

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-183BP-TA

THE APPLICATION OF KYLE BUIS, DOING BUSINESS AS PEGASUS TRANSIT, FOR TEMPORARY AUTHORITY TO CONDUCT OPERATIONS AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION ORDER DENYING
TEMPORARY AUTHORITY**

Mailed Date: June 19, 2003
Adopted Date: June 18, 2003

I. BY THE COMMISSION:

A. Statement

1. On May 1, 2003, Kyle Buis, doing business as Pegasus Transit (Pegasus Transit), filed an application for temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of passengers and their baggage, between the North Colorado Medical Center, 1801 16th Street, Greeley, Colorado, on the one hand, and 2223 16th Street, Greeley, Colorado, on the other hand. This application is restricted to providing transportation services for only the North Colorado Medical Center, 1801 16th Street, Greeley, Colorado.

2. The Commission gave notice of the application on June 2, 2003.

3. Shamrock Taxi of Fort Collins, Inc., doing business as Shamrock Shuttle, Inc., filed interventions opposing the grant of this application. Shamrock Taxi of Fort Collins, Inc., doing business as Shamrock Shuttle, Inc., may provide taxi service between all points within a

17-mile radius of the courthouse at Greeley, Colorado, and to and from said points, from and to points within the State of Colorado, under CPCN PUC No. 545&I.

4. 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."

5. Pegasus Transit must meet a two-fold test: first, that there is an immediate and urgent need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If Pegasus Transit fails to meet either test, the application must be denied.

B. Findings of Fact

6. The letter filed in support of this application was submitted by Christopher Smith, the Regional Director of Management Engineering for North Colorado Medical Center.

7. Pegasus Transit was granted an emergency temporary authority for 30 days to provide the service named in this application by Decision No. C03-0490 on May 8, 2003. The authority granted by Decision No. C03-0490 expired on June 7, 2003. Pegasus Transit did not complete the filing requirements of Decision No. C03-0490, including filing the required certificate of insurance, by June 7, 2003. Therefore, Pegasus Transit could not legally commence operations under the authority granted by Decision No. C03-0490.

8. In order to determine if North Colorado Medical Center desired to proceed with this application, staff of the Commission contacted Christopher Smith on June 17, 2003. Mr. Smith stated North Colorado Medical Center had terminated the agreement with Pegasus Transit on May 28, 2003. Mr. Smith also submitted a facsimile in which he states "We terminated

service with Pegasus Transit on May 28, 2003. Therefore, they are no longer providing that service for us.”

C. Conclusions

9. The information provided by Mr. Smith indicates that North Colorado Medical Center is no longer the customer of Pegasus Transit. Therefore, Pegasus Transit has no support for this application.

10. This application for temporary authority is not in the public interest.

II. ORDER

A. The Commission Orders That:

1. The application for temporary authority filed by Kyle Buis, doing business as Pegasus Transit, is denied.

2. The denial of this application renders the motion to intervene filed by Shamrock Taxi of Fort Collins, Inc., doing business as Shamrock Shuttle, Inc., moot and it is therefore denied.

3. 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.

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

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
June 18, 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-183BP-TA

DECISION NO. C03-0681

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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:

Kyle Buis
dba Pegasus Transit
2503 49th Avenue
Greeley, CO 80634

INTERVENOR:

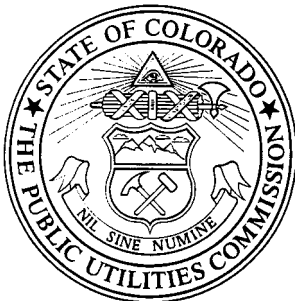
Shamrock Taxi of Fort Collins, Inc.
dba Shamrock Shuttle, Inc.
P. O. Box 88
Windsor, CO 80550

INTERVENOR'S ATTORNEY:

Isaac H. Kaiser
BERENBAUM, WEINSHIENK & EASON
370 - 17th Street, Suite No. 2600
Denver, CO 80202

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