

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF 1 McDONALD)
ENTERPRISES, INC., DOING)
BUSINESS AS SHUTTLES, INC., FOR)
TEMPORARY AUTHORITY TO CONDUCT) DOCKET NO. 96A-206BP-TA
OPERATIONS AS A CONTRACT CARRIER)
BY MOTOR VEHICLE FOR HIRE.)
)

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed date: May 29, 1996
Adopted date: May 29, 1996

I. BY THE COMMISSION:

A. Statement

1. On May 8, 1996, 1 McDonald Enterprises, Inc., doing business as Shuttles, Inc. ("Shuttles"), filed an application (Docket No. 96A-206BP-TA) for temporary authority to conduct operation as a contract carrier for hire for the transportation of passengers and their baggage, in scheduled service, between all points lying within the territory bounded by Speer Boulevard, Lawrence Street, Park Street, and Delgany Street, as extended, in Denver, Colorado, and between said points on the hand, and the following sports events centers, on the other hand: Coors Field, Mile High Stadium, and McNichols Arena. Service under this authority is limited to the use of trolley styled motor vehicles.

2. On May 28, 1996, Applicant filed an amendment to its application. In this amendment, Applicant states that it is applying

for a Class "A" contract carrier permit. The Applicant also adds the following restriction to its application:

"Restricted to the use of not more than three 'trolley coaches' defined as a vintage trolley car, mounted upon a truck or bus frame, and having a rated capacity of 32 passengers or more."

3. The Commission gave notice of the application on May 13, 1996. Interventions opposing a grant of the application were filed by Denver Taxi, LLC, doing business as Yellow Cab ("Yellow"), and Denver Shuttle, LLC, doing business as Denver Airport Shuttle and/or Super Shuttle Denver and/or Super Shuttle Airport Shuttle ("DAAS").

4. 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. LoDo Express, Inc. ("LoDo"), filed the only letter of support on behalf of this application. The letter states that the owners of LoDo are also the owners of the Blake Street Ball Club and other sports bars/restaurants located in lower downtown Denver. LoDo states that the opening of Coors Field in 1995 has increased the number

of customers frequenting bars and restaurants in lower downtown Denver. LoDo also states that this increase in activity has occurred during the football, basketball, and hockey seasons. To reduce pedestrian and vehicle congestion in lower downtown and to promote their bars and restaurants, LoDo desires to contract with Shuttles to provide a scheduled service between bars and restaurants in lower downtown Denver and between these points and various sports facilities. This service is to be provided in "trolley" styled buses.

There is to be no charge to the passengers for the use of the trolley service.

3. The intervenor Yellow has authority under Certificate of Public Convenience and Necessity PUC No. 2378&I to provide taxi service between all points named in this application. The intervenor DAAS has authority under Certificate of Public Convenience and Necessity PUC No. 82 to provide charter and call-and-demand limousine service between all points named in this application.

4. Neither intervenor has authority to provide the "scheduled" type service requested by LoDo.

C. Conclusion

1. The Commission finds that there is an immediate and urgent need for additional transportation services within the scope of the territory requested.

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, consistent with the above discussion.

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. 1 McDonald Enterprises, Inc., doing business as Shuttles, Inc., is granted temporary authority to conduct operations as a contract carrier for hire for the transportation of passengers and their baggage for a period of 180 days commencing from the Mailed Date of this Order, with authority as set forth in the attached Appendix.

2. 1 McDonald Enterprises, Inc., doing business as Shuttles, 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.

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 May 29, 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

R. BRENT ALDERFER

Commissioners

Appendix
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Decision No. C96-533
Docket No. 96A-206BP-TA
May 29, 1996

Temporary Authority for the transportation of:

passengers and their baggage, in scheduled service, between all points lying within the following described territory in Denver, Colorado:

Beginning at the intersection of Speer Boulevard and Lawrence Street; thence northwest on Speer Boulevard to its intersection with Delgany Street, as extended; thence northeast on Delgany Street, as extended, to its intersection with Park Avenue; thence southeast on Park Avenue to its intersection with Lawrence Street; thence southwest on Lawrence Street to the point of beginning, and between said points, on the one hand, and the following sports events centers, on the other hand: Coors Field, Mile High Stadium, and McNichols Arena.

This **temporary authority** is restricted as follows:

- A.To providing service for only LoDo Express, Inc.;
- B.No passenger will be assessed a charge for any transportation service; and
- C.To the use of not more than three trolley coaches defined as a vintage trolley car, mounted upon a truck or bus frame, and having a rated capacity of 32 passengers or more.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 96A-206BP-TA
DECISION NO. C96-533
(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:

1 McDonald Enterprises, Inc.
dba Shuttles, Inc.
7639 Upham Street
Arvada, CO 80003

APPLICANT'S ATTORNEY:

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

INTERVENORS:

Denver Taxi, LLC
dba Yellow Cab
7500 East 41st Avenue
Denver, CO 80216

Denver Shuttle, LLC
dba Denver Airport Shuttle
and/or Super Shuttle Denver
and/or Super Shuttle Airport Shuttle
7500 East 41st Avenue
Denver, CO 80216

INTERVENORS' ATTORNEY:

Melissa A. Dalla, Esq.
DENMAN & CORBETTA, P.C.
Suite No. 702
1290 Broadway
Denver, CO 80203

ROUTE:

1, 2, 3, 4, 6-Docketing, 9,
10, 10.1, 20, 20.1, 21, 30,
31/2 copies, 40/5 copies,
50, 60, Black Book,
Operating Rights Unit,
DMS (plus certificate)

ORDER-AHV

WITNESS MY HAND AND THE SEAL OF
THE PUBLIC UTILITIES COMMISSION

BRUCE N. SMITH
DIRECTOR