

(Decision No. C95-515)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF NORTH DENVER)
AIRPORT SHUTTLE, INC. FOR)
TEMPORARY AUTHORITY TO CONDUCT) DOCKET NO. 95A-207CP-TA
OPERATIONS AS A COMMON CARRIER)
BY MOTOR VEHICLE FOR HIRE.)
)

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY, IN PART**

Mailed date: June 13, 1995
Adopted date: May 31, 1995

I. BY THE COMMISSION:

A. Statement, Findings, and Conclusion

1. On May 10, 1995, North Denver Airport Shuttle, Inc. ("NDAS"), filed an application (Docket No. 95A-207CP-TA) for temporary authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage, in scheduled and call-and-demand limousine service, between Denver International Airport ("DIA"), in Denver, Colorado, on the one hand, and points within the following described area, on the other hand: Beginning at the intersection of Simms Street and 120th Avenue; thence north along Simms Street, as

extended, to 128th Avenue; thence east along 128th Avenue, as extended, to Tower Road; thence south along Tower Road to 56th Street, as extended; thence west along 56th Street, as extended, to Colorado Highway 2; thence south along Colorado Highway 2 to Interstate 70; thence west along Interstate 70 to Simms Street, as extended; thence north along Simms Street, as extended, to the point of beginning.

2.The Commission gave notice of the application on May 15, 1995.

Interventions opposing a grant of the application were filed by Boulder Airporter, Inc. ("Airporter"); Yellow Cab Cooperative Association, doing business as Yellow Cab, Inc. ("Yellow Cab"), and its division, Denver Airport Limousine Service, Inc., doing business as Denver Airport Shuttle ("DASH"); and, Cabs Inc., doing business as Zone Cabs, Inc. ("Zone Cabs").

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

4.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."

5.The support filed on behalf of this application indicates that there is a public need for a scheduled service within the

territory requested in the application, and that there are no existing carriers currently providing such a service.

6. This application was filed with the intent of providing both scheduled and call-and-demand limousine service to the public. With respect to the call-and-demand portion of the application, both Yellow Cab and Zone Cabs, are providing taxi service to points within the area requested; and, in light of their interventions, the Commission cannot find that there are no existing carriers capable of providing the call-and-demand service requested. However, with respect to the scheduled portion of the application, the support, as stated above, indicates that there is no carrier currently providing such a service within the area requested. Intervenor DASH is authorized to provide scheduled service between Denver International Airport and several designated territories in the Denver Metropolitan area; however, none of these territories extends into the base territory requested to be served by NDAS. Intervenor Airporter under Certificate of Public Convenience and Necessity PUC No. 191, as pertinent here, is authorized to transport passengers, between all points within the area comprised of the Counties of Denver, Adams, Arapahoe,

Jefferson, and Boulder, State of Colorado. However, Airporter does not provide scheduled service to the base area of this application. Therefore, the Commission finds that Airporter is either unwilling or not capable of providing the requested scheduled service.

7.The Commission finds due to the facts stated in paragraphs (5) and (6) above, there is an immediate and urgent need for additional transportation services. The Commission will grant the application, in part, authorizing Applicant to provide scheduled service between the area requested in its application and DIA.

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 temporary authority is in the public interest and should be granted, in part, as set forth in the attached Appendix.

10.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. North Denver Airport Shuttle, Inc. is granted temporary authority to conduct scheduled operations as a common carrier by motor vehicle for hire for a period of 180 days commencing from the Mailed Date of this Order, with authority as set forth in the attached Appendix.
 2. North Denver Airport Shuttle, Inc. shall not commence operation until all requirements have been met, including the filing of a proper time schedule, 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 May 31, 1995.

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ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT J. HIX

Bruce N. Smith
Director

CHRISTINE E.M. ALVAREZ

VINCENT MAJKOWSKI

Commissioners

ORDER-ADJ

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Decision No. C95-515
Docket No. 95A-207CP-TA
May 31, 1995

Temporary Authority to provide the transportation of
passengers and their baggage, in scheduled service,

between Denver International Airport, in Denver, Colorado, on the one hand, and points within the following described area, on the other hand: Beginning at the intersection of Simms Street and 120th Avenue; thence north along Simms Street, as extended, to 128th Avenue; thence east along 128th Avenue, as extended, to Tower Road; thence south along Tower Road to 56th Street, as extended; thence west along 56th Street, as extended, to Colorado Highway 2; thence south along Colorado Highway 2 to Interstate 70; thence west along Interstate 70 to Simms Street, as extended; thence north along Simms Street, as extended, to the point of beginning.

This **Temporary Authority** is restricted to providing service only to and from points listed on the carrier's time schedule as filed and approved by the Commission.

ORDER-ADJ

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 95A-207CP-TA
DECISION NO. C95-515
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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:

North Denver Airport Shuttle, Inc.
3512 East Colfax Avenue
Denver, CO 80206

APPLICANT'S ATTORNEY:

Charles J. Kimball, Esq.
KIMBALL & NESPOR, P.C.
Suite No. 1500
1775 Sherman Street
Denver, CO 80203

INTERVENOR:

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

INTERVENOR'S (AIRPORTER) ATTORNEY:

Mark W. Williams, Esq.
BERRYHILL, CAGE & NORTH, P.C.
Suite No. 600
1401 17th Street
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 B. Bara, Esq.
Suite No. 315
1155 Sherman Street
Denver, CO 80203

INTERVENOR:

Cabs Inc.
dba Zone Cabs, Inc.
2358 Washington Street
Denver, CO 80205

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

BRUCE N. SMITH
DIRECTOR

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 95A-207CP-TA
DECISION NO. C95-515
(Page 2 of 2 Pages)

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.

INTERVENOR'S (ZONE) ATTORNEY:

I. H. Kaiser, Esq.
BERENBAUM, WEINSHIENK & EASON, P.C.
Suite No. 2600
370 - 17th Street
Denver, CO 80202-5626

ROUTE:

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THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

BRUCE N. SMITH
DIRECTOR