

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-495BP-TA

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

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed Date: December 11, 2003
Adopted Date: December 10, 2003

I. BY THE COMMISSION:

A. Statement

1. On November 20, 2003, Vail Summit Resorts, Inc., doing business as Keystone Resort, Inc., (Keystone Resort, Inc.), filed an application for 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. The Commission gave notice of the application on December 1, 2003.

3. There are no interventions opposing a grant of the 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. Keystone Resort 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 Keystone Resort fails to meet either test, the application must be denied.

B. Findings of Fact

6. 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."

7. 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.”

C. Conclusions

8. The Commission finds that an immediate and urgent 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.

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

10. This application for temporary authority is in the public interest.

11. Keystone Resort is advised that the grant of a temporary authority creates no presumption that a permanent authority will be granted.

II. ORDER

A. The Commission Orders That:

1. Keystone Resort, Inc., is granted temporary authority to conduct operations as a contract carrier for a period of 150 days commencing from the Mailed Date of this Order, with authority as set forth in the Appendix.

2. Keystone Resort, Inc., shall operate in accordance with all applicable Commission rules and regulations.

3. 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. If Keystone Resort, Inc., does not comply with the requirements of this Order within 30 days of its effective date, then the temporary authority 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 30 days.

5. 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.

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

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
DECEMBER 10, 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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APPENDIX

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Decision No. C03-1383

Docket No. 03A-495BP-TA

December 10, 2003

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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