

(Decision No. C96-133)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF AIRPORT)
SHUTTLE COLORADO, INC. FOR)
TEMPORARY APPROVAL TO ASSUME)
OPERATIONAL CONTROL OF)
CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC) DOCKET NO. 96A-014CP-
NO. 51505 PENDING COMMISSION)
CONSIDERATION OF THE RELATED) TRANSFER-TA
APPLICATION TO PERMANENTLY)
ACQUIRE THE CERTIFICATE FROM)
VSI, INC., DOING BUSINESS AS)
COLORADO SPRINGS SKI LIFT, INC.)
)

**COMMISSION ORDER GRANTING
TEMPORARY APPROVAL**

Mailed date: February 6, 1996
Adopted date: January 31, 1996

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-TA) for temporary approval to assume operational control of Certificate of Public Convenience and Necessity PUC No. 51505 pending Colorado Public Utilities Commission consideration of the related application to permanently acquire the certificate from VSI, Inc., doing business as Colorado Springs Ski Lift, Inc.
2. The Commission gave notice of the application on January 22, 1996.

No interventions opposing a grant of the application were filed.

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

4. Pursuant to § 40-6-120(1), C.R.S., the State Legislature has authorized the Commission to grant temporary approval if it appears that failure to grant such 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.

5. 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.

- 6.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 ultimately effect
service to the public. The Commission will therefore
grant the application.
- 7.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.
- 8.This application for temporary approval is in the public interest
and should be granted.
- 9.The Applicant is advised that the granting of a temporary approval
makes no presumption that permanent authority will
be granted.

II.ORDER

A.The Commission Orders That:

- 1.Airport Shuttle Colorado, Inc. is granted temporary approval
to conduct operations under Certificate of

Public Convenience and Necessity PUC No. 51505 for a period of 150
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.

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.

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 31, 1996.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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ATTEST: A TRUE COPY

ROBERT J. HIX

Bruce N. Smith
Director

VINCENT MAJKOWSKI

Commissioners

COMMISSIONER CHRISTINE E.M. ALVAREZ
ABSENT.

ORDER-AGQ

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 96A-014CP-TRANSFER-TA
DECISION NO. C96-133

(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

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ORDER-AGQ

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

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BRUCE N. SMITH
DIRECTOR