

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-183BP-ETA

THE APPLICATION OF KYLE BUIS, DOING BUSINESS AS PEGASUS TRANSIT, FOR EMERGENCY TEMPORARY AUTHORITY TO CONDUCT OPERATIONS AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION ORDER GRANTING
EMERGENCY TEMPORARY AUTHORITY**

Mailed Date: May 8, 2003
Adopted Date: May 7, 2003

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On May 1, 2003, Kyle Buis, doing business as Pegasus Transit (Pegasus Transit), filed an application for emergency temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of passengers and their baggage, between the North Colorado Medical Center, 1801 16th Street, Greeley, Colorado, on the one hand, and 2223 16th Street, Greeley, Colorado, on the other hand. This application is restricted to providing transportation services for only the North Colorado Medical Center, 1801 16th Street, Greeley, Colorado.

2. 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." 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. Pegasus Transit must meet a two-fold test: first, that there is an emergency need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If Pegasus Transit fails to meet either test, the application must be denied.

4. Mr. Christopher Smith, Regional Director of the North Colorado Medical Center (NCMC), filed a letter in support of this application. In the letter, Mr. Smith states "Starting May 19, 2003, North Colorado Medical Center will begin construction of a 700-car parking garage to accommodate patients and employees. This garage is being build on top of a current surface parking lot with 250 spaces currently used by employees. Therefore, the hospital is utilizing an off-site lot several blocks away to compensate for the loss of employee parking. Parking is at a premium at NCMC, and losing 250 parking spaces cannot be made up in other lots on campus. Since construction starts May 19, it is imperative that we also begin the shuttle service on that date."

5. The Commission finds that an emergency 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.

6. Pegasus Transit has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

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

8. Pegasus Transit is advised that the grant of an emergency temporary authority creates no presumption that either a temporary or permanent authority will be granted.

II. ORDER

A. The Commission Orders That:

1. Kyle Buis, doing business as Pegasus Transit, is granted emergency temporary authority to conduct operations as a contract carrier for a period of 30 days commencing from the Mailed Date of this Order, with authority as set forth in the Appendix.

2. Kyle Buis, doing business as Pegasus Transit, shall operate in accordance with all applicable Commission rules and regulations.

3. Kyle Buis, doing business as Pegasus Transit, shall not commence operation until it has filed with the Commission certificates of insurance as required by Commission rules. Kyle Buis, doing business as Pegasus Transit shall file a proper tariff and pay the appropriate annual vehicle identification fee. Pegasus Transit may not begin operations until these requirements have been met and notice in writing has been received from the Commission stating it is in compliance and may begin service.

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
May 7, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

POLLY PAGE

JIM DYER

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT

Transportation of passengers and their baggage, the North Colorado Medical Center, 1801 16th Street, Greeley, Colorado, on the one hand, and 2223 16th Street, Greeley, Colorado, on the other hand.

This **emergency temporary permit** is restricted to providing transportation services for only the North Colorado Medical Center, 1801 16th Street, Greeley, Colorado.

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OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 03A-183BP-ETA

DECISION NO. C03-0490

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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:

Kyle Buis
dba Pegasus Transit
1015-M South Taft Hill Road
Fort Collins, CO 80521

ROUTE:

6, 60, and 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