

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 06A-650CP-EXTENSION-TA

THE APPLICATION OF RAINBOWS, INC., DOING BUSINESS AS 453-TAXI FOR TEMPORARY AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 54842.

**COMMISSION ORDER DENYING
TEMPORARY AUTHORITY**

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

I. BY THE COMMISSION:

A. Statement

1. On December 4, 2006 Rainbows, Inc., doing business as 453-TAXI (453-TAXI), filed an application for temporary authority to extend operations under Certificate of Public Convenience and Necessity (CPCN) PUC No. 54842 to include: (I) Transportation of passengers and their baggage, in call-and-demand limousine service, between all points in the County of Summit, State of Colorado, and between said points, on the one hand, and all points in the State of Colorado, on the other hand; and (II) Transportation of passengers and their baggage, on schedule, between the following named points: (1) the Town of Breckenridge, Colorado; (2) the Frisco Transfer Center, located in the Town of Frisco, Colorado; and (3) the Vail Transfer Center and the Golden Peak skier drop-off, both located in the Town of Vail, Colorado. This application is restricted as follows: Item (II) is restricted to providing transportation service between December 15th and March 30th of the following year.

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

3. Alpine Taxi/Limo, Inc. filed an intervention opposing a grant of the application.

4. 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."

5. 453-TAXI 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 453-TAXI fails to meet either test, the application must be denied.

B. Findings of Fact

6. One letter was submitted in support of this application. The letter was written by Dan Lipsher. Mr. Lipsher is the Membership Director of the Breckenridge Resort Chamber. Mr. Lipsher states "Guests in Breckenridge who purchase lift tickets are often eligible to use a portion of those lift tickets at Vail and Beaver Creek. However, transportation options between Breckenridge and Vail are limited, and it is often inconvenient or impossible for these guests to ski at Vail or Beaver Creek."

7. Mr. Lipsher's letter does state that there is a need for additional transportation between Breckenridge and Vail. However, Mr. Lipsher does not name any specific incident or circumstance to show that an immediate and urgent need exists for this transportation.

8. 453-TAXI, under CPCN PUC No. 54842, has the authority to transport passengers in taxi service between all points in Summit County, State of Colorado, on the one hand, and all points in the State of Colorado, on the other hand. Therefore, 453-TAXI may already transport passengers between Breckenridge, on the one hand, and Vail and Beaver Creek, on the other hand.

9. Alpine Taxi/Limo, Inc. may, under CPCN PUC No. 26246, provide call-and-demand limousine, charter, and taxi service between points in Routt County, on the one hand, and points in Summit and Eagle Counties, on the other hand. Therefore, the call-and-demand service Alpine Taxi/Limo, Inc. may provide between Routt, Summit and Eagle Counties, overlaps the authority requested in Item (I) of this temporary authority application.

C. Conclusions

10. The Commission finds that's 453-TAXI has not shown that an immediate and urgent need exists for the requested transportation requested in this application or that there is no other carrier capable of providing the service.

11. This application for temporary authority is not in the public interest.

12. The denial of this application creates no presumption about the final disposition of the permanent authority application. The permanent authority application will be determined on the evidence presented using the statutory criteria.

II. ORDER

A. The Commission Orders That:

1. The application for temporary authority filed by Rainbows, Inc., doing business as 453-TAXI is denied.

2. 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.

3. 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

A handwritten signature in black ink that reads "Doug Dean".

**Doug Dean,
Director**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

POLLY PAGE

CARL MILLER

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.