

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-219CP-LEASE-ETA

THE APPLICATION OF QUEEN CITY TRANSPORTATION, INC., FOR EMERGENCY TEMPORARY APPROVAL TO ALLOW CASINO TRANSPORTATION, INC., TO ASSUME OPERATIONAL CONTROL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 48419.

**COMMISSION ORDER GRANTING
EMERGENCY TEMPORARY APPROVAL**

Mailed Date: May 30, 2003
Adopted Date: May 28, 2003

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On May 15, 2003, Queen City Transportation, Inc. (Queen City), filed an application for emergency temporary approval to allow Casino Transportation, Inc., to assume operational control of Certificate of Public Convenience and Necessity (CPCN) PUC No. 48419.

2. 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." 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. Casino Transportation, Inc., was granted the authority to lease CPCN PUC No. 48419 from Queen City, Inc., by Decision No. R98-799 on August 19, 1998, in Docket No. 98A-203CP. The lease agreement entered into on May 5, 1998, by Casino Transportation, Inc., and Queen City, Inc., states “ This lease shall end and all rights to use the Queen City Certificate shall automatically revert to Queen City immediately upon the earlier of: (i) May 31, 2003; (ii) the earlier termination of this lease is provided in Section 1.5 by reason of default of CTI or Section 1.6 as a result of a Queen City default; or (iii) the expiration, rescission or cancellation of any PUC authority for CTI to lease or operate the Queen City Certificate.” Casino Transportation, Inc., and Queen City, Inc., filed an application to transfer CPCN PUC No. 48419 from Queen City, Inc., to Casino Transportation, Inc., on September 5, 2002. This application was referred by the Commission on October 16, 2002, to an administrative law judge for disposition. The transfer application was granted by Decision No. R03-0539 on May 20, 2003. If no exceptions are filed within 20 days after its mailed date of May 20, 2003, Decision No. R03-0539 becomes a decision of the Commission on June 9, 2003. Therefore, a lapse of time exists between the May 31, 2003, termination date of above mentioned lease agreement and the May 9, 2003, date Decision R03-0539 becomes a Commission decision. Casino Transportation, Inc., and Queen City, Inc., in this application, are requesting emergency temporary authority to maintain the lease arrangement granted in Docket No. 98A-203CP until the time the transfer requested in Docket No. 02A-475CP by Decision No. R03-0539 becomes a permanent Commission decision.

4. A failure to grant Casino Transportation, Inc., emergency temporary approval of the continued lease of operational control could result in injury to CPCN PUC No. 48419 and ultimately affect service to the public.

5. Casino Transportation, Inc., has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

6. This application for emergency temporary approval is in the public interest.

7. Queen City Transportation, Inc., and Casino Transportation, Inc., are advised that the grant of emergency temporary approval of an assumption of operational control creates no presumption that either temporary approval of an assumption of operational control or permanent approval of the lease will be granted.

II. ORDER

A. The Commission Orders That:

1. The application for emergency temporary approval of an assumption of operational control filed by Queen City Transportation, Inc. is granted.

2. Casino Transportation, Inc., is granted emergency temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 48419 for a period of 30 days commencing from the Mailed Date of this Order.

3. Casino Transportation, Inc., shall operate in accordance with all applicable Commission rules and regulations.

4. Casino Transportation, Inc., shall not assume operational control until it has filed with the Commission certificates of insurance as required by Commission rules. Casino Transportation, Inc., 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.

5. 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.

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

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
May 28, 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-219CP-Lease-ETA

DECISION NO. C03-0570

(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:

LESSOR:

Queen City Transportation, Inc.
5974 Marion Drive
Denver, CO 80216

LESSEE:

Casino Transportation, Inc,
18301 West Colfax, Box Z
Golden, CO 80401

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

