

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-117CP-LEASE-TA

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

**COMMISSION ORDER GRANTING
TEMPORARY APPROVAL**

Mailed Date: April 2, 2004
Adopted Date: March 31, 2004

I. BY THE COMMISSION:

A. Statement

1. On March 12, 2004, North Denver Airport Shuttle, Inc. (North Denver Airport Shuttle), filed an application for 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 pending Commission consideration of the related application to permanently lease the certificate.

2. The Commission gave notice of the application on March 22, 2004.

3. There are no interventions opposing 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. 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.

6. 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."

7. Boulder Express was granted emergency temporary approval to conduct operations under CPCN PUC No. 54008 for 30 days by Decision No. C04-0267 on March 17, 2004. Granting temporary approval to conduct operations under CPCN PUC No. 54008 will allow Boulder Express to continue to provide the service named in CPCN PUC No. 54008 until the Commission grants or denies the permanent application filed in this docket.

C. Conclusions

8. The Commission finds that a failure to grant temporary approval of an assumption of operational control could result in injury to CPCN PUC No. 54008 and ultimately affect service to the public.

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

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

11. North Denver Airport Shuttle and Boulder Express are advised that the grant of temporary approval of an assumption of operational control creates no presumption that permanent lease 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 North Denver Airport Shuttle is granted.

2. Boulder Express is granted temporary approval to assume operational control of Certificate of Public Convenience and Necessity PUC No. 54008 for a period of 150 days commencing from the Mailed Date of this Order.

3. Boulder Express shall operate Certificate of Public Convenience and Necessity PUC No. 54008 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. If Boulder Express 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
March 31, 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

I/TRANS/ORDERS/04A-117CP