

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF FOUR WINDS,)
INC., DOING BUSINESS AS PEOPLE'S)
CHOICE TRANSPORTATION, INC., FOR) DOCKET NO. 95A-139CP-
TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF) EXTENSION-TA
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 14641.)

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed date: April 25, 1995
Adopted date: April 19, 1995

I. BY THE COMMISSION:

A. Statement

1. On March 24, 1995, Four Winds, Inc., doing business as People's Choice Transportation, Inc., filed an application (Docket No. 95A-139CP-Extension-TA) for temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 14641 for the transportation of passengers and their baggage, in scheduled service, between Denver International Airport, in Denver, Colorado, on the one hand, and the Denver Marriott Southeast, located at the intersection of Interstate 25 and Hampden Avenue, in

Denver, Colorado, and the Denver Marriott DTC Hotel located at 4900 DTC Parkway in Greenwood Village, Colorado, on the other hand. The application is restricted as follows: (1) to providing service in vehicles with a seating capacity of 26 passengers or greater, including the driver; and (2) to providing service for the guests of Marriott International.

2. The Commission gave notice of the application on April 3, 1995. Interventions opposing a grant of the application were filed by Boulder Airporter, Inc. ("Airporter") and Yellow Cab Cooperative Association, doing business as Yellow Cab, Inc., 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 indicates that upon opening of Denver International Airport ("DIA"), the scheduled service between DIA and both, the Southeast

Denver Marriott and the DTC Marriott hotels has been frequently interrupted, if provided at all. Hotel guests needing transportation services to and from the airport have been extremely inconvenienced by these interruptions, and the hotels have been placed in the awkward position of having to find alternate means of transportation for their guests. The hotel support letter also outlines the transportation service requirements the Marriott hotels demand of carriers, which neither Airporter nor DASH have been able to provide. These requirements include: (1) the dedication of vehicles to provide service for the guests of Marriott Hotels; (2) providing service in vehicles with a seating capacity of 47 passengers or greater; (3) establishing a ticket counter at one of the hotels with a direct phone connection to the other hotel, and radio or phone communication with the vehicles; and (4) providing through transportation between the hotels and the airport.

3. Intervenor, Airporter states that it "operates sufficient motor vehicle equipment to satisfy all public demand for service required under its authorities, and is ready, willing and able to provide all service demanded by the public..." This does not seem to be the case. As indicated by the support letter, Airporter has

failed to provide the services required of it on multiple occasions, and seems to have placed the priority of providing these services as secondary, with little regard for the requirements of the hotels or their guests.

4. DASH also holds authority to provide a scheduled service between the airport and these hotels, and also argues that it is providing adequate service, to the hotels. However, the supporting shipper, knowing full well of the service provided by DASH, states that "Since the opening of Denver International Airport, the existing scheduled carriers have not been able to provide adequate service. There are too many stops along the way; transportation time too long; and vehicles are late or do not show up at all. The situation is getting worse and we project that it will soon have a substantial negative impact on our ability to serve our guests." Such statements are strong indications that the services being provided by both intervenors are not satisfactory.

C. Conclusion

1. The Commission finds that the existing carriers are not capable of providing the service required by the supporting shipper and that there is an immediate and urgent need for additional transportation services.

2. The Applicant is willing to comply with the requirements set forth by the Marriott hotels, it 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. Four Winds, Inc., doing business as People's Choice Transportation, Inc., is granted temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 14641 for a period of 180 days commencing from the Mailed Date of this Order, with authority as set forth in the attached Appendix.
2. Four Winds, Inc., doing business as People's Choice Transportation, 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 April 19, 1995.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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ATTEST: A TRUE COPY

ROBERT J. HIX

Bruce N. Smith
Director

CHRISTINE E.M. ALVAREZ

Commissioners

COMMISSIONER VINCENT MAJKOWSKI
ABSENT BUT CONCURRING.

ORDER-ACT

Appendix
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Decision No. C95-374
Docket No. 95A-139CP-
Extension-TA
April 19, 1995

Transportation of

passengers and their baggage, in scheduled service,

between Denver International Airport, in Denver, Colorado, on the one hand, and the Denver Marriott Southeast, located at the intersection of Interstate 25 and Hampden Avenue, in Denver, Colorado, and the Denver Marriott DTC Hotel located at 4900 DTC Parkway in Greenwood Village, Colorado, on the other hand.

This **Temporary Authority** is restricted as follows:

- A. To providing service in vehicles with a seating capacity of 26 passengers or greater, including the driver; and
- B. To providing service for the guests of Marriott International.

ORDER-ACT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 95A-139CP-EXTENSION-TA
DECISION NO. C95-374
(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:

Four Winds, Inc.
dba People's Choice Transportation,
Inc.
5455 East 52nd Avenue
Commerce City, CO 80022

APPLICANT'S ATTORNEY:

Jack P. Wolfe, Esq.
512 North Terry Street
Longmont, CO 80501

INTERVENOR:

Boulder Airporter, Inc.
3686 19th Street
Boulder, CO 80303

INTERVENOR'S (BOULDER) ATTORNEY:

Mark W. Williams, Esq.
BERRYHILL, CAGE & NORTH, P.C.
1401 17th Street, Suite No. 600
Denver, CO 80202

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 (YELLOW) ATTORNEY:

Richard J. Bara, Esq.
Suite No. 315
1155 Sherman Street
Denver, CO 80203

ROUTE:

1, 2, 3, 4, 6/Docketing, 9, 10, 20, 21, 30,
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WITNESS MY HAND AND THE SEAL OF
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

BRUCE N. SMITH
DIRECTOR