

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-044CP-TRANSFER-TA

THE APPLICATION OF #10 HILLCREST, LLC., DOING BUSINESS AS WESTERN EXPRESS TAXI FOR TEMPORARY APPROVAL TO ALLOW CHANDA L. JONES AND JOHN T. JONES, JR. DOING BUSINESS AS DELTA TRANSIT COMPANY, TO ASSUME OPERATIONAL CONTROL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 55708.

**COMMISSION ORDER GRANTING
TEMPORARY APPROVAL**

Mailed Date: February 19, 2004
Adopted Date: February 18, 2004

I. BY THE COMMISSION:

A. Statement

1. On January 26, 2004, #10 Hillcrest LLC., doing business as Western Express Taxi (Western Express Taxi), filed an application for temporary approval to allow Chanda L. Jones and John T. Jones, Jr., doing business as Delta Transit Company (Delta Transit Company), to assume operational control of Certificate of Public Convenience and Necessity (CPCN) PUC No. 55708 pending Commission consideration of the related application to permanently transfer the certificate.
2. The Commission gave notice of the application on February 9, 2004.
3. There are no interventions opposing a grant of the application.
4. Pursuant to § 40-6-120(2), C.R.S., the Commission may grant temporary approval of a certificate transfer "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."

B. Findings of Fact

5. The support filed on behalf of this application consists of a letter from Bobby Jo Collins, president of Western Express Taxi. In his letter Mr. Collins states "I am five months delinquent on the note owed to Telluride Express¹ combined with other outstanding debt I am no longer able to remain in business. In addition, I am down to operating only one vehicle from three due to rising cost of commercial liability insurance. We currently have an amicable understanding and contract between myself, Telluride Express and Delta Transit Company to make a smooth and convenient transfer. To protect and continue to serve Montrose County with common carrier service, I urge the PUC to grant the temporary transfer application."

C. Conclusions

6. The Commission finds that the support filed by Western Express Taxi does indicate that a failure to grant temporary approval of an assumption of operational control could result in injury to CPCN PUC No. 55708 and ultimately affect service to the public.

7. Delta Transit Company has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

8. This application for temporary approval is in the public interest.

¹ San Miguel Mountain Ventures, LLC, doing business as Telluride Express (Telluride Express), was granted approval to transfer a portion of CPCN PUC No. 1648 to Western Express Taxi by Decision No. C02-0782 in Docket 02A-257CP on July 18, 2002. The portion of CPCN PUC No. 1648 transferred to Western Express Taxi became CPCN PUC No. 55708. Western Express Taxi was authorized to encumber all right, title, and interest in CPCN PUC No. 55798 to Telluride Express by Decision No. C02-1281 in Docket No. 02A-521CP on November 14, 2002.

9. Western Express Taxi and Delta Transit Company are advised that the grant of temporary approval of an assumption of operational control creates no presumption that permanent transfer approval will be granted.

II. ORDER

A. The Commission Orders That:

1. The application for temporary approval of an assumption of operational control filed by Western Express Taxi is granted.

2. Delta Transit Company is granted temporary approval to assume operational control of Certificate of Public Convenience and Necessity PUC No. 55708 for a period of 150 days commencing from the Mailed Date of this Order.

3. Delta Transit Company shall operate in accordance with all applicable Commission rules and regulations.

4. Delta Transit Company shall not assume operational control until it has adopted the tariff currently on file with the Commission for CPCN PUC No. 55708. Delta Transit Company may not begin service until it has met this requirement and it has received notice in writing from the Commission stating that it is in compliance and may begin service.

5. If Delta Transit Company does not comply with the requirements of this Order within 30 days of its effective date, then the temporary approval 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 30 days.

6. 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 Order.

7. 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