

(Decision No. C96-71)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

THE APPLICATION OF AIRPORT )  
SHUTTLE COLORADO, INC. FOR )  
EMERGENCY TEMPORARY APPROVAL TO )  
ASSUME OPERATIONAL CONTROL OF )  
CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY PUC )  
NO. 51505 PENDING COMMISSION )  
CONSIDERATION OF THE RELATED )  
APPLICATION TO PERMANENTLY )  
ACQUIRE THE CERTIFICATE FROM )  
VSI, INC., DOING BUSINESS AS )  
COLORADO SPRINGS SKI LIFT, INC. )  
)

DOCKET NO. 96A-014CP-  
TRANSFER-ETA

**COMMISSION ORDER GRANTING  
EMERGENCY TEMPORARY APPROVAL**

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Mailed date: January 17, 1996  
Adopted date: January 17, 1996  
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**I. BY THE COMMISSION:**

**A. Statement, Findings, and Conclusion**

1. On January 12, 1996, Airport Shuttle Colorado, Inc. ("ASC"), filed an application (Docket No. 96A-014CP-Transfer-ETA) for emergency temporary approval to assume operational control of Certificate of Public Convenience and Necessity PUC No. 51505 pending Commission consideration of the related application to permanently acquire the certificate from VSI, Inc., doing business as Colorado Springs Ski Lift, Inc.

("VSI").

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 with the Colorado Springs Municipal Airport becoming an increasingly popular destination for air traffic bound for the mountain ski resorts, the demand for VSI's service is exceeding its capacity to provide timely service to the traveling public. VSI contends that it is not in a position to infuse the necessary capital to continue providing adequate, timely service to the public. ASC, on the other hand, is a larger well-capitalized carrier with the capacity to take over operational control of Certificate No. 51505 and ensure that adequate and continuous service

is provided to the public without interruption.

5.The Commission finds that failure to grant the application could result in injury to the certificate and ultimately affect service to the public. The Commission will, therefore, grant the application.

6.ASC 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.ASC 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. 51505 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 January 17, 1996.

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ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

ROBERT J. HIX

Bruce N. Smith  
Director

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CHRISTINE E.M. ALVAREZ

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VINCENT MAJKOWSKI

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Commissioners

ORDER-AGE

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**CERTIFICATE OF SERVICE**

DOCKET NO. 96A-014CP-TRANSFER-ETA  
DECISION NO. C96-71  
(Page 1 of 1 Page)

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.

TRANSFeree:

Airport Shuttle Colorado, Inc.  
P. O. Box 1368  
Glenwood Springs, CO 81602

TRANSFEROR:

VSI, Inc.  
dba Colorado Springs Ski Lift, Inc.  
P. O. Box 49304  
Colorado Springs, CO 80949-9304

TRANSFeree'S & TRANSFEROR'S  
ATTORNEY:

James A. Beckwith, Esq.  
Suite No. 7  
7910 Ralston Road  
Arvada, CO 80002

ROUTE:

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Text Management  
Operating Rights Unit  
DMS (plus certificate)

ORDER-AGE

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

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BRUCE N. SMITH  
DIRECTOR