

(Decision No. C95-517)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE EXCEPTIONS OF)
BLACKJACK SHUTTLE EXPRESS, INC. TO) DOCKET NO. 95M-223CP
RECOMMENDED DECISION NO. R95-427.)

ORDER DENYING EXCEPTIONS

Mailed Date: June 2, 1995
Adopted Date: May 31, 1995

I. BY THE COMMISSION:

STATEMENT:

1. On May 12, 1995, Administrative Law Judge Lisa D. Hamilton-Fieldman issued Decision No. R95-427 and recommended that the courier permit (CR-309) held by Blackjack Shuttle Express, Inc. ("Blackjack") be revoked for failure to have a currently effective certificate of insurance on file with the Commission.
2. On May 19, 1995, Blackjack filed exceptions to the decision of the ALJ stating that the Commission has not yet ruled upon the exceptions to Decision No. R95-209 pending in Docket No. 94A-662CP (Suspension of operations under Certificate of Public Convenience and Necessity PUC No. 57858). Blackjack further states that it would be severely prejudiced if its Certificate No. 57858 were revoked.

II. FINDINGS OF FACT AND CONCLUSIONS:

1. The courier permit at issue in this case was issued pursuant to the provisions of § 40-16-103, C.R.S. Before issuing a courier permit, the Commission must have proof of liability insurance on file (see § 40-16-104). The law specifically requires that the Commission shall revoke the courier registration of any person not complying with the insurance requirements found in Article 16 of Title 40.

We note that Blackjack has not had proof of insurance on file with this Commission since February 1, 1995.

2. We find that Blackjack's arguments relative to the proceeding pending in Docket No. 95A-662CP-Suspension involve a common carrier certificate issued under Article 10 of Title 40, and as such, have no relevance to this proceeding. Blackjack has not stated any grounds upon which the exceptions in this matter can be granted.

III. ORDER

THE COMMISSION ORDERS THAT:

1. The exceptions filed by Blackjack Shuttle Express, Inc. are denied.

2.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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ATTEST: A TRUE COPY

ROBERT J. HIX

Bruce N. Smith
Director

CHRISTINE E.M. ALVAREZ

VINCENT MAJKOWSKI

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

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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:

Blackjack Shuttle Express, Inc.
Attn: John D. Eldredge, III
President
12117 East Hawaii Drive
Aurora, CO 80012

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

BRUCE N. SMITH
DIRECTOR