

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF JTA, INC.,)
DOING BUSINESS AS KID'S KAB, FOR)
TEMPORARY AUTHORITY TO CONDUCT) DOCKET NO. 95A-342CP-TA
OPERATIONS AS A COMMON CARRIER)
BY MOTOR VEHICLE FOR HIRE.)
)

**COMMISSION ORDER DENYING
TEMPORARY AUTHORITY**

Mailed date: August 9, 1995
Adopted date: August 9, 1995

I. BY THE COMMISSION:

Statement, Findings, and Conclusion

1. On July 18, 1995, JTA, Inc., doing business as Kid's Kab, filed an application (Docket No. 95A-342CP-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 in the Cities of Loveland and Fort Collins, Colorado, and between said points, on the one hand, and all points in the City of Denver, Colorado, on the other hand. This application is restricted to transporting children 18 years of age or younger.

2. The Commission gave notice of the application on July 24, 1995.

Interventions opposing a grant of the application were filed by Ann Kreycik, doing business as It's About Time, Kids Wheels Limited Liability Company, and Shamrock Taxi of Fort Collins, Inc.

- 3.The territory within Kids Wheels Limited Liability Company, Certificate of Public Convenience and Necessity PUC No. 53588, does not overlap with the Applicant's requested territory. Kids Wheels Limited Liability Company does not have standing to intervene in this application and the Commission, on its own motion, will strike the intervention.
- 4.By § 40-6-120, C.R.S., the application for temporary authority is under consideration for a Commission order.
- 5.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."
- 6.The burden of proof created by this statute is indeed heavy. The Applicant must meet a two-fold test in order to satisfy the criteria demanded by the law. First, that there is an immediate and urgent need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If the Applicant fails to meet either test, the application cannot be granted.
- 7.Although the Commission is sympathetic with the request of the

Applicant, and the supporting commenters, we cannot find that there is no other carrier service available in light of the interventions of Ann Kreycik, doing business as It's About Time, and Shamrock Taxi of Fort Collins, Inc.

8.The support filed on behalf of this application fails to prove that there is an immediate and urgent need for the transportation services requested, and that there is no other carrier service available capable of providing the service.

9.This application for temporary authority is not in the public interest and should be denied.

II.ORDER:

A.The Commission Orders That:

1. This application is denied.

2.The intervention of Kids Wheels Limited Liability Company is stricken.

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 August 9, 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

ORDER-AEE

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 95A-342CP-TA
DECISION NO. C95-747
(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:

JTA, Inc.
dba Kid's Kab
1428 Glenda Court
Loveland, CO 80537

INTERVENOR:

Ann Kreycik
dba It's About Time
1705 Erin Court - B
Fort Collins, CO 80525

INTERVENOR:

Kids Wheels Limited Liability Company
Attn: Ms. Beverly S. Braton
2275 East Arapahoe Road
Littleton, CO 80122

INTERVENOR:

Shamrock Taxi of Fort Collins, Inc.
P. O. Box 88
Windsor, CO 80550

INTERVENOR'S (SHAMROCK) ATTORNEY:

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

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

BRUCE N. SMITH
DIRECTOR