

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-604BP-TA

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

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed Date: December 7, 2004

Adopted Date: December 7, 2004

I. BY THE COMMISSION:

A. Statement

1. On November 17, 2004 Laidlaw Transit Services, Inc. filed an application for 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. The Commission gave notice of the application on November 29, 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. Laidlaw Transit Services, Inc. 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 Laidlaw Transit Services, Inc. fails to meet either test, the application must be denied.

B. Findings of Fact

6. 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.”

7. 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.”

8. Laidlaw Transit was granted emergency temporary authority to extend operations under Contract Carrier Permit No. B-9809 on December 1, 2004 by Decision No. C04-1384.

C. Conclusions

9. The Commission finds that an immediate and urgent 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.

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

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

12. Laidlaw Transit Services, Inc. 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. Laidlaw Transit Services, Inc. is granted temporary authority to extend operations under Contract Carrier Permit No. B-9809 for a period of 150 days commencing from the Mailed Date of this Order, with authority as set forth in the Appendix.

2. Laidlaw Transit Services, Inc. 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. If Laidlaw Transit Services, Inc. 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
December 7, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Appendix
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Decision No. C04-1448
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December 7, 2004

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

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