

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

DOCKET NO. C03-495BP-ETA

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THE APPLICATION OF VAIL SUMMIT RESORTS, INC., DOING BUSINESS AS KEYSTONE RESORT, INC., FOR EMERGENCY TEMPORARY AUTHORITY TO CONDUCT OPERATIONS AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

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**COMMISSION ORDER GRANTING  
EMERGENCY TEMPORARY AUTHORITY**

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Mailed Date: November 28, 2003  
Adopted Date: November 26, 2003

**I. BY THE COMMISSION:**

**A. Statement, Findings and Conclusions**

1. On November 20, 2003, Vail Summit Resorts, Inc., doing business as Keystone Resort, Inc., (Keystone Resort), filed an application for emergency temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of passengers and their baggage, between the Mountain House, 1202 Summit County Road 8, Keystone, Colorado; Keystone Lodge, 22010 U. S. Highway 6, Keystone, Colorado; The Inn at Keystone, 23044 U. S. Highway 6, Keystone, Colorado; and the River Run Village, U. S. Highway 6, Keystone, Colorado; on the one hand, and the Arapahoe Basin Ski Area, 28194 U. S. Highway 6, Summit County, Colorado, on the other hand. This application is restricted to providing transportation service for Summit Stage, P. O. Box 2179, Frisco, Colorado 80443, and Arapahoe Basin Ski Area, P. O. Box 8787, Dillon, CO 80435.

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. Keystone Resort 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 Keystone Resort fails to meet either test, the application must be denied.

4. Three support letters were submitted on behalf of this application. One letter is from Arapahoe Basin Ski Area and is signed by Alan Henceroth, Director of Mountain Operations. Mr. Henceroth states: "The transportation link between Keystone Resort and Arapahoe Basin Ski Area is a critical piece of our business. Due to great weather conditions in late October and early November, we are open for the season. Currently, we are unable to operate our inter-resort shuttle. We are requesting the processing of an emergency application to allow the shuttle to be run, just as it has been done for the last 25 years."

5. The other two letters are from Summit Stage. The first letter is signed by Bill Watterson, the Director of Summit Stage. Mr. Watterson states: "The Summit Stage is the public transportation provider for Summit County, Colorado. The Stage has reached agreement with Keystone Resort to provide shuttle service between Keystone Resort and Arapahoe Basin ski area during ski season 2003-2004. Summit County Government has determined that it is beneficial to Summit County to have such shuttle service and to contract with Keystone Resort to operate the service." The second letter is signed by James Smith, the Operations manager of Summit Stage.

Mr. Smith states “At present there is no other carrier or organization in the area to operate the service between Keystone and Arapahoe Basin. In addition, weather conditions have enabled Arapahoe Basin to open and begin full operation, creating an emergency situation that makes transportation to their location critical.”

6. The Commission finds that an emergency need for the requested transportation services has been shown to exist, and it has not been shown that there is another carrier capable of providing the service.

7. Keystone Resort has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

8. This application for emergency temporary authority is in the public interest.

9. Keystone Resort is advised that the grant of an emergency temporary authority creates no presumption that either a temporary or permanent authority will be granted.

## **II. ORDER**

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

1. Vail Summit Resorts, Inc., doing business as Keystone Resort, Inc., is granted emergency temporary authority to conduct operations as a contract carrier for a period of 30 days commencing from the Mailed Date of this Order, with authority as set forth in the Appendix.

2. Vail Summit Resorts, Inc., doing business as Keystone Resort, Inc., shall operate in accordance with all applicable Commission rules and regulations.

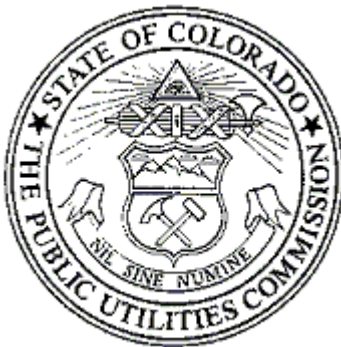
3. Vail Summit Resorts, Inc., doing business as Keystone Resort, Inc., shall not commence operation until it has filed the proper tariff and notice in writing has been received from the Commission that it is in compliance and may begin service.

4. 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.

5. 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*

**Bruce N. Smith  
Director**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**GREGORY E. SOPKIN**

**POLLY PAGE**

**JIM DYER**

Commissioners

Transportation of passengers and their baggage, between the Mountain House, 1202 Summit County Road 8, Keystone, Colorado; Keystone Lodge, 22010 U. S. Highway 6, Keystone, Colorado; The Inn at Keystone, 23044 U. S. Highway 6, Keystone, Colorado; and the River Run Village, U. S. Highway 6, Keystone, Colorado; on the one hand, and the Arapahoe Basin Ski Area, 28194 U. S. Highway 6, Summit County, Colorado, on the other hand.

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