

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-459BP-TRANSFER-TA

THE APPLICATION OF UNIVERSITY SERVICES, INC., DOING BUSINESS AS PASSENGER EXPRESS, FOR TEMPORARY APPROVAL TO ALLOW GLOBAL TRANSPORTATION, LLC, DOING BUSINESS AS GLOBAL PASSENGER SERVICE, LLC, TO ASSUME OPERATIONAL CONTROL OF CONTRACT CARRIER PERMIT NO. B-9790.

**COMMISSION ORDER GRANTING
TEMPORARY APPROVAL**

Mailed Date: September 30, 2004
Adopted Date: September 29, 2004

I. BY THE COMMISSION:

A. Statement

1. On September 10, 2004, University Services, Inc., doing business as Passenger Express (Passenger Express), filed an application for temporary approval to allow Global Transportation, LLC, doing business as Global Passenger Service, LLC (Global Transportation), to assume operational control of Contract Carrier Permit No. B-9790 pending Commission consideration of the related application to permanently transfer the permit.

2. The Commission gave notice of the application on September 20, 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 permit 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. In support of this application Passenger Express and Global Transportation state "Lucilious J. Ward, the current owner of Passenger Express and Global Transportation, was recently involved in two lawsuits regarding various disputes among himself and his former partner in Global Transportation among others. In order to resolve the lawsuits and their underlying disputes, the parties entered into a Settlement Agreement dated August 3, 2004. As part of this Settlement Agreement, effective as of September 1, 2004, sole ownership and control of each of Passenger Express and Global Transportation was transferred to Mr. Ward. However, as a condition of the Settlement Agreement, Mr. Ward is not permitted to use the name 'University Services, Inc., doing business as Passenger Express' in the future, other than in order to effectuate the transfer of ownership of the company to him, and Permit B-9790, to Global Transportation. Thereafter, Passenger Express will merge its operation into Global Transportation so that there will be only one operating company."

6. Passenger Express and Global Transportation also state "In the event that the transfer of Permit B-9790 is not effected, it is possible that Passenger Express' provision of service along its routes will be interrupted pending further discussion among the parties, PUC approval or further litigation."

C. Conclusions

7. A failure to grant temporary approval of an assumption of operational control could result in injury to Contract Carrier Permit No. B-9790 and ultimately affect service to the public.

8. Global Transportation has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

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

10. Passenger Express and Global Transportation are advised that the grant of temporary approval of an assumption of operational control creates no presumption that permanent transfer approval will be granted.

II. ORDER

A. The Commission Orders That:

1. The application for temporary approval to allow Global Transportation to assume of operational control of Contract Carrier Permit No. B-9790 as filed by Passenger Express is granted.

2. Global Transportation is granted temporary approval to assume operational control of Contract Carrier Permit No. B-9790 for a period of 150 days commencing from the Mailed Date of this Order.

3. Global Transportation shall operate in accordance with all applicable Commission rules and regulations.

4. Global Transportation shall obtain and keep in force the proper liability insurance in accordance with Commission rules. Global Transportation shall adopt the tariff of Passenger Express, which shall become that of Global Transportation until changed in accordance with the public utilities law. Global Transportation may not begin operations until these requirements have been met and notice in writing has been received from the Commission that it is in compliance and may begin service.

5. If Global Transportation 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
September 29, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners
CHAIRMAN GREGORY E. SOPKIN
ABSENT.