

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-489BP-Transfer

THE APPLICATION OF THE MOUNTAIN MEN, INC. DOING BUSINESS AS BEST MOUNTAIN TOURS FOR APPROVAL TO TRANSFER CONTRACT CARRIER PERMIT NUMBER B-9404 TO MOBILITY EXPRESS TRANSPORTATION SYSTEM, INC.

**COMMISSION ORDER GRANTING PERMANENT
CONTRACT CARRIER PERMIT**

Mailed Date: November 19, 2004
Adopted Date: November 10, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On September 29, 2004, The Mountain Men, Inc. doing business as Best Mountain Tours (Best Mountain Tours) filed an application for approval to transfer Contract Carrier Permit B-9404 to Mobility Express Transportation System, Inc. (Mobility Express).

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on October 4, 2004. The Commission set this matter for hearing on December 6, 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 transfer.

5. The financial standing of Mobility Express has been satisfactorily established.

6. Mobility Express is ready, willing, and able to properly perform the service as requested.

7. This application for permanent approval of the transfer of Contract Carrier Permit No. B-9404 is in the public interest.

II. ORDER

A. The Commission Orders That:

1. The hearing set for December 6, 2004, is vacated.
2. This application was deemed complete on November 10, 2004, within the meaning of § 40-6-109.5, C.R.S.
3. The application filed by The Mountain Men, Inc. doing business as Best Mountain Tours for approval to transfer Contract Carrier Permit No. B-9404, subject to encumbrances, if any, against the authority, to Mobility Express is granted.
4. Mobility Express shall operate in accordance with all applicable Commission rules and regulations.
5. Approval of the transfer of Contract Carrier Permit No. B-9404 is conditioned on the prior filing by Best Mountain Tours of delinquent reports, if any, covering operations under the permit up to the consummation of the transfer.
6. Mobility Express shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Mobility Express shall also adopt the tariff of Best Mountain Tours which shall become that of Mobility Express until changed in accordance with the public utilities law. Mobility Express shall pay the appropriate vehicle identification fee. Best Mountain Tours shall file a terminating annual report from the first of January to the date of

this Order. An acceptance of transfer signed by both Best Mountain Tours and Mobility Express shall be filed with the Commission. Mobility Express may not begin operations until these requirements have been met and it has received notice in writing from the Commission that it is in compliance and may begin service.

7. If Best Mountain Tours and Mobility Express do not comply with the requirements of this Order within 60 days of its effective date, then the approval to transfer Contract Carrier Permit No. B-9404 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
November 10, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners