

(Decision No. C95-1095)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

THE APPLICATION OF INDEPENDENT )	
CARRIERS' ASSOCIATION OF )	
TELLURIDE, DOING BUSINESS AS )	
MOUNTAIN LIMO, INC., FOR )	DOCKET NO. 95A-484CP-
TEMPORARY AUTHORITY TO EXTEND )	EXTENSION-TA
OPERATIONS UNDER CERTIFICATE OF )	
PUBLIC CONVENIENCE AND NECESSITY )	
PUC NO. 47426. )	

**COMMISSION ORDER GRANTING  
TEMPORARY AUTHORITY IN PART**

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Mailed date: November 2, 1995  
Adopted date: November 1, 1995  
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**I. BY THE COMMISSION:**

**A. Statement**

1. On September 28, 1995, Independent Carriers' Association of Telluride, doing business as Mountain Limo, Inc. ("Mountain Limo"), filed an application (Docket No. 95A-484CP-Extension-TA) for temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 47426 to include the transportation of passengers and their baggage, in taxi service, between all points within the Town of Telluride, Colorado, and the Town of Mountain Village, Colorado, on the one hand, and the Montrose

Regional Airport in Montrose, Colorado, on the other hand. The Applicant also seeks to remove that portion of restriction (A) which limits the certificate to the use of no more than four vehicles.

2.The Commission gave notice of the application on October 16, 1995.

An intervention opposing a grant of the application was filed on behalf of Telluride Transit Company and Colorado West Transportation Co., Inc., doing business as Skip's Taxi and Shuttle Service ("Skip's Taxi").

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 does not indicate that the existing carriers are not capable of providing service between Telluride and the Montrose Regional Airport in Montrose, Colorado. In fact, both Telluride Transit Company and Skip's Taxi are authorized to, and capable of, providing this service.

3. With respect to the Applicant's request to remove that portion of restriction (A) which limits Certificate No. 47426 to the use of no more than four vehicles. The letters of support indicate that Mountain Limo is frequently forced to turn down requests for service because the four vehicles it operates are being utilized to provide other services at the time of the service requests. This restriction impedes the Applicant's ability to provide service demanded by the public.

### **C. Conclusion**

1. The Commission finds that the Applicant's request for an expansion of physical territory does not meet the requirements demanded by the law, and as such, that portion of the application shall be denied. However, with respect to the Applicant's request to remove the vehicle restriction, the Commission finds that the support for this application shows that with such a limitation placed upon it, the Applicant is not capable of fully providing the service required by the public. There is an immediate and urgent need for this service, and the Commission will grant that portion of the application.

2. The Applicant has adequate equipment and financial resources to begin immediate service within the scope of the authority granted and is willing, ready, and able to

operate under all Commission rules and regulations governing carriers by motor vehicle.

- 3.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.That portion of the application which requests to provide transportation of passengers and their baggage, in taxi service, between all points within the Town of Telluride, Colorado, and the Town of Mountain Village, Colorado, on the one hand, and the Montrose Regional Airport in Montrose, Colorado, on the other hand, is denied.
- 2.The Applicant's requests to remove that portion of restriction (A) which limits Certificate No. 47426 to the use of no more than four vehicles, is granted.
- 3.Independent Carriers' Association of Telluride, doing business as Mountain Limo, Inc., is granted temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 47426 for a period of 180 days commencing from the Mailed Date of this Order, with authority as set forth in the attached Appendix.
- 4.Independent Carriers' Association of Telluride, doing business as

Mountain Limo, 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 2 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 November 1, 1995.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

ATTEST: A TRUE COPY

ROBERT J. HIX

Bruce N. Smith  
Director

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VINCENT MAJKOWSKI

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Commissioners

COMMISSIONER CHRISTINE E.M.  
ALVAREZ CONCURRING IN PART  
AND DISSENTING IN PART.

COMMISSIONER CHRISTINE E.M. ALVAREZ CONCURRING IN PART AND DISSENTING  
IN PART:

I concur with that portion of the majority decision which grants the removal of the vehicle restriction. However, I dissent from that portion of the decision which denies the expansion of territorial authority. I believe the Applicant has met the requirements of the law for granting of a temporary authority. Therefore, I would grant the temporary authority to provide taxi service between all points within the Town of Telluride, Colorado, and the Town of Mountain Village, Colorado, on the one hand, and the Montrose Regional Airport, on the other hand.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

CHRISTINE E.M. ALVAREZ

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Commissioner

ORDER-AEZ

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Transportation of

passengers and their baggage,

1. In taxi service, between all points within the Town of Telluride, Colorado, on the one hand, and all points located within a 30-mile radius of Telluride, Colorado, on the other hand;
2. On schedule, between the Telluride Regional Airport, on the one hand, and the Town of Telluride, Colorado, or the Telluride Mountain Village, Colorado, on the other hand; and
3. In call-and-demand charter service, to or from the Grand Junction Regional Airport, also known as Walker Field; Montrose Regional Airport; any train station or bus terminal in Mesa County; and any bus terminal in Montrose County, on the one hand, and the Telluride Regional Airport, on the other hand.

This **temporary authority** is restricted as follows:

- A. Items (1), (2), and (3) are restricted to the use of vehicles with a seating capacity of no more than seven passengers, excluding the driver, and their baggage;
- B. Items (1) and (2) are restricted to the use of taxi vehicles only;
- C. Item (1) is restricted against providing any type of taxi service to or from points in the Counties of Montrose, San Juan, Hinsdale, Montezuma, and La Plata, State of Colorado;
- D. Items (1) and (2) are restricted against providing service to, from, or between points in the towns of Durango, Gunnison, Aspen, Crested Butte, and Snowmass, Colorado;

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- E. Item (3) is restricted to providing service only in the event of diverted aircraft otherwise destined for Telluride Regional Airport or scheduled to depart from the Telluride

Regional Airport located near Telluride, Colorado.  
Diverted aircraft include:

- 1.All aircraft diverted and/or
  - 2.All flights canceled which require the passengers and/or baggage to be reloaded onto another aircraft; due to weather, mechanical, economical/financial, or schedule related reasons; and
- F.Item (3) is restricted in operations to or from the Grand Junction Regional Airport, also known as Walker Field, to pick-up or discharge baggage only.

ORDER-AEZ

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**CERTIFICATE OF SERVICE**

DOCKET NO. 95A-484CP-EXTENSION-TA  
DECISION NO. C95-1095



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:

Independent Carriers'  
Association of Telluride  
dba Mountain Limo, Inc.  
P. O. Box 1662  
Telluride, CO 81435

APPLICANT'S ATTORNEY:

Jeffrey R. Bergstrom, Esq.  
BENDELOW & DARLING, P.C.  
Suite No. 1000  
1120 Lincoln Street  
Denver, CO 80203

INTERVENOR:

Telluride Transit Company  
P. O. Box 331  
Telluride, CO 81435

INTERVENOR:

Colorado West Transportation  
Co., Inc.  
dba Skip's Taxi and Shuttle Service  
129 San Juan Avenue  
Telluride, CO 81435

INTERVENORS' ATTORNEY:

David E. Driggers, Esq.  
JONES & KELLER, P.C.  
Suite No. 1600  
1625 Broadway  
Denver, CO 80202

ROUTE:

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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