

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04L-222CP

RE: IN THE MATTER OF THE APPLICATION OF BEN SAGENKAHN DOING BUSINESS AS PEAK TRANSIT FOR AUTHORITY TO PUBLISH TIME SCHEDULE NUMBER 8, TO BECOME EFFECTIVE ON LESS-THAN-STATUTORY NOTICE.

**COMMISSION ORDER GRANTING TARIFF CHANGES
ON LESS-THAN-STATUTORY NOTICE**

Mailed Date: May 14, 2004
Adopted Date: May 12, 2004

I. BY THE COMMISSION:

A. Statement

1. On May 6, 2004, Ben Sagenkahn, doing business as Peak Transit ("Peak Transit"), filed an application for authority to publish Time Schedule No. 8 to become effective on less-than-statutory notice. Peak Transit provides scheduled service between Colorado Springs and Denver International Airport, serving intermediate points.

2. Peak Transit proposes to publish an entirely new schedule in comparison the previous operator of this service, Denver Mountain Express who is unable to continue operations.

3. In support of the application Peak Transit states that the previous schedule may have been a factor in the Denver Mountain Express failure and that public demand warrants this change in time schedule.

4. Rule 31(f)(1) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, allows an order authorizing carriers to change tariffs or time schedules on less-than-statutory notice for good cause shown.

5. The Commission finds that good cause has been shown for the approval of the proposed changes in Time Schedule No. 8 and that the application should be granted.

II. ORDER

B. The Commission Orders That:

1. The application of Ben Sagenkahn, doing business as Peak Transit, to publish Time Schedule No. 8 on less-than-statutory notice is granted.

2. Time Schedule No. 8 shall be published on not less than one day's notice to the Commission and the general public.

3. The 20-day time-period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, re-argument, or reconsideration shall begin on the first day after the Commission mails or serves this Order.

4. This Order is effective on its Mailed Date.

**C. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
MAY 12, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners