

(Decision No. C95-590)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF QUIRK)
ENTERPRISES, L.L.C., DOING)
BUSINESS AS CENTRAL HAWK TOURS,)
FOR EMERGENCY TEMPORARY) DOCKET NO. 95A-273CP-ETA
AUTHORITY TO CONDUCT OPERATIONS)
AS A COMMON CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

**COMMISSION ORDER GRANTING
EMERGENCY TEMPORARY AUTHORITY
IN PART**

Mailed date: June 26, 1995
Adopted date: June 21, 1995

I. BY THE COMMISSION:

A. Statement, Findings, and Conclusion

1. On June 16, 1995, Quirk Enterprises, L.L.C., doing business as Central Hawk Tours, filed an application (Docket No. 95A-273CP-ETA) for emergency temporary authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage, in call-and-demand limousine service, between all points within the Counties of Denver, Boulder, Adams, Arapahoe, and Jefferson, State of Colorado, and between said points, on the one hand, and points in the Counties of Grand, Clear

Creek, Gilpin, Eagle, Summit, El Paso, Weld, and Larimer, State of Colorado, on the other hand. This application is restricted to the use of vehicles which are equipped with wheelchair lifts.

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 emergency temporary authority when there appears to be "an emergency need to any point or within a territory having no carrier service capable of meeting such need."

4. The support filed on behalf of this application, though not verified, indicates that people who must utilize a wheelchair are severely restricted from access to transit between the Denver metropolitan area and Central City and Black Hawk, Colorado. This inaccessibility creates an emergency need for a new transportation service which is capable of accommodating such individuals.

This application is restricted to using only vehicles which are so equipped, and thus the Applicant is capable of providing an integrated transportation service to both ambulatory and wheelchair using individuals.

5.The Commission finds due to the facts stated in paragraph 4 above, there is an emergency need for additional transportation services between the Denver metropolitan area and Central City and Black Hawk, Colorado. There was no support to indicate an emergency need for additional transportation services to the remaining portion of the requested area, and as such the granting of an emergency temporary authority to points within the remaining area is not warranted.

6.The Commission will waive, with regard to the emergency temporary authority, its requirement for support verification under Rule 50(i)(6) of its Rules of Practice and Procedure. However, for the purposes of future proceedings, the Applicant is advised that letters of support should be verified as required by the rule.

7.Further, as a point of clarification regarding statements made within many of the letters supporting this application, it seems as if there is a perception that this Commission "shutdown" the Applicant's prior transportation service by ordering him to only transport people who use wheelchairs. The exemption provided in § 40-10-104(3), C.R.S., which the Applicant previously relied upon to provide

the services it was rendering, applies to the non-emergency transportation of individuals with disabilities, and does not allow for the provision of service to the general public in the guise of service to the disabled community. Transportation of personal aides, attendants, and family members, is ancillary to the provision of service to disabled individuals and is consistent with the provisions of § 40-10-104(3), C.R.S.

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 emergency temporary authority is in the public interest and should be granted, in part.

10.The Applicant is advised that the granting of a emergency temporary authority makes no presumption that temporary or permanent authority will be granted.

II. ORDER

A.The Commission Orders That:

1.Quirk Enterprises, L.L.C., doing business as Central Hawk Tours, is granted emergency temporary authority to conduct operations as a common carrier by motor vehicle for

hire for a period of 30 days commencing from the Mailed Date of this Order, with authority as set forth in the attached Appendix.

2.Quirk Enterprises, L.L.C., doing business as Central Hawk Tours, with respect to the emergency temporary authority is granted a waiver of the support verification requirements found within Rule 50(i)(6) of the Commission's Rules of Practice and Procedure.

3.Quirk Enterprises, L.L.C., doing business as Central Hawk Tours, 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.

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 decision.

This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING June 21, 1995.

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ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT J. HIX

CHRISTINE E.M. ALVAREZ

VINCENT MAJKOWSKI

Commissioners

ORDER-ADR

Appendix
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Emergency Temporary Authority for the transportation of

passengers and their baggage, in call-and-demand limousine service, between all points within the Counties of Denver, Boulder, Adams, Arapahoe, and Jefferson, State of Colorado, on the one hand, and points in the Cities of Black Hawk and Central City, Colorado, on the other hand.

This **Emergency Temporary Authority** is restricted to providing service in vehicles which are equipped with wheelchair lifts.

ORDER-ADR

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:

Quirk Enterprises, L.L.C.
dba Central Hawk Tours
Attn: Charles Piper, Manager
3757 Brighton Boulevard
Denver, CO 80216

ROUTE:

1
2
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4
6-Docketing
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31 (2 copies)
40 (5 copies)
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Operating Rights Unit
DMS (plus certificate)
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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