

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-514CP-EXTENSION-TA

THE APPLICATION OF VAIL SUMMIT RESORTS, INC. DOING BUSINESS AS KEYSTONE RESORT, INC. FOR TEMPORARY AUTHORITY TO EXTEND OPERATIONS UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 20195.

**COMMISSION ORDER DENYING
TEMPORARY AUTHORITY**

Mailed Date: October 29, 2004
Adopted Date: October 27, 2004

I. BY THE COMMISSION:

A. Statement

1. On October 12, 2004, Vail Summit Resorts, Inc. doing business as Keystone Resort, Inc. (Keystone Resort), filed an application for temporary authority to extend operations under Certificate of Public Convenience and Necessity (CPCN) PUC No. 20195 to include the transportation of passengers and their baggage, in scheduled and call-and-demand limousine service, between all points located within a five-mile radius of the intersection of U. S. Highway 6 and West Keystone Road, in Summit County, Colorado.

2. The Commission gave notice of the application on October 18, 2004.

3. There are no interventions opposing the application.

4. Pursuant to § 40-6-120(1), C.R.S., the Commission is authorized to grant temporary authority when "there appears to be an immediate and urgent need to any point or within a territory having no carrier service capable of meeting such need."

5. Keystone Resort must meet a two-fold test: first, that there is an immediate and urgent need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If Keystone Resort fails to meet either test, the application must be denied.

B. Findings of Fact

6. Keystone Resort's existing authority under CPCN PUC No. 20195 allows it to provide scheduled and charter service, between all points located within a three-mile radius of the intersection of U. S. Highway 6 and West Keystone Road, in Summit County, Colorado.

7. In support of this application Keystone Resort states "There are some homeowners living outside of the three mile radius under the current authority. As a result, the extension is necessary to provide service to those homeowners as part of the resort amenities, to increase safe travel within the resort area, and eliminate traffic congestion." Keystone Resort does not include any factual information with its statement of support that indicates an immediate and urgent exists for the service it is requesting in this application.

8. Two letters were filed in support of this application. The author of one of the letter states "My family and my guests rely on Keystone to supply safe accessible transportation. It's a service from which everyone at Keystone receives a benefit." The author of the other letter states "We recognize the critical need for bus service at Keystone Resort to meet the owners' and guests' needs. Without the service, I believe the Resort and the county tax base could be negatively impacted." The authors of both of the letters appear to utilize the existing service provided by Keystone Resort and support the extension of service requested by Keystone Resort in this application. However, neither of the letters include any reference to any specific circumstance that indicates an immediate and urgent need exists for the service being requested in this application.

C. Conclusions

9. The Commission finds that Keystone Resort has not shown that an immediate and urgent need exists for the transportation services requested in this application.

10. This application for temporary authority is not in the public interest.

11. The denial of this application creates no presumption about the final disposition of the permanent authority application. The permanent authority application will be determined on the evidence presented using the statutory criteria.

II. ORDER

A. The Commission Orders That:

1. The application for temporary authority filed by Keystone Resort is denied.

2. 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.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
October 27, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners