

(Decision No. C92-514)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

THE APPLICATION OF DIANA LEZARK, )  
DOING BUSINESS AS EVERGREEN )  
SHUTTLE SERVICE, FOR TEMPORARY )  
AUTHORITY TO CONDUCT OPERATIONS ) DOCKET NO. 92A-150BP-TA  
AS A CONTRACT CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
- - - - - )

**COMMISSION ORDER GRANTING  
TEMPORARY AUTHORITY IN PART**

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Mailed date: April 15, 1992  
Adopted date: April 15, 1992  
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STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On March 23, 1992, Diana Lezark, doing business as Evergreen Shuttle Service (Evergreen), filed Docket No. 92A-150BP-TA for temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of passengers and their baggage between points in the Counties of Clear Creek and Jefferson, State of Colorado, on the one hand, and points in Black Hawk and Central City, on the other hand. Restricted to providing service for only Gold Mine Casino.

2. The Commission gave notice of the application on March 30, 1992. Interventions opposing a grant of the application were filed by Black Hawk-Central City Ace Express, Inc. (Ace); Golden West Airport Shuttle (Golden); Burt Green, doing business as Best Mountain Tours (Best); Central City/Black Hawk Stage Lines, Inc. (Stage Lines); Gamblers Express, Inc. (Gamblers); and, Jerry Johnson, doing business as J & M Stagecoach (J & M).

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 that the Gold Mine Casino has entered into a contract with Evergreen to provide shuttle service for its employees. The service points cited include Idaho Springs, Georgetown, Evergreen, Bergen Park, and Conifer, Colorado. Gold Mine states that it has entered into a contract with another company to provide service from the Denver area. Further, Gold Mine states that its employees need service as early as 7 a.m. and as late as 3:15 a.m., seven days a week.

Since there is no support for points in Jefferson County, other than those stated above, the Commission will grant the application in part and limit service in Jefferson County to those specific areas. This partial grant will eliminate conflict with the authorities held by Ace, Golden and Gamblers. Further, the Commission finds that the authorities of intervenors Green, J & M and Stage Lines are not broad enough to provide service to all of the areas mentioned in the supporting documents.

6. The Commission finds due to the facts stated in paragraph 5 above, there is an immediate and urgent need for additional transportation services. The Commission will grant the application in part.

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 in part.

9. The Applicant is advised that the granting of an temporary authority makes no presumption that permanent authority will be granted.

1. Diana Lezark, doing business as Evergreen Shuttle Service, is granted temporary authority to conduct operations as a contract carrier by motor vehicle for hire for a period of 165 days commencing from the mailed date of this order, with authority as set forth in the attached appendix.

2. Diana Lezark, doing business as Evergreen Shuttle Service, 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.

3. 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.

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

DONE IN OPEN MEETING on April 15, 1992.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

COMMISSIONER CHRISTINE E. M.  
ALVAREZ ABSENT.

Appendix A  
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Docket No. 92A-150BP-TA  
April 15, 1992

Transportation of

passengers and their baggage

between points in the area comprised of : (1) County of Clear Creek, State of Colorado; and (2) that portion of the County of Jefferson lying south of I-70, north of U. S. Highway 285, and west of a line drawn from the intersection of I-70 and exit 256 to the intersection of U.S. 285 and Colorado State Highway 8, on the one hand, and points in Black Hawk and Central City, on the other hand.

This authority is restricted to providing service for only the Gold Mine Casino.

ORDER-EF

APPLICANT:

Diana Lezark  
dba Evergreen Shuttle Service  
P. O. Box 1803  
Evergreen, CO 80439

INTERVENOR:

Black Hawk - Central City Ace Express, Inc.  
P. O. Box 132  
Black Hawk, CO 80422

INTERVENOR'S ATTORNEY:

Charles J. Kimball, Esq.  
KIMBALL & NESPOR, P.C.  
1775 Sherman Street, Suite No. 1500  
Denver, CO 80203

INTERVENOR:

John S., John H., Catherine,  
Kenneth A., Keith A., & David W. Brunel  
dba LCB Ltd., dba Golden West Airport  
Shuttle  
P. O. Box 958  
Golden, CO 80401

INTERVENOR:

Burt Green  
dba Best Mountain Tours  
11100 East Dartmouth, No. 219  
Aurora, CO 80014

INTERVENORS' ATTORNEY:

Richard J. Bara, Esq.  
World Wide Plaza  
1155 Sherman Street, Suite No. 315  
Denver, CO 80203

INTERVENOR:

Central City/Black Hawk  
Stage Lines, Inc.  
P. O. Box 414  
Central City, CO 80427

INTERVENOR'S ATTORNEY:

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

INTERVENOR:

Gamblers Express, Inc.  
Attn: Duane L. Thompson, President  
P. O. Box 6794  
Denver, CO 80206

INTERVENOR:

J & M Stage Coach Company  
Attn: Mr. Jerry Johnson  
28234 Tresine Drive  
Evergreen, CO 80439

MISCELLANEOUS:

Brad Mallon, Director  
Office of Policy & Research  
Dept. of Regulatory Agencies  
1560 Broadway, Suite No. 1550  
Denver, CO 80202

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