

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-495CP-TRANSFER-ETA

THE APPLICATION OF PARK TAXI, LLC FOR EMERGENCY TEMPORARY APPROVAL TO ALLOW PARK TAXI, INC. TO ASSUME OPERATIONAL CONTROL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 55700.

**COMMISSION ORDER GRANTING
EMERGENCY TEMPORARY APPROVAL**

Mailed Date: October 15, 2004
Adopted Date: October 14, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On September 29, 2004, Park Taxi, LLC filed an application for emergency temporary approval to allow Park Taxi, Inc. to assume operational control of Certificate of Public Convenience and Necessity (CPCN) PUC No. 55700.

2. CPCN PUC No. 55700 authorizes the transportation of passengers and their baggage in taxi service, between all points within an 18-mile radius of the intersection of U.S. Highway 34 and U.S. Highway 36, Estes Park, Colorado, and between said points, on the one hand, and, on the other hand, Denver International Airport, in Denver, Colorado.

3. Pursuant to § 40-6-120(2), C.R.S., the Commission may grant temporary approval of a certificate 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." Section 40-6-120(4), C.R.S., further states: "If the Commission is of the opinion

that an emergency exists, it may issue temporary authority or approval at once by making specific reference in its order to the circumstances constituting the emergency, in which case no notice need be given, but any such emergency authority or approval shall expire no later than thirty days after it was issued."

4. In support of this application, the owner of Park Taxi, LLC states that recent changes in his driving record have caused the premiums for the Commission required liability insurance for Park Taxi, LLC to increase from \$8,000 to \$20,000 per vehicle per year. The owner also states that the liability insurance for Park Taxi, LLC was to be canceled on October 9, 2004.

5. The Commission is aware that a carrier providing taxi service in an area with the population of Estes Park, Colorado, would find it nearly impossible to earn sufficient annual revenue to pay its operating expenses if these expenses included an insurance charge of \$20,000 per taxi vehicle per year. Because the owner of Park Taxi, LLC cannot effectively operate, CPCN PUC No. 55700 is at risk of immediate injury.

6. The transferee, Park Taxi, Inc., has filed with the Commission the liability insurance required by Common Carrier Rule, 4 *Code of Colorado Regulations* 723-31-12.4. The effective date of the liability insurance was October 9, 2004.

7. The Commission finds it has been shown that a failure to grant emergency approval of an assumption of operational control could result in injury to CPCN PUC No. 55700 and ultimately affect service to the public.

8. Park Taxi, Inc., has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

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

10. Park Taxi, LLC and Park Taxi, Inc. are advised that the grant of emergency temporary approval of an assumption of operational control creates no presumption that either temporary approval of an assumption of operational control or permanent approval of the transfer will be granted.

II. ORDER

A. The Commission Orders That:

1. The application filed by Park Taxi, LLC for emergency temporary approval of an assumption of operational control of CPCN PUC No. 55700 by Park Taxi, Inc., is granted.

2. Park Taxi, Inc. is granted emergency temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 55700 for a period of 30 days commencing on the Mailed Date of this Order.

3. Park Taxi, Inc. shall operate in accordance with all applicable Commission rules and regulations.

4. Park Taxi, Inc. shall not assume operational control until it has filed with the Commission certificates of insurance as required by Commission rules. Park Taxi, Inc. shall also adopt the tariff filed by Park Taxi, LLC which shall become that of Park Taxi, Inc. until changed in accordance with the public utilities law. Park Taxi, Inc. shall pay the appropriate vehicle identification fee. Park Taxi, Inc. shall not assume operational control of CPCN PUC No. 55700 until it has met these requirements, and it has received notice in writing from the Commission stating that it is in compliance and may begin service.

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 on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
October 14, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

I/TRANS/ORDERS/04A-495CP