

Decision No. C04-1078

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-408BP-TRANSFER

THE APPLICATION OF MILL CREEK MANAGEMENT, CO., LLC, FOR APPROVAL TO TRANSFER CONTRACT CARRIER PERMIT NO. B-8593 TO DSC/PURGATORY, LLC, DOING BUSINESS AS MOUNTAIN TRANSPORT.

**COMMISSION ORDER APPROVING TRANSFER OF
CONTRACT CARRIER PERMIT**

Mailed Date: September 16, 2004

Adopted Date: September 14, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On August 4, 2004, Mill Creek Management, Co., LLC (Mill Creek), filed an application for approval to transfer Contract Carrier Permit No. B-8593 to DSC/Purgatory, LLC, doing business as Mountain TranSport (Mountain TranSport).

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on August 9, 2004. The Commission set this matter for hearing on October 20, 2004.

3. The Commission received an intervention to this proceeding by facsimile from Durango Transportation, Inc. (Durango Transportation) on September 13, 2004. Durango Transportation may provide scheduled, call-and-demand limousine, taxi, and sightseeing service between points in and around La Plata County, State of Colorado, under Certificate of Public and Necessity (CPCN) PUC No. 14196. The geographic service area of CPCN PUC No. 14196 does overlap the geographic service area of Contract Carrier Permit No. B-8593.

4. Any person desiring to file an intervention to this application is required by § 40-6-108(2), C.R.S., to file the petition for leave to intervene within thirty days after the application is noticed. This proceeding was noticed on August 9, 2004, to be timely filed, any interventions to this proceeding had to be received by the Commission by September 8, 2004. The intervention filed by Durango Transportation was not received by the Commission within the required 30-day period, and is denied.

5. Because Durango Transportation's intervention was not filed on time, this matter is uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

6. The information submitted with this application warrants granting the requested transfer.

7. The financial standing of Mountain TranSport has been satisfactorily established.

8. Mountain TranSport is ready, willing, and able to properly perform the service as requested.

9. This application for permanent approval of the transfer of Contract Carrier Permit No. B-8593 is in the public interest.

II. ORDER

A. The Commission Orders That:

1. The hearing set for October 20, 2004, is vacated.
2. The petition to intervene filed by Durango Transportation is denied as being untimely filed.
3. This application was deemed complete on September 14, 2004, within the meaning of § 40-6-109.5, C.R.S.

4. The application filed by Mill Creek for approval to transfer Contract Carrier Permit No. B-8593, subject to any encumbrances against the authority, to Mountain TranSport is granted.

5. Mountain TranSport shall operate in accordance with all applicable Commission rules and regulations.

6. Approval of the transfer of Contract Carrier Permit No. B-8593 is conditioned on the prior filing by Mill Creek of delinquent reports, if any, covering operations under the permit up to the consummation of the transfer.

7. Mountain TranSport shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Mountain TranSport shall also adopt the tariff of Mill Creek, which shall become that of Mountain TranSport until changed in accordance with the public utilities law. Mountain TranSport shall pay the issuance fee and the appropriate vehicle identification fee. Mill Creek shall file a terminating annual report from the first of January to the date of this Order. An acceptance of transfer signed by both Mill Creek and Mountain TranSport shall be filed with the Commission. Mountain TranSport may not begin operations until these requirements have been met and it has received notice in writing from the Commission that it is in compliance and may begin service.

8. If Mill Creek and Mountain TranSport do not comply with the requirements of this Order within 60 days of its effective date, then the approval to transfer Contract Carrier Permit No. B-8593 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 60 days.

9. 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.

10. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
September 14, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.