

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04L-624CP

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IN THE MATTER OF THE APPLICATION OF SHAMROCK CHARTERS, INC., DOING BUSINESS AS SHAMROCK AIRPORT TO FILE A \$1.00 PER PASSENGER FUEL SURCHARGE ON LESS THAN 30 DAYS NOTICE.

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**DECISION DENYING APPLICATION**

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Mailed Date: December 17, 2004

Adopted Date: December 15, 2004

**I. BY THE COMMISSION**

1. On December 6, 2004 Shamrock Charters, Inc., doing business as Shamrock Airport Express filed an application for authority to publish a fuel supplement increase to Passenger Tariff Number 7 to become effective on less-than-statutory notice. Shamrock Airport Express provides passenger service between points in the Ft. Collins, Loveland, and Greeley and Denver International Airport.

2. Shamrock Airport Express proposes to increase rates on scheduled and call-and-demand service between 4.2 percent and 12.5 percent. The basis of the support for the increase is the comparison of a gallon of gasoline or diesel in 2003, the date of the last increase, and the price of that one gallon in November 2004. No financial justification was filed supporting what Shamrock Airport Express actually paid for fuel, comparing test year to test year, and taking into account the price fluctuations in fuel cost in the last eighteen months. Commission staff comparison of the average price that the carrier would have paid during this period suggests that 66 cents may be justified, if cost data had been filed to support the surcharge proposal.

3. Pursuant to Commission Rule 4 *Code of Colorado Regulations* 723-1-31(g), a carrier must provide justification for an increase. Rule 31(g) also requires that a carrier file concurrently, a statement of the justification for increases and all support data. Rule 31(g)(3) requires that carriers submit a statement of any prior Commission action relating to either the current or proposed rates. The application filed by Shamrock Airport Express does not contain the required justification. Further, Rule 31 requires that all increases must be noticed in at least the local paper and if a less-than-statutory application is proposed then the notice must be posted and filed concurrently with the justification and the proposed tariff.

4. The Commission finds that good cause has not been shown for the approval of the proposed one-dollar per passenger per trip rates in Supplement No. 2 to Passenger Tariff No. 7 and that the application should be denied.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The application of Shamrock Charters, Inc., doing business as Shamrock Airport Express to implement a Fuel Supplement to Passenger Tariff No. 7 on less-than-statutory notice is denied.

2. 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.

**A. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
December 15, 2004**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners