

Decision No. C04-0367

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-144CP-TA

THE APPLICATION OF JOHN SAVILLE FOR TEMPORARY AUTHORITY TO CONDUCT OPERATIONS AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed Date: April 13, 2004
Adopted Date: April 13, 2004

I. BY THE COMMISSION:

A. Statement

1. On March 25, 2004, John Saville filed an application for temporary authority to conduct operations as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage, in taxi service, between all points in the County of Las Animas, State of Colorado.

2. The Commission gave notice of the application on April 5, 2004.

3. Florence M. Barajas, doing business as Your Ride Transportation Services (Your Ride Transportation Services), filed an intervention opposing a grant of the application.

4. Pursuant to § 40-6-120(1), C.R.S., the Commission is authorized to grant temporary authority when "there appears to be an immediate and urgent need to any point or within a territory having no carrier service capable of meeting such need."

5. John Saville must meet a two-fold test: first, that there is an immediate and urgent need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If John Saville fails to meet either test, the application must be denied.

B. Findings of Fact

6. Your Ride Transportation Services may provide the following services under CPCN PUC No. 55039:

I. Transportation of passengers and their baggage, in taxi service, between all points within a 20-mile radius of the intersection of Interstate 25 and U.S. Highway 350 in Trinidad, Colorado, and between said points, on the one hand, and all points within the following named towns and cities, on the other hand: Cuchara, Colorado; Las Animas, Colorado, Springfield, Colorado; Pueblo, Colorado; and Colorado Springs, Colorado. Certificate holder is expressly authorized to provide taxi service to all intermediate points between Trinidad, Colorado, and Cuchara, Colorado, via Colorado Highway 12; between Trinidad, Colorado, and Las Animas, Colorado, via U.S. Highways 350 and 50; between Trinidad, Colorado, and Springfield, Colorado, via U.S. Highway 160; and between Trinidad, Colorado, and Colorado Springs, Colorado, via Interstate 25;

II. Transportation of passengers and their baggage, in taxi and call-and-demand limousine service, from all points within a 20-mile radius of the intersection of Interstate Highway 25 and Colorado Highway 350 in Trinidad, Colorado, on the one hand, to all points in the State of Colorado, on the other hand, with express authorization to provide round trip service; and

III. Transportation of passengers and their baggage, in call-and-demand limousine and charter service, from all points in the County of Las Animas, State of Colorado, on the one hand, to all points in the State of Colorado, on the other hand, with express authorization to provide round-trip service.

RESTRICTIONS: Part II of this authority is restricted against providing service which originates or terminates in Lake County, Colorado. To the extent Parts I, II, and III of this authority overlap only one operating right exists. Part III of this authority is restricted as follows: A) against providing point-to-point service within a five mile radius of Walsenburg, Colorado; and B) against providing service to, from, or within the County of Lake, State of Colorado.

Therefore, the authority sought by Mr. Saville has already been granted to Your Ride Transportation Services.

7. However, Your Ride Transportation Services, on September 19, 2003, requested the suspension of CPCN PUC NO. 55039 from September 18, 2003, through March 31, 2004. The suspension of CPCN PUC No. 55039 from September 18, 2003, through March 31, 2004, was granted by Decision No. C03-1199 in Docket No. 03A-412CP on November 5, 2003. Prior to the reinstatement of CPCN PUC No. 55029, Your Ride Transportation Services was ordered by Decision No. C03-1199 to file certificates of insurance as required by Commission rules. As of April 12, 2004, Your Ride Transportation Services has not filed the required certificates of insurance. Therefore, Your Ride Transportation Services cannot currently provide any taxi or call-and-demand limousine service.

8. Five letters were filed in support of this application. Four of these letters are from employees or owners of business in Trinidad, Colorado. A resident of Trinidad, Colorado, submitted the fifth letter. The writers of thereof these letters state: "There is no local public or commercial transportation available during the evening and early morning hours."; "We need a taxi service here in Trinidad, Colorado. As of now we do not have one operating here."; and "There currently isn't a service out here and the one that was out here would rarely come out to pick up customers from my auto garage."

C. Conclusions

9. The Commission finds that an immediate and urgent need for the requested transportation services has been shown to exist, and it has been not been shown that there is another carrier capable of providing the service.

10. John Saville has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

11. This application for temporary authority is in the public interest.

12. John Saville is advised that the grant of a temporary authority creates no presumption that a permanent authority will be granted.

II. ORDER

A. The Commission Orders That:

1. John Saville is granted temporary authority to conduct operations as a common carrier by motor vehicle for hire for a period of 180 days commencing from the Mailed Date of this Order, with authority as set forth in the Appendix.

2. John Saville shall operate in accordance with all applicable Commission rules and regulations.

3. John Saville shall cause to be filed with the Commission certificates of insurance as required by Commission rules. John Saville shall also file the proper tariff and pay the appropriate vehicle identification fee. John Saville may not begin operations until he has met these requirements and notice in writing has been received from the Commission stating that he is in compliance and may begin service.

4. If John Saville does not comply with the requirements of this Order within 30 days of its effective date, then the temporary authority 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.

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 immediately on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
April 13, 2004.**

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

Commissioners
COMMISSIONER JIM DYER ABSENT

ATTEST: A TRUE COPY

Bruce N. Smith
Director

Appendix
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Transportation of passengers and their baggage, in taxi service, between all points in the County of Las Animas, State of Colorado.