

(Decision No. C96-131)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF SOUTHWEST)	
SHUTTLE EXPRESS, INC. FOR)	
TEMPORARY AUTHORITY TO EXTEND)	DOCKET NO. 96A-020CP-
OPERATIONS UNDER CERTIFICATE OF)	EXTENSION-TA
PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 50790.)	

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed date: February 9, 1996
Adopted date: February 7, 1996

I. BY THE COMMISSION:

A. Statement

1. On January 16, 1996, Southwest Shuttle Express, Inc., filed an application (Docket No. 96A-020CP-Extension-TA) for temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 50790 for the transportation of passengers and their baggage, in call-and-demand limousine service, between all points within the following described area, on the one hand: Beginning at the intersection of U.S. Highway 285 and Interstate 470, thence south along an imaginary line approximately seven miles to a point, said point located at approximately Deer

Creek Canyon Road; thence east along an imaginary line approximately 11 miles to a point, said point located at approximately North Highlands Ranch Parkway and South University Boulevard, as extended; thence north along an imaginary line approximately seven miles to a point, said point located at the intersection of South University Parkway and East Quincy Avenue, as extended; thence west along East Quincy Avenue, as extended, to the point of beginning, and, on the other hand, the following locations: (1) The Holiday Inn at Wadsworth Boulevard and Hampden Avenue, (2) The Hampden Inn at Wadsworth Boulevard and Hampden Avenue, (3) Southwest Plaza, (4) The Village Inn at Broadway and Interstate 470, and (5) The Riverfront Center at Bowles Avenue and South Santa Fe Drive. This application is restricted to providing service rendered in conjunction with Applicant's existing scheduled service to and from Denver International Airport, and must be performed immediately prior to or subsequent to the scheduled service.

2. The Commission gave notice of the application on January 22, 1996.

Interventions opposing a grant of the application were filed by Yellow Cab Cooperative Association, doing business as Yellow Cab, Inc., and its division, Denver Airport Limousine Service, Inc., doing

business as Denver Airport Shuttle, Inc.; and, Boulder Airporter, Inc.

3. On February 2, 1996, the Applicant filed a motion to strike the intervention of Valera Lea Holtorf, doing business as Dashabout Shuttle Company, and/or Roadrunner Express. No such intervention was filed to this temporary application, and this motion should be denied as being moot.

4. On February 2, 1996, Intervenor, Boulder Airporter, Inc., unconditionally withdrew its intervention to this application.

5. 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. The support filed on behalf of this application indicates that for passengers wishing to utilize the Applicant's existing scheduled services it is extremely difficult, if not impossible, to obtain timely transportation for the relatively short trips between the Applicant's scheduled drop-off points and points

within the requested area.

- 3.As stated above, this application is restricted to providing service rendered in conjunction with Applicant's existing scheduled service to and from Denver International Airport, and must be performed immediately prior to or subsequent to the scheduled service. It would not be possible for any other carrier to provide the requested service in a timely and efficient manner. Therefore, the Commission finds that there is an immediate and urgent need for additional services.

C.Conclusion

- 1.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.
- 2.This application for temporary authority is in the public interest and should be granted.
- 3.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. Southwest Shuttle Express, Inc. is granted temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 50790 for a period of 180 days commencing from the Mailed Date of this Order, with authority as set forth in the attached Appendix.
2. The Motion to Strike the intervention of Valera Lea Holtorf, doing business as Dashabout Shuttle Company, and/or Roadrunner Express, is denied as being moot.
3. Southwest Shuttle Express, Inc. 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 Decision.

B. This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING February 7, 1996.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

1

ATTEST: A TRUE COPY

ROBERT J. HIX

Bruce N. Smith
Director

VINCENT MAJKOWSKI

Commissioners

COMMISSIONER CHRISTINE E.M. ALVAREZ
ABSENT.

ORDER-AGO

Appendix
Page 1 of 1 Page
Decision No. C96-131
Docket No. 96A-020CP-TA
February 7, 1996

Temporary Authority for the transportation of

passengers and their baggage, in call-and-demand limousine service, between all points within the following described area, on the one hand: Beginning at the intersection of U.S. Highway 285 and Interstate 470, thence south along an imaginary line approximately seven miles to a point, said point located at approximately Deer Creek Canyon Road; thence east along an imaginary line approximately 11 miles to a point, said point located at approximately North Highlands Ranch Parkway and South University Boulevard, as extended; thence north along an imaginary line approximately seven miles to a point, said point located at the intersection of South University Parkway and East Quincy Avenue, as extended; thence west along East Quincy Avenue, as extended, to the point of beginning, and, on the other hand, the following locations: (1) The Holiday Inn at Wadsworth Boulevard and Hampden Avenue, (2) The Hampden Inn at Wadsworth Boulevard and Hampden Avenue, (3) Southwest Plaza, (4) The Village Inn at Broadway and Interstate 470, and (5) The Riverfront Center at Bowles Avenue and South Santa Fe Drive.

This **Temporary Authority** is restricted to providing service rendered in conjunction with Applicant's existing scheduled service to and from Denver International Airport, and must be performed immediately prior to or subsequent to the scheduled service.

ORDER-AGO

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 96A-020CP-EXTENSION-TA
DECISION NO. C96-131
(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.

APPLICANT:

Southwest Shuttle Express, Inc.
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Littleton, CO 80123

APPLICANT'S ATTORNEY:

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

INTERVENOR:

Yellow Cab Cooperative Association
dba Yellow Cab, Inc., and its
division, Denver Airport Limousine
Service, Inc., dba Denver Airport
Shuttle, Inc.
3455 Ringsby Court
Denver, CO 80216

INTERVENOR'S ATTORNEY:

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

INTERVENOR:

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

INTERVENOR'S 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, 10.1,
20, 21, 30, 31/2 copies, 40/5 copies,
50, 60, Black Book, Operating Rights
Unit, DMS (plus certificate).

ORDER-AGO

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

BRUCE N. SMITH
DIRECTOR