

(Decision No. C95-947)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF SOUTHWEST)	
SHUTTLE EXPRESS, INC. FOR)	
TEMPORARY AUTHORITY TO EXTEND)	DOCKET NO. 95A-417CP-
OPERATIONS UNDER CERTIFICATE OF)	EXTENSION-TA
PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 50790.)	

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed date: September 27, 1995
Adopted date: September 27, 1995

I. BY THE COMMISSION:

A. Statement

1. On August 29, 1995, Southwest Shuttle Express, Inc. filed an application (Docket No. 95A-417CP-Extension-TA) for temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 50790 for the transportation of passengers and their baggage, in scheduled service, between Denver International Airport, in Denver, Colorado, on the one hand, and the Riverfront Center, located at 2852 West Bowles Avenue, in Littleton, Colorado, on the other hand.

2.The Commission gave notice of the application on September 5, 1995.

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

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

B.Findings of Fact

1.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.

2.The support filed on behalf of this application indicates that with the opening, and location of Denver International Airport, an immediate and urgent need has arisen for the requested extension of service.

3.The arguments within the intervention of Yellow and Dash are based upon the assertion that the pending application requests to provide a call-and-demand service which would overlap their existing authorities. This is not the case, the Applicant is clearly requesting to extend its current **scheduled** operations, by adding an additional authorized stop to its authority.

C. Conclusion

1. Neither Yellow nor Dash are authorized to provide the requested service. The Applicant has shown that there is as immediate and urgent need for such a service.
2. 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.
3. This application for temporary authority is in the public interest and should be granted.
4. 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. Southwest Shuttle Express, Inc. is granted temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 50790 for a period of 180 days commencing from

the Mailed Date of this Order, with authority as set forth in the attached Appendix.
2. Southwest Shuttle Express, 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 September 27, 1995.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ATTEST: A TRUE COPY

ROBERT J. HIX

Bruce N. Smith
Director

CHRISTINE E.M. ALVAREZ

VINCENT MAJKOWSKI

Commissioners

ORDER-AEQ

Appendix
Page 1 of 1 Page
Decision No. C95-947
Docket No. 95A-417CP-
Extension-TA

September 27, 1995

Transportation of

passengers and their baggage, in scheduled service,

between Denver International Airport, in Denver, Colorado, on the one hand, and the Riverfront Center, located at 2852 West Bowles Avenue, in Littleton, Colorado, on the other hand.

ORDER-AEQ

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 95A-417CP-EXTENSION-TA
DECISION NO. C95-947
(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:

Southwest Shuttle Express, Inc.
Suite No. 2B
8250 West Coal Mine Road
Littleton, CO 80123

APPLICANT'S ATTORNEY:

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

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 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,
Operating Rights Unit,
DMS (plus certificate).
ORDER-AEQ

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

1

BRUCE N. SMITH
DIRECTOR