

(Decision No. C95-137)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF BBB)
TRANSPORTATION, INC., DOING)
BUSINESS AS OVERLAND AIRPORT)
EXPRESS, INC., FOR TEMPORARY)
AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC)
NO. 52752.)

DOCKET NO. 95A-027CP-
EXTENSION-TA

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed date: February 21, 1995
Adopted date: February 8, 1995

I. BY THE COMMISSION:

A. Statement

1. On January 17, 1995, BBB Transportation, Inc., doing business as Overland Airport Express, Inc., filed an application (Docket No. 95A-027CP-Extension-TA) for temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 52752 for the transportation of passengers and their baggage, in call-and-demand limousine service, between all points in the County of Douglas, State of Colorado, on the one hand, and Denver International Airport ("DIA"), in Denver, Colorado, on the other hand.

2.The Commission gave notice of the application on January 23, 1995.

An intervention opposing a grant of the application was filed by Yellow Cab Cooperative Association, doing business as Yellow Cab, Inc. ("YCCA"), and its division, Denver Airport Limousine Service, Inc., doing business as Denver Airport Shuttle ("DASH").

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

B.Findings of Fact

1.Pursuant to § 40-6-120(1), C.R.S., the Commission is authorized 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."

2.The support filed on behalf of this application projects an immediate and urgent need for a call-and-demand limousine service between points within Douglas County and DIA.

3.YCCA argues that under Certificate of Public Convenience and Necessity PUC No. 2378&I, as pertinent to this application, it is authorized "to transport passengers and their baggage in a generic passenger transportation service, in taxi cabs." This is not the case, as pertinent to this application, YCCA under Certificate No. 2378&I is authorized to provide transportation in "taxi service." Similarly, DASH

under Certificate of Public Convenience and Necessity PUC No. 82 is authorized to provide transportation in "charter service" within the territory requested.

Under Certificate of Public Convenience and Necessity PUC No. 2778&I, DASH is authorized to provide call-and-demand limousine service, however, not within the territory requested.

4. Neither YCCA nor DASH are authorized to provide call-and-demand limousine service between points within Douglas County and DIA.

C. Conclusion

1. The Commission finds that there is as immediate and urgent need for the proposed transportation services. The Commission further finds that neither YCCA nor DASH are capable of providing those services. The statutory requirements for the granting of a temporary authority have been met and thus, the application will be granted.

2. 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.

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

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

II.ORDER

A.The Commission Orders That:

1.BBB Transportation, Inc., doing business as Overland Airport Express, Inc., is granted temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 52752 for a period of 180 days commencing from the Mailed Date of this Order, with authority as set forth in the attached Appendix.

2.BBB Transportation, Inc., doing business as Overland Airport Express, Inc., 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. If the Applicant does not comply with the requirements of this ordering paragraph within 30 days of the effective date of this Order, then ordering paragraph 1 above, which grants authority to the Applicant, shall be void, and the authority granted shall then be void. On good cause shown, the Commission may grant additional time for compliance, if the request for additional time is filed within the 30 days.

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.

B.This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING February 8, 1995.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER VINCENT MAJKOWSKI
DISSENTING.

COMMISSIONER VINCENT MAJKOWSKI DISSENT:

I dissent from the majority.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioner

Appendix
Page 1 of 1 Page
Decision No. C95-137
Docket No. 95A-027CP-
Extension-TA
February 8, 1995

Transportation of

passengers and their baggage in call-and-demand limousine service,
between all points in the County of Douglas, State of Colorado, on
the one hand, and Denver International Airport, in Denver, Colorado,
on the other hand.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 95A-027CP-EXTENSION-TA
DECISION NO. C95-137
(Page 1 of 1 Page)

I, Bruce N. Smith, Director of The Public Utilities Commission of the State of Colorado, certify that I served a true and correct copy of the above Commission Decision -- entered in the above numbered matter of record -- upon each of the persons whose names and addresses appear below, by mailing the same in sealed envelopes properly addressed, with sufficient postage prepaid to carry the same to its destination on the date noted on this certificate at Denver, Colorado.

APPLICANT:

BBB Transportation, Inc.
dba Overland Airport Express, Inc.
1858 Arabian Trail
Elizabeth, CO 80107

ROUTE:

1
2
3
4
6-Docketing
9
10
20
21
30
31 (2 copies)
40 (5 copies)
50
60
Black Book
Text Management
Operating Rights Unit
DMS (plus certificate)
Index
ORDER-ACI

APPLICANT'S ATTORNEY:

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INTERVENOR:

Yellow Cab Cooperative Association
dba Yellow Cab, Inc., and its division,
Denver Airport Limousine Service, Inc.
dba Denver Airport Shuttle
3455 Ringsby Court
Denver, CO 80216

INTERVENOR'S ATTORNEY:

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1155 Sherman Street
Denver, CO 80203

1

WITNESS MY HAND AND THE SEAL OF
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

BRUCE N. SMITH
DIRECTOR