

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-459BP-TRANSFER-ETA

THE APPLICATION OF UNIVERSITY SERVICES, INC., DOING BUSINESS AS PASSENGER EXPRESS, FOR EMERGENCY TEMPORARY APPROVAL TO ALLOW GLOBAL TRANSPORTATION, LLC, DOING BUSINESS AS GLOBAL PASSENGER SERVICE, LLC, TO ASSUME OPERATIONAL CONTROL OF CONTRACT CARRIER PERMIT NO. B-9790.

**COMMISSION ORDER GRANTING
EMERGENCY TEMPORARY APPROVAL**

Mailed Date: September 16, 2004
Adopted Date: September 14, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On September 10, 2004, University Services, Inc., doing business as Passenger Express (Passenger Express), filed an application for emergency temporary approval to allow Global Transportation, LLC, doing business as Global Passenger Service, LLC (Global Transportation), to assume operational control of Contract Carrier Permit No. B-9790 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 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. In support of this application Passenger Express and Global Transportation state "Lucilious J. Ward, the current owner of Passenger Express and Global Transportation, was recently involved in two lawsuits regarding various disputes among himself and his former partner in Global Transportation, among others. In order to resolve the lawsuits and their underlying disputes, the parties entered into a Settlement Agreement dated August 3, 2004. As part of this Settlement Agreement, effective as of September 1, 2004, sole ownership and control of each of Passenger Express and Global Transportation was transferred to Mr. Ward. However, as a condition of the Settlement Agreement, Mr. Ward is not permitted to use the name 'University Services, Inc., doing business as Passenger Express' in the future, other than in order to effectuate the transfer of ownership of the company to him, and Permit B-9790, to Global Transportation. Thereafter, Passenger Express will merge its operation into Global Transportation so that there will be only one operating company."

4. Passenger Express and Global Transportation also state "In the event that the transfer of Permit B-9790 is not effected, it is possible that Passenger Express' provision of service along its routes will be interpreted pending further discussion among the parties, PUC approval or further litigation."

5. The Commission finds Passenger Express and Global Transportation have shown that a failure to grant emergency approval of an assumption of operational control by Global Transportation could result in injury to Contract Carrier Permit No. B-9790 and ultimately affect

service to the public. Full implementation of the settlement agreement is the most expedient way to prevent injury to the permit.

6. Global Transportation has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

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

8. Passenger Express and Global Transportation 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 to allow Global Transportation to assume operational control of Contract Carrier Permit No. B-9790 as filed by Passenger Express and Global Transportation is granted.

2. Global Transportation is granted emergency temporary approval to conduct operations under Contract Carrier Permit No. B-9790 for a period of 30 days commencing from the Mailed Date of this Order.

3. Global Transportation shall operate in accordance with all applicable Commission rules and regulations.

4. Global Transportation shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Global Transportation shall also adopt the tariff of Passenger Express, which shall become that of Global Transportation until changed in

accordance with the public utilities law. Global Transportation shall pay the appropriate vehicle identification fee. Global Transportation may not begin operations until these requirements have been met and it has received notice in writing from the Commission 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
September 14, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners
CHAIRMAN GREGORY E. SOPKIN
ABSENT.

I/TRANS/ORDERS/04A-459BP