

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-175CP-LEASE-TA

THE APPLICATION OF CITY OF CENTRAL CITY FOR TEMPORARY APPROVAL TO ALLOW CENTAUR COLORADO, LLC, TO ASSUME OPERATIONAL CONTROL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 53206.

**COMMISSION ORDER GRANTING
TEMPORARY APPROVAL**

Mailed Date: May 21, 2003
Adopted Date: May 16, 2003

I. BY THE COMMISSION:

A. Statement

1. On April 30, 2003, City of Central City, filed an application for temporary approval to allow Centaur Colorado, LLC, to assume operational control of Certificate of Public Convenience and Necessity (CPCN) PUC No. 53206 pending Commission consideration of the related application to permanently lease the certificate.

2. The Commission gave notice of the application on May 5, 2003.

3. There are no interventions opposing a grant of the application.

4. 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."

B. Findings of Fact

5. Harvey's Wagon Wheel Hotel/Casino, a casino located in Central City Colorado, currently leases CPCN 53026 from the City of Central City. Centaur Colorado, LLC is in the process of purchasing substantially all the assets of Harvey's Wagon Wheel Hotel/Casino. The proposed closing of this asset transfer is May 22, 2003. Centaur Colorado, LLC intends to continue providing the transportation service currently being provided by Harvey's Wagon Wheel Hotel/Casino. Therefore, in an effort to ensure that this transportation service is continuously available to the public, the City of Central City is requesting that Centaur Colorado, LLC be granted temporary approval to lease CPCN PUC No. 53026.

C. Conclusions

6. A failure to grant temporary approval of an assumption of operational control of Certificate of Public Convenience and Necessity PUC No. 53206 could interfere substantially with its future usefulness in the performance of adequate and continuous service to the public.

7. Centaur Colorado, LLC, has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

8. This application for temporary approval is in the public interest.

9. City of Central City and Centaur Colorado, LLC, are advised that the grant of temporary approval of an assumption of operational control creates no presumption that permanent lease approval will be granted.

II. ORDER**A. The Commission Orders That:**

1. The application for temporary approval of an assumption of operational control filed by City of Central City is granted.

2. Centaur Colorado, LLC, is granted temporary approval to assume operational control of Certificate of Public Convenience and Necessity PUC No. 53206 for a period of 180 days commencing from the Mailed Date of this Order.

3. Centaur Colorado, LLC, shall operate Certificate of Public Convenience and Necessity PUC No. 53206 in accordance with all applicable Commission rules and regulations.

4. Centaur Colorado, LLC, shall adopt the tariffs and time schedules of the City of Central City. Centaur Colorado, LLC, doing business as , shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Centaur Colorado, LLC, doing business as , doing business as , doing business as , shall pay the vehicle identification fee. Centaur Colorado, LLC, shall not assume operational control until it has met these requirements and has received notice in writing from the Commission that it is in compliance and may begin service.

5. If Centaur Colorado, LLC, does not comply with the requirements of this Order within 30 days of its effective date, then the temporary approval 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 30 days.

6. 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.

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

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
May 16, 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-175CP-LEASE-TA

DECISION NO. C03-0523

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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:

TRANSFEROR:

City of Central City
P.O. Box 249
Central City, CO 80427

TRANSFeree:

Centaur Colorado, LLC
12364 West Alameda Pkwy, #145Q
Lakewood, CO 80228

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



DIRECTOR