

(Decision No. C92-318)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF PATRICK)	
FAHMIE, DOING BUSINESS AS PUEBLO)	
SHUTTLE EXPRESS, FOR TEMPORARY)	DOCKET NO. 92A-059CP-
AUTHORITY TO EXTEND OPERATIONS)	EXTENSION-TA
UNDER CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY PUC)	
NO. 47966.)	
- - - - -		

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed date: March 6, 1992
Adopted date: March 4, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On February 11, 1992, Patrick Fahmie, doing business as Pueblo Shuttle Express, filed Docket No. 92A-059CP-Extension-TA for temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 47966 for the transportation of passengers and their baggage, on schedule, between points in Colorado Springs, Colorado and points in Cripple Creek, Colorado.

2. The Commission gave notice of the application on February 18, 1992. Interventions opposing the application were subsequently filed by Pikes Peak Tours & Charters, Inc., doing business as Gray Line of Colorado Springs (Gray Line); Greater Colorado Springs Transportation Co., f/k/a El Paso County Transportation Company, doing business as Yellow Cab Co. of Colorado Springs (Yellow Cab); and Synergistics, Inc., doing business as Colorado Gambler's Express, Inc. and/or Colorado Springs/Pueblo Airporter, Inc. (Gambler's). The intervention of Yellow Cab was subsequently withdrawn.

3. By § 40-6-120, C.R.S., the application for temporary

authority is under consideration for a Commission order.

4. Section 40-6-120(1), C.R.S., authorizes the Commission 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. The support filed on behalf of this application indicates a desire on the part of the traveling public for a scheduled passenger service between Colorado Springs and Cripple Creek. The Commission notes that the only scheduled passenger carrier serving between these points, Cripple Creek Express, recently suspended operations. Presently, there is no scheduled carrier providing service. Intervenor Gray Line and Gambler's hold authority to provide only call-and-demand service.

6. The Commission finds due to the facts stated in paragraph (5) above, that immediate and urgent need exists, and the Commission will grant the application.

7. The Applicant has adequate equipment and financial resources to begin immediate service within the scope of the authority sought and is willing, ready and able to operate under all Commission rules and regulations governing carriers by motor vehicle.

8. This application for temporary authority is in the public interest and should be granted.

9. Applicant is advised that the granting of emergency temporary authority creates no presumption that the corresponding application for temporary and permanent authority will be granted.

THEREFORE THE COMMISSION ORDERS THAT:

1. Patrick Fahmie, doing business as Pueblo Shuttle Express, is granted temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 47966 for a period of 180 days commencing on the mailing date of this Order with authority as set forth in the attached appendix.

2. Patrick Fahmie, doing business as Pueblo Shuttle Express, shall not commence operation until all requirements have been met and notice in writing has been received from the Commission that the Applicant is in compliance and may begin service.

- 2 -

3. Unless Patrick Fahmie, doing business as Pueblo Shuttle Express, meets all the requirements indicated within 30 days from the mailed date of this Order, the authority granted will be void.

4. 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.

5. This Order is effective on its date of mailing.

ADOPTED IN OPEN MEETING on March 4, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER GARY L. NAKARADO
ABSENT.

ORDER-CZ

Appendix A
Page 1 of 1 page
Decision No. C92-318
Docket No. 92A-059CP-
Extension-TA
March 4, 1992

Transportation of
passengers and their baggage, on schedule,
between Colorado Springs, Colorado and Cripple Creek, Colorado.

This authority is restricted to the use of vehicles with a passenger capacity of eight or more, plus the driver.

ORDER-CZ

APPLICANT:

Patrick Fahmie
d/b/a Pueblo Shuttle Express
761 South Santa Fe Drive
Pueblo, CO 81006

INTERVENOR:

Synergistics, Inc.
d/b/a Colorado Gambler's Express, Inc.
and/or Colorado Springs/Pueblo
Airporter, Inc.
P. O. Box 5008
Woodland Park, CO 80866

INTERVENOR'S ATTORNEY:

Dale E. Isley, Esq.
WILLIAMS & ISLEY, P.C.
1225 Mellon Financial Center
1775 Sherman Street
Denver, CO 80203

INTERVENOR:

Greater Colorado Springs Transportation Co.
f/k/a El Paso County Transportation Company
d/b/a Yellow Cab Co. of Colorado Springs
845 Moreno Avenue
Colorado Springs, CO 80905

INTERVENOR'S ATTORNEY:

Kenneth L. Levinson, Esq.
BALABAN & LEVINSON, P.C.
1624 Market Street, Suite 475
Denver, CO 80202

INTERVENOR:

Pikes Peak Tours & Charters, Inc.
d/b/a Gray Line of Colorado Springs
P. O. Box 6676
Colorado Springs, CO 80901

INTERVENOR'S ATTORNEY:

David E. Driggers, Esq.
JONES & KELLER, P.C.
1625 Broadway, Suite No. 1600
Denver, CO 80202

MISCELLANEOUS:

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