

(Decision No. C96-411)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF AMERICAN)
TRANSPORTATION SERVICES OF)
COLORADO SPRINGS, L.L.C. FOR) DOCKET NO. 96A-124CP-TA
TEMPORARY AUTHORITY TO CONDUCT)
OPERATIONS AS A COMMON CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed date: April XX, 1996
Adopted date: April 17, 1996

I. BY THE COMMISSION:

A. Statement, Findings, and Conclusion

1. On March 27, 1996, American Transportation Services of Colorado Springs, L.L.C., filed an application (Docket No. 96A-124CP-TA) for temporary authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage, in taxi service, between all points within the area comprised of: (1) the County of El Paso, State of Colorado, (2) Woodland Park, Colorado, (3) and points within five-miles of that portion of Colorado State Highway 24, between the El Paso/Teller County line and the City of Woodland Park, Colorado, and from said points, on the one hand, to all points within the State of Colorado, on the other hand.

2. The Commission gave notice of the application on April 1, 1996. An intervention opposing a grant of the application was timely filed by Greater Colorado Springs Transportation Company, doing business as Yellow Cab of Colorado Springs ("YCCS").

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. Over 100 letters of support were filed on behalf of this application. Generally, the letters indicated that the intervenor is frequently not providing timely and efficient service to at least one segment of the public. Several individuals cite instances of having been left waiting for a taxi cab for anywhere from 45 minutes to over three hours. Mr. Howard Prager, from Colorado Springs, wrote that recently it took four hours before he was able to obtain service to his home from the Satalite Hotel in Colorado Springs where he works. Sallie and Welling Clark, Innkeepers at the Holden House Bed & Breakfast Inn in Colorado Springs, wrote of how they have recently had guests who were forced to rent a car at the airport because they were unable to get a cab at 9:00 o'clock in the evening. They have also had experiences with guests being forced to wait over two hours for cab service. Ms. Ramona Crouder, a bartender in Colorado Springs, explained that she receives frequent

requests to call for taxi service for patrons who have become intoxicated. Ms. Crouder stresses her desire for a new taxi service because on occasion such individuals get tired of waiting an hour or more before a taxicab arrives.

6. The Commission finds that the Applicant has established an immediate and urgent need for additional transportation services within the scope of the territory requested.

7. 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.

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

9. 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. American Transportation Services of Colorado Springs, L.L.C. is granted 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. American Transportation Services of Colorado Springs, L.L.C. 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 April 17, 1996.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER CHRISTINE E.M. ALVAREZ
RESIGNED EFFECTIVE APRIL 5, 1996.

ORDER-AHJ

Temporary Authority for the --

Transportation of passengers and their baggage, in taxi service,
between all points within the area comprised of:

- 1.The County of El Paso, State of Colorado;
- 2.Woodland Park, Colorado; and
- 3.Points within five-miles of that portion of Colorado Highway 24,
between the El Paso/Teller County Line and the City of
Woodland, Colorado; and from said points, on the one hand,
to all points within the State of Colorado, on the other
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CERTIFICATE OF SERVICE

DOCKET NO. 96A-124CP-TA
DECISION NO. C96-411
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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:

American Transportation Services
of Colorado Springs, L.L.C.
7500 Martin Luther King Boulevard
Denver, CO 80207

APPLICANT'S ATTORNEY:

I. H. Kaiser, Esq.
BERENBAUM, WEINSHIENK & EASON, P.C.
Suite No. 2600
370 17th Street
Denver, CO 80202-5626

INTERVENOR:

Greater Colorado Springs
Transportation Company
dba Yellow Cab of Colorado Springs
845 West Moreno Avenue
Colorado Springs, CO 80905

INTERVENOR'S ATTORNEY:

Mark A. Davidson, Esq.
LeBOEUF, LAMB, GREENE & MacRAE,
L.L.P.
Suite No. 2800
633 - 17th Street
Denver, CO 80202

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-AHJ

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

BRUCE N. SMITH
DIRECTOR