

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-110CP

THE APPLICATION OF BILL MILLER, DOING BUSINESS AS DESIGNATED DRIVER,
FOR AUTHORITY TO CONDUCT OPERATIONS AS A COMMON CARRIER BY MOTOR
VEHICLE FOR HIRE.

**COMMISSION ORDER GRANTING
PERMANENT AUTHORITY**

Mailed Date: May 7, 2003
Adopted Date: May 2, 2003

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On March 13, 2003, Bill Miller, doing business as Designated Driver, filed an application for permanent authority 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 a 25-mile radius of the intersection of I-70 and Colorado Highway 82 in Glenwood Springs, Colorado.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on March 24, 2003. The Commission set this matter for hearing on May 29, 2003.

3. Darrel G. & Terry Segers filed an intervention to this application on April 2, 2003. In the intervention, Darrel G. & Terry Segers state: (1) Applicant seeks permanent authority to operate as a common carrier by motor vehicle for hire using the trade name Designated Driver. (2) Designated Driver is a registered trade name. (3) Intervenor owns trade name Designated

Driver. (4) Application should not be granted for the following reason: Intervenor has neither sold or other wise authorized use of trade name Designated Driver.

4. Hy-Mountain Transportation, Inc. doing business as High Mountain Taxi filed a pleading on April 24, 2003, titled "Conditional Non-Filing Of Any Intervention Based Upon The Acceptance Of The Commission Of A Negotiated Restriction Filed By The Applicant Bill Miller DBA Designated Driver." This pleading states that High Mountain Taxi and Bill Miller, doing business as Designated Driver, had agreed that High Mountain Taxi would not file a Motion to Intervene if Bill Miller, doing business as Designated Driver filed the following restrictive amendment to its original Application: the applicant is restricted against any point to point business service within a 14-mile radius of the streets of Mill and Main in Aspen, Colorado, and against any service that originates within the 14-mile radius of the streets of Mill and Main in Aspen, Colorado. High Mountain Taxi also states "In the event the restriction is accepted by the Commission, needless to say, High Mountain Taxi needs to take no further action."

5. Hy-Mountain Transportation, Inc. doing business as High Mountain Taxi has authority under Certificate of Public Convenience and Necessity (CPCN) PUC No. 14114 to provide taxi service between all points within a 55-mile radius of the intersection of I-70 and Colorado State Highway 82 in Glenwood Springs, Colorado.

6. Bill Miller, doing business as Designated Driver, filed a restrictive amendment to this application on April 28, 2003. This amendment restricts this application against any point to point business service within a 14-mile radius of the streets of Mill and Main in Aspen, Colorado, and against any service that originates within the 14-mile radius of the of the streets of Mill and Main in Aspen, Colorado.

7. Darrel G. & Terry Segers have not been granted authority by the Commission to provide passenger transportation between points in Colorado. The intervention filed by Darrel G. & Terry Segers is based solely on the use of the trade name Designated Driver. Pursuant to Commission Rules of Practice and Procedure, 4 CCR 723-1, Rule 64, a trade name dispute does not constitute a basis for intervention in a matter, either by right or by permission.

8. The acceptance of the restrictive amendment filed by Bill Miller, doing business as Designated resolves the issues raised in High Mountain Taxi's "conditional intervention" filed to this application.

9. Six letters were filed in support of this application. Two of the letters were submitted by employees of a business in Carbondale, Colorado. Two of the letters were submitted by employees of businesses in Glenwood Springs, Colorado. One letter was submitted by an employee of a business in Aspen, Colorado. One letter was submitted by a resident of Glenwood Springs, Colorado. The authors of the letters express a need for a taxi or designated driver service in the Carbondale and Glenwood Springs area.

10. The information submitted in support of this application warrants the grant of the requested authority.

11. The present or future public convenience and necessity requires, or will require, the transportation service as requested.

12. Bill Miller, doing business as Designated Driver is ready, willing, and able properly to perform the service as requested.

13. This application for permanent authority is in the public interest.

II. ORDER

A. The Commission Orders That:

1. The restrictive amendment filed by Bill Miller, doing business as Designated Driver is granted.

2. The intervention filed by Darrel G. & Terry Segers is denied.

3. The intervention filed by Hy-Mountain Transportation, Inc. doing business as High Mountain Taxi, is denied as moot.

4. The hearing set for May 29, 2003, is vacated.

5. This application was deemed complete on April 29, 2003, within the meaning of § 40-6-109.5, C.R.S.

6. Bill Miller, doing business as Designated Driver, is granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire with authority as set forth in the Appendix. This Order is a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

7. Bill Miller, doing business as Designated Driver, shall operate in accordance with all applicable Commission rules and regulations.

8. Bill Miller, doing business as Designated Driver, shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Bill Miller, doing business as Designated Driver, shall file a proper tariff and pay the issuance fee and annual vehicle

identification fee. Bill Miller, doing business as Designated Driver, may not begin operations until these requirements have been met and notice in writing has been received from the Commission.

9. If Bill Miller, doing business as Designated Driver, does not comply with the requirements of this Order within 60 days of its effective date, then the authority to conduct 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 60 days.

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

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
May 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

Transportation of passengers and their baggage, for the transportation of passengers and their baggage, in taxi service, between all points within a 25-mile radius of the intersection of I-70 and Colorado Highway 82 in Glenwood Springs, Colorado.

This certificate is restricted: (1) against providing any point to point taxi service within a 14-mile radius of the intersection of Mill Street and Main Street in Aspen, Colorado; and (2) and against providing any taxi service that originates within a 14-mile radius of the intersection of Mill Street and Main Street in Aspen, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 03A-110CP
DECISION NO. C03-0469
(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:

Bill Miller
dba Designated Driver
701 Latigo Loop
Carbondale, CO 81623

INTERVENOR:

Hy-Mountain Transportation, Inc. dba
High Mountain Taxi
111 C Aspen Airport Business Center
Aspen, CO 81611

INTERVENOR'S ATTORNEY:

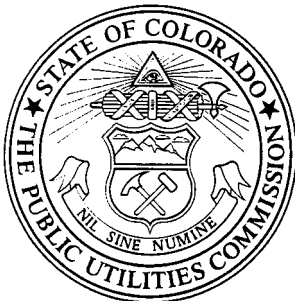
Isaac H. Kaiser, Esq.
BERENBAUM WEINSHIENK & EASON P C
370 17th Street, Suite #2600
Denver, CO 80202

INTERVENOR:

Darrel G. & Terry Segers dba
Designated Drivers
3012 ½ Hill Court
Grand Junction, CO 81504

ROUTE:

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



WITNESS MY HAND AND THE SEAL OF
THE PUBLIC UTILITIES COMMISSION OF
THE STATE OF COLORADO

Bruce N. Smith

Director