

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-017CP-TRANSFER

THE APPLICATION OF ARLEN BAUMERT, DOING BUSINESS AS BOULDER COUNTY EXPRESS, FOR APPROVAL TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 54379 TO MATHEW TITCHENAL, DOING BUSINESS AS BOULDER COUNTY CASINO EXPRESS.

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

Mailed Date: March 10, 2004

Adopted Date: March 3, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On January 8, 2004, Arlen Baumert, doing business as Boulder County Express, (Boulder County Express), filed an application for approval to transfer Certificate of Public Convenience and Necessity (CPCN) PUC No. 54379 to Mathew Titchenal, doing business as Boulder County Casino Express, (Boulder County Casino Express).

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on January 26, 2004. The Commission set this matter for hearing on March 30, 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 Boulder County Casino Express has been satisfactorily established.

6. Boulder County Casino Express 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. 54379 is in the public interest.

II. ORDER

A. The Commission Orders That:

1. The hearing set for March 30, 2004, is vacated.
2. This application was deemed complete on March 3, 2004, within the meaning of § 40-6-109.5, C.R.S.
3. The application filed by Arlen Baumert, doing business as Boulder County Express, for approval to transfer Certificate of Public Convenience and Necessity PUC No. 54379, subject to encumbrances, if any, against the authority, to Mathew Titchenal, doing business as Boulder County Casino Express, is granted.
4. Boulder County Casino Express 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. 54379 is conditioned on the prior filing by Arlen Baumert, doing business as Boulder County Express of delinquent reports, if any, covering operations under the certificate up to the consummation of the transfer.

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

7. If Boulder County Express and Boulder County Casino Express 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. 54379 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. The 20-day time period provided by §40-6-141(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.

9. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
March 3, 2004.**

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

JIM DYER

Commissioners

ATTEST: A TRUE COPY

COMMISSIONER POLLY PAGE ABSENT

Bruce N. Smith
Director