

(Decision No. C95-1157)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF DENVER)	
AIRPORT LIMOUSINE SERVICE, INC.,)	
DOING BUSINESS AS DENVER AIRPORT)	
SHUTTLE, INC., FOR EMERGENCY)	DOCKET NO. 95A-519CP-
TEMPORARY AUTHORITY TO EXTEND)	
OPERATIONS UNDER CERTIFICATE OF)	EXTENSION-ETA
PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 82.)	
)	

**COMMISSION ORDER DENYING
EMERGENCY TEMPORARY AUTHORITY**

Mailed date: November 28, 1995
Adopted date: November 22, 1995

I. BY THE COMMISSION:

A. Statement:

1. On November 7, 1995, Denver Airport Limousine Service, Inc., doing business as Denver Airport Shuttle, Inc., filed an application (Docket No. 95A-519CP-Extension-ETA) for emergency temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 82 for the transportation of passengers and their baggage, in call-and-demand limousine service, between Denver International Airport, Denver, Colorado, on the one hand, and The Cherry Creek Inn,

located at 600 South Colorado Boulevard, in Glendale, Arapahoe County, Colorado, on the other hand.

2. By § 40-6-120, C.R.S., the application for emergency temporary authority is under consideration for a Commission order.
3. 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. Section 40-6-120(4) further states: "If the Commission is of the opinion that an emergency exists, it may issue emergency temporary authority or approval at once by making specific reference in its order to the circumstances constituting the emergency, in which case no notice need be given, but any such emergency authority or approval shall expire no later than thirty days after it was issued."
4. 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 emergency 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.

B.Finding of Fact:

- 1.The support filed on behalf of this application fails to prove that there is an emergency need for the transportation services requested, and that there is no other carrier service available capable of providing the service.
- 2.The Commission finds that there are existing carriers holding authority to provide the service requested here. We further find that there is no emergency need for the additional transportation services.

C.Conclusion:

- 1.This application for emergency temporary authority is not in the public interest and should be denied.
- 2.The denial of this application makes no presumptions as to the final disposition of the temporary and permanent applications. The temporary and permanent applications will be determined on the evidence presented using the proper statutory criteria.

II. ORDER

A.The Commission Orders That:

1. This application is denied.
- 2.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 22, 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

CHRISTINE E.M. ALVAREZ

VINCENT MAJKOWSKI

Commissioners

ORDER-AFG

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 95A-519CP-EXTENSION-ETA
DECISION NO. C95-1157
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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:

Denver Airport Limousine
Service, Inc.
dba Denver Airport Shuttle,
Inc.
3455 Ringsby Court
Denver, CO 80216

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-AFG

APPLICANT'S ATTORNEY:

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

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

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BRUCE N. SMITH
DIRECTOR