

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-028CP-ABANDON-PORZION

THE APPLICATION OF BROADMOOR HOTEL, INC., DOING BUSINESS AS BROADMOOR HOTEL GARAGE, FOR APPROVAL TO ABANDON A PORTION OF OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 275.

**COMMISSION ORDER APPROVING ABANDONMENT
OF A PORTION OF OPERATIONS**

Mailed Date: March 10, 2004

Adopted Date: March 3, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On January 8, 2004, Broadmoor Hotel, Inc., doing business as Broadmoor Hotel Garage, (Broadmoor Hotel Garage), filed an application seeking approval to abandon a portion of operations under Certificate of Public Convenience and Necessity (CPCN) PUC No. 275.

2. The portion of CPCN PUC No. 275 to be abandoned is Item III which reads as follows: Transportation of passengers and their baggage, in scheduled service, between the Broadmoor Hotel, 10 Lake Circle, Colorado Springs, Colorado, 80906, on the one hand, and points within Colorado Springs, Colorado, on the other hand. Restriction: restricted to providing service only for employees of the Broadmoor Hotel.

3. The Broadmoor Hotel Garage filed an application with the Commission on September 9, 2003, to lease CPCN PUC No. 275 to Ramblin'Express, Inc., doing business as Rocky Mountain Limousine, Inc., (Rocky Mountain Limousine). The term of the requested lease was from January 1, 2004, through December 31, 2009. The lease of CPCN PUC No. 275

from Broadmoor Hotel Garage to Rocky Mountain Limousine was granted by Decision No. R03-1253 in Docket No. 03A-403CP on November 6, 2003. The Commission indicates a leased authority by adding the letter L to the CPCN number. The CPCN leased from Broadmoor Hotel Garage to Rocky Mountain Limousine is indicated in the Commission's official records as L275.

4. 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 April 1, 2004.

5. 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.

6. The information submitted with this application warrants granting the requested abandonment of a portion of operations.

7. The application to abandon a portion of operations under CPCN PUC No. 275 is in the public interest.

8. After the abandonment of Item III, CPCN PUC No. 275 and CPCN PUC No. L275 will read as follows:

- I. Transportation in sightseeing service of passengers between all points within Colorado Springs, Colorado, and between said points, on the one hand, and all points within the Pikes Peak region, on the other hand.
- II. Transportation in call and demand limousine service of passengers and their baggage between all points within Colorado Springs, Colorado, and between said points, on the one hand, and all points within the State of Colorado, on the other hand.

This Certificate is restricted as follows:

- A. Item (I) is restricted against the use of vehicles with a passenger capacity of 32 or more;
- B. Item (I) is restricted to providing sightseeing service which originates and terminates at the same point, except when providing sightseeing service between Colorado Springs, Colorado, and the Summit of Pikes Peak, in which case one-way service may be provided from Colorado Springs, Colorado, to the Summit of Pikes Peak or from the Summit of Pikes Peak to Colorado Springs, Colorado.

II. ORDER

A. The Commission Orders That

1. The hearing set for April 1, 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 Broadmoor Hotel, Inc., doing business as Broadmoor Hotel Garage, for approval to abandon a portion of operations under Certificate of Public Convenience and Necessity PUC No. 275, is granted.
4. 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.

5. 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

Bruce N. Smith
Director

COMMISSIONER POLLY PAGE ABSENT