

(Decision No. C95-948)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

THE APPLICATION OF A BUS RIDE, )  
INC., DOING BUSINESS AS BOOGIE )  
BUS, FOR TEMPORARY AUTHORITY TO ) DOCKET NO. 95A-425CP-TA  
CONDUCT OPERATIONS AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )

**COMMISSION ORDER GRANTING  
TEMPORARY AUTHORITY**

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Mailed date: October 4, 1995  
Adopted date: September 25, 1995  
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**I. BY THE COMMISSION:**

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

1. On August 18, 1995, A Bus Ride, Inc., doing business as Boogie Bus, filed an application (Docket No. 95A-425CP-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 scheduled service, between all points within a five-mile radius of the intersection of Colorado Highway 279 and Colorado Highway 119, in Black Hawk, Colorado, and between said points, on the one hand, and all points within the following described area, on the other hand: beginning at the intersection of

Colfax Avenue and Sheridan Boulevard; thence south along Sheridan Boulevard to Alameda Avenue; thence east along Alameda Avenue to a point one-mile west of Interstate 25; thence north along an imaginary line which runs parallel to Interstate 25 to the point where said imaginary line intersects with Federal Boulevard; thence north along Federal Boulevard to Colfax Avenue; thence west along Colfax Avenue to the point of beginning. This application is restricted to providing service to points named in the carrier's filed schedule.

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

Interventions opposing a grant of the application were filed by Queen City Transportation, Inc. ("Queen City") and Yellow Cab Cooperative Association, doing business as Yellow Cab, Inc., and its division, Denver Airport Limousine Service, Inc., doing business as Denver Airport Shuttle. A petition to intervene was filed by Black Hawk - Central City Ace Express, Inc. on September 11, 1995. A motion to respond to interventions and to shorten response time, and a response to interventions and petition, were filed by the Applicant on September 15, 1995.

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 there is no service available between the base area defined within the application and Black Hawk, Colorado.

6. A small overlap of territory exists between the authority of Queen City and the requested area to be served. A review of the filed schedules of Queen City reveals, however, that it is not providing scheduled service to points in or near this vicinity.

7. The Commission finds that there is no service being provided within the territory the Applicant requests to serve, and that there is sufficient support to warrant the granting of this application.

8. 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.

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

10.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.A Bus Ride, Inc., doing business as Boogie Bus, is granted temporary authority to conduct operations as a common 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.The petition to intervene is granted.
- 3.The motion to respond to interventions and to shorten response time is granted.
- 4.A Bus Ride, Inc., doing business as Boogie Bus, 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.

5. 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.

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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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VINCENT MAJKOWSKI

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Commissioners

COMMISSIONER CHRISTINE E.M. ALVAREZ  
ABSENT.

Appendix  
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September 27, 1995

Transportation of  
passengers and their baggage, in scheduled service,  
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Colorado Highway 279 and Colorado Highway 119, in Black Hawk, Colorado, and between said points, on the one hand, and all points within the following described area, on the other hand: beginning at the intersection of Colfax Avenue and Sheridan Boulevard; thence south along Sheridan Boulevard to Alameda Avenue; thence east along Alameda Avenue to a point one-mile west of Interstate 25; thence north along an imaginary line which runs parallel to Interstate 25 to the point where said imaginary line intersects with Federal Boulevard; thence north along Federal Boulevard to Colfax Avenue; thence west along Colfax Avenue to the point of beginning.

This **temporary authority** is restricted to providing service to points named in the carrier's filed schedule.

ORDER-AES

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**CERTIFICATE OF SERVICE**

DOCKET NO. 95A-425CP-TA  
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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:

A Bus Ride, Inc.  
dba Boogie Bus  
205 West High Street  
Central City, CO 80427

APPLICANT'S ATTORNEYS:

Joseph B. Wilson, Esq.  
Paula M. Connelly, Esq.  
GORSUCH KIRGIS L.L.C.  
P. O. Box 17180  
Denver, CO 80217-0180

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:

Yellow Cab Cooperative Association,  
dba Yellow Cab, Inc., and its  
division, Denver Airport Limousine  
Service, Inc., dba Denver  
Airport Shuttle  
3455 Ringsby Court  
Denver, Colorado 80216

INTERVENOR'S (YELLOW) ATTORNEY:

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

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ORDER-AES

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

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BRUCE N. SMITH  
DIRECTOR