

(Decision No. C96-436)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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THE APPLICATION OF FREEDOM CABS,)
INC. FOR TEMPORARY AUTHORITY TO)
EXTEND OPERATIONS UNDER) DOCKET NO. 96A-152CP-
CERTIFICATE OF PUBLIC) EXTENSION-TA
CONVENIENCE AND NECESSITY PUC)
NO. 53638.)

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed date: April 30, 1996
Adopted date: April 24, 1996

I. BY THE COMMISSION:

A. Statement

1. On April 10, 1996, Freedom Cabs, Inc., filed an application (Docket No. 96A-152CP-Extension-TA) for temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 53638 to include the transportation of passengers and their baggage, in taxi service, from Denver International Airport ("DIA") in Denver, Colorado, on the one hand, and all points in the State of Colorado, on the other hand.

2. The Commission gave notice of the application on April 15, 1996. Interventions opposing a grant of the application were filed by Alpine Taxi/Limo, Inc. ("Alpine Taxi"), and Greater Colorado Springs Transportation Company, doing business as Yellow

Cab of Colorado Springs and/or Metro Taxicab of Colorado Springs and/or Towne Car, Inc. and/or Yellow Cab Package Xpress, Inc. ("YCCS").

On April 19, 1996, Metro Taxi, Inc. filed a letter stating that it does not oppose the request in the subject application.

3. 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 there is an immediate and urgent need, when called upon, for the Applicant to be able to provide taxi service from DIA to any point in the State of Colorado.

3. Intervenor, YCCS, has no authority from this Commission which is in conflict with the service territory requested in this application, and its intervention should be stricken. Intervenor, Alpine Taxi, holds authority to provide taxi, charter, and call-and-demand limousine service, between all points in the County of Routt, State of Colorado, on the one hand, and all points in the State of Colorado, on the other hand. The traffic management personnel of DIA has indicated to the Commission's Staff that vehicles of Alpine Taxi do not use the taxi line at DIA; and, therefore, are not available at DIA to provide taxi service. The Commission finds that the requested service will not conflict with the service which Alpine Taxi is currently providing to passengers departing DIA for

points in Routt County, Colorado.

4. Alpine Taxi also argues that this application is a matter solely for the Applicant's operating convenience. This is not the case, the support indicates that with DIA's method of holding and releasing taxicabs for awaiting passengers, it is burdensome to both the awaiting passengers and DIA personnel to have to decipher where the passengers are going and what company has authority to provide the required service. This creates the immediate and urgent need for the requested authority.

C. Conclusion

1. The Commission finds that there is an immediate and urgent need for additional transportation services, and the application will be granted.

2. 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.

3. This application for temporary authority is in the public interest and should be granted.

4. 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. The intervention of Greater Colorado Springs Transportation Company, doing business as Yellow Cab of Colorado Springs and/or Metro Taxicab of Colorado Springs and/or Towne Car, Inc. and/or Yellow Cab Package Xpress, Inc., is stricken.

2. Freedom Cabs, Inc. is granted temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 53638 for a period of 180 days commencing from the Mailed Date of this Order, with authority as set forth in the attached Appendix.

3. Freedom Cabs, 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.

C. ADOPTED IN OPEN MEETING April 24, 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
RESIGNED EFFECTIVE APRIL 5, 1996.

ORDER-AHK

Appendix

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Extension-TA
April 24, 1996

Temporary Authority

Transportation of passengers and their baggage, in taxi service,
from Denver International Airport, in Denver, Colorado, on the one
hand, to all points in the State of Colorado, on the other hand.

This **temporary authority** is subject to all restrictions currently
contained in Certificate of Public Convenience and Necessity PUC No.
53638.

ORDER-AHK

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 96A-152CP-EXTENSION-TA
DECISION NO. C96-436
(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:

Freedom Cabs, Inc.
4201 East 52nd Avenue
Commerce City, CO 80022

APPLICANT'S ATTORNEY:

Joseph B. Wilson, Esq.
ANDERSON, DUDE, PIFHER
AND LEBEL, P.C.
Suite No. 204
104 South Cascade Avenue
P. O. Box 240
Colorado Springs, CO 80901-0240

INTERVENOR:

Greater Colorado Springs
Transportation Company
dba Yellow Cab Company of
Colorado Springs and/or
Metro Taxicab of Colorado
Springs and/or Towne Car,
Inc. and/or Yellow Cab
Package Xpress, Inc.
845 West Moreno Avenue
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

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-152CP-EXTENSION-TA
DECISION NO. C96-436
(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:

Alpine Taxi/Limo, Inc.
P. O. Box 775066
Steamboat Springs, CO 80477

INTERVENOR'S (ALPINE) ATTORNEY:

Charles M. Williams, Esq.
WILLIAMS & ISLEY, P.C.
1225 Mellon Financial Center
1775 Sherman Street
Denver, CO 80203

INTERESTED PARTY:

Robert W. Nichols, Esq.
Attorney for Metro Taxi, Inc.
NICHOLS & HECHT, LLC
Suite No. 200
2060 Broadway
Boulder, CO 80302

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-AHK

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

BRUCE N. SMITH
DIRECTOR