

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04A-434CP-LEASE

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THE APPLICATION OF OWNER/DRIVER UNITED CORPORATION, DOING BUSINESS AS BLUE SKY SHUTTLE, FOR APPROVAL TO LEASE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY PUC NOS. 50790, 52940, 55363, AND 55519 TO GOLDEN WEST COMMUTER, LLC.

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**COMMISSION ORDER APPROVING LEASE OF  
CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY**

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Mailed Date: October 1, 2004  
Adopted Date: September 29, 2004

**I. BY THE COMMISSION:**

**A. Statement, Findings and Conclusions**

1. On August 19, 2004, Owner/Driver United Corporation, doing business as Blue Sky Shuttle (Blue Sky Shuttle), filed an application for approval to lease Certificates of Public Convenience and Necessity (CPCN) PUC Nos. 50790, 52940, 55363, and 55519 to Golden West Commuter, LLC (Golden West Commuter). The lease is for the period from September 1, 2004 through September 1, 2007.

2. Blue Sky Shuttle also filed a Motion For Variance From Certain Common Carrier Rules on August 25, 2004. This Motion requests a variance from Common Carrier Rule 4 (CCR) 723-31-3.1.3.

3. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on August 23, 2004. The Commission set this matter for hearing on October 28, 2004.

4. 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.

5. Schafer-Schoenewill & Associates, Inc. dba Englewood Express &/or Wolf Express Shuttle (Englewood Express) was granted the approval to lease CPCN PUC Nos. 50790, 52940, 55363, and 55519, to Blue Sky Shuttle by Decision No. C04-0519 in Docket No. 04A-163CP on May 27, 2004. Decision No. C04-0519 approved the lease of CPCN PUC Nos. 50790, 52940, 55363, and 55519, from Englewood Express to Blue Sky Shuttle for the period from April 5, 2004, through April 5, 2007. However, Englewood Express remains the owner of these certificates during the period of the lease.

6. Common Carrier Rule 4 (CCR) 723-31-3.1.3 states

*Except with regard to foreclosures of encumbrances, executions in satisfactions of a judgement or claims, and transfers pursuant to a court order, only the owners of a certificate as shown in the official records of the Commission may transfer the certificate.*

7. Therefore, only Englewood Express may file an application to lease CPCN PUC Nos. 50790, 52940, 55363, and 55519.

8. The Commission finds that the information submitted with the Motion For Variance From Certain Common Carrier Rules warrants a waiver of Common Carrier Rule 4 (CCR) 723-31-3.1.3. The Commission also finds that the information submitted with this application warrants granting the requested lease of CPCN PUC Nos. 50790, 52940, 55363, and 55519.

9. The financial standing of Golden West Commuter has been satisfactorily established.

10. Golden West Commuter is ready, willing, and able to properly engage in motor carrier operations under the authority to be leased.

11. This application for approval of the lease of CPCN PUC Nos. 50790, 52940, 55363, and 55519 from September 1, 2004 through September 1, 2007 is in the public interest.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The hearing set for October 28, 2004, is vacated.
2. This application was deemed complete on September 29, 2004, within the meaning of § 40-6-109.5, C.R.S.
3. The Motion For Variance From Certain Common Carrier Rules as filed by Blue Sky Shuttle is granted.
4. The application filed by Blue Sky Shuttle for approval to lease Certificates of Public Convenience and Necessity PUC Nos. 50790, 52940, 55363, and 55519 subject to encumbrances, if any, against the authority to Golden West Commuter from September 1, 2004 through September 1, 2007 is granted.
5. Golden West Commuter shall operate in accordance with all applicable Commission rules and regulations.
6. Golden West Commuter shall obtain and keep in force the proper liability insurance in accordance with Commission rules. Golden West Commuter shall pay the issuance fee and the appropriate vehicle identification fee. Golden West Commuter shall adopt the tariffs and time

schedules of Blue Sky Shuttle which shall become those of Golden West Commuter until changed in accordance with the public utilities law. An acceptance of lease form signed by both Golden West Commuter and Blue Sky Shuttle shall be filed with the Commission. Golden West Commuter may not begin operations until these requirements have been met and it has received notice in writing from the Commission stating that it is in compliance and may begin service.

7. If Blue Sky Shuttle and Golden West Commuter do not comply with the requirements of this Order within 60 days of its effective date, then the approval to lease Certificates of Public Convenience and Necessity PUC Nos. 50790, 52940, 55363, and 55519 from September 1, 2004 through September 1, 2007 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 60 days.

8. 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.

9. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING  
September 29, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners  
CHAIRMAN GREGORY E. SOPKIN  
ABSENT.