

Decision No. C22-0053

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0020CP-LEASE-TA

IN THE MATTER OF THE APPLICATION OF THE BROADMOOR HOTEL, INC. FOR
TEMPORARY APPROVAL TO LEASE CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY PUC NO. 275 TO COLORADO TOUR LINE, LLC, DOING BUSINESS AS
GRAY LINE OF DENVER.

**COMMISSION DECISION GRANTING
TEMPORARY APPROVAL**

Mailed Date: January 20, 2022

Adopted Date: January 19, 2022

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On January 3, 2022, The Broadmoor Hotel, Inc. filed an application for temporary approval¹ to lease Certificate of Public Convenience and Necessity (CPCN) PUC No. 275² to Colorado Tour Line, LLC, doing business as Gray Line of Denver (Gray Line) pending Commission consideration of the related permanent approval application to lease the certificate.

¹ The Broadmoor Hotel also filed an application for emergency temporary approval on January 3, 2022, to lease CPCN PUC No. 275 to Gray Line. The emergency temporary approval application was granted for a period of 30 days by Decision No. C22-0018 on January 6, 2022, in Proceeding No. 22A-0022CP-LEASE-ETA.

² CPCN PUC No. 275 authorizes the (I) Transportation, in sightseeing service, of passengers, between all points within Colorado Springs, Colorado, and between said points, on the one hand, and all points within the Pikes Peak region, on the other hand; and (II) Transportation, in call and demand limousine service, of passengers, between all points within Colorado Springs, Colorado, and between said points, on the one hand, and all points within the State of Colorado, on the other hand.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on January 10, 2022, for a period of five days.

3. The notice period expired on January 18, 2022. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

4. Pursuant to § 40-10.1-204(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 the carrier or its properties sought to be acquired, or may interfere substantially with their future usefulness in the performance of adequate and continuous service to the public."

5. To support the temporary application, the president of The Broadmoor Hotel provided the following statement:

[Certificate] 275 is currently in operation and used to transport passengers. The traveling public would be adversely affected and The Broadmoor Hotel would potentially face destruction or injury to its license authorities which have been in place and active either under The Broadmoor Hotel's control or under lease to operators by The Broadmoor since 1975 and 1928 respectively. It is Colorado Tour Line, LLC's desire to not injure or damage 275. It is The Broadmoor's desire to continue leasing 275 to Colorado Tour Line, LLC.

6. In consideration of the statement of support of The Broadmoor Hotel, the Commission finds that a failure to grant temporary approval of the lease of CPCN PUC No. 275³ could result in injury to the certificate and ultimately affect service to the public.

³ An application for the lease of Certificate 275 to Colorado Tour Lines, doing business as Gray Line of Denver was also filed by The Broadmoor Hotel on April 14, 2017. The lease was granted by Decision No. C17-0439 on May 30, 2017, in Proceeding No. 17A-0238CP-LEASE. The lease of Certificate

7. The Commission also finds that Gray Line has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

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

9. The Broadmoor Hotel and Gray Line are advised that the grant of temporary approval of the lease of CPCN PUC No. 275 creates no presumption that the permanent approval of the lease will be granted.

II. ORDER

A. The Commission Orders That:

1. The application filed on January 3, 2022, by The Broadmoor Hotel, Inc. (The Broadmoor Hotel) for temporary approval to lease Certificate of Public Convenience and Necessity (CPCN) PUC No. 275 to Colorado Tour Line, LLC, doing business as Gray Line of Denver (Gray Line) is granted.

2. Gray Line is granted temporary approval to conduct operations under CPCN PUC No. 275, for a period of 150 days beginning on the mailed date.

3. Gray Line shall operate in accordance with all applicable Commission rules and regulations.

4. Gray Line shall not commence operation until it has complied with the requirements of Colorado laws and Commission rules, including without limitation:

- (a) causing proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;

275 was granted through December 31, 2021. Therefore, the lease of Certificate 275 expired on January 1, 2022.

- (b) paying to the Commission, the motor vehicle fee (\$50) for each vehicle to be operated under authority granted by the Commission, or in lieu thereof, paid the fee for such vehicle(s) pursuant to the Unified Carrier Registration Agreement;
- (c) filing an adoption notice that adopts as its own the currently effective tariff of The Broadmoor Hotel; and
- (d) paying the applicable issuance fee (\$5).

5. If Gray Line does not comply with the requirements of this Decision 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 Decision.

- 7. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 19, 2022.**



Doug Dean

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners