

Decision No. C14-1428

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-1132BP-EXTENSION-ETA

IN THE MATTER OF THE APPLICATION OF EVERGREEN TRAILS, INC., DOING BUSINESS AS HORIZON COACH LINES FOR EMERGENCY TEMPORARY AUTHORITY TO EXTEND OPERATIONS UNDER CONTRACT CARRIER PERMIT NO. B-9941.

**COMMISSION DECISION GRANTING
EMERGENCY TEMPORARY AUTHORITY**

Mailed Date: December 3, 2014

Adopted Date: December 3, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On November 25, 2014, Evergreen Trails, Inc., doing business as Horizon Coach Lines (Horizon Coach Lines), filed an application for emergency temporary authority to extend operations under Contract Carrier Permit No. B-9941 to include the:

Transportation of
passengers

- (A) between Denver International Airport, Denver, Colorado and the Sheraton Hotel, 1550 Court Place, Denver, Colorado 80202; and
- (B) between the Sheraton Hotel, 1550 Court Place, Denver, Colorado 80202, and the United Airlines Training Center, 7401 East Martin Luther King Boulevard, Denver, Colorado.

RESTRICTIONS: This emergency temporary application is restricted:

- (A) to providing transportation services for United Airlines, Inc., 1200 East Algonquin Road, Elk Grove Township, Illinois, 60007; and
- (B) to the use of vehicles having a rated seating capacity no greater than 15 passengers, including the driver.

2. Pursuant to § 40-10.1-204(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 such service capable of meeting the need." Section 40-10.1-204(4), C.R.S., further states: "If the Commission determines 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 expires no later than thirty days after it was issued."

3. Horizon Coach Lines 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 Horizon Coach Lines fails to meet either test, the application must be denied.

4. Ms. Lilia Walker, the Senior Manager of Customer Service and Facilities for United Airlines Flight Training Center, submitted the following statement in support of this application:

On behalf of United Airlines, Inc., I am executing this support letter seeking emergency and regular temporary authority from the Commission to take account of relatively sudden developments in the need for drastically expanded transportation services for training of flight personnel, particularly for United's pilots.

United Airlines presently has a contract with Horizon Coach Lines to provide service under authority granted by the Commission under its Contract Carrier Permit No. B-9941.

...

United Airlines is currently experiencing a particularly large number of pilot retirements on account of reaching the mandatory retirement age. By the end of 2015, we must hire approximately 1,300 replacement pilots, train them, and assign them to flight operations all over the world. ...

In the course of training its pilots at the Denver Flight Training Center, United operates training courses and related flight operations that can last as long as seven weeks. All of United Airlines' pilots are required to be members of the Airline Pilots Association union ("ALPA"). ALPA has requirements for lodging its members during training that feature onsite dining facilities, laundry service, rooms with double pane windows, and similar safety and noise-related measures. Not every lodging facility has these features. ...

United Airlines has committed to supporting a broadened contract carrier permit for Horizon to serve any United-approved hotel in Denver and Adams Counties. The hotel business, like all other businesses, does not stand still. United anticipates that additional ALPA-compliant hotels will be built in the future and United, given the expansion of its flight training operations will inevitably want to make use of them.

At the present, however, pending the Commission's consideration of a permanent authority to expand Horizon's permits as described, United has an emergency need and an immediate and urgent need to expand the list of authorized hotels for Horizon to serve to include the Sheraton Downtown Hotel at 16th and Court Place. This hotel is ALPA-compliant and has the ability to provide rooms for a large complement of pilots in Denver for training that smaller hotels do not. United frequently runs into situations in which the hotel Horizon is authorized to serve under its permit run out of rooms for the number of pilots in Denver for training, creating serious logistical problems for United.

We have investigated both the taxi and the shuttle industry as to whether either or both transportation modes could satisfy these needs and have concluded they cannot meet United's requirements for dedicated vehicles of varying sizes (depending on the size of the group arriving or departing), a United-specific schedule that can be varied or augmented on short notice, and that can guarantee another ALPA-specified requirement that no pilot wait to board a ground transportation vehicle more than 30 minutes from disembarking from the aircraft on which a given pilot arrives.

...

United Airlines urgently requests that the Commission grant Horizon Coaches emergency and regular temporary authority to pick up and deliver its personnel in flight training at the Sheraton Downtown hotel pending decision in a broadened contract carrier permit in an expanded contract carrier application for permanent authority.

5. In consideration of the information included in Ms. Walker's statement, the Commission finds that an emergency need for the requested transportation services exists, and there is no other carrier capable of providing the service.

6. The Commission also finds that Horizon Coach Lines has adequate equipment and financial resources to begin immediate service within the scope of the authority sought, and this application for emergency temporary authority is in the public interest.

7. Horizon Coach Lines 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. Evergreen Trails, Inc., doing business as Horizon Coach Lines is granted emergency temporary authority to extend operations under Contract Carrier Permit No. B-9941 for a period of 30 days commencing from the Mailed Date of this Decision, with authority as set forth in the Appendix.

2. Evergreen Trails, Inc., doing business as Horizon Coach Lines shall operate in accordance with all applicable Commission rules and regulations.

3. Evergreen Trails, Inc., doing business as Horizon Coach Lines shall not extend operation until it has: (a) filed a tariff, in compliance with applicable Commission rules, with an effective date no earlier than three days after filing; and (b) received notice in writing from the Commission 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, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Decision.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 3, 2014.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAMELA J. PATTON

GLENN A. VAAD

Commissioners

CHAIRMAN JOSHUA B. EPEL
ABSENT.