

(Decision No. C96-1211)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF GREATER)
COLORADO SPRINGS)
TRANSPORTATION COMPANY, DOING)
BUSINESS AS YELLOW CAB, AND/OR)
METRO TAXICAB OF COLORADO)
SPRINGS, AND/OR TOWNE CAR, INC.,)
AND/OR YELLOW CAB PACKAGE)
XPRESS, INC., FOR TEMPORARY)
APPROVAL TO ASSUME OPERATIONAL)
CONTROL OF CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC)
NO. 52752 PENDING COMMISSION)
CONSIDERATION OF THE RELATED)
APPLICATION TO PERMANENTLY)
ACQUIRE THE CERTIFICATE FROM BBB)
TRANSPORTATION, INC., DOING)
BUSINESS AS OVERLAND AIRPORT)
EXPRESS, INC.)

DOCKET NO. 96A-468CP-
TRANSFER-TA

**COMMISSION ORDER GRANTING
TEMPORARY APPROVAL**

Mailed date: November 19, 1996
Adopted date: November 13, 1996

I. BY THE COMMISSION

A. Statement, Findings, and Conclusion

1. On October 17, 1996, Greater Colorado Springs Transportation Company, doing business as Yellow Cab, and/or Metro Taxicab of Colorado Springs, and/or Towne Car, Inc., and/or Yellow Cab Package Xpress, Inc., filed an application (Docket No. 96A-468CP-Transfer-TA) for temporary approval to assume operational control of Certificate of Public Convenience and Necessity PUC No. 52752 pending Colorado Public Utilities Commission consideration of the related application to permanently acquire the certificate from

BBB Transportation, Inc., doing business as Overland Airport Express, Inc.

2. The Commission gave notice of the application on November 4, 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 the Transferor has been operating Certificate of Public Convenience and Necessity PUC No. 52752 at a loss, and can no longer continue to sustain that financial burden.

6. The Commission finds due to the facts stated in paragraph 5 above, that failure to grant the application could result in injury to the certificate and ultimately effect service to the public. The Commission will therefore grant the application.

7. The Applicant 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.

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

9. The Applicant is advised that the granting of an temporary approval makes no presumption that permanent authority will be granted.

II. ORDER

A. The Commission Orders That:

1. Greater Colorado Springs Transportation Company, doing business as Yellow Cab, and/or Metro Taxicab of Colorado Springs, and/or Towne Car, Inc., and/or Yellow Cab Package Xpress, Inc., is granted temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 52752 for a period of 180 days commencing from the Mailed Date of this Order.

2. Greater Colorado Springs Transportation Company, doing business as Yellow Cab, and/or Metro Taxicab of Colorado Springs, and/or Towne Car, Inc., and/or Yellow Cab Package Xpress, Inc., shall not commence operations 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 November 13, 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

ORDER-AKB

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 96A-468CP-TRANSFER-TA
DECISION NO. C96-1211
(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.

TRANSFeree:

Greater Colorado Springs
Transportation Company, dba
Yellow Cab, 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

TRANSFEROR:

BBB Transportation, Inc.
dba Overland Airport Express, Inc.
1858 Arabian Trail
Elizabeth, CO 80107

ATTORNEY FOR TRANSFeree AND
TRANSFEROR:

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

ROUTE:

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40 (5 copies)
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Black Book
Operating Rights Unit
DMS (plus certificate)

ORDER-AKB

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

BRUCE N. SMITH
DIRECTOR