

(Decision No. C95-690)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

THE APPLICATION OF QUIRK )  
ENTERPRISES, L.L.C., DOING )  
BUSINESS AS CENTRAL HAWK TOURS, )  
FOR TEMPORARY AUTHORITY TO ) DOCKET NO. 95A-273CP-TA  
CONDUCT OPERATIONS AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )

**COMMISSION ORDER GRANTING  
TEMPORARY AUTHORITY IN PART**

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Mailed date: July 24, 1995  
Adopted date: July 19, 1995  
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**I. BY THE COMMISSION:**

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

1. On June 16, 1995, Quirk Enterprises, L.L.C., doing business as Central Hawk Tours, filed an application (Docket No. 95A-273CP-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 call-and-demand limousine service, between all points within the Counties of Denver, Boulder, Adams, Arapahoe, and Jefferson, State of Colorado, and between said points, on the one hand, and points in the Counties of Grand, Clear Creek,

Gilpin, Eagle, Summit, El Paso, Weld, and Larimer, State of Colorado, on the other hand. The application is restricted to the use of vehicles which are equipped with wheelchair lifts.

2.The Commission gave notice of the application on June 26, 1995.

Interventions opposing a grant of the application were filed by Rocky Mountain Shuttlines, Inc., doing business as Rocky Mountain Supercoach; BBB Transportation, Inc., doing business as Overland Airport Express, Inc.; Black Hawk - Central City Ace Express, Inc.; Four Winds, Inc., doing business as Peoples Choice Transporta-tion, Inc.; Queen City Transportation, Inc.; Casino Transportation, Inc.; Aspen Limousine Service, Inc., doing business as Vans to Vail; Boulder Airporter, Inc.; Colorado PUC 191 Corp.; Golden West Commuter, LLC; 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 individuals who must utilize a wheelchair are severely restricted from access to transit between the Denver metropolitan area and Central City and Black Hawk, Colorado. No support was filed for transportation service to points beyond this limited scope. Therefore, we cannot grant temporary authority for the entire geographic scope of the application.

6.The intervenors who provide transportation service between the Denver metropolitan area and Central City and Black Hawk, Colorado state that they provide adequate service to the public, including service to those who must utilize a wheelchair. However, the application support indicates that the existing carriers are not capable of providing equivalent service to both ambulatory and wheelchair-using passengers. For an individual using a wheelchair to access transportation between Denver and Central City and/or Black Hawk, Colorado, special arrangements must be made well in advance of any planned departure to the gambling areas. These limitations upon present service to the disabled community lead us to conclude that this application should be granted. At the same

time the record indicates that individuals using wheelchairs typically travel in groups composed of both ambulatory and non-ambulatory persons.

7. There is an immediate and urgent need for a specialized transportation service to be provided for groups of ambulatory and wheelchair-using individuals. Within the metropolitan area there exists a need for a fleet of vehicles which is entirely wheelchair accessible.

Since the primary justification for this application relates to service for individuals in wheelchairs this application should be further restricted to provide that (1) all marketing efforts of the Applicant be directed to the wheelchair-using public; and (2) the Applicant should be restricted to utilizing only the number of vehicles presently in its fleet. With these additional restrictions, the Commission will grant the application in part, to provide service between the Denver metropolitan area and Central City and Black Hawk, Colorado.

8. The Applicant has adequate equipment and financial resources to begin immediate service within the scope of the authority to be granted and is willing, ready, and able to operate under all Commission rules and regulations governing common carriers by motor vehicle.

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

10.The Applicant is advised that the granting of a temporary authority makes no presumption that permanent authority will be granted. In addition, the Applicant is advised that the burden of proof to establish the need for a new carrier on a permanent basis, rests solely upon the applicant.

## **II.ORDER**

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

1.The hearing set for September 12, 1995 was set in error and is hereby vacated.

2.Quirk Enterprises, L.L.C., doing business as Central Hawk Tours, is granted temporary authority to conduct operations as a common carrier by motor vehicle for hire for a period of 150 days commencing from the Mailed Date of this Order, with authority as set forth in the attached Appendix.

3.Quirk Enterprises, L.L.C., doing business as Central Hawk Tours, 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.

4. 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 July 19, 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

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CHRISTINE E.M. ALVAREZ

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VINCENT MAJKOWSKI

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Commissioners

ORDER-ADW

Appendix

Transportation of

passengers and their baggage, in call-and-demand limousine service, between all points within the Counties of Denver, Boulder, Adams, Arapahoe, and Jefferson, State of Colorado, on the one hand, and points in the Cities of Black Hawk and Central City, Colorado, on the other hand.

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

- A.To providing service in vehicles which are equipped with wheelchair lifts;
- B.To the use of no more than five vehicles; and
- C.All marketing efforts must be directed to the wheelchair- using public.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**CERTIFICATE OF SERVICE**

DOCKET NO. 95A-273CP-TA  
DECISION NO. C95-690  
(Page 1 of 3 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:

Quirk Enterprises, L.L.C.  
dba Central Hawk Tours  
Attn: Charles Piper, Manager  
3757 Brighton Boulevard  
Denver, CO 80216

INTERVENOR:

Rocky Mountain Shuttlines, Inc.  
dba Rocky Mountain Supercoach, Ltd.  
5454 Conestoga Court  
Boulder, CO 80301

INTERVENOR:

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

INTERVENOR:

Black Hawk - Central City Ace  
Express, Inc.  
P. O. Box 132  
Black Hawk, CO 81402

\*INTERVENOR:

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

\*One intervention filed by Charles J.  
Kimball, Esq. and one intervention  
filed by Jack P. Wolfe, Esq.

INTERVENORS' (ROCKY, BBB, ACE &  
PEOPLE'S) ATTORNEY:

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

INTERVENOR'S ATTORNEY:

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

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

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BRUCE N. SMITH  
DIRECTOR



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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INTERVENOR:

Queen City Transportation, Inc.  
1810 West Colfax Avenue  
Denver, CO 80204

INTERVENOR'S (QUEEN) ATTORNEY:

Dale E. Isley, Esq.  
WILLIAMS & ISLEY, P.C.  
1225 Mellon Financial Center  
1775 Sherman Street  
Denver, CO 80203

INTERVENOR:

Casino Transportation, Inc.  
251 Rooney Road  
Golden, CO 80401

INTERVENOR:

Aspen Limousine Service, Inc.  
dba Vans to Vail, Inc.  
P. O. Box 1368  
Glenwood Springs, CO 81602

INTERVENORS' (CASINO & ASPEN)

ATTORNEY:

James A. Beckwith, Esq.  
Suite No. 7  
7910 Ralston Road

INTERVENOR:

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

INTERVENOR:

Colorado PUC No. 191 Corp.  
dba Airporter  
3686 19th Street  
Boulder, CO 80304

INTERVENORS' (BOULDER & AIRPORTER)

ATTORNEY:

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

INTERVENOR:

Golden West Commuter, LLC  
P. O. Box 1171  
Golden, CO 80401

Arvada, CO 80002

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

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BRUCE N. SMITH  
DIRECTOR

BEFORE THE PUBLIC UTILITIES COMMISSION  
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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

INTERVENORS' (GOLDEN WEST & YELLOW)

ATTORNEY:

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

ROUTE:

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6-Docketing  
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21  
30  
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40/5 copies  
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60  
Black Book  
Text Management  
Operating Rights Unit  
DMS (plus certificate)  
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BRUCE N. SMITH  
DIRECTOR