

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-604BP-EXTENSION-ETA

THE APPLICATION OF LAIDLAW TRANSIT SERVICES, INC. FOR EMERGENCY
TEMPORARY AUTHORITY TO EXTEND OPERATIONS UNDER CONTRACT CARRIER
PERMIT NO. B-9809

**COMMISSION ORDER GRANTING
EMERGENCY TEMPORARY AUTHORITY**

Mailed Date: December 1, 2004
Adopted Date: November 23, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On November 17, 2004, Laidlaw Transit Services, Inc. (Laidlaw Transit), filed an application for emergency temporary authority to extend operations under Contract Carrier Permit No. B-9809 to include the transportation of passengers and their baggage between all points within the city limits of Black Hawk and Central City, Colorado. This application is restricted to providing service for only The City of Black Hawk, Colorado.

2. 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." 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."

3. Laidlaw Transit must meet a two-fold test: first, that there is an emergency need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If Laidlaw Transit fails to meet either test, the application must be denied.

4. Philo Shelton, the Public Works Director of the city of Black Hawk, submitted a letter in support of this application. In his letter, Mr. Shelton states “The Black Hawk Authority has entered into an Intergovernmental Agreement to provide transit service to Central City on December 1, 2004 and extending until December 31, 2005. This will necessitate a route change that will include Central City and add an additional bus to the route to maintain the same or improve the level of service. The current service will end on November 30, 2004 and the new service will begin on December 1, 2004. Since 1996, Laidlaw Transportation Service, Inc. has contracted to provide drivers for the transit service. The Black Hawk Authority has issued an addendum to Laidlaw to extend transit service to Central City. Laidlaw is currently in the process of training four new drivers to meet the additional staffing needs.”

5. Lynnette Hailey, the City Manager of Central City, also submitted a letter in support of this application. In her letter, Ms. Hailey states “On behalf of the Mayor and City Council of Central City, please accept this letter of support for the joint transportation system between the City of Black Hawk and Central City. The existing transportation service will expire on November 30, 2004. Our desire is to have continuous service and therefore we need Laidlaw Transit Services to include Central City in their route beginning on December 1, 2004.”

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

7. Laidlaw Transit has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

8. This application for emergency temporary authority is in the public interest.

9. Laidlaw Transit is advised that the grant of an emergency temporary authority creates no presumption that either a temporary or permanent authority will be granted.

II. ORDER

A. The Commission Orders That:

1. Laidlaw Transit is granted emergency temporary authority to extend operations under Contract Carrier Permit No. B-9809 for a period of 30 days commencing from the Mailed Date of this Order, with authority as set forth in the Appendix.

2. Laidlaw Transit shall operate in accordance with all applicable Commission rules and regulations.

3. Laidlaw Transit Services shall not extend operation 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. 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.

5. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
November 23, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Transportation of passengers and their baggage between all points within the city limits of Black Hawk and Central City, Colorado.

This **emergency temporary permit** is restricted to providing service for only The City of Black Hawk, Colorado.