

(Decision No. C92-1333)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF RICHARD ALLAN)
STEIN, SUSAN DELMARCO-STEIN, AND)
C. J. DELMARCO, DOING BUSINESS)
AS BOULDER-GILPIN STAGECOACH)
COMPANY FOR TEMPORARY AUTHORITY)
TO EXTEND OPERATIONS UNDER)
CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC)
NO. 48039.)
- - - - -

DOCKET NO. 92A-489CP-
EXTENSION-TA

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY IN PART**

Mailed date: October 27, 1992
Adopted date: October 21, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On September 14, 1992, Richard Allan Stein, Susan DelMarco-Stein, and C. J. DelMarco, doing business as Boulder-Gilpin Stagecoach Company, filed Docket No. 92A-489CP-Extension-TA for temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 48039 for the transportation of passengers and their baggage, in call-and-demand limousine service and in charter service, between points in and within a one mile radius of Central City and Black Hawk, on the one hand, and on the other hand, (1) all points in the County of Boulder, State of Colorado, and (2) points in the County of Gilpin lying on Colorado State Highway 119 and also lying outside a five-mile radius of Central City and Black Hawk, Colorado.

2. The Commission gave notice of the application on September 28, 1992. Interventions opposing a grant of the application were filed by American Limousine Service (American); Boulder Airporter Inc., doing business as Airporter (Airporter); and Burt Green, doing business as Best Mountain Tours and/or The Mountain Men (Best).

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 for this application consists of six letters and an additional letter signed by 37 individuals. The support letters were submitted by five casinos in Central City/Black Hawk and a management company for five lodging facilities in Boulder and Gilpin Counties. The Commission's Staff contacted representatives of each of these establishments on October 9, 1992. These representatives stated that the existing call-and-demand limousine and charter service does not meet their needs. The petition signed by 37 individuals and additional written support shows that there is an immediate and urgent need for call-and-demand limousine and charter service between points in Boulder and Gilpin Counties and Central City/Black Hawk. The written support establishes that there is an immediate and urgent need for the service.

6. The Commission Staff contacted the individuals supporting the application from the Central City area on October 16, 1992. Although the intervenors were aware that there were members of the public supporting the application, 30 days later the intervenors had not contacted these individuals to solicit the traffic. In addition, the Commission Staff contacted Airporter on October 19, 1992, and inquired about service between Boulder and Central City. The response was that Airporter did not provide that service. The Commission finds due to the facts stated in paragraph 5 above, there is an immediate and urgent need for additional transportation services. Further, due to the facts stated in paragraphs 5 and 6, the public does not have a carrier service that is capable of providing the needed service. The Commission will grant the application in part. There is no support from all areas of Boulder County, therefore, the grant will be limited to Boulder, Longmont, and Nederland.

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.

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

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

THEREFORE THE COMMISSION ORDERS THAT:

1. Richard Allan Stein, Susan DelMarco-Stein, and C. J. DelMarco, doing business as Boulder-Gilpin Stagecoach Company, are granted temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 48039 for a period of 180 days commencing from the mailed date of this order, with authority as set forth in the attached Appendix.

2. Richard Allan Stein, Susan DelMarco-Stein, and C. J. DelMarco, doing business as Boulder-Gilpin Stagecoach Company, 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 October 21, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

ORDER-II

Appendix A
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Docket No. 92A-489CP-
Extension-TA
October 21, 1992

Transportation of

passengers and their baggage, in call-and-demand limousine service and in charter service,

between points in and within a one mile radius of Central City and Black Hawk, on the one hand, and on the other hand, (1) points in Boulder, Colorado, and (2) points in Longmont, Colorado, and (3) points in Nederland, Colorado.

ORDER-II

APPLICANT:

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and C. J. DelMarco
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INTERVENOR:

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ORDER-II