

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0515BP-TRANSFER PORTION-ETA

IN THE MATTER OF THE APPLICATION FOR EMERGENCY TEMPORARY AUTHORITY TO TRANSFER ITEM (II) OF CONTRACT CARRIER PERMIT NO. B-09967 FROM WESTERN PARKING MANAGEMENT LLC TO DIRECT TRANSPORTATION LLC DOING BUSINESS AS WESTERN SHUTTLES.

**COMMISSION DECISION GRANTING
EMERGENCY TEMPORARY AUTHORITY**

Mailed Date: October 4, 2019

Adopted Date: October 2, 2019

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On September 24, 2019, an application requesting emergency temporary authority to partially transfer Contract Carrier Permit No. B-09967 from Western Parking Management LLC to Direct Transportation LLC, doing business as Western Shuttles, was filed.

2. Specifically, the applicants request emergency temporary authority for 30 days to transfer Item (II) of Contract Carrier Permit No. B-09967, which authorizes the transportation of passengers between several hotels in the Denver metro area¹ and the Denver International Airport.

3. Pursuant to § 40-10.1-204(2), C.R.S., the Commission may grant temporary approval of a permit transfer “if it appears that failure to grant such temporary approval may result in destruction of or injury to the carrier or its properties sought to be acquired, or may

¹ The Baymont Inn and Suites, 6805 Argonne Street, Denver, Colorado 80249; Comfort Suites, 6210 Tower Road, Denver, Colorado 80249; Econo Lodge, 15900 East 40th Avenue, Aurora, Colorado 80011; Quality Inn & Suites, 6890 Tower Road, Denver, Colorado 80249; TownePlace Suites by Marriott, 4100 North Kittredge Street, Denver, Colorado 80249; La Quinta Inn, 6801 Tower Road, Denver, Colorado 80249.

interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.” 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.”

4. In support of the emergency temporary authority, the application states: “Permit is being transferred as a result of father giving daughter’s company hotel contracts. No money was exchanged/owed in this process and no assets transferred aside from permit.” The application further states that a failure to obtain this transfer quickly would result in the hotels losing transportation for their guests to/from the airport, which would in turn result in lost revenue for the clients, airport, and company.

5. The Commission finds and concludes that a failure to grant emergency temporary authority to transfer Item (II) of Contract Carrier Permit No. B-09967 could result in injury to the permit and ultimately affect service to the public.

6. Direct Transportation LLC, doing business as Western Shuttles, has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

7. This application for emergency temporary authority is in the public interest and will be granted.

8. Western Parking Management LLC and Direct Transportation LLC, doing business as Western Shuttles, are advised that the grant of emergency temporary authority to

partially transfer Contract Carrier Permit No. B-09967 creates no presumption that permanent authority to transfer the permit will be granted.

II. ORDER

A. The Commission Orders That:

1. The application filed on September 24, 2019, for emergency temporary authority to partially transfer Contract Carrier Permit No. B-09967 from Western Parking Management LLC to Direct Transportation LLC, doing business as Western Shuttles, is granted.

2. Direct Transportation LLC, doing business as Western Shuttles, is granted emergency temporary authority to conduct operations under Item (II) of Contract Carrier Permit No. B-09967 for a period of 30 days commencing from the date that Direct Transportation LLC, doing business as Western Shuttles, is in full compliance with Ordering Paragraph No. 3.

3. Direct Transportation LLC, doing business as Western Shuttles, shall not conduct operations under Item (II) of Contract Carrier Permit No. B-09967 until it has complied with the requirements of Colorado laws and Commission rules, including without limitation:

- (a) causing proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission;
- (b) paying to the Commission, the motor vehicle fee (\$50.00) for each vehicle to be operated under authority granted by the Commission, or in lieu thereof, paid the fee for such vehicle(s) pursuant to the Unified Carrier Registration Agreement;
- (c) filed an adoption notice that adopts as its own the currently effective tariff of Western Parking Management LLC; and,
- (d) paying the applicable issuance fee (\$5.00).

4. If Direct Transportation LLC, doing business as Western Shuttles, does not comply with the requirements of this Decision within 30 days of its effective date, then the

emergency temporary authority 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 Commission will notify Direct Transportation LLC, doing business as Western Shuttles, in writing when the Commission's records demonstrate compliance with Ordering Paragraph No. 3.

6. Direct Transportation LLC, doing business as Western Shuttles, shall operate in accordance with all applicable statutes, orders, and rules of the Commission. The Commission may issue an order to cease and desist or to suspend, revoke, alter, or amend any certificate or permit for violation of, or refusal to observe any statute, order, or rule of the Commission, consistent with § 40-10.1-112(1), C.R.S.

7. 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.

8. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 2, 2019.**

(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

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners

CHAIRMAN JEFFREY P. ACKERMANN
ABSENT.