

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

DOCKET NO. 03A-021CP-EXTENSION

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THE APPLICATION OF HOTELS OF DENVER MOUNTAIN CARRIER, INC., DOING BUSINESS AS DENVER MOUNTAIN EXPRESS, FOR AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 55519.

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**ORDER CONSTRUING LETTER AS A REQUEST TO  
REOPEN DOCKET NO. 03A-021CP-EXTENSION AND FOR  
ADDITIONAL TIME TO COMPLETE THE FILING  
REQUIREMENTS OF DECISION NO. C03-0218**

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Mailed Date: September 11, 2003

Adopted Date: September 3, 2003

**I. BY THE COMMISSION:**

**A. Statement, Findings and Conclusions**

1. This matter comes before the Commission for consideration of the letter requesting reinstatement of Docket No. 03A-021CP-Extension and for an extension of time to meet the filing requirements of Decision No. C03-0218 filed by Hotels of Denver Mountain Carrier, Inc., doing business as Denver Mountain Express (Denver Mountain Express), on August 26, 2003.

2. On March 7, 2003, in Decision No. C03-0218, Denver Mountain Express was granted permanent authority to extend operations under Certificate of Public Convenience and Necessity (CPCN) PUC No. 55519 as follows: Transportation of passengers and their baggage, on schedule: (I) Between Breckenridge, Frisco, Silverthorne, Dillon, and Keystone, Colorado, on the one hand, and Black Hawk and Central City, Colorado, on the other hand, via Colorado Highway 9, Interstate 70, U.S. Highway 6, and Colorado Highways 119 and 279, serving all

intermediate points; and (II) Between Edwards, Beaver Creek, Avon, and Vail, Colorado, on the one hand, and Black Hawk and Central City, Colorado, on the other hand, via U.S. Highway 6, Interstate 70, and Colorado Highways 119 and 279, serving all intermediate points.

3. No petition to intervene or otherwise participate in this matter was filed. The permanent authority was granted as a non-contested application.

4. Ordering Paragraph No. 5 ordered Denver Mountain Express to file a proper tariff and pay the issuance fee and annual vehicle identification fee. Ordering Paragraph No. 6 stated “If Denver Mountain Express does not comply with the requirements of this Order within 60 days of its effective date, then the authority to conduct operations 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 60 days.”

5. The 60-day period for compliance with the requirements named in Paragraph No. 5 expired on May 6, 2003. Denver Mountain Express did not meet these filing requirements by May 6, 2003. Denver Mountain Express did not request additional time to meet these requirements within the 60-day period named in Paragraph No. 6.

6. In its August 26, 2003, letter requesting a reinstatement of Docket No. 03A-021CP and an extension of time to complete the compliance requirements of Decision No. C03-0218, Denver Mountain Express states “ We had 60 days from March 7, 2003, to comply, but we were unable to comply with our responsibilities because the company was completing the acquisition of Wolf Express and Peak Transit, which included transferring the respective licenses with the Commission and integrating the disparate operations into the current company structure. Now that the acquisitions are almost finalized and the transfer of authorities complete, we are

eager to improve our ability to serve the public interest authorized by the Commission in Docket No. 03A-021CP. The application was non-contested, therefore no one would be harmed by the granting of additional time to meet the requirements of the order because no one chose to intervene on the initial application.”

7. Docket No. 03A-055CP-Transfer was filed on February 11, 2003 by Transferor Schafer-Schonewill & Associates, Inc., doing business as Englewood Express and/or Wolf Express Shuttle (Wolf) and Transferee Denver Mountain Express. In this proceeding, Wolf requested to transfer CPCN Nos. 52940, 50790, and 55363 to Denver Mountain Express. A hearing before an administrative law judge was held on May 29, 2003. Recommended Decision No. R03-0623, mailed June 5, 2003, granted the permanent transfer of CPCN Nos. 52940, 50790, and 55363 to Denver Mountain Express.

8. Docket No. 03A-199CP-Transfer was filed by Transferor Benjamin R. Sagenkahn, doing business as Peak Transit (Peak Transit), on May 13, 2003. In this proceeding, Peak Transit requested to transfer CPCN 55275 to Denver Mountain Express. A hearing before an administrative law judge was held on August 2, 2003. Recommended Decision No. R03-0973, mailed August 27, 2003, granted the permanent transfer of CPCN No. 55275 to Denver Mountain Express.

9. The Commission acknowledges that Denver Mountain Express was involved with and possibly preoccupied with completing the two above discussed transfer applications during the compliance period for Docket No. 03A-021CP-Extension. However, Denver Mountain Express is advised that it has the responsibility to follow all applicable rules, Colorado Statutes, and Commission orders in a timely manner. None-the-less, the Commission finds that Denver

Mountain Express has shown good cause to reopen Docket No. 03A-021CP-Extension and to grant additional time to meet the filing requirements of Decision No. 03A-0218.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The letter requesting reinstatement of Docket No. 03A-021CP-Extension filed by Hotels of Denver Mountain Carrier, Inc., doing business as Denver Mountain Express, on August 26, 2003, is construed as an application to reopen Docket No. 03A-021CP and is granted.

2. Hotels of Denver Mountain Carrier, Inc., doing business as Denver Mountain Express, is granted an additional 30 days to comply with the filing requirements of Decision No. 03A-0218.

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

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING  
September 3, 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



WITNESS MY HAND AND THE SEAL OF  
THE PUBLIC UTILITIES COMMISSION OF  
THE STATE OF COLORADO

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Director