

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-595CP-TA

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

**COMMISSION ORDER GRANTING
TEMPORARY APPROVAL**

Mailed Date: December 8, 2004
Adopted Date: December 7, 2004

I. BY THE COMMISSION:

A. Statement

1. On November 12, 2004 Park Taxi, LLC filed an application for temporary approval to allow Park Taxi, Inc. to assume operational control of Certificate of Public Convenience and Necessity (CPCN) PUC No. 55700 pending Commission consideration of the related application to permanently transfer the certificate.

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. The Commission gave notice of the application on November 29, 2004.

4. There are no interventions opposing the application.

5. 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."

B. Findings of Fact

6. 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 canceled on October 9, 2004.

7. 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.

8. The Commission granted Park Taxi, LLC emergency temporary approval to assume operational control of CPCN PUC No. 55700 on November 19, 2004 by Decision No. C04-1365.

C. Conclusions

9. A failure to grant temporary approval of an assumption of operational control could result in injury to CPCN PUC No. 55700 and ultimately affect service to the public.

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

11. This application for temporary approval is in the public interest.

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

II. ORDER

A. The Commission Orders That:

1. The application filed by Park Taxi, LLC for temporary approval to allow Park Taxi, Inc. to assume operational control of CPCN PUC No. 55700 is granted.

2. Park Taxi, Inc. is granted temporary approval to assume operational control of CPCN PUC No. 55700 for a period of 150 days commencing from 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. If Park Taxi, Inc. does not comply with the requirements of this Order within 30 days of its effective date, then the temporary approval 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.

6. 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.

7. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
December 7, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners