

(Decision No. C96-205)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

THE APPLICATION OF J.B.J. )  
BUILDERS CORP., DOING BUSINESS )  
AS METRO CASINO EXPRESS, INC., )  
FOR EMERGENCY TEMPORARY ) DOCKET NO. 96A-062BP-ETA  
AUTHORITY TO CONDUCT OPERATIONS )  
AS A CONTRACT CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
)

**COMMISSION ORDER DENYING  
EMERGENCY TEMPORARY AUTHORITY**

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Mailed date: February 23, 1996  
Adopted date: February 21, 1996  
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**I. BY THE COMMISSION:**

**Statement, Findings, and Conclusion**

1. On February 9, 1996, J.B.J. Builders Corp., doing business as Metro Casino Express, Inc., filed an application (Docket No. 96A-062BP-ETA) for emergency temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of passengers and their baggage between Harvey's Wagon Wheel Hotel Casino located in Central City, Colorado, on the one hand, and all points within a one-half mile radius of the intersection of Colfax Avenue and Wadsworth Boulevard, in Lakewood, Colorado, on the other hand. This application is restricted to providing service for only Harvey's Wagon Wheel Hotel Casino ("Harvey's").

2. On February 20, 1996, interventions opposing a grant of the application were filed by Casino Transportation, Inc. and Queen City Transportation, Inc. Also, on February 20, 1996, a petition to

intervene was filed by Black Hawk Central City Ace Express, Inc.

3. By § 40-6-120, C.R.S. , the application for emergency 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 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.

5. This application was filed under the guise of contract carriage, however, a review of the Passenger Transportation Agreement signed by both the Applicant and a representative of Harvey's indicates that the proposed service is common rather than contract carriage by nature. There is no indication of an emergency need for the requested service, and there are several other carriers authorized to provide scheduled service from the Denver metropolitan area to Central City.

6. The Commission finds that the letter filed in support of this application does not establish that there is an emergency need for additional transportation services.

7. This application for emergency temporary authority is not in the public interest and should be denied.

## **II. ORDER:**

### **A. The Commission Orders That:**

1. The petition to intervene, filed by Black Hawk Central City Ace Express, Inc., is granted.

2. This application is denied.

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.

C. ADOPTED IN OPEN MEETING February 21, 1996.

1  
ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

ROBERT J. HIX

Bruce N. Smith  
Director

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VINCENT MAJKOWSKI

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Commissioners

COMMISSIONER CHRISTINE E.M. ALVAREZ  
ABSENT.

ORDER-AGU

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

**CERTIFICATE OF SERVICE**

DOCKET NO. 96A-062CP-ETA  
DECISION NO. C96-205  
(Page 1 of 2 Pages)

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:

J.B.J. Builders Corp.  
dba Metro Casino Express, Inc.  
3060 East Bridge Street, No. 305  
Brighton, CO 80601

APPLICANT'S ATTORNEY:

James F. Frost, Esq.  
4251 Kipling Street, No. 560  
Wheat Ridge, CO 80033

INTERVENOR:

Casino Transportation, Inc.  
251 Rooney Road  
Golden, CO 80402

INTERVENOR'S (CASINO) ATTORNEY:

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

INTERVENOR:

Queen City Transportation, Inc.  
5974 Marion Drive, Unit A  
Denver, CO 80216

INTERVENOR'S (QUEEN) ATTORNEY:

Dale E. Isley, Esq.  
WILLIAMS & ISLEY, P.C.  
1225 Mellon Financial Center  
1775 Sherman Street  
Denver, CO 80203

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

BRUCE N. SMITH  
DIRECTOR

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

**CERTIFICATE OF SERVICE**

DOCKET NO. 96A-062CP-ETA  
DECISION NO. C96-205  
(Page 2 of 2 Pages)

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.

INTERVENOR:

Black Hawk Central City Ace  
Express, Inc.  
P. O. Box 132  
Black Hawk, CO 81402

INTERVENOR'S (ACE) ATTORNEY:

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

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OF THE STATE OF COLORADO

BRUCE N. SMITH  
DIRECTOR