

(Decision No. C96-990)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF COLORADO TOUR)
LINE, L.L.C. FOR TEMPORARY)
APPROVAL TO ASSUME OPERATIONAL)
CONTROL OF CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC) DOCKET NO. 96A-390CP-
NO. 55&I PENDING COMMISSION)
CONSIDERATION OF THE RELATED) TRANSFER-TA
APPLICATION TO PERMANENTLY)
ACQUIRE THE CERTIFICATE FROM SAN)
JUAN TOURS, INC.)
)

**COMMISSION ORDER GRANTING
TEMPORARY APPROVAL**

Mailed date: September 13, 1996
Adopted date: September 11, 1996

I. BY THE COMMISSION:

Statement Findings, and Conclusion

1. On August 28, 1996, Colorado Tour Line, L.L.C. filed an application (Docket No. 96A-390CP-Transfer-TA) for temporary approval to assume operational control of Certificate of Public Convenience and Necessity PUC No. 55&I pending Colorado Public Utilities Commission consideration of the related application to permanently acquire the certificate from San Juan Tours, Inc.

2. The Commission gave notice of the application on September 3, 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 a failure to authorize the Transferee to temporarily assume

operational control of the certificate could ultimately effect service to the public. Therefore, the Commission finds that this application meets the requirements of § 40-6-120(1), C.R.S., and the application shall be granted.

6. The Transferee 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.

7. This application for temporary approval is in the public interest and should be granted.

8. The Applicants are advised that the granting of an temporary approval makes no presumption that a permanent transfer of authority will be granted.

II. ORDER

A. The Commission Orders That:

1. Colorado Tour Line, L.L.C. is granted temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 55&I for a period of 180 days commencing from the Mailed Date of this Order.

2. Colorado Tour Line, L.L.C. shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that it is in compliance and may begin service. If Colorado Tour Line, L.L.C 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 approval 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 September 11, 1996.

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ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT J. HIX

Bruce N. Smith
Director

VINCENT MAJKOWSKI

R. BRENT ALDERFER

Commissioners

ORDER-AJQ

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 96A-390CP-TRANSFER-TA
DECISION NO. C96-990
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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:

Colorado Tour Line, L.L.C.
3704 West Colorado Avenue
Colorado Springs, CO 80904

TRANSFEROR:

San Juan Tours, Inc.
P. O. Box 17527
Denver, CO 80217-0527

ATTORNEY FOR TRANSFEROR AND

TRANSFeree:

David E. Driggers, Esq.
JONES & KELLER, P.C.
Suite No. 1600
1625 Broadway
Denver, CO 80202

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

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BRUCE N. SMITH
DIRECTOR