

(Decision No. C95-1180)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF AIRPORT)
SHUTTLE COLORADO, INC. FOR)
EMERGENCY TEMPORARY APPROVAL TO)
LEASE A PORTION OF CERTIFICATE)
OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 14114 PENDING)
COMMISSION CONSIDERATION OF THE)
RELATED APPLICATION TO)
PERMANENTLY LEASE A PORTION OF)
THE CERTIFICATE FROM HY-MOUNTAIN)
TRANSPORTATION, INC., DOING)
BUSINESS AS HIGH MOUNTAIN TAXI,)
INC.)
)

DOCKET NO. 95A-548CP-
LEASE PORTION-ETA

**COMMISSION ORDER GRANTING
EMERGENCY TEMPORARY APPROVAL**

Mailed date: November 29, 1995
Adopted date: November 29, 1995

I. BY THE COMMISSION:

A. Statement, Findings, and Conclusion

1. On November 22, 1995, Airport Shuttle Colorado, Inc. ("ASC") filed an application (Docket No. 95A-548CP-Lease Portion-ETA) for emergency temporary approval to lease a portion of Certificate of Public Convenience and Necessity PUC No. 14114 pending Commission consideration of the related application to permanently lease Parts II(B) and III(A) of the

certificate from Hy-Mountain Transportation, Inc., doing business as High Mountain Taxi, Inc. ("HMT").

Specifically excluded from the lease is that portion of Parts II(B) and III(A) which authorizes transportation of passengers and their baggage within, and/or to or from, points in Pitkin County, Colorado.

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

3.Pursuant to § 40-6-120(1), C.R.S., the Commission has been authorized by the state legislature to grant emergency temporary approval if it appears that failure to grant such emergency temporary approval may result in destruction of or injury to such carrier or carrier properties sought to be acquired or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

4.The support filed on behalf of this application indicates that a similar lease arrangement between HMT and Aspen Limousine service, Inc. ("ALS") was approved by the Commission. However, in 1995, ALS filed for bankruptcy and the lease was terminated. Since that time, temporary control of the operations of ALS has

been granted to ASC, and as such, ASC wishes to reestablish the operations previously provided under the lease arrangement. A grant of the emergency temporary authority would return to the status quo transportation services previously provided to the public, while failure to grant such approval would result in HMT having to bear the substantial cost of adding additional equipment and personnel to provide the service ASC is equipped to provide.

5.The Commission finds due to the facts stated in paragraph 5 above, that failure to grant the application could result in injury to the certificate and negatively effect service to the public. The Commission will, therefore, grant the application.

6.The Applicant has adequate equipment and financial resources to begin immediate service within the scope of the authority to be operated, and is willing, ready, and able to operate under all Commission rules and regulations governing carriers by motor vehicle.

7.This application for emergency temporary approval is in the public interest and should be granted.

8.The Applicant is advised that the granting of an emergency temporary

approval makes no presumption that temporary or permanent approval will be granted.

II. ORDER

A. The Commission Orders That:

1. Airport Shuttle Colorado, Inc. is granted emergency temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 14114 (portion) as set forth in the attached Appendix for a period of 30 days commencing from the Mailed Date of this Order.
2. Airport Shuttle Colorado, Inc. shall not commence operations 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.
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 November 29, 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-AFM

Appendix
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Transportation of passengers and their baggage,
in charter and call-and-demand limousine service,
between all points located within a 55-mile radius of the
intersection of U.S. Highway 6 and Colorado State Highway 82 in
Glenwood Springs, Colorado.

This **emergency temporary authority** is restricted from providing
service within, and/or to or from, points in Pitkin County, Colorado.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

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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.

LESSEE:

Airport Shuttle Colorado, Inc.
330 Seventh Street
Glenwood Springs, Co 81602

ATTORNEY FOR LESSEE:

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Alamo Plaza, Suite No. 600
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Denver, CO 80202

LESSOR:

Hy-Mountain Transportation, Inc.
dba High Mountain Taxi, Inc.
Attn: David Hyman, President
111-C Airport Business Center
Aspen, Co 81611

ATTORNEY FOR LESSOR:

Charles M. Williams, Esq.
WILLIAMS & ISLEY, P.C.
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ROUTE:

1, 2, 3, 4, 6/Docketing, 9,
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ORDER-AFM

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

BRUCE N. SMITH
DIRECTOR