

Decision No. C03-0642 (incorrectly referred to as C03-0641)

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

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

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

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**COMMISSION ORDER GRANTING  
TEMPORARY APPROVAL**

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Mailed Date: June 19, 2003  
Adopted Date: June 11, 2003

**I. BY THE COMMISSION:**

**A. Statement**

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

2. The Commission gave notice of the application on June 2, 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. 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.”

6. 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. No exceptions were filed to Decision No. R03-0539 within the 20 day period allowed by Ordering Paragraph No. 4(a). Therefore, Decision No. R03-0539 became a decision of the Commission on June 9, 2003. However, as of June 10, 2003, Casino Transportation, Inc., and Queen City, Inc., had not complied with the requirements in Ordering Paragraph No. 2 such that the transfer of CPCN PUC No. 48419 can be completed and issued.

7. Casino Transportation, Inc., and Queen City, Inc., in this application, are requesting 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 is completed and issued.

**C. Conclusions**

8. A failure to grant temporary approval of an assumption of operational control could result in injury to CPCN PUC No. 48419 and ultimately affect service to the public.

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

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

**II. ORDER**

**A. The Commission Orders That:**

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

2. Casino Transportation, Inc., is granted temporary approval to assume operational control of Certificate of Public Convenience and Necessity PUC No. 48419 for a period of 150 days commencing from the Mailed Date of this Order.

3. Casino Transportation, Inc., shall operate Certificate of Public Convenience and Necessity PUC No. 48419 in accordance with all applicable Commission rules and regulations.

4. Casino Transportation, Inc., shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Casino Transportation, Inc., shall pay the vehicle identification fee. Casino Transportation, Inc., 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 Casino Transportation, Inc., does not comply with the requirements of this Order within 30 days of its effective date, 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  
June 11, 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-TA

DECISION NO. C03-0641  
(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:

TRANSFEROR:

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

TRANSFeree:

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