

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-257BP-Extension-ETA

THE APPLICATION OF UNIVERSITY SERVICES, INC., DOING BUSINESS AS PASSENGER EXPRESS, FOR EMERGENCY TEMPORARY AUTHORITY TO EXTEND OPERATIONS UNDER CONTRACT CARRIER PERMIT NO. B-9790

**COMMISSION ORDER GRANTING
EMERGENCY TEMPORARY AUTHORITY**

Mailed Date: June 25, 2003
Adopted Date: June 25, 2003

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On June 13, 2003, University Services, Inc., doing business as Passenger Express (Passenger Express), filed an application for emergency temporary authority to extend operations under Contract Carrier Permit No. B-9790 to include the transportation of passengers and their baggage: between the Radisson Hotel Denver Stapleton Plaza, 3333 Quebec Street, Denver, Colorado; Best Western Hotel Denver Stapleton, 3535 Quebec Street, Denver, Colorado, on the one hand, and Denver International Airport, on the other hand. This application is restricted to providing transportation services for the following named customers only: (1) Radisson Hotel Denver Stapleton Plaza, 3333 Quebec Street, Denver, Colorado; and (2) Best Western Hotel Denver Stapleton, 3535 Quebec Street, Denver, 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. Passenger Express 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 Passenger Express fails to meet either test, the application must be denied.

4. Mike Bennett, the General Manager of the Radisson Hotel Denver Stapleton Plaza, and Kenny Martin, the General Manager of the Best Western Hotel Denver Stapleton, filed letters in support of this application. In his letter, Mr. Bennett states the Radisson Hotel has several unique transportation requirements that can be met by Passenger Express. The seven requirements named by Mr. Bennett that can be provided by Passenger Express are: (1) customized bus seating with seats spaced to the needs of the guests, airline passengers, pilots, and attendants; (2) seat belts on its buses, significantly enhancing the safety of those involved in bus travel, a feature not available from other carriers; (3) scheduled service provided seven days per week and 20.5 hours per day; (4) no interruption of service due to inclement weather; (5) guaranteed replacement of all equipment every 18 months; (6) drivers trained in the specific needs of the hotel; and (7) dispatch service available 24 hours per day. Mr. Bennett also states he has been unable to locate an alternative service provider that will meet the conditions and requirements of the service needed by the Radisson Hotel. Mr. Bennett further states "Currently the Radisson is providing airport transportation of its guests with its own fleet. However, because of required cost reductions after July 1, 2003, we will no longer be equipped to provide

this service. We urgently need the service of Passenger Express immediately if we are to remain competitive in our marketplace.”

5. In his letter Mr. Martin states “We need Passenger Express’ services as they are unique and they have agreed to customize their services based on the needs of our company. The service to be provided by Passenger Express is critical to the daily operations of the Best Western Hotel.” The customized services that Mr. Martin states Passenger Express has agreed to provide are similar to the services named by Mr. Bennett of the Radisson Hotel. Mr. Martin also states “[a]t one time, the Best Western attempted to provide airport transportation to its guests with its own fleet. However, the Best Western is no longer equipped to provide this service. As has already been stated we urgently need the service of Passenger Express if we are to remain competitive in our marketplace.”

6. 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.

7. Passenger Express 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. Passenger Express 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. University Services, Inc., doing business as Passenger Express, is granted emergency temporary authority to extend operations under Contract Carrier Permit No. B-9790 for a period of 30 days commencing from the Mailed Date of this Order, with authority as set forth in the Appendix.

2. University Services, Inc., doing business as Passenger Express, shall operate in accordance with all applicable Commission rules and regulations.

3. University Services, Inc., doing business as Passenger Express, shall not extend operation until it has filed the proper tariff and notice in writing has been received from the Commission stating 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 or serves this Order.

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

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
June 25, 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

I/TRANS/ORDERS/03A-257BP

APPENDIX

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Decision No. C03-0599

Docket No. 03A-257BP-EXT-ETA

June 25, 2003

Transportation of passengers and their baggage between the Radisson Hotel Denver Stapleton Plaza, 3333 Quebec Street, Denver, Colorado; and the Best Western Hotel Denver Stapleton, 3535 Quebec Street, Denver, Colorado, on the one hand, and Denver International Airport, on the other hand.

This **emergency temporary permit** is restricted to providing transportation services for the following named customers only: (1) Radisson Hotel Denver Stapleton Plaza, 3333 Quebec Street, Denver, Colorado; and (2) Best Western Hotel Denver Stapleton, 3535 Quebec Street, Denver, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 03A-257BP-EXT-ETA

DECISION NO. C03-0599

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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:

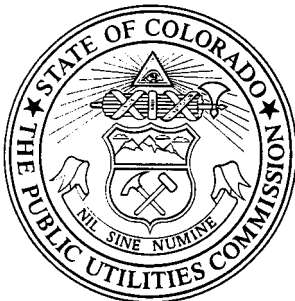
University Services, Inc.
dba Passenger Express
P.O. Box 4670 Attn:Lewis Levey
Scottsdale, AZ 85261

APPLICANT'S ATTORNEY:

Bobby G. Riley
Kissinger & Fellman, P.C.
3773 Cherry Creek North Drive, Suite No. 900
Denver, CO 80209

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