

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-382CP-TRANSFER-PORZION

THE APPLICATION OF THE MOUNTAIN MEN, INC., DOING BUSINESS AS BEST MOUNTAIN TOURS FOR APPROVAL TO TRANSFER A PORTION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 7010 & I TO ARGO ENTERPRISES, LLC.

**COMMISSION ORDER APPROVING TRANSFER OF
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY**

Mailed Date: October 17, 2003
Adopted Date: October 15, 2003

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On August 29, 2003, The Mountain Men, Inc., doing business as Best Mountain Tours filed an application for approval to transfer a portion of Certificate of Public Convenience and Necessity (CPCN) PUC No. 7010 & I to Argo Enterprises, LLC. The portion of CPCN 7010&I to be transferred is: Transportation, in sightseeing service, of passengers and their baggage, between all points located in the area comprised of the Counties of Gilpin and Clear Creek, State of Colorado. Restriction: to rendering transportation that both originates and terminates at the same point.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on September 8, 2003. The Commission set this matter for hearing on November 5, 2003.

3. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is non-contested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

4. The information submitted with this application warrants the grant of the requested transfer.

5. The financial standing of Argo Enterprises, LLC, has been satisfactorily established.

6. Argo Enterprises, LLC, is ready, willing, and able to properly perform the service as requested.

7. This application for permanent approval of the transfer of a portion of CPCN PUC No. 7010 & I is in the public interest.

II. ORDER

A. The Commission Orders That:

1. The hearing set for November 5, 2003, is vacated.

2. This application was deemed complete on October 15, 2003, within the meaning of § 40-6-109.5, C.R.S.

3. The application filed by The Mountain Men, Inc., doing business as Best Mountain Tours for approval to transfer a portion of Certificate of Public Convenience and Necessity PUC No. 7010 & I, subject to encumbrances, if any, against the authority, to Argo Enterprises, LLC, is granted.

4. Argo Enterprises, LLC, shall operate in accordance with all applicable Commission rules and regulations.

5. Approval of the transfer of Certificate of Public Convenience and Necessity PUC No. 7010 & I is conditioned on the prior filing by The Mountain Men, Inc., doing business as Best Mountain Tours of delinquent reports, if any, covering operations under the certificate up to the consummation of the transfer.

6. Argo Enterprises, LLC, shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Argo Enterprises, LLC, shall also adopt the tariff of The Mountain Men, Inc., doing business as Best Mountain Tours which shall become that of Argo Enterprises, LLC, until changed in accordance with the public utilities law. Argo Enterprises, LLC, shall pay the appropriate vehicle identification fee. The Mountain Men, Inc., doing business as Best Mountain Tours shall file a terminating annual report from the first of January to the date of this Order. An acceptance of transfer signed by both The Mountain Men, Inc., doing business as Best Mountain Tours and Argo Enterprises, LLC, shall be filed with the Commission. Argo Enterprises, LLC, may not begin operations until it met these requirements and notice in writing has been received from the Commission stating that it is in compliance and may begin service.

7. If The Mountain Men, Inc., doing business as Best Mountain Tours and Argo Enterprises, LLC, do not comply with the requirements of this Order within 60 days of its effective date, then the approval to transfer a portion of Certificate of Public Convenience and Necessity PUC No. 7010 & I 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.

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

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
October 15, 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

I/TRANS/ORDERS/03A-382CP