

(Decision No. C95-516)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

THE APPLICATION OF MOBILITY )  
TRANSPORTATION & SERVICES, INC. )  
FOR TEMPORARY AUTHORITY TO ) DOCKET NO. 95A-181BP-TA  
CONDUCT OPERATIONS AS A CONTRACT )  
CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )

**COMMISSION ORDER GRANTING  
TEMPORARY AUTHORITY**

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Mailed date: June 20, 1995  
Adopted date: May 31, 1995  
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**I. BY THE COMMISSION:**

**A. Statement, Findings, and Conclusion**

1. On April 26, 1995, Mobility Transportation & Services, Inc. filed an application (Docket No. 95A-181BP-TA) for temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of passengers and their baggage, between points within the following described area:

Beginning at the intersection of 135th Avenue, as extended, and McIntyre Street, as extended; thence east along 135th Avenue, as extended, to its intersection with Gun Club Road; thence south along Gun Club Road to its inter-section with Titan Road,

as extended; thence west along Titan Road, as extended, to its intersection with McIntyre Street, as extended; thence north along McIntyre Street, as extended, to the point of beginning. This application is restricted to providing service only for Denver Options, Inc., and North Metro Community Services for Developmentally Disabled, Inc.

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

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

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 the intervenor is not able to meet the specific needs of the passengers to be transported; many of whom are developmentally disabled, require wheelchair transportation and/or supplemental oxygen.

- 6.The Commission finds that, due to the facts stated in paragraph 5 above, there is an immediate and urgent need for additional transportation services. The Commission will grant the application.
- 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.
- 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.

## **II.ORDER**

### **A.The Commission Orders That:**

- 1.Mobility Transportation & Services, Inc. is granted temporary authority to conduct operations as a contract 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.Mobility Transportation & Services, 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 May 31, 1995.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

COMMISSIONER VINCENT MAJKOWSKI  
DISSENTING.

COMMISSIONER VINCENT MAJKOWSKI DISSENTING:

I respectfully dissent from the decision of the majority. I

would have denied this application for temporary authority. I do not believe that this application meets the criteria demanded by the law. The Applicant has not established that there is an immediate and urgent need for the proposed service; and, in light of information provided by the Intervenor, Yellow Cab Cooperative Association, doing business as Yellow Cab, Inc., and its division, Denver Airport Limousine Service, Inc., doing business as Denver Airport Shuttle, I cannot find that there are no other carriers capable of providing the service requested.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

ORDER-ORD-ADQ

Transportation of

passengers and their baggage,

between points within the following described area: Beginning at the intersection of 135th Avenue, as extended, and McIntyre Street, as extended; thence east along 135th Avenue, as extended, to its intersection with Gun Club Road; thence south along Gun Club Road to its inter-section with Titan Road, as extended; thence west along Titan Road, as extended, to its intersection with McIntyre Street, as extended; thence north along McIntyre Street, as extended, to the point of beginning. This application is restricted to providing service for only Denver Options, Inc., and North Metro Community Services for Developmentally Disabled, Inc.

This **temporary authority** is restricted to providing service for only Denver Options, Inc., and North Metro Community Services for Developmentally Disabled, Inc.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**CERTIFICATE OF SERVICE**

DOCKET NO. 95A-181BP-TA  
DECISION NO. C95-516  
(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:

Mobility Transportation &  
Services, Inc.  
Unit No. 8  
850 East 73rd Avenue  
Denver, CO 80229

APPLICANT'S ATTORNEY:

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

INTERVENOR'S 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, 31/2 copies, 40/5 copies, 50,  
60, Black Book, Text Management, ORU,  
DMS (plus certificate), Index.  
ORDER-ADQ

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

WITNESS MY HAND AND THE SEAL OF

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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BRUCE N. SMITH  
DIRECTOR