

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 06A-648CP-EXTENSION-TA

THE APPLICATION OF PETER GRIFF AND JILLIAN HOLLEN, DOING BUSINESS AS FRESH TRACKS TRANSPORTATION FOR TEMPORARY AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 55753.

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed Date: January 3, 2007
Adopted Date: December 19, 2006

I. BY THE COMMISSION:

A. Statement

1. On December 4, 2006 Peter Griff and Jillian Hollen, doing business as Fresh Tracks Transportation (Fresh Tracks Transportation), filed an application for temporary authority to extend operations under Certificate of Public Convenience and Necessity (CPCN) PUC No. 55753 to include the transportation of passengers and their baggage in call-and-demand limousine service between all points in the County of Summit, State of Colorado, on the one hand, and, on the other hand: the Arapahoe Basin Ski Resort, located in the County of Summit, State of Colorado; and the Vail Transportation Center and the Beaver Creek Reception Center, both located in the County of Eagle, State of Colorado. This application is restricted as follows: (a) to the use of vehicles having a capacity of not less than fourteen passengers excluding the driver; (b) against trips originating in the County of Eagle, State of Colorado; (c) to the sale of only round-trip tickets or one-way tickets from the point of origin; and (d) to trips originating and terminating on the same day.

2. The Commission gave notice of the application on December 11, 2006.

3. Sergej Pachomow doing business as Powderline Shuttle (Powderline Shuttle) filed an intervention to this application on December 18, 2006.

4. Powderline Shuttle may provide the following services under CPCN PUC No. 55730: (I) Transportation of passengers and their baggage, in call-and-demand limousine service and in charter service, between all points within a five-mile radius of the intersection of Colorado Highways 9 and I-70, Frisco, Colorado, on the one hand, and (a) all points within a five-mile radius of the intersection of U. S. Highway 40 and Old Town Drive, Winter Park, Colorado; and (b) all points in Eagle County, State of Colorado, on the other hand; and (II) transportation of passengers and their baggage, in call-and-demand limousine service and in charter service, between all points in the County of Summit, State of Colorado, on the one hand, and all points in the Counties of Denver, Eagle, and Jefferson, State of Colorado, on the other hand. Item II is restricted to providing transportation service that originates or terminates in the County of Summit, State of Colorado; and against providing transportation service to or from Denver International Airport, Denver, Colorado.

5. The geographic authority granted to Powderline Shuttle by CPCN PUC No. 55730 does overlap the majority of the geographic area named in this temporary authority application.

6. 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."

7. Fresh Tracks Transportation 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 Fresh Tracks Transportation fails to meet either test, the application must be denied.

B. Findings of Fact

8. Fifteen letters of support were filed with this application. The authors of the letters are owners of businesses or employees of businesses located in the Summit County area. The authors of each of these letters state that there is a definite need for an additional transportation service between points in Summit County, on the one hand, and Vail, Beaver Creek, and Arapahoe Basin, on the other hand. The authors of these letters also strongly request that Fresh Tracks be allowed to provide this service. Examples of the statements made by the authors of these letters include: (a) Benjamin Kelly, Assistant Front Office Manager of Beaver Run Resort – As Assistant Front Office of Breckenridge’s largest resort, I continually witness the public’s need for greater transportation options between the two (Breckenridge and Vail) ski areas and the insufficient capacity offered by those operators who currently travel this route. I strongly believe this gap in services to vacationers and locals alike is one which Fresh Tracks could help effectively fill. (b) Susan Camp, Concierge Main Street Station – This letter is regarding the lack of transportation services in Summit County. Fresh Tracks Transportation understands the need for a door to door service linking the five major ski resorts in Summit and Eagle Counties. This service is strongly needed for the 1.5 million skiers that visit Summit County alone in the winter. As a concierge for many years I understand the needs of the guests and the current services that are offered. There is no door to door shuttle service that provides transportation to Beaver Creek, Vail, or Arapahoe Basin. (c) Laura Ensey, Keystone Concierge – As the Concierge Manager of Keystone Mountain Concierge, an affiliate of Vail Resorts, I am in direct contact with large numbers of guests on a daily basis. This past winter we took approximately 2,300 calls from

guests needing transportation around Summit and Eagle County areas. Specifically, these requests were service to Vail and Beaver Creek ski resorts. Due to the dwindling availability of transportation options, we were unable to secure transportation for these guests. (d) Will Jones, Assistant Concierge Manager of Beaver Run Resort – My name is Will Jones and I am the Assistant Manager of the Concierge office at Beaver Run Resort in Breckenridge, Colorado. The vast majority of our guests take some form of an airport shuttle to our resort, leaving them without a vehicle for the duration of their vacation. Once they arrive to our resort, these guests request to travel outside of town during their stay. In the winter, the transportation requests are to the other ski resorts due to the transferability of the lift tickets. In past years, filling these demands has been impossible and it is extremely frustrating that a simple guest amenity is overlooked. Fresh Tracks Transportation stands willing and able to provide door to door shuttle service and we as a community need to give them the opportunity. The transportation services that are currently offered are completely inadequate to service the needs of the guests staying in this hotel as well as the general public.

9. In his intervention, Mr. Pachomow, the owner of Powderline Shuttle, states “My main business of operation is door to door shuttle service, transporting passengers from the town of Breckenridge CO (Summit County) to the ski areas of Vail, CO and Beaver Creek, CO (Eagle County). I operate a 15 passenger van and I operate seven days a week. All of the Concierges in Breckenridge, CO know of my services and I have contracts with some of them I don’t know why the Concierge would say that there is currently no shuttle service that provides this need.”

10. Fresh Tracks filed a Supplement to this application on December 7, 2006. Included with this Supplement were four additional letters. These letters were each written by individuals that submitted a letter with the original application. The authors of each of the letters

express some type of dissatisfaction with the service provided by Powderline Shuttle. Will Jones states “There are no adequate carriers in Summit County that provide a door to door shuttle from Summit County to Eagle County and Arapahoe Basin. Guests are demanding this service and I have limited options. Powderline Shuttle does provide transportation between Summit and Eagle Counties; however, there are numerous reasons why his service is not meeting the demand. The majority of the time when I call to make a reservation, he is full because he only does one trip a day, a maximum of 14 people a day from the entire county. There are literally hundreds of people demanding this service and one trip a day is not sufficient.” Susan Camp states “I had previously written a letter of support for Fresh Tracks Transportation to expand their authority to service all the ski resorts in Summit and Eagle Counties. Apparently there was some confusion of just how badly a skier shuttle that connects Summit and Eagle Counties is needed. There are no carriers providing this service who can meet the incredible demand. The one company that does provide this service to Vail is Powderline Shuttle and he is always full. We have used his service in the past but it has been very limited, two or three times a month. However, we call Powderline regularly for availability and he is always full.”

C. Conclusions

11. The Commission finds that the statements made in the letters of support submitted with this application show that an immediate and urgent need for the requested transportation service does exist, and it has not been shown there is another carrier capable of providing the requested service.

12. Fresh Tracks Transportation has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

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

14. Fresh Tracks Transportation 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. Peter Griff and Jillian Hollen, doing business as Fresh Tracks Transportation is granted temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 55753 for a period of 150 days commencing from the Mailed Date of this Order, with authority as set forth in the Appendix.

2. Peter Griff and Jillian Hollen, doing business as Fresh Tracks Transportation shall operate in accordance with all applicable Commission rules and regulations.

3. Peter Griff and Jillian Hollen, doing business as Fresh Tracks Transportation shall not commence operation until it has: (a) paid to the Commission the applicable vehicle identification fee for each vehicle to be operated under authority granted by the Commission; (b) filed a tariff, in compliance with applicable Commission rules; and (c) received notice in writing from the Commission that it is in compliance and may begin service.

4. If Peter Griff and Jillian Hollen, doing business as Fresh Tracks Transportation does not comply with the requirements of this Order within 30 days of its effective date, then the temporary authority to extend operations 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 this Order.

6. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
December 19, 2006.**

(S E A L)



ATTEST: A TRUE COPY

**Doug Dean,
Director**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

POLLY PAGE

CARL MILLER

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.

Transportation of passengers and their baggage in call-and-demand limousine service, between all points in the County of Summit, State of Colorado, on the one hand, and, on the other hand: the Arapahoe Basin Ski Resort, located in the County of Summit, State of Colorado; and the Vail Transportation Center and the Beaver Creek Reception Center, both located in the County of Eagle, State of Colorado.

This **temporary authority** is restricted: (a) to the use of vehicles having a capacity of not less than fourteen passengers excluding the driver; (b) against trips originating in the County of Eagle, State of Colorado; (c) to the sale of only round-trip tickets or one-way tickets from the point of origin; and (d) to trips originating and terminating on the same day.