

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF QUICK PICK)
CABS, INC., FOR TEMPORARY)
AUTHORITY TO CONDUCT OPERATIONS) DOCKET NO. 92A-367CP-TA
AS A COMMON CARRIER BY MOTOR)
VEHICLE FOR HIRE.)
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**COMMISSION ORDER DENYING
TEMPORARY AUTHORITY**

Mailed date: August 28, 1992
Adopted date: August 26, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On July 22, 1992, Quick Pick Cabs, Inc. (Quick Pick), filed Docket No. 92A-367CP-TA for temporary authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage and packages and parcels, in taxi service, between all points located within a 50-mile radius of the intersection of Colfax Avenue and Broadway in Denver, Colorado.

2. The Commission gave notice of the application on August 3, 1992. Interventions opposing a grant of the application were filed by Metro Taxi, Inc.; Yellow Cab Cooperative Assn, Inc.; Zone Cabs, Inc.; John Vaught, doing business as Longmont Taxi Service; Diana Lezark, doing business as Evergreen Shuttle Service; Boulder Airporter; Colorado PUC No. 191 Corp.; American Limousine service, Inc.; Southeast Airporter; and Janice Weaver, doing business as Viking Taxi. On August 21, 1992, Quick Pick filed a motion to amend the application.

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 burden of proof created by this statute is indeed heavy. The Applicant must meet a two-fold test in order to satisfy the criteria demanded by the law. First, that there is an immediate and urgent need for the transportation services, and secondly that there is no existing carrier capable of meeting the need. If the Applicant fails to meet either test, the application cannot be granted. The Commission cannot find that there is no other carrier service capable in light of the interventions of the taxi companies presently serving the Denver Metropolitan Area. The Commission finds that the support filed on behalf of this application fails to prove that there is an immediate and urgent need for the transportation services requested and that there is no other carrier service available capable of providing the service. This finding does not concern or impact the permanent authority application that has been filed, as there is a different legal standard applicable to that application.

6. This application for temporary authority is not in the public interest and should be denied.

THEREFORE THE COMMISSION ORDERS THAT:

1. This application 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 or serves this decision.
3. This Order is effective on its date of mailing.

DONE IN OPEN MEETING on August 26, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

APPLICANT:

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INTERVENOR'S ATTORNEY (METRO):

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INTERVENORS:

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Zone Cab Company
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Denver, CO 80205

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INTERVENOR:

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INTERVENOR'S ATTY. (LONGMONT):

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INTERVENOR:

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INTERVENORS:

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Boulder, CO 80306

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