

(Decision No. C95-1261)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF VSI, INC.,)	
DOING BUSINESS AS COLORADO)	
SPRINGS SKI LIFT, FOR TEMPORARY)	DOCKET NO. 95A-485CP-
AUTHORITY TO EXTEND OPERATIONS)	
UNDER CERTIFICATE OF PUBLIC)	EXTENSION-TA
CONVENIENCE AND NECESSITY PUC)	
NO. 51505.)	

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed date: December 14, 1995
Adopted date: December 13, 1995

I. BY THE COMMISSION:

A. Statement

1. On October 3, 1995, VSI, Inc., doing business as Colorado Springs Ski Lift, filed an application (Docket No. 95A-485CP-Extension-TA) for temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 51505.

2. The Commission gave notice of the application on October 16, 1995. Interventions opposing a grant of the application were filed by Ramblin' Express, Inc. ("Ramblin'"), BBB Transportation, Inc., doing business as Overland Airport Express, Inc. ("Overland"), Dee Hive Tours

("Dee Hive"), and Boulder Airporter, Inc. ("BAI").

3. On October 30, 1995, the Commission renoticed the application to extend operations under Certificate of Public Convenience and Necessity PUC No. 51505 to include the transportation of passengers and their baggage, in call-and-demand limousine service, between points in the County of El Paso, State of Colorado, on the one hand, and all points in the State of Colorado, on the other hand. This application is restricted as follows: (1) to the use of vehicles with a seating capacity of less than 9 passengers, including the driver; (2) against providing service to or from Powder Horn Ski Area in the County of Mesa, State of Colorado; (3) against providing service to or from points in the Counties of Adams, Arapahoe, Boulder, Chaffee, Denver, Douglas, Fremont, Jefferson, Gilpin, Pueblo, or Teller, State of Colorado, or points located within a five-mile radius of the inter-section of 6th and Harrison Streets in Leadville, Colorado, ski areas and ski resorts are specifically excepted from this restriction; and (4) against providing service from points in the County of Gunnison, State of Colorado.

4. On December 4, 1995, the Applicant and intervenors, Overland and Ramblin', filed a stipulation for amendment to

application and withdrawal of intervention. The amendment restricts the Applicant from providing service to or from points in Elbert and Teller Counties, State of Colorado. This amendment is restrictive in nature and administratively enforceable. The restrictive amendment shall be accepted and the interventions of Overland and Ramblin' withdrawn.

5. On December 11, 1995, BAI and Dee Hive, unconditionally withdrew their interventions to this application.

6. 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. After the application was renoticed on October 30, 1995, all of the interventions were withdrawn. The requested extension of authority would, in effect, only eliminate the vehicle size restriction in the Applicants current Letter of Authority. The support filed on behalf of this application indicates there is an immediate and urgent need for the requested

services.

C. Conclusion

1. The Commission finds due to the facts stated in paragraph 2 above, there is as immediate and urgent need for additional transportation services. The Commission will grant the application.
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. The stipulation for amendment to application and withdrawal of intervention, filed jointly by the Applicant and intervenors, Ramblin' Express, Inc. and BBB Transportation, Inc., doing business as Overland Airport Express, Inc., is accepted and the interventions of said intervenors are hereby withdrawn.

2.VSI, Inc., doing business as Colorado Springs Ski Lift, is granted temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 51505 for a period of 180 days commencing from the Mailed Date of this Order, with authority as set forth in the attached Appendix.

3.VSI, Inc., doing business as Colorado Springs Ski Lift, 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.

4.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 Order.

B.This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING December 13, 1995.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

ORDER-AFT

Appendix
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Transportation of

passengers and their baggage, in call-and-demand limousine service, between points in the County of El Paso, State of Colorado, on the one hand, and all points in the State of Colorado, on the other hand.

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

- A.To the use of vehicles with a seating capacity of less than 9 passengers, including the driver;
- B.Against providing service to or from Powder Horn Ski Area in the County of Mesa, State of Colorado;
- C.Against providing service to or from points in the Counties of Adams, Arapahoe, Boulder, Chaffee, Denver, Douglas, Elbert, Fremont, Jefferson, Gilpin, Pueblo, or Teller, State of Colorado, or points located within a five-mile radius of the intersection of 6th and Harrison Streets in Leadville, Colorado, ski areas and ski resorts are specifically excepted from this restriction; and
- D.Against providing service from points in the County of Gunnison, State of Colorado.

ORDER-AFT

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.

APPLICANT:

VSI, Inc.
dba Colorado Springs Ski Lift
P. O. Box 49304
Colorado Springs, CO 80949

INTERVENOR:

Ramblin' Express, Inc.
Suite No. 100
4360 Buckingham Drive
Colorado Springs, CO 80907

INTERVENOR:

BBB Transportation, Inc.
dba Overland Airport Express, Inc.
1858 Arabian Trail
Elizabeth, CO 80107

INTERVENORS' (RAMBLIN' & BBB) ATTORNEY:

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

INTERVENOR:

Dee Hive Tours (The)
506 Harrison Avenue
Leadville, CO 80461

INTERVENOR'S (DEE) ATTORNEY:

Joseph J. Folz, Jr., Esq.
12343 East Cornell Avenue
Aurora, CO 80014

INTERVENOR:

Boulder Airporter, Inc.
2560 49th Street
Boulder, CO 80301

INTERVENOR'S (AIRPORTER)

ATTORNEY:

Mark W. Williams, Esq.
BERRYHILL, CAGE & NORTH, P.C.
Suite No. 600
1401 - 17th Street
Denver, CO 80202

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-AFK

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

BRUCE N. SMITH
DIRECTOR