

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  
EXCEPTIONS IN PART**

-----  
Mailed date: May 22, 1992  
Adopted date: May 13, 1992  
-----

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. This application is 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 Decision No. C92-514, dated April 15, 1992, the

application for temporary authority was granted, in part, by the Commission. The authority granted was as follows:

Transportation of passengers and their baggage between points in the area comprised of : (1) The 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.

4. On April 17, 1992, Stage Lines and J & M filed exceptions to the Commission's decision seeking to have the decision reversed and the temporary authority denied.

5. Stage Lines raised a number of issues in its exceptions, including that the grant of authority was overly broad and not supported by the record. Specifically, there is nothing in the record to support a grant of service to Central City since the Gold Mine Casino is located in Black Hawk. The Commission agrees and will amend the order accordingly. Next, Stage Lines asserts that the supporting letter from the Gold Mine Casino makes reference to only service for its employees. The Commission's order would allow for the transportation of casino patrons as long as the casino paid for the transportation. The Commission agrees and will amend the order accordingly. Next, Stage Lines states that there is nothing in the record that indicates a need for service at 3:15 a.m. Stages Lines assumes the Commission reviewed the proposed time schedule and somehow interpreted this as a need for service. In fact, the letter from the Gold Mine Casino dated March 30, 1992, and signed by Joyce Schonscheck, specifically states:

"We have employees that work on various shifts and need shuttle service beginning at 7:00 AM and continuing throughout the day and into the next morning ending at 3:15 AM - 7 days a week."

6. Intervenor J & M states that it is presently providing service in the Evergreen area and there is no need for additional service. J & M holds authority to provide only scheduled service to and from Evergreen and points within six miles thereof. A review of the time schedules presently filed by J & M indicates it operates only 5 days a week and no later than 12:30 a.m. This clearly does not meet the needs of the Gold Mine Casino employees.

7. The Commission will grant the exceptions in part.

- 2 -

THEREFORE THE COMMISSION ORDERS THAT:

1. The exceptions filed by Central City/Black Hawk Stage Lines, Inc. and Jerry Johnson, doing business as J & M Stagecoach, are granted consistent with this Order and otherwise are denied.

2. The authority granted by Commission Decision No. C92-514 is amended by:

1) Adding a restriction to providing transportation service for Gold Mine Casino employees only; and

2) Deleting Central City from the authority.

The authority now authorized in this temporary authority is fully stated in the attached Appendix A.

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

DONE IN OPEN MEETING on May 13, 1992.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

---

---

---

Commissioners

ORDER-EY

Appendix A  
Page 1 of 1 page  
Decision No. C92-683  
Docket No. 92A-150BP-TA  
May 13, 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, on the other hand.

This authority is restricted:

- 1) To providing service under contract only to the Gold Mine Casino; and
- 2) To providing service only for employees of the Gold Mine Casino.

ORDER-EY

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

ROUTE:

1  
2  
3  
4

4.1  
6-Docketing  
9  
10  
15  
20  
30  
31 (5 copies)  
40 (7 copies)  
50  
Black Book  
Text Management  
Operating Rights  
Unit  
DMS (plus  
certificate)  
ORDER-EY