

Decision No. C25-0456

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0197CP-TA

IN THE MATTER OF THE APPLICATION OF EMERALD EXPRESS TRANSPORTATION INC FOR TEMPORARY AUTHORITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION DECISION DENYING
TEMPORARY AUTHORITY**

Issued Date: June 16, 2025

Adopted Date: June 11, 2025

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On May 12, 2025, Emerald Express Transportation, Inc. (“Emerald Express” or “Applicant”) filed an Application for Temporary Authority to Operate as a Common Carrier of Passengers by Motor Vehicle for Hire (“Application”). An amendment to the Application was filed on May 23, 2025.

2. Emerald Express, in this Application requests temporary authority for 180 days as follows:

(1) Transportation of passengers in call-and-demand shuttle service between all points within the city of Steamboat Springs, Colorado, and between said points, on the one hand, and the Yampa Valley Regional Airport, Hayden, Colorado, on the other hand. (2) Transportation of passengers in call-and-demand shuttle service between all points within the city of Craig, Colorado, and between said points, on the one hand, and the Yampa Valley Regional Airport, Hayden, Colorado, on the other hand.

3. The Commission gave notice of the Application on May 27, 2025, for a period of five days pursuant to § 40-10.1-204(4), C.R.S.

4. Notices of Intervention by Right were timely filed by All Around Taxi, LLC (“All Around Taxi”) on May 28, 2025, Alpine Taxi/Limo, Inc. (“Alpine Taxi/Limo”) on May 30, 2025, and NDW Enterprises LLC d/b/a Ski Town Transportation (“Ski Town Transportation”) on June 2, 2025.

5. Pursuant to § 40-10.1-204(1), C.R.S., the Commission is authorized to grant temporary authority only 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.”

6. Therefore, Emerald Express 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 Emerald Express fails to meet either test, the Application must be denied.

7. Rule 6204(a) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (“CCR”) 723-6 states:

A person may seek temporary Authority to operate as a Common or Contract Carrier, for a period not to exceed 180 days, and shall file an application providing the information specified in rule 6203 modified as follows: (I) the statement of facts shall also establish an immediate and urgent need for the proposed service and that there is no such service Capable of meeting the need; (II) any letters of support shall contain an explanation of the immediate and urgent need for the proposed service; whether there is any other transportation service available; if such service is available, a detailed description of the author's efforts to use it and whether it is Capable of meeting the author's needs, and the extent to which available transportation services have refused to provide service;

8. In support of the temporary authority application, Emerald Express Transportation states the following:

Yampa Valley Regional Airport (“YVRA”) provides year-round commercial, business jet, general aviation, air freight, and medevac services, both nationally and to local Colorado communities. Since 2021, one of the fastest growing segments of YVRA’s air traffic is commercial air service, which is provided by six major airlines, offering direct flights to/from 16 airports across the United States during the winter months.

This year’s non-winter commercial flight season will include (i) increased capacity on multiple daily direct flights to/from Denver (DEN) via United Airlines and Southwest Airlines; (ii) the return of summer/weekend direct flights to/from Houston (IAH) via United Airlines; and, for the first time, the addition of summer Saturday direct flights to/from Los Angeles (LAX) on United Airlines. Given this increase in commercial flights in and out of YVRA, the need for reliable ground transportation to and from YVRA has continued to rise.

9. The director of the Yampa Valley Regional Airport, Kevin Booth, submitted a letter in support of this application. In this letter Mr. Booth states:

Steamboat Express LLC (PUC Common Carrier permit number 26246), the largest of two Common Carrier ground transportation companies operating at YVRA, suspended their operations at the airport as of 15 Apr 25. This suspension and months of delinquent payments resulted in their default and Routt County terminated their Ground Transportation Operator License and Use Agreement on 28 Apr 25. Shuttle buses transport the majority of our passengers to and from Steamboat Springs; in 2024 Steamboat Express LLC carried 31% of our shuttle bus passengers and it is imperative we replace that capability as soon as possible. In 2024 Ski Town Transportation (PUC Common Carrier permit number 55991) carried 26% of our shuttle bus passengers and continues to operate at YVRA. We are working with them to determine their ability to expand their capacity to meet the ground transportation needs in our busy winter season. We are also working with Storm Mountain Express (PUC Luxury Limousine permit number LL-778) to determine if they can increase capacity. They have a good sized shuttle bus fleet and carried 43% of our shuttle bus passengers in 2024, but primarily operate at YVRA in the winter season and don’t have a Common Carrier permit, so can’t take walk-up passengers.

10. Matthew Jacobs of Bullfrog, Utah also submitted a letter in support of this application. In this letter Mr. Jacobs states that he worked for a shuttle company for several winters transporting passengers to and from the Yampa Valley Regional Airport. Mr. Jacobs reports his company “prided ourselves on helping as many guests as possible while also maintaining a high level of customer service. Although we put forth our best effort, there were many times that we were not able to help all of the guests. Including times where inclement weather would cause flights to be cancelled or extremely delayed.”

11. Intervenor All Around Taxi has owned and operated Certificate of Public Convenience and Necessity (“CPCN”) PUC No. 56014 since May 1, 2025, CPCN 56014 authorizes:

Transportation of passengers in call-and-demand taxi service between all points in Moffat County, and between said points, on the one hand, and all points in the Counties of Mesa and Routt, on the other hand.

12. The authority named in CPCN No. 56014 overlaps the authority requested by Emerald Express Transportation in this Application. Therefore, Ski Town Transportation has a legally protected right in the subject matter that would be affected by the granting of the Application. All Around Taxi opposes the Application and states portions of its service territory are in conflict with the Application.

13. Intervenor Alpine Taxi/Limo owns and operates CPCN 26246 as issued on August 23, 2019. The sections of CPCN 26246 relevant to this Application are:

Item (VII) Transportation of passengers, in call-and-demand shuttle service:

- a) between all points in the County of Routt, State of Colorado; and
- b) between all points in the County of Routt, State of Colorado, on the one hand, and all points in the State of Colorado, on the other hand.

Item (X) Transportation of passengers, in shuttle service, between Craig, Colorado and Steamboat Springs, Colorado, and points within 5 miles thereof via U. S. Highway 40 serving all intermediate points,

including the Yampa Valley Regional Airport and the Steamboat Springs STOLport.

14. The authority named in CPCN 26246 overlaps the authority requested by Emerald Express Transportation in this Application. Therefore, Alpine Taxi has a legally protected right in the subject matter that would be affected by the granting of the Application. Alpine Taxi opposes the Application and states it would be harmed by the diversion of passengers and revenue in the proposed overlapping service territory in the Application and further contests the assertion in the Application that Alpine has abandoned its authority to serve the YVRA.

15. Intervenor Ski Town Transportation owns and operates CPCN 55991 as issued on July 19, 2023, CPCN 55991 authorizes:

Transportation of passengers, in shuttle service: (1) between the Yampa Valley Regional Airport, Hayden, Colorado, on the one hand, and the town of Steamboat Springs, Colorado, including all points within one mile of the town limits of Steamboat Springs and the Steamboat Springs Ski Area, on the other hand;

(2) between the Yampa Valley Regional Airport, Hayden, Colorado, on the one hand, and the town of Craig, Colorado, including all points within one mile of the town limits of Craig, Colorado, on the other hand; and

(3) between all points within the town of Steamboat Springs, Colorado, including all points within one mile of the town limits of Steamboat Springs and the Steamboat Springs Ski Area.

16. The authority named in CPCN No. 55991 overlaps the authority requested by Emerald Express Transportation in this Application. Therefore, Ski Town Transportation has a legally protected right in the subject matter that would be affected by the granting of the Application. Ski Town opposes the Application and asserts it is not operating at full capacity and could handle additional business. Ski Town questions the sufficiency of the evidence supporting the Application and argues there is no immediate and urgent need for the proposed service.

17. The Commission finds that each of the intervenors; All Around Taxi, Alpine Taxi/Limo, and Ski Town Transportation, own CPCNs that authorize transportation services that

overlap with the geographic area named in this Application. Thus, the intervenors meet the standard in Rule 1401(b) 4 CCR 723-1, intervention as of right – having a legally protected right that may be affected by the proceeding.

18. The Commission also finds that while the statements provided by the owner of Emerald Express Transportation and the director of YVRA may support the need for additional passenger carriers during the winter season, these statements do not meet the standard of showing an immediate and urgent need as required by § 40-10.1-204 (1), C.R.S and Rule 6204(a), 4 CCR 723-6. Considering that there is common carrier service available within the requested geographic area and that Applicant has not shown an immediate and urgent need, the Commission finds that the information submitted with the Application does not support the granting of temporary authority. Thus, this application for temporary authority is not in the public interest and will be denied.

19. The denial of this Application creates no presumption about the final disposition of a permanent authority application. The permanent authority application will be determined on the evidence presented using the relevant statutory criteria.

II. ORDER

A. The Commission Orders That:

1. The application for temporary authority filed on May 12, 2025, by Emerald Express Transportation, Inc. is denied, consistent with the discussion above.

2. The Notices of Intervention by Right and Alternative Motion for Intervention filed by All Around Taxi, LLC on May 28, 2025, Alpine Taxi/Limo, Inc. on May 30, 2025, and NDW Enterprises LLC d/b/a Ski Town Transportation on June 2, 2025, are acknowledged.

3. 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 following the effective date of this Decision.

4. This Decision is effective immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 11, 2025.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners

Rebecca E. White,
Director