

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04A-002CP-TRANSFER

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THE APPLICATION OF CHEYENNE MOUNTAIN OPERATOR, INC., FOR APPROVAL TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 27705 TO MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY DOING BUSINESS AS CHEYENNE MOUNTAIN RESORT.

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**COMMISSION ORDER APPROVING TRANSFER OF  
CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY**

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Mailed Date: February 19, 2004

Adopted Date: February 18, 2004

**I. BY THE COMMISSION:**

**A. Statement, Findings and Conclusions**

1. On December 30, 2003, Cheyenne Mountain Operator, Inc., (Cheyenne Mountain Operator) filed an application for approval to transfer Certificate of Public Convenience and Necessity (CPCN) PUC No. 27705 to Massachusetts Mutual Life Insurance Company doing business as Cheyenne Mountain Resort (Cheyenne Mountain Resort).

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on January 12, 2004. The Commission set this matter for hearing on March 18, 2004.

3. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

4. The information submitted with this application warrants granting the requested transfer.

5. The financial standing of Cheyenne Mountain Resort has been satisfactorily established.

6. Cheyenne Mountain Resort is ready, willing, and able to properly perform the service as requested.

7. This application for permanent approval of the transfer of CPCN PUC No. 27705 is in the public interest.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The hearing set for March 18, 2004, is vacated.

2. This application was deemed complete on February 18, 2004, within the meaning of § 40-6-109.5, C.R.S.

3. The application filed by Cheyenne Mountain Operator for approval to transfer Certificate of Public Convenience and Necessity PUC No. 27705, subject to encumbrances, if any, against the authority, to Cheyenne Mountain Resort is granted.

4. Cheyenne Mountain Resort shall operate in accordance with all applicable Commission rules and regulations.

5. Approval of the transfer of Certificate of Public Convenience and Necessity PUC No. 27705 is conditioned on the prior filing by Cheyenne Mountain Operator of delinquent reports, if any, covering operations under the certificate up to the consummation of the transfer.

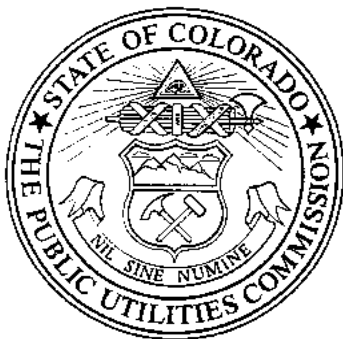
6. Cheyenne Mountain Resort shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Cheyenne Mountain Resort shall also adopt the tariff of Cheyenne Mountain Operator which shall become that of Cheyenne Mountain Resort until changed in accordance with the public utilities law. Cheyenne Mountain Resort shall pay the appropriate vehicle identification fee. Cheyenne Mountain Operator shall file a terminating annual report from the first of January to the date of this Order. An acceptance of transfer signed by both Cheyenne Mountain Operator and Cheyenne Mountain Resort shall be filed with the Commission. Cheyenne Mountain Resort may not begin operations until it has met these requirements and it has received notice in writing from the Commission stating that it is in compliance and may begin service.

7. If Cheyenne Mountain Operator and Cheyenne Mountain Resort do not comply with the requirements of this Order within 60 days of its effective date, then the approval to transfer Certificate of Public Convenience and Necessity PUC No. 27705 shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 60 days.

8. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING  
February 18, 2004.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners

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