

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-243CP-SUSPENSION-PORZION

THE APPLICATION OF EAST WEST RESORT TRANSPORTATION, LLC. DOING BUSINESS AS COLORADO MOUNTAIN EXPRESS &/OR CME PREMIER &/OR PREMIER VIP TRANSPORTATION &/OR RESORT EXPRESS FOR AUTHORITY TO SUSPEND OPERATIONS UNDER A PORTION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 7321.

**COMMISSION ORDER GRANTING
PARTIAL SUSPENSION OF OPERATIONS**

Mailed Date: July 13, 2004

Adopted Date: July 9, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On May 17, 2004, East West Resort Transportation, LLC. doing business as Colorado Mountain Express &/or CME Premier &/or Premier VIP Transportation &/or Resort Express filed an application seeking authority to suspend operations under certain portions of Certificate of Public Convenience and Necessity (CPCN) PUC No. 7321 from July 1, 2004 through January 1, 2005. The portions of CPCN PUC No. 7321 to be suspended are indicated in bold. The complete authority is as follows:

I. Transportation of passengers and their baggage in scheduled service: A) between Denver Union Station and points within a two-mile radius thereof, on the one hand, and all points located within the County of Eagle, State of Colorado, on the other hand; B) between Denver, Colorado, and Rifle, Colorado via I-70 and U.S. Highway No. 6 serving all intermediate points; and in addition serving all off-route points within one mile of said routes located west of a line drawn north and south through Empire, Colorado; and serving the off-route point of Beaver Creek, Colorado; C) between Glenwood Springs, Colorado, and Aspen, Colorado via Colorado State Highway No. 82 and Brush Creek Road serving all

intermediate points, all off-route points located within one mile of said route and serving the off-route points of Snowmass Village and Snowmass Ski Resort; D) between Frisco, Colorado, and Blue River, Colorado via Colorado State Highway No. 9 serving all intermediate points and all off-route points located within one mile of said route and serving the off-route point of Keystone, Colorado; **E) between Grand Junction, Colorado (including Grand Junction Municipal Airport, Walker Field), on the one hand, and ski areas located in Colorado west of the Continental Divide, on the other hand.**

Restrictions: 1) Item A is restricted: (i) to service that originates or terminates within the County of Eagle, State of Colorado; and (ii) against maintaining an office at any other place than Vail, Colorado; (iii) to operations and service only between November 1 of each year and April 30 of the following year; and (iv) to the use of vehicles having a capacity of 20 persons or less, including the driver. 2) Item B is restricted against providing service between Denver Union Station and points within a two-mile radius thereof, on the one hand, and all points located within the County of Eagle, State of Colorado, on the other hand. 3) Authority is expressly granted to tack Items B, C, and D with each other to provide a through transportation service. 4) **Item E is restricted against the use of four-wheel drive vehicles.**

II. Transportation of passengers and their baggage, in taxicab service: A) between all points in the County of Eagle, State of Colorado, and between said points, on the one hand, and all points in the State of Colorado, on the other hand; B) between Rubey Park bus stop in Aspen, Colorado, or upper bus stop at Snowmass Mall in Snowmass, Colorado, or Pitkin County Airport in Pitkin, Colorado, on the one hand, and Denver International Airport, on the other hand; C) from Rubey Park bus stop in Aspen, Colorado, or upper bus stop at Snowmass Mall in Snowmass, Colorado, or Pitkin County Airport in Pitkin County, Colorado, to Glenwood Springs, Colorado, or to the transportation center in Vail, Colorado; D) from Pitkin County Airport in Pitkin County, Colorado, to Walker Field, at Grand Junction, Colorado; E) between Grand Junction, Colorado (including Grand Junction Municipal Airport, Walker Field), on the one hand, and ski areas located in Colorado west of the Continental Divide, on the other hand.

Restrictions: 1) Item A is restricted to service that originates or terminates within the County of Eagle, State of Colorado. 2) Items B, C and D are restricted to providing service only between the dates of November 1 of each year and May 1 of the following year. 3) Item E is restricted against the use of four-wheel drive vehicles. 4) Item E is restricted against service that originates or terminates within the County of Eagle, Colorado.

III. Transportation of passengers and their baggage in call-and-demand limousine service: A) between Denver International Airport and Denver Union Station and points within a two-mile radius of Denver Union Station, on the one hand, and all points located within the County of Eagle, State of Colorado, on the other hand; **B) between all points located within a 60-mile radius of the intersection of Mill and Main Streets in Aspen, Colorado and between said points, on the**

one hand, and all points in the State of Colorado, on the other hand; C) between points lying within a one-mile radius of the Denver International Airport in Denver, Colorado, on the one hand, and all points in the Counties of Pitkin, Garfield, Eagle, Summit, and Clear Creek, on the other hand; D) between points in the County of El Paso, State of Colorado, on the one hand, and points in the State of Colorado, on the other hand; **E) between all points in the County of Park, State of Colorado, on the one hand, and all points in the County of Summit, State of Colorado, on the other hand; F) from Rubey Park bus stop in Aspen, Colorado, or upper bus stop at Snowmass Mall in Snowmass, Colorado, or Pitkin County Airport in Pitkin County, Colorado, to Glenwood Springs, Colorado, or to the transportation center in Vail, Colorado; G) from Pitkin County Airport in Pitkin County, Colorado, to Walker Field, at Grand Junction, Colorado; H) between Grand Junction, Colorado (including Grand Junction Municipal Airport, Walker Field), on the one hand, and ski areas located in Colorado west of the Continental Divide, on the other hand.**

Restrictions: 1) Item A is restricted: (i) to service that either originates or terminates within the County of Eagle, State of Colorado; (ii) against maintaining an office at any other place than Vail, Colorado; (iii) to operations and service only between November 1 of each year and April 30 of the following year; and (iv) to the use of vehicles having a capacity of 20 persons or less, including the driver. 2) **Item B is restricted: (i) to the use of vehicles with a passenger capacity of 14 or less excluding the driver; (ii) against any service which originates or terminates in the County of Eagle, State of Colorado; and (iii) such that any service to points in Eagle, Summit, or Lake Counties, must originate or terminate within a 15-mile radius of the intersection of Mill and Main Streets in Aspen.** 3) **To the extent that Item B and Item C overlap, only one operating right exists.** 4) Item D is restricted: (i) to the use of vehicles with a seating capacity of eight or more passengers plus the driver; (ii) against providing service to or from Powder Horn Ski Area in the County of Mesa, State of Colorado; (iii) against providing service to or from points in the Counties of Adams, Arapahoe, Boulder, Chaffee, Denver, Douglas, Fremont, Jefferson, Gilpin, Pueblo, or Teller, State of Colorado or points located within a five-mile radius of the intersection of 6th and Harrison Streets in Leadville, Colorado (ski areas and ski resorts are specifically excepted from this restriction); and (iv) against providing service from points in the County of Gunnison, State of Colorado. 5) **Items F and G are restricted to providing service only between the dates of November 1 of each year and May 1 of the following year.** 6) Item H is restricted against the use of four-wheel drive vehicles.

IV. Transportation, in sightseeing service, of passengers: A) between all points in the State of Colorado, provided the transportation service originates and terminates in Eagle County; B) between all points located within a 50-mile radius of the intersection of Mill and Main Streets in Aspen, Colorado; C) between Rubey Park bus stop in Aspen, Colorado, or upper bus stop at Snowmass Mall in Snowmass, Colorado, or Pitkin County Airport in Pitkin, Colorado, on the one hand, and Denver International Airport, on the other hand; D) between Grand

Junction, Colorado (including Grand Junction Municipal Airport, Walker Field), on the one hand, and ski areas located in Colorado west of the Continental Divide, on the other hand.

Restrictions: 1) Item B is restricted: (i) against the use of four-wheel drive vehicles, and (ii) to providing service that both originates and terminates within a 15-mile radius of the intersection of Main and Mill Streets in Aspen, Colorado. 2) Item C is restricted to providing service only between the dates of November 1 of each year and May 1 of the following year. 3) Item D is restricted against the use of four-wheel drive vehicles.

V. Transportation, in charter service, of passengers and their baggage, A) between all points located within a 50-mile radius of the intersection of Mill and Main Streets in Aspen, Colorado; B) between points in the County of El Paso, State of Colorado, on the one hand, and all points in the State of Colorado, on the other hand; C) between all points in the County of Park, State of Colorado, on the one hand, and all points in the County of Summit, State of Colorado, on the other hand; D) between all points located within a 50-mile radius of Vail, Colorado; E) between points lying within a one-mile radius of the Denver International Airport in Denver, Colorado, on the one hand, and all points in the Counties of Pitkin, Garfield, Eagle, Summit, and Clear Creek, on the other hand; F) from Rubey Park bus stop in Aspen, Colorado, or upper bus stop at Snowmass Mall in Snowmass, Colorado, or Pitkin County Airport in Pitkin County, Colorado, to Glenwood Springs, Colorado, or to the transportation center in Vail, Colorado; G) from Pitkin County Airport in Pitkin County, Colorado, to Walker Field, at Grand Junction, Colorado; H) between Grand Junction, Colorado (including Grand Junction Municipal Airport, Walker Field), on the one hand, and ski areas located in Colorado west of the Continental Divide, on the other hand.

Restrictions: 1) Item A is restricted: (i) against the use of four-wheel drive vehicles; (ii) to providing service that both originates and terminates within a 15-mile radius of the intersection of Main and Mill Streets in Aspen, Colorado; and (iii) to the use of vehicles with a passenger capacity of 15 or more, excluding the driver. 2) Item B is restricted: (i) to providing service that both originates and terminates in El Paso County on service provided to or from points in the County of Weld, State of Colorado; (ii) against providing service to or from points in the Counties of Adams, Arapahoe, Boulder, Chaffee, Denver, Douglas, Fremont, Jefferson, Gilpin, Pueblo, or Teller, State of Colorado or points located within a five-mile radius of the intersection of 6th and Harrison Streets in Leadville, Colorado (ski areas and ski resorts are specifically excepted from this restriction); and (iii) against providing service from points in the County of Gunnison, State of Colorado. 3) Item D is restricted: (i) to providing service that must either originate or terminate within the County of Eagle, State of Colorado; and (ii) against providing service that originates or terminates within a 15-mile radius of the intersection of Main and Mill Streets in Aspen, Colorado. 4) Items F and G are restricted to providing service only between the dates of November 1 of each year and May 1 of the following year. 5) Item H is restricted against the use of four-wheel drive vehicles.

VI. Transportation of passengers and their baggage in special bus service: A) between all points within the County of Eagle, State of Colorado, and between said points, on the one hand, and all points located within Leadville, Colorado and a ten-mile radius thereof, on the other hand; B) between all points located within a 50-mile radius of the intersection of Mill and Main Streets in Aspen, Colorado; C) between points lying within a one-mile radius of the Denver International Airport in Denver, Colorado, on the one hand, and all points in the Counties of Pitkin, Garfield, Eagle, Summit, and Clear Creek, on the other hand; D) from Rubey Park bus stop in Aspen, Colorado, or upper bus stop at Snowmass Mall in Snowmass, Colorado, or Pitkin County Airport in Pitkin County, Colorado, to Glenwood Springs, Colorado, or to the transportation center in Vail, Colorado; E) from Pitkin County Airport in Pitkin County, Colorado, to Walker Field, at Grand Junction, Colorado; F) between Grand Junction, Colorado (including Grand Junction Municipal Airport, Walker Field), on the one hand, and ski areas located in Colorado west of the Continental Divide, on the other hand.

Restrictions: 1) Item A is restricted to service that either originates or terminates within the County of Eagle, State of Colorado. 2) Item B is restricted: (i) against the use of four-wheel drive vehicles; (ii) to providing service that both originates and terminates within a 15-mile radius of the intersection of Main and Mill Streets in Aspen, Colorado; (iii) to the use of vehicles with a passenger capacity of 15 or more, excluding the driver. 3) Items D and E are restricted to providing service only between the dates of November 1 of each year and May 1 of the following year. 4). Item F is restricted against the use of four-wheel drive vehicles.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on June 1, 2004. The Commission set this matter for hearing on August 17, 2004.

3. 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.

4. The information submitted with this application warrants granting the requested partial suspension.

5. The application for authority to suspend operations under a portion of CPCN PUC No. 7321 is in the public interest.

II. ORDER**A. The Commission Orders That:**

1. The hearing set for August 17, 2004, is vacated.
2. This application was deemed complete on July 9, 2004, within the meaning of § 40-6-109.5, C.R.S.
3. The application filed by East West Resort Transportation, LLC. doing business as Colorado Mountain Express &/or CME Premier &/or Premier VIP Transportation &/or Resort Express for authority to suspend operations under the portions of Certificate of Public Convenience and Necessity PUC No. 7321 indicated above is granted.
4. The suspension of motor vehicle operations under the above-described portion of Certificate of Public Convenience and Necessity PUC No. 7321 is authorized from July 1, 2004 through January 1, 2005.
5. On or before December 1, 2004, East West Resort Transportation, LLC. doing business as Colorado Mountain Express &/or CME Premier &/or Premier VIP Transportation &/or Resort Express shall file a written request either to reinstate the suspended portion of Certificate of Public Convenience and Necessity PUC No. 7321 or to extend the suspension period.
6. Prior to reinstatement, East West Resort Transportation, LLC doing business as Colorado Mountain Express &/or CME Premier &/or Premier VIP Transportation &/or Resort Express shall cause to be filed with the Commission certificates of insurance as required by Commission rules. East West Resort Transportation, LLC doing business as Colorado Mountain

Express &/or CME Premier &/or Premier VIP Transportation &/or Resort Express shall also file a proper tariff and pay the appropriate vehicle identification fee.

7. The failure to file a written request either to reinstate the suspended portion of Certificate of Public Convenience and Necessity PUC No. 7321 or to extend the suspension period on or before December 1, 2004 may result in revocation of the suspended portion of the certificate without further notice.

8. 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.

9. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
July 9, 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

CARL MILLER

Commissioners

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