transportation Utilities. Pursuant to Rule 65, a potential intervenor must, at a minimum, “identify which specific parts of intervenor’s authority are in conflict with the application.” 4 CCR 723-1, Rule 65(b)(2)(A).

10. The type of passenger service and the geographic areas named in the CPCN’s of Telluride Express, Delta Transit, Care Cars, and Sunshine Taxi, do overlap with the passenger service and the geographic area requested in this Application. Pursuant to Rule 65, these transportation utilities are entitled to intervene in this matter as of right.

11. The type of passenger service and the geographic area named in the CPCN of Western Express does not overlap with the passenger service and the geographic area requested in this Application. Pursuant to Rule 65, this transportation utility is not entitled to intervene in

this matter as of right. Western Express did not request permissive intervention, therefore the Commission did not consider that option.

12. 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." Thus, Star Taxi must meet a two-fold test on the face of its application for temporary authority: 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 Star Taxi fails to meet either test, the application must be denied.

13. The support filed on behalf of this Application consists of brief written statements from 19 individuals who have apparently requested taxi service between points in the Grand Junction area, and one employee of a businesses located in Grand Junction, Colorado. The authors of each of these 20-letters discuss some type of problem he or she has incurred while trying to acquire taxi service. The authors of 16 of the letters name Sunshine Taxi of Grand Junction as the company they contacted to provide the taxi service. The general complaint or allegations of the authors of these 16-letters are that Sunshine Taxi frequently takes an hour or more to arrive after a call has been made requesting taxi service, or Sunshine Taxi does not show up to provide the requested service.

14. The Applicant also included a forty page "petition" entitled, in part: "The people of Grand Junction and surrounding area state that Designated Drivers is a much needed service, we have waited up to two hours or more for a taxi if they show up at all." The petition do not indicate the date the petition was signed by each signatory. The signers also do not name any

specific dates on which they had to wait up to two hours for taxi service or the locations from which they were trying to receive taxi service.

15. In its intervention, Sunshine Taxi raises and discusses several arguments as to why the Application should be denied. Sunshine Taxi filed a response addressing the 20 written statements from the individuals who claim they received inadequate service from Sunshine Taxi. To summarize, Sunshine Taxi responds to the 20 statements/complaints that: (1) it cannot locate a request for service in its dispatch records at the time or place named by the individual for seven of the complaints; (2) six of the complaints do not contain sufficient information to determine if service was provided in a timely manner; (3) five of the individuals filing the complaints state they requested service at times and dates that do not match the times and dates of the actual taxi service indicated on Sunshine's dispatch records; (4) its dispatch records indicate service was provided in a timely manner to two of the individuals who state Sunshine Taxi did not provide service at the requested time and location; (5) one of the complaints involves a dispute over the fare requested by the taxi driver and not the actual taxi service.

16. Sunshine Taxi also alleges that Star Taxi is currently providing an illegal and unauthorized taxi service. Sunshine Taxi claims the page entitled "Financial Balance Community Support Donations," submitted by Star Taxi with the Application, supports its claim that Star Taxi is providing unauthorized taxi service under the name "Designated Driver Services." This page in the Application sets forth the dollar amount of the donations Designated Driver Services has received in each month from October of 2002, through February of 2003.

17. The 20 statements included with this Application do appear to indicate that a need may well exist for additional taxi service in the Grand Junction area. However, Sunshine Taxi

has attempted to refute each of these 20 complaints. These conflicting statements create questions of fact that cannot be resolved by reference to pleadings and affidavits only.

C. Conclusions

18. The Commission finds that, due to the conflicting information provided by the Applicant and, primarily, Sunshine Taxi, the Applicant has not met his burden of showing that an “immediate and urgent need” for the requested transportation services exists or that there is no carrier capable of providing the service needed. Consequently, pursuant to § 40-6-120(1), C.R.S., the Commission must deny this Application for temporary authority

19. The denial of this application creates no presumption about the final disposition of the permanent authority application. The permanent authority application will be determined by evidentiary hearing and application of statutory criteria.

II. ORDER

A. The Commission Orders That:

1. The interventions filed by San Miguel Mountain Ventures, LLC., doing business as Telluride Express, Chanda L. and John T. Jones, Jr., doing business as Delta Transit Company, Tazco, Inc., doing business as Sunshine Taxi, Inc., and Agnes T. Weir, doing business as Care Cars, are granted.

2. The intervention filed by #10 Hillcrest, LLC, doing business as Western Express Taxi, is denied.

3. The application for temporary authority filed by Darrel G. Segers, doing business as Star Taxi, is denied.

4. 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.

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

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
April 2, 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

POLLY PAGE

JIM DYER

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE
DOCKET NO. 03A-108CP-TA

DECISION NO. C03-0357
(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:

Darrel G. Segers
dba Star Taxi
3012 1/2 Hill Court
Grand Junction, CO 81504

INTERVENOR:

#10 Hillcrest, LLC
dba Western Express Taxi
PMB 254, 236 South 3rd
Montrose, CO 81401

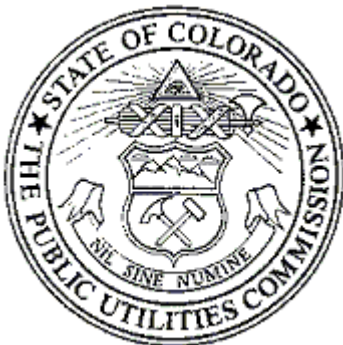
INTERVENOR:

Tazco, Inc.
dba Sunshine Taxi, Inc.
2705 B 1/4 Road
Grand Junction, CO 81503

INTERVENOR:

San Miguel Mountain Ventures, LLC.
dba Telluride Express
P.O. Box 2965
Telluride, CO 81435

SEAL



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

BRUCE N. SMITH
Director

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE
DOCKET NO. 03A-108CP-TA

DECISION NO. C03-0357
(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:

INTERVENORS' ATTORNEY:

Charles M. Williams
CHARLES M. WILLIAMS, P.C.
303 E. 17th Avenue, Suite No. 888
Denver, CO 80203

INTERVENOR:

Chanda L. and John T. Jones, Jr.
dba Delta Transit Company
P.O. Box 608
Delta, CO 81416

INTERVENOR:

Agnes T. Weir
dba Care Cars
1240 Pitkin Avenue
Grand Junction, CO 81501

ROUTE:

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

SEAL



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

BRUCE N. SMITH
Director