

Decision No. C04-0050

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04M-023CP

RE: IN THE MATTER OF THE PASSENGER TIME SCHEDULE FILED BY AMERISHUTTLE DOING BUSINESS AS DENVER MOUNTAIN EXPRESS, INC. SCHEDULED TO BECOME EFFECTIVE ON JANUARY 17, 2004.

**COMMISSION ORDER
REJECTING SCHEDULE CHANGES**

Mailed Date: January 16, 2004
Adopted Date: January 14, 2004

I. BY THE COMMISSION:

A. Statement

1. On December 17, 2003 Amerishuttle doing business as Denver Mountain Express, Inc., (Denver Mountain Express) filed an application for authority to publish time schedule changes to become effective on January 17, 2004. Denver Mountain Express provides scheduled service between points in the Denver Metro area as well as Summit and Eagle County and Denver International Airport.

2. Denver Mountain Express proposes substantial changes that 1) cancel all afternoon schedules in the Denver Metro area, 2) cancel other service in Southwest Denver altogether, 3) cancel all schedule service from D.I.A. to points in the Denver Metro area, and 4) eliminate service to particular points that is required in Certificates 50790, 52940, 55519, 55275 and L22485. Denver Mountain Express has not posted the change in office or pick-up points of the carrier's extant schedules or in the motor vehicles used in the scheduled service.

3. Further analysis of the time schedule changes indicates that no addresses of terminal points between Eagle or Summit County and Denver International Airport were published in the proposed schedule as required by the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1. Further, all the time schedule changes do not formally cancel the relevant extant time schedules without which there would exist duplicative and conflicting time schedules.

4. The Commission finds that the proposed time schedule changes do not conform to 1) Appendix A, Section 12(f), of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, 2) that notice was not posted in office, terminals, or vehicles as required by 4 *Code of Colorado Regulations* 723-1, and 3) that the termination of some scheduled service constitutes an abandonment of the common carrier obligation, which requires the filing of an application of suspension or abandonment rather than a schedule change.

II. ORDER

A. The Commission Orders That:

1. The filing of time schedule changes by Denver Mountain Express to be effective on January 17, 2004 is rejected.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
JANUARY 14, 2004.**

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners

ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "Bruce N. Smith".

Bruce N. Smith
Director