

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF CHARLES W. AND)
SUSAN A. ANFIELD, DOING BUSINESS)
AS ESTES PARK TAXICAB, FOR)
TEMPORARY AUTHORITY TO CONDUCT) DOCKET NO. 96A-453CP-TA
OPERATIONS AS A COMMON CARRIER)
BY MOTOR VEHICLE FOR HIRE.)
)

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY IN PART**

Mailed date: December 3, 1996
Adopted date: November 27, 1996

I. BY THE COMMISSION:

Statement, Findings, and Conclusion

1. On October 29, 1996, Charles W. and Susan A. Anfield, doing business as Estes Park Taxicab, filed an application (Docket No. 96A-453CP-TA) for temporary authority to conduct operations as a common carrier by motor vehicle for hire for the following:

I. Transportation of passengers and their baggage, in taxi service, between all points located within a 12-mile radius of the intersection of U.S. Highways 34 and 36 at Estes Park, Colorado, on the one hand, and Denver International Airport in Denver, Colorado, on the other hand;

II. Transportation of passengers and their baggage, in taxi service, between all points located within a 15-mile radius of the intersection of U.S. Highways 34 and 36 at Estes Park, Colorado;

III. Transportation of passengers and their baggage, in charter service, special bus, and sightseeing service, between all points within 12 miles of Estes Park, Colorado and between said point on the one hand, and all points in the State of Colorado, on the other hand;

IV. Transportation of passengers, on schedule,

between all points within a 12-mile radius of the intersection of U.S. Highways 34 and 36 in Estes Park, Colorado;

V. Transportation of passengers and their baggage, on schedule, between Denver, Colorado and points within 12 miles of Estes Park, Colorado via I-25, Colorado State Highway 7, U.S. Highway No. 36 serving all inter-mediate points between Lyons (inclusive) and Estes Park; and

VI. Transportation of passengers and their baggage, on schedule, between Boulder, Colorado, and points within 12 miles of Estes Park, Colorado via U.S. Highway 36 and Colorado State Highway 7 serving all inter-mediate points.

This application is restricted as follows.

A. Item (I) is restricted to the use of vehicles with a passenger capacity of 5 or less, excluding the driver, and against the pick up of passengers at Denver International Airport.

B. Item (III) is restricted to providing round trip service.

C. Item (III), charter service, is restricted to the use of vehicles with a passenger capacity of less than 32.

D. Item (IV) is restricted to providing service only between the dates of September 15 and May 31 of the following year.

E. Items (IV) and (V) are restricted to serving only points named in the carrier's published tariff.

F. Items (IV) and (V) are restricted to the use of vehicles with a capacity of 10 or more, plus the driver.

2. The Commission gave notice of the application on November 4, 1996. Interventions opposing a grant of the application were filed by Thomas McEvoy, doing business as Emerald Taxi, and Boulder Airporter, Inc. In addition, a protest to the application was filed by Janice Weaver, doing business as Viking Taxi.

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

4. 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.

5. The burden of proof created by this statute is indeed heavy. The Applicant must meet a two-fold test in order to satisfy the criteria demanded by the law. First, that there is an immediate and urgent need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If the Applicant fails to meet either test, the application cannot be granted.

6. The Applicant in this matter is requesting to provide a very broad range of services. Both of the Intervenor, Emerald Taxi and Boulder Airporter, Inc., hold authority which duplicates in part the service and territory requested within the application.

The Commission finds that this application should be granted only in part. There is presently no carrier providing scheduled service between Estes Park, Colorado and Denver International Airport, in Denver, Colorado. However, with respect to the remaining portions of the application, either the Intervenor are capable of providing the services requested, or there is no adequate support to indicate a need for such service. None of the five letters filed with the application give any indication as to what type of services are

needed. Given this fact, in combination with the broad scope of the application, there is no way to differentiate between the types of services, other than scheduled, that are needed by the public and the services presently being provided by the Intervenor. Without a clear indication of what type of additional services are actually needed by the public, the remaining portion of this application cannot be granted.

7. The portion of the application which requests to provide scheduled service between points within a 12-mile radius of Estes Park, Colorado and Denver International Airport, in Denver, Colorado, is in the public interest and should be granted. The remaining portion of the application should be denied.

II. ORDER

A. The Commission Orders That:

1. The application of Charles W. and Susan A. Anfield, doing business as Estes Park Taxicab, is granted in part. Charles W. and Susan A. Anfield, doing business as Estes Park Taxicab, is granted a temporary authority to conduct operations as a common carrier by motor vehicle for hire for a period of 180 days commencing from the Mailed Date of this order, with authority as set forth in the attached Appendix.

2. Charles W. and Susan A. Anfield, doing business as Estes Park Taxicab, 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 November 27, 1996.

1
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

Appendix
Page 1 of 1 Page
Decision No. C96-1246
Docket No. 96A-453CP-TA
November 27, 1996

Transportation of

passengers and their baggage, on schedule,

between Denver International Airport, in Denver Colorado, and points within 12 miles of Estes Park, Colorado via Pena Boulevard, Interstate 70, Interstate 270, Interstate 76, Interstate 25, Colorado State Highway 7, U.S. Highway No. 36 serving all inter-mediate points between Lyons, Colorado (inclusive), and Estes Park, Colorado.

ORDER-AKE

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 96A-453CP-TA
DECISION NO. C96-1246

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:

Charles W. and Susan A. Anfield
dba Estes Park Taxicab
P. O. Box 4373
Estes Park, CO 80517

APPLICANT'S ATTORNEY:

Richard J. Bara, Esq.,
Suite No. 315
1155 Sherman Street
Denver, CO 80203

INTERVENOR:

Thomas McEvoy
dba Emerald Taxi
2805 Wildwood Drive
Estes Park, CO 80517

INTERVENOR:

Boulder Airporter, Inc.
3686 19th Street
Boulder, CO 80303

INTERVENOR'S (AIRPORTER)

ATTORNEY:

Mark W. Williams, Esq.
BERRYHILL, CAGE & NORTH, P.C.
St. Elmo Building
1433 - 17th Street
Denver, CO 80202

PROTESTANT:

Janice Weaver
dba Viking Taxi
Route 4, Box 0811 Plum Avenue
Brighton, CO 80601

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-AKE

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

BRUCE N. SMITH
DIRECTOR