

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-449CP-TA

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

**COMMISSION ORDER DENYING
TEMPORARY AUTHORITY**

Mailed Date: December 1, 2003
Adopted Date: November 26, 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 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. The Commission gave notice of the application on November 17, 2003.

3. Ramblin' Express, Inc., doing business as Rocky Mountain Limousine, Inc., Denver Mountain Express, Inc., doing business as Amerishuttle &/or Blue Sky Shuttle, and RDS Transportation, Ltd., doing business as Yellow Cab Company of Colorado Springs &/or Greater Colorado Springs Transportation Company &/or RDSM Transportation, Ltd., have filed interventions opposing the grant of this application.

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. Discount Shuttle Service 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 Discount Shuttle Service fails to meet either test, the application must be denied.

B. Findings of Fact

6. 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 immediate and urgent need exists for the service named in this application.

7. Ramblin' Express, Inc., doing business as Rocky Mountain Limousine, Inc., under Certificate of Public Convenience and Necessity (CPCN) PUC No. 275L, may provide call-and-demand limousine service between the Colorado Springs Airport and all hotels in Colorado Springs, Colorado.

8. RDS Transportation, Ltd., doing business as Yellow Cab Company of Colorado Springs &/or Greater Colorado Springs Transportation Company &/or RDSM Transportation, Ltd., under CPCN PUC No. 109, may provide taxi service between all points in El Paso County. Therefore, it can provide service between the Colorado Springs Airport and all hotels in Colorado Springs, Colorado.

9. Denver Mountain Express, Inc., doing business as Amerishuttle &/or Blue Sky Shuttle, was granted temporary authority to operate CPCN PUC No. 55275, by Decision No. C03-0596, under Docket No. 03A-199CP-Transfer. Under this authority, Denver Mountain Express, Inc., doing business as Amerishuttle &/or Blue Sky Shuttle, may provide call-and-demand limousine service, between all points within a 50-mile radius of the intersection of U.S. Highway 24 and Colorado Highway 67, Woodland Park, Colorado, and between said points, on the one hand, and all points in the State of Colorado, on the other hand. Therefore, it can also provide service between the Colorado Springs Airport and all hotels in Colorado Springs, Colorado.

10. The Commission finds that the support letters submitted with this application do not indicate an immediate and urgent need exists for the transportation service named in this

application. The Commission also finds that at least three other carriers are able to provide the same or a similar service.

C. Conclusions

11. An immediate and urgent 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.

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

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

II. ORDER

A. The Commission Orders That:

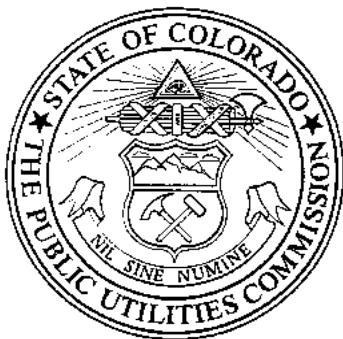
1. The application for temporary authority filed by Charles Roberts, doing business as Discount Shuttle Service, is denied.

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 26, 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

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