

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-554BP-EXTENSION-TA

THE APPLICATION OF VAIL SUMMIT RESORTS, INC. DOING BUSINESS AS KEYSTONE RESORT, INC. FOR TEMPORARY AUTHORITY TO EXTEND OPERATIONS UNDER CONTRACT CARRIER PERMIT NO. B-9862.

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

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

I. BY THE COMMISSION:

A. Statement

1. On October 27, 2004, Vail Summit Resorts, Inc. doing business as Keystone Resort, Inc. (Keystone Resort), filed an application for temporary authority to extend operations under Contract Carrier Permit No. B-9862 to include the transportation of passengers and their baggage 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. This application is restricted to providing transportation services for: (1) Arapahoe Lodge Condominium Association, Inc.; (2) Argentine Condominium Association, Inc.; (3) Buffalo Lodge and Dakota Lodge Condominium Association, Inc.; (4) Chateaux d'Mont Condominium Association, Inc.; (5) Decatur Condominium Association, Inc.; (6) Expedition Station Condominium Association, Inc.; (7) Flying Dutchman Condominium Association, Inc.; (8) The Gateway Condominium Association, Inc.; (9) Hidden River Lodge Condominium Association, Inc.; (10) Homestead/Lodgepole Condominium Association, Inc.; (11) Ironwood Townhome Homeowner Association, Inc.; (12)

Jackpine Lodge and Black Bear Lodge Condominium Association, Inc.; (13) Keystone Condo Homeowner Association, Inc.; (14) Keystone Gulch Homeowner Association, Inc.; (15) Keystone Ranch Homeowner Association, Inc.; (16) Keystone East Ranch Homeowner Association, Inc.; (17) Keystone West Ranch Homeowner Association, Inc.; (18) Lakeshore Condominium Association, Inc.; (19) Lakeside Condominium Association, Inc.; (20) Lenawee Condominium Association, Inc.; (21) Lone Eagle Above River Run Condominium Association, Inc.; (22) Montezuma Condominium Association, Inc.; (23) North Fork River Estates Homeowner Association, Inc.; (24) Northstar at Keystone Homeowner Association, Inc.; (25) Pines at Keystone Condominium Association, Inc.; (26) Plaza Condominium Association, Inc.; (27) Quicksilver Condominium Association, Inc.; (28) Riverbank Lodge Condominium Association, Inc.; (29) Red Hawk Lodge Condominium Association, Inc.; (30) Red Hawk Townhomes Homeowner Association, Inc.; (31) Seasons Homeowner Association, Inc.; (32) Settlers Creek Homeowners Association, Inc.; (33) Settlers Creek Townhomes Association, Inc.; (34) Silvermill Condominium Association, Inc.; (35) Ski Tip Ranch Condominium Association, Inc.; (36) Slopeside Condominium Association, Inc.; (37) Soda Spring at Keystone Condominium Association, Inc.; (38) Soda Spring at Keystone, Phase II, Condominium Association, Inc.; (39) Springs at River Run Condominium Association, Inc.; (40) Starfire Townhomes Association, Inc.; (41) Sts. John Condominium Association, Inc.; (42) Tennis Townhomes Condominium Association, Inc.; (43) Timbers on River Run Condominium Association, Inc.; (44) Trappers Crossing Homeowners Association, Inc.; (45) Wild Irishman Condominium Association, Inc.; (46) Willows at Keystone Condominium Association, Inc.

2. The Commission gave notice of the application on November 1, 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. Kevin Burnett, the Executive Director of the Keystone Neighborhood Company, submitted a letter in support of this application. In his letter, Mr. Burnett states "The Keystone Neighborhood Company has 945 units at Keystone. Our guests and residents expect transportation service to and from our locations to points within the proposed five-mile radius, especially to and from Keystone Mountain for our outlying members and to and from Keystone Lodge and Conference Center for all our members. Our need for the proposed service is immediate and urgent. The Colorado ski season will soon begin and our guests and residents will be expecting transportation service to and from our facilities. Keystone Resort has indicated intent to open for the season on or about mid November, making the need for the proposed service immediate and urgent." Dick Upton, the President of the Keystone Owners Association, submitted the other letter in support of this application. In his letter Mr. Upton states "Our homeowner associations have 2161 condominium/townhome units at Keystone. Our owners, guests and residents require transportation service to and from our locations to points within the proposed five-mile radius, especially to and from the base of Keystone Mountain. Given the limited public parking available within the territory covered by this application, we have a specialized need for timely transportation to and from our locations. Our need for the proposed

service is immediate and urgent, as well as long term. The Colorado ski season will soon begin and our owners, guests, and residents will be requiring transportation service. Keystone has indicated its intent to open for the season on or about November 12, 2004 thereby making the need for the proposed service immediate and urgent.”

7. The Commission finds that the support provided by Mr. Burnett and Mr. Upton does indicate that an immediate and urgent need does exist for the transportation service named in this application.

C. Conclusions

8. The Commission finds that an immediate and urgent need for the requested transportation services has been shown to exist, and no other carrier has been shown to be capable of providing the service.

9. Keystone Resort has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

10. This application for temporary authority is in the public interest.

11. Keystone Resort is advised that the grant of a temporary authority creates no presumption that a permanent authority will be granted.

II. ORDER

A. The Commission Orders That:

1. Keystone Resort is granted temporary authority to extend operations under Contract Carrier Permit No. B-9862 for a period of 180 days commencing from the Mailed Date of this Order, with authority as set forth in the Appendix.

2. Keystone Resort shall operate in accordance with all applicable Commission rules and regulations.

3. Keystone Resort shall not extend operations until it has filed the proper tariff and it has received notice in writing from the Commission stating that it is in compliance and may begin service.

4. If Keystone Resort does not comply with the requirements of this Order within 30 days of its effective date, then the temporary authority to extend operations 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.

5. 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.

6. 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

Transportation of passengers and their baggage 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.

This application is restricted to providing transportation services for: (1) Arapahoe Lodge Condominium Association, Inc.; (2) Argentine Condominium Association, Inc.; (3) Buffalo Lodge and Dakota Lodge Condominium Association, Inc.; (4) Chateaux d'Mont Condominium Association, Inc.; (5) Decatur Condominium Association, Inc.; (6) Expedition Station Condominium Association, Inc.; (7) Flying Dutchman Condominium Association, Inc.; (8) The Gateway Condominium Association, Inc.; (9) Hidden River Lodge Condominium Association, Inc.; (10) Homestead/Lodgepole Condominium Association, Inc.; (11) Ironwood Townhome Homeowner Association, Inc.; (12) Jackpine Lodge and Black Bear Lodge Condominium Association, Inc.; (13) Keystone Condo Homeowner Association, Inc.; (14) Keystone Gulch Homeowner Association, Inc.; (15) Keystone Ranch Homeowner Association, Inc.; (16) Keystone East Ranch Homeowner Association, Inc.; (17) Keystone West Ranch Homeowner Association, Inc.; (18) Lakeshore Condominium Association, Inc.; (19) Lakeside Condominium Association, Inc.; (20) Lenawee Condominium Association, Inc.; (21) Lone Eagle Above River Run Condominium Association, Inc.; (22) Montezuma Condominium Association, Inc.; (23) North Fork River Estates Homeowner Association, Inc.; (24) Northstar at Keystone Homeowner Association, Inc.; (25) Pines at Keystone Condominium Association, Inc.; (26) Plaza Condominium Association, Inc.; (27) Quicksilver Condominium Association, Inc.; (28) Riverbank Lodge Condominium Association, Inc.; (29) Red Hawk Lodge Condominium Association, Inc.; (30) Red Hawk Townhomes Homeowner Association, Inc.; (31) Seasons Homeowner Association, Inc.; (32) Settlers Creek Homeowners Association, Inc.; (33) Settlers Creek Townhomes Association, Inc.; (34) Silvermill Condominium Association, Inc.; (35) Ski Tip Ranch Condominium Association, Inc.; (36) Slopeside Condominium Association, Inc.; (37) Soda Spring at Keystone Condominium Association, Inc.; (38) Soda Spring at Keystone, Phase II, Condominium Association, Inc.; (39) Springs at River Run Condominium Association, Inc.; (40) Starfire Townhomes Association, Inc.; (41) Sts. John Condominium Association, Inc.; (42) Tennis Townhomes Condominium Association, Inc.; (43) Timbers on River Run Condominium Association, Inc.; (44) Trappers Crossing Homeowners Association, Inc.; (45) Wild Irishman Condominium Association, Inc.; (46) Willows at Keystone Condominium Association, Inc.