

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-201CP-ETA

THE APPLICATION OF STANLEY BROTHERS TAXI COMPANY FOR EMERGENCY TEMPORARY AUTHORITY TO CONDUCT OPERATIONS AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION ORDER GRANTING
EMERGENCY TEMPORARY AUTHORITY**

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

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On May 13, 2003, Stanley Brothers Taxi Company (Stanley Brothers), filed an application for emergency temporary 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 an 18-mile radius of the intersection of U.S. Highways 34 and 36 in Estes Park, Colorado, and between said points, on the one hand, and Denver International Airport, on the other hand.

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. Stanley Brothers 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 Stanley Brothers fails to meet either test, the application must be denied.

4. Park Taxi, LLC, filed an intervention opposing this application. Park Taxi, LLC, has authority under Certificate of Public Convenience and Necessity (CPCN) PUC No. 55700 to provide taxi service, between all points within an 18-mile radius of the intersection of U.S. Highways 34 and 36 in Estes Park, Colorado, and between said points, on the one hand, and Denver International Airport, on the other hand.

5. Three letters were filed in support of this application. John Baudek, the mayor of Estes Park, Colorado, writes "The authorized operator for Estes Park is not currently operating and is involved in a business dispute with an unauthorized operator. This is significantly affecting quality service and is causing a hardship for taxi patrons in our community. Our busy season is quickly approaching and our citizens and visitors require a reliable taxi service immediately." William Almond, the general manager of the Holiday Inn Rocky Mountain Park in Estes Park, Colorado, writes "It has come to my attention that the licensed operator of taxi service for the Estes Park area is currently not able to operate the service for a variety of reasons. Our busiest season is fast upon us, and the absence of a legally operating taxi service in this community constitutes an immediate and urgent need for my business." David Floyd, the general manager of High Pines Broadcasting, Inc., in Estes Park, Colorado, writes "The current taxi

operator appears inept at providing even the most basic form of reliability, and now seems to have dropped the service almost entirely.”

6. The Commission finds that the support filed with the application indicates that an emergency need for the requested transportation services exists, and that no other carrier has been shown to be capable of providing the service.

7. Stanley Brothers has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

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

9. Stanley Brothers 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. Stanley Brothers Taxi Company is granted emergency temporary authority to conduct operations as a common carrier by motor vehicle for hire for a period of 30 days commencing from the Mailed Date of this Order, with authority as set forth in the Appendix.

2. Stanley Brothers Taxi Company shall operate in accordance with all applicable Commission rules and regulations.

3. Stanley Brothers Taxi Company, shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Stanley Brothers Taxi Company shall file a proper tariff and pay the issuance fee and annual vehicle identification fee. Stanley

Brothers Taxi Company, may not begin operations these requirements have been met and notice in writing has been received from the Commission that 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 this Order.

5. 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

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners

Appendix
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Docket No. 03A-201CP-ETA
Decision No. C03-0525
May 16, 2003

Transportation of passengers and their baggage, in taxi service, between all points within an 18-mile radius of the intersection of U.S. Highways 34 and 36 in Estes Park, Colorado, and between said points, on the one hand, and Denver International Airport, on the other hand.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 03A-201CP-ETA

DECISION NO. C03-0525

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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:

Stanley Brothers Taxi Company
P.O. Box 1908
Estes Park, CO 80517

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

A handwritten signature in cursive script, reading "Bruce N. Smith".

DIRECTOR