

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-449CP-ETA

THE APPLICATION OF CHARLES ROBERTS, DOING BUSINESS AS DISCOUNT SHUTTLE SERVICE, FOR EMERGENCY TEMPORARY AUTHORITY TO CONDUCT OPERATIONS AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION ORDER DENYING
EMERGENCY TEMPORARY AUTHORITY**

Mailed Date: November 14, 2003
Adopted Date: November 12, 2003

I. BY THE COMMISSION:

A. Statement

1. On November 6, 2003, Charles Roberts, doing business as Discount Shuttle Service (Discount Shuttle Service), filed an application for emergency temporary authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage, in call-and-demand limousine service, between the Colorado Springs Municipal Airport, Colorado Springs, Colorado, on the one hand, and all hotels and motels located in Colorado Springs, Colorado, on the other hand.

2. 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." Section 40-6-120(4), C.R.S., further states: "If the Commission is of the opinion that an emergency exists, it may issue temporary authority or approval at once by making specific reference in its order to the

circumstances constituting the emergency, in which case no notice need be given, but any such emergency authority or approval shall expire no later than thirty days after it was issued."

3. Discount Shuttle Service must meet a two-fold test: first, that there is an emergency need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If Discount Shuttle Service fails to meet either test, the application must be denied.

B. Findings of Fact

4. Twelve letters of support were filed on behalf of this application. Eight of the letters read as follows: "The Discount Shuttle Service is proud to announce the formation of a new shuttle service. This service is designed to provide a low rate to all Colorado Springs hotels from the Colorado Springs Airport for a flat rate of Twenty Dollars (\$20.00). Your signature will acknowledge being informed of this service. We look forward being able to provide low cost and dependable service to your future guests." The individuals signing these letters are identified as hotel agents at various hotels located in Colorado Springs. The other four letters read as follows: "We are writing you regarding the immediate need of a professional airport shuttle service for the Colorado Springs area hotels. Currently there is no airport shuttle and the authorized carrier cannot meet the needs of our customers. We ask the Public Utilities Commission to allow Discount Shuttle temporary and permanent authority to operate airport shuttle services to our property." The individuals signing these four letters are identified as employees of hotels located in Colorado Springs. Each of the twelve support letters was apparently prepared and written by the applicant Discount Shuttle Service. None of the individuals who signed these form letters

added any specific information that indicates an emergency need exists for the service named in this application.

5. There are currently three common carriers that have the authority to provide some type of call-and-demand service between the Colorado Springs Airport and hotels in Colorado Springs, Colorado. RDS Transportation, Ltd., doing business as Yellow Cab Company of Colorado Springs &/or Greater Colorado Springs Transportation Company &/or RDSM Transportation, Ltd., under Certificate of Public Convenience and Necessity (CPCN) PUC No. 109, and Samja's Enterprises, Inc., doing business as Express Airport Taxi/Express Taxi, under CPCN PUC No. 55670, may provide taxi service between the Colorado Springs Airport and hotels in Colorado Springs, Colorado. Rocky Mountain Limousine, Inc., doing business as Ramblin'Express, Inc., under CPCN PUC No. 275L, may provide call-and-demand limousine service between the Colorado Springs Airport and hotels in Colorado Springs, Colorado.

6. The support letters filed with this application do not contain sufficient factual information to allow the Commission to determine if an immediate and urgent need exists for the service requested in this application or if there is no other carrier service capable of meeting such need.

C. Conclusions

7. An emergency need for the requested transportation services has not been shown to exist, and it has not been shown that there are no other carriers capable of providing the service.

8. The denial of this application creates no presumption about the final disposition of the temporary or permanent authority applications. The permanent authority application will be determined on the evidence presented using the statutory criteria.

II. ORDER

A. The Commission Orders That:

1. The application for emergency temporary authority filed by Charles Roberts, doing business as Discount Shuttle Service, is denied.

2. 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.

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

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
NOVEMBER 12, 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