

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

DOCKET NO. 04A-017CP-TRANSFER-ETA

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THE APPLICATION OF ARLEN BAUMERT DOING BUSINESS AS BOULDER COUNTY EXPRESS FOR EMERGENCY TEMPORARY APPROVAL TO ALLOW MATHEW TITCHENAL DOING BUSINESS AS BOULDER COUNTY CASINO EXPRESS, TO ASSUME OPERATIONAL CONTROL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 54379.

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**COMMISSION ORDER GRANTING  
EMERGENCY TEMPORARY APPROVAL**

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Mailed Date: January 23, 2004  
Adopted Date: January 14, 2004

**I. BY THE COMMISSION:**

**A. Statement, Findings and Conclusions**

1. On January 8, 2004, Arlen Baumert doing business as Boulder County Express (Boulder County Express), filed an application for emergency temporary approval to allow Mathew Titchenal doing business as Boulder County Casino Express (Boulder County Casino Express) to assume operational control of Certificate of Public Convenience and Necessity (CPCN) PUC No. 54379 pending Commission consideration of the related application to permanently transfer the certificate.

2. Pursuant to § 40-6-120(2), C.R.S., the Commission may grant temporary approval of a certificate transfer "if it appears that failure to grant such temporary approval may result in destruction of or injury to such carrier or carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public." Section 40-6-120(4), C.R.S., further states: "If the Commission is of the opinion

that an emergency exists, it may issue emergency 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. Arlen Baumert, the owner of Boulder County Express, filed a statement in support of this emergency temporary authority application. In this letter, Mr. Baumert states "I have purchased a business and property in Grand Island, Nebraska, effective on December 31, 2003. I am currently in the process of moving to Nebraska to take over this business. The move will be made upon approval of the grant of temporary authority to Mathew Titchenal."

4. The Commission finds that the information submitted by Mr. Baumert does indicate that a failure to grant emergency approval of an assumption of operational control could result in injury to CPCN PUC No. 54379 and ultimately affect service to the public.

5. Boulder County Casino Express has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

6. This application for emergency temporary approval is in the public interest.

7. Boulder County Express and Boulder County Casino Express are advised that the grant of emergency temporary approval of an assumption of operational control creates no presumption that either temporary approval of an assumption of operational control or permanent approval of the transfer will be granted.

**II. ORDER****A. The Commission Orders That:**

1. The application for emergency temporary approval of an assumption of operational control filed by Boulder County Express is granted.

2. Boulder County Casino Express is granted emergency temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 54379 for a period of 30 days commencing from the Mailed Date of this Order.

3. Boulder County Casino Express shall operate in accordance with all applicable Commission rules and regulations.

4. Boulder County Casino Express shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Boulder County Casino Express shall also adopt the tariff of Boulder County Express, which shall become that of Boulder County Casino Express until changed in accordance with the public utilities law. Boulder County Casino Express shall pay the appropriate vehicle identification fee. Boulder County Casino Express shall not assume operational control until it has met these requirements, and it has received notice in writing from the Commission stating that it is in compliance and may begin service.

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  
January 14, 2004.**

(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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