

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF CHUKS PETRUS)	
NWEKE, DOING BUSINESS AS C AND G)	
TAXI SERVICE, FOR TEMPORARY)	DOCKET NO. 96A-040CP-TA
AUTHORITY TO CONDUCT OPERATIONS AS)	
A COMMON CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	

**COMMISSION ORDER
DENYING IN PART AND GRANTING IN PART
TEMPORARY AUTHORITY**

Mailed date: February XX, 1996
Adopted date: February 21, 1996

I. BY THE COMMISSION:

Statement, Findings, and Conclusion

1. On January 26, 1996, Chuks Petrus Nweke, doing business as C and G Taxi Service, filed an application (Docket No. 96A-040CP-TA) for temporary authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage, in taxi service, between all points in the County of Huerfano, State of Colorado, and between said points, on the one hand, and all points in the Counties of Pueblo and El Paso, State of Colorado, on the other hand.

2. The Commission gave notice of the application on February 5, 1996. Interventions opposing a grant of the application were filed by Greater Colorado Springs Transportation Co., doing business as Yellow Cab Co. of Colorado Springs, and Pueblo Shuttle, Inc.

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

4. 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.

5. The burden of proof created by this statute is indeed heavy. The Applicant must meet a two-fold test in order to satisfy the criteria demanded by the law. First, that there is an immediate and urgent need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If the Applicant fails to meet either test, the application cannot be granted.

6. With regard to the portion of the application which requests authority to provide service between points in the County of Huerfano, on the one hand, and points in the Counties of Pueblo and El Paso, on the other hand, there is no support filed with this application which indicates that a need for such a service exists. The Applicant, therefore, fails to meet the statutory criteria for granting the temporary authority requested. This portion of the application cannot be granted.

7. With regard to the portion of the application requesting to provide service within the County of Huerfano, the support indicates that there is no other carrier presently providing taxi service, and that there is an immediate and urgent need for such a service. This portion of the application shall be granted.

8. The Applicant is advised that the granting and/or denial of a temporary authority makes no presumption on the outcome of the corresponding permanent authority application.

II. ORDER:

A. The Commission Orders That:

1. This application is denied, in part, and granted, in part.

2. Chuks Petrus Nweke, doing business as C and G Taxi Service, is granted temporary authority to conduct operations as a common carrier by motor vehicle for hire for a period of 180 days commencing from the Mailed Date of this Order, with authority as set forth in the attached Appendix.

3. Chuks Petrus Nweke, doing business as C and G Taxi Service, 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.

C. ADOPTED IN OPEN MEETING February 21, 1996.
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER CHRISTINE E.M. ALVAREZ
ABSENT.

Appendix
Page 1 of 1 Page
Decision No. C96-146
Docket No. 96A-040CP-TA
February 20, 1996

Temporary authority for the transportation of passengers and their baggage, in taxi service,

between all points within the County of Huerfano, State of Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 96A-040CP-TA
DECISION NO. C96-146
(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:

Chuks Petrus Nweke
dba C and G Taxi Service
P. O. Box 910
Walsenburg, CO 81089

INTERVENOR:

Greater Colorado Springs
Transportation Co.
dba Yellow Cab Co. of
Colorado Springs
845 West Moreno Street
Colorado Springs, CO 80905

INTERVENOR'S (YELLOW) ATTORNEY:

Kenneth L. Levinson, Esq.
BALABAN & LEVINSON, P.C.
Suite No. 475
1624 Market Street
Denver, CO 80202

INTERVENOR:

Pueblo Shuttle, Inc.
44 Briargate Terrace
Pueblo, CO 81001

INTERVENOR'S (PUEBLO) ATTORNEY:

Jon C. Sutterlin, Esq.
200 East Abriendo
Pueblo, CO 81004

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-AGT

WITNESS MY HAND AND THE SEAL OF
THE PUBLIC UTILITIES COMMISSION

BRUCE N. SMITH
DIRECTOR