

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-117CP-LEASE-EXTENSION-ETA

THE APPLICATION OF NORTH DENVER AIRPORT SHUTTLE, INC., FOR EMERGENCY TEMPORARY APPROVAL TO ALLOW BOULDER EXPRESS, LLC., DOING BUSINESS AS BOULDER EXPRESS TO ASSUME OPERATIONAL CONTROL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 54008.

**COMMISSION ORDER GRANTING
EMERGENCY TEMPORARY APPROVAL**

Mailed Date: March 30, 2004
Adopted Date: March 17, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On May 15, 2003, North Denver Airport Shuttle, Inc. (North Denver Airport Shuttle), filed an application for emergency temporary approval to allow Boulder Express, LLC., doing business as Boulder Express (Boulder Express), to assume operational control of Certificate of Public Convenience and Necessity (CPCN) PUC No. 54008.

2. 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." Section 40-6-120(4), C.R.S., further states: "If the Commission is of the opinion that an emergency exists, it may issue temporary authority or approval at once by making specific reference in its order to the circumstances constituting the emergency, in which case no

notice need be given, but any such emergency authority or approval shall expire no later than thirty days after it was issued."

3. Boulder Express was granted the authority to lease CPCN PUC No. 54008 from North Denver Airport Shuttle, by Decision No. C02-0431 on April 17, 2002 in Docket No. 02A-160CP. The period of the lease was from March 22, 2002, through March 22, 2004.

4. In support of this application North Denver Airport Shuttle states "The emergency temporary authority and the temporary authority are essential because the current lease from North Denver Airport Shuttle to Boulder Express is due to expire on March 22, 2004. The parties believed until recently, that they would be able to effect a transfer of the authority from North Denver Airport Shuttle to Boulder Express, however, because of personal issues concerning an owner of Stock of North Denver Airport Shuttle, other than Mohammad Khan, who is the owner of Boulder Express, that will not be possible at this time or in the near future. North Denver Airport Shuttle has no insurance, drivers or assets which would allow it to operate the authority at this time."

5. The Commission finds that a failure to grant Boulder Express emergency temporary approval for the continued lease of operational control could result in injury to CPCN PUC No. 54008 and ultimately affect service to the public.

6. Boulder Express has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

7. This application for emergency temporary approval is in the public interest.

8. North Denver Airport Shuttle and Boulder Express are advised that the grant of emergency temporary approval of an assumption of operational control creates no presumption

that either temporary approval of an assumption of operational control or permanent approval of the lease will be granted.

II. ORDER

A. The Commission Orders That:

1. The application for emergency temporary approval of an assumption of operational control filed by North Denver Airport Shuttle is granted.

2. Boulder Express is granted emergency temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 54008 for a period of 30 days commencing from the Mailed Date of this Order.

3. Boulder Express shall operate in accordance with all applicable Commission rules and regulations.

4. Boulder Express shall not assume operational control until it has filed with the Commission the appropriate tariff as required by Commission rules. Boulder Express may not begin operations until this requirement has been met and it has received notice in writing from the Commission stating it is in compliance and may begin service.

5. 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.

6. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
March 17, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

