

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-224CP-TRANSFER-TA

THE APPLICATION OF ALAN GRIFFIN & WAYNE GROOME, DOING BUSINESS AS HISTORICAL TROLLEY TOUR, FOR TEMPORARY APPROVAL TO ALLOW ALAN GRIFFIN, DOING BUSINESS AS DURANGO HISTORY TOURS, TO ASSUME OPERATIONAL CONTROL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 55706S.

**COMMISSION ORDER GRANTING
TEMPORARY APPROVAL**

Mailed Date: June 12, 2003
Adopted Date: June 11, 2003

I. BY THE COMMISSION:

A. Statement

1. On May 21, 2003, Alan Griffin & Wayne Groome, doing business as Historical Trolley Tour (Historical Trolley Tour), filed an application for temporary approval to allow Alan Griffin, doing business as Durango History Tours, to assume operational control of Certificate of Public Convenience and Necessity (CPCN) PUC No. 55706S pending Commission consideration of the related application to permanently transfer the certificate.

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. In support of this application, Mr. Griffin, states that Wayne Groome has not participated in Historical Trolley Tours in any way. Mr. Griffith also states Wayne Groome has "a substantial liability in another ongoing business. For this reason it is imperative he be removed as soon as possible to protect both of our interest."

6. The Commission finds that the information submitted in support of this application warrants the grant of the temporary approval to allow Alan Griffin, doing business as Durango History Tours, to assume operational control of CPCN PUC No. 55706S.

C. Conclusions

7. A failure to grant temporary approval of an assumption of operational control could result in injury to CPCN PUC No. 55706S and ultimately affect service to the public.

8. Alan Griffin, doing business as Durango History Tours, has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

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

10. Alan Griffin & Wayne Groome, doing business as Historical Trolley Tour, and Alan Griffin, doing business as Durango History Tours, are advised that the grant of temporary approval of an assumption of operational control creates no presumption that permanent transfer 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 Alan Griffin & Wayne Groome, doing business as Historical Trolley Tour, is granted.

2. Alan Griffin, doing business as Durango History Tours, is granted temporary approval to assume operational control of Certificate of Public Convenience and Necessity PUC No. 55706S for a period of 180 days commencing from the Mailed Date of this Order.

3. Alan Griffin, doing business as Durango History Tours, shall operate in accordance with all applicable Commission rules and regulations.

4. Alan Griffin, doing business as Durango History Tours, shall not assume operational control until it has filed with the Commission the certificate of insurance as required by Commission rules. Alan Griffin, doing business as Durango History Tours, shall also adopt the tariff of Alan Griffin & Wayne Groome, doing business as Historical Trolley Tour, and pay the appropriate vehicle identification fee. Alan Griffin, doing business as Durango History Tours, may not begin service until these requirements have been met and it has received notice in writing from the Commission stating that it is in compliance and may begin service.

5. If Alan Griffin, doing business as Durango History Tours, 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
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-224CP-Transfer-TA

DECISION NO. C03-0646
(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:

Alan Griffin & Wayne Groome
dba Historical Trolley Tour
P.O. Box 3963
Durango, CO 81302

TRANSFeree:

Alan Griffin
dba Durango History Tours
P.O. Box 3963
Durango, CO 81302

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

Bruce N. Smith

DIRECTOR