Decision No. C04-0528

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-231CP-TRANSFER-TA

THE APPLICATION OF DAVID CARREL, DOING BUSINESS AS LIFT TICKET LIMO, FOR TEMPORARY APPROVAL TO ALLOW LIFT TICKET LIMO, LLC, TO ASSUME OPERATIONAL CONTROL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 55715.

COMMISSION ORDER GRANTING TEMPORARY APPROVAL

Mailed Date: May 28, 2004
Adopted Date: May 26, 2004

I. BY THE COMMISSION:

A. Statement

1. On May 10, 2004, David Carrel, doing business as Lift Ticket Limo (David Carrel), filed an application for temporary approval to allow Lift Ticket Limo, LLC, (Lift Ticket Limo), to assume operational control of Certificate of Public Convenience and Necessity (CPCN) PUC No. 55715 pending Commission consideration of the related application to permanently transfer the certificate from Lift Ticket Limo to Lift Ticket Limo, LLC.

2. The Commission gave notice of the application on May 17, 2004.

3. There are no interventions opposing a grant of the application.

4. 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."

B. Findings of Fact

5. In support of this application, David Carrel states “I am presently in Ohio and in the final stages of a contractual agreement with a buyer in Breckenridge, Colorado. Due to family matters I am currently unable to return to operate this business. The buyer is interested in restoring transportation service to the public as soon as possible. I am therefore requesting a temporary transfer be granted.”

6. The information provided by Mr. Carrel indicates that he has moved to Ohio and is not able to continue operating CPCN PUC No. 55715. Mr. Carrel has located a company, Lift Ticket Limo, LLC, that is willing to assume temporary operational control of the authority and continue to provide the service named in CPCN PUC No. 55715.

C. Conclusions

7. The Commission finds that a failure to grant temporary approval of an assumption of operational control could result in injury to CPCN PUC No. 55715 and ultimately affect service to the public.

8. Lift Ticket Limo, LLC has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

9. This application for temporary approval is in the public interest.

10. David Carrel and Lift Ticket Limo are advised that the grant of temporary approval of an assumption of operational control creates no presumption that permanent transfer approval will be granted.

II. ORDER

A. The Commission Orders That:

1. The application for temporary approval of an assumption of operational control of CPCN PUC No.55715 filed by David Carrel is granted.

2. Lift Ticket Limo, LLC is granted temporary approval to assume operational control of CPCN PUC No. 55715 for a period of 180 days commencing from the Mailed Date of this Order.

3. Lift Ticket Limo, LLC shall operate in accordance with all applicable Commission rules and regulations.

4. Lift Ticket Limo, LLC shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Lift Ticket Limo, LLC shall also adopt the tariff filed by David Carrel, which shall become that of Lift Ticket Limo, LLC until changed in accordance with the public utilities law. Lift Ticket Limo, LLC shall pay the appropriate vehicle identification fee. Lift Ticket Limo, LLC shall not assume operational control of CPCN PUC No. 55715 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. If Lift Ticket Limo, LLC does not comply with the requirements of this Order within 30 days of its effective date, then the temporary approval 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.

6. 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.

7. This Order is effective on its Mailed Date.

B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING May 26, 2004

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners

ATTEST: A TRUE COPY

Bruce N. Smith
Director

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