

(Decision No. C96-1148)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF CHANDA L. AND)	
JOHN T. JONES, JR., DOING)	
BUSINESS AS DELTA TRANSIT)	
COMPANY, FOR TEMPORARY AUTHORITY)	DOCKET NO. 96A-441CP-
TO EXTEND OPERATIONS UNDER)	EXTENSION-TA
CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY PUC)	
NO. 52100.)	

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed date: October 31, 1996
Adopted date: October 30, 1996

I. BY THE COMMISSION:

A. Statement

1. On September 18, 1996, Chanda L. and John T. Jones, Jr., doing business as Delta Transit Company, filed an application (Docket No. 96A-441CP-Extension-TA) for temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 52100 to include the transportation of passengers and their baggage, in taxi service, from all points in Delta County, State of Colorado, on the one hand, to all points within a 100-mile radius of the intersection of U.S. Highway 50 and Colorado Highway 92 in the City of Delta, on the other hand; with express authority to provide round-trip service, between points within the above described 100-mile radius, and points in Delta County, so long as the service both originates and terminates in Delta County.

2. The Commission gave notice of the application on October

7, 1996. Interventions opposing a grant of the application were filed by Durango Transportation, Inc., Sunshine Taxi, Inc., and Alpine Express, Inc.

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

B. Findings of Fact and Conclusion

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 Applicant currently holds authority from this Commission to provide taxi service point-to-point within the County of Delta, State of Colorado. It is seeking to extend its ability to serve the public and meet the needs of those passengers who need to be transported from points within Delta County to points outside of that County. None of the intervenors to this application hold authority to provide taxi service wholly within Delta County, and given the base areas of the intervenors, it is not reasonable to believe or to expect that any of the intervenors could, in a timely and efficient manner, provide taxi service from points in Delta County to a return point within their respective base areas. As stated, this application is a one-way extension of service, with a request to provide round-trip service, so long as the service originates and terminates in Delta County. The support filed on behalf of this application indicates that a need for this type of service exists,

and given the fact that none of the intervenors could provide the requested service in a timely and efficient manner, the Commission finds that there is an immediate and urgent need for additional transportation services. This application for a temporary authority shall be granted.

3. 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.

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

5. 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. Chanda L. and John T. Jones, Jr., doing business as Delta Transit Company, is granted temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 52100 for a period of 180 days commencing from the Mailed Date of this Order, with authority as set forth in the attached Appendix.

2. Chanda L. and John T. Jones, Jr., doing business as Delta Transit Company, 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 October 30, 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 R. BRENT ALDERFER
ABSENT.

ORDER-AJZ

Appendix

Transportation of passengers and their baggage, in taxi service,
from all points in Delta County, State of Colorado, on the one hand,
to all points within a 100-mile radius of the intersection of U.S.
Highway 50 and Colorado Highway 92 in the City of Delta, on the other
hand.

Express authority is granted to provide round-trip service, between
points within the above described 100-mile radius, and points in Delta
County, so long as the service both originates and terminates in Delta
County, and is part of one continuous movement.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 96A-441CP-EXTENSION-TA
DECISION NO. C96-1148
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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.

APPLICANT:

Chanda L. and John T. Jones, Jr.
dba Delta Transit Company
531 Main Street, P. O. Box 608
Delta, CO 81416

INTERVENOR:

Durango Transportation, Inc.
P. O. Box 1445
Durango, CO 81302

INTERVENOR'S (DURANGO) ATTORNEY:

Phillip W. Snyder, Esq.
DEITCH LEGAL SERVICES
P. O. Box 2113
Durango, CO 81302

INTERVENOR:

Sunshine Taxi, Inc.
3009 East Aspenwood Court
Grand Junction, CO 81304

INTERVENOR'S (SUNSHINE) ATTORNEY:

Mark A. Davidson, Esq.
LeBoeuf, Lamb, Greene &
MacRae, L.L.P.
633 17th Street, Suite No. 2600
Denver, CO 80202

INTERVENOR:

Alpine Express, Inc.
P. O. Box 1250
Gunnison, CO 81230

INTERVENOR'S (ALPINE) ATTORNEY:

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

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-AJZ

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

BRUCE N. SMITH
DIRECTOR