

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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THE APPLICATION OF BLACKJACK SHUTTLE)
EXPRESS, INC. EMERGENCY TEMPORARY)
AUTHORITY TO CONDUCT OPERATIONS AS A) DOCKET NO. 92A-313CP-ETA
COMMON CARRIER BY MOTOR VEHICLE FOR)
HIRE.)
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**COMMISSION ORDER GRANTING
EMERGENCY TEMPORARY AUTHORITY**

Mailed date: June 19, 1992
Adopted date: June 19, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On June 16, 1992, Blackjack Shuttle Express, Inc., filed Docket No. 92A-313CP-ETA for emergency temporary authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage, on schedule, between points in Central City and Black Hawk, Colorado and points within a two-mile radius of each of said cities, on the one hand, and on the other hand: (1) points within an area commencing at the intersection of 16th Street and Broadway; thence north along Broadway to 23rd Avenue; thence northwest along 23rd Avenue/31st Avenue to the Platte River; thence southwest along the Platte River to 16th Street; thence southeast along 16th Street to the point of beginning; and (2) points in an area commencing at the intersection of Alameda Avenue and Colorado Boulevard; thence south along Colorado Boulevard to I-25; thence south along I-25 to C-470; thence west along C-470 to the intersection of C-470 and south Santa Fe Drive; thence north on an imaginary line from said point to the intersection of Federal Boulevard and west Bellevue Avenue; thence north along Federal Boulevard to Alameda Avenue; thence east along Alameda Avenue to the point of beginning; with authority to serve points located within one-mile of Colorado Boulevard, I-25, C-470, and Federal Boulevard,

as described above; (3) points within a one-half mile radius of the intersection of Wadsworth Boulevard and Bowles Avenue; and (4) points within a two-mile radius of the intersection of I-225 and Parker Road.

2. By § 40-6-120, C.R.S., the application for emergency temporary authority is under consideration for a Commission order.

3. 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." Section 40-6-120(4) further states "If the commission is of the opinion that an emergency exists, it may issue emergency temporary authority or approval at once by making specific reference in its order to the circumstances constituting the emergency, in which case no notice need be given, but any such emergency authority or approval shall expire no later than fifteen days after it was issued."

4. Review of this application indicates that Applicant was ordered by Decision No. R92-801-I, mailed June 15, 1992, effective forthwith, to immediately terminate temporary operations pursuant to the temporary authority granted to it in Commission Decision No. C91-1471, and as purportedly extended to it in Interim Order No. R92-585-I, in Docket No. 91A-681CP-TA, mailed May 12, 1992, effective forthwith.

5. Applicant filed 11 letters of support on June 16, 1992, and an additional eight letters on June 18. While the Commission notes that not all of these letters are properly verified, there are several statements indicating that the authorized service of the Gambler's Express, Inc., is inadequate. In particular, the support letters filed on June 18, 1992, persuade the Commission that there is, in fact, an immediate and urgent need for Applicant's service to Central City.

6. The support filed on behalf of this application indicates that the revocation of the temporary authority on June 15, 1992, was sudden and unexpected, leaving Applicant unable to continue service to many persons. On June 15, 1992, Applicant had reservations to transport 86 passengers from Denver to Central City/Black Hawk and return on Saturday, June 20, 1992. In addition, Applicant expected to transport an additional 50 passengers on a walk-up or late reservation basis on June 20. Similarly, Applicant had reservations to transport 40 passengers on Father's Day, Sunday, June 21, 1992, and more than 200 passengers the following week. Applicant states that all these reservations were made before June 15, 1992. Further, the support letters indicate that the competing carrier has left passengers stranded in

Central City, has not contacted major hotels, and does not provide service at times needed by several passengers. Given the Father's Day holiday on Sunday, June 21, 1992, and the need for service, we

find that Applicant has demonstrated an urgent need. This emergency temporary authority will expire at midnight, July 4, 1992. We anticipate reviewing Applicant's application for temporary authority at our regular open meeting on July 1, 1992.

7. The Commission finds due to these specific facts stated in paragraphs 4, 5 and 6 above, the requirements for an emergency exists and the Commission will grant the application without notice pursuant to § 40-6-120(4). A review of other issues will be considered in the temporary authority application process.

8. 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.

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

10. The Applicant is advised that the granting of an emergency temporary authority makes no presumption that either a temporary or permanent authority will be granted.

THEREFORE THE COMMISSION ORDERS THAT:

1. Blackjack Shuttle Express, Inc. is granted emergency temporary authority to conduct operations as a common carrier for a period of 15 days commencing from the mailed date of this order, with authority as set forth in the attached Appendix.

2. Blackjack Shuttle Express, Inc. shall not commence operations 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 Section 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.

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

ADOPTED IN SPECIAL OPEN MEETING on June 19, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN ARNOLD H. COOK ABSENT.

ORDER-FP

Transportation of passengers and their baggage, on schedule,

between points in Central City and Black Hawk, Colorado and points within a two-mile radius of each of said cities, on the one hand, and on the other hand: (1) points within an area commencing at the intersection of 16th Street and Broadway; thence north along Broadway to 23rd Avenue; thence northwest along 23rd Avenue/31st Avenue to the Platte River; thence southwest along the Platte River to 16th Street; thence southeast along 16th Street to the point of beginning; and (2) points in an area commencing at the intersection of Alameda Avenue and Colorado Boulevard; thence south along Colorado Boulevard to I-25; thence south along I-25 to C-470; thence west along C-470 to the intersection of C-470 and south Santa Fe Drive; thence north on an imaginary line from said point to the intersection of Federal Boulevard and west Belleview Avenue; thence north along Federal Boulevard to Alameda Avenue; thence east along Alameda Avenue to the point of beginning; with authority to serve points located within one-mile of Colorado Boulevard, I-25, C-470, and Federal Boulevard, as described above; (3) points within a one-half mile radius of the intersection of Wadsworth Boulevard and Bowles Avenue; and (4) points within a two-mile radius of the intersection of I-225 and Parker Road.

ORDER-FP

APPLICANT:

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