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April 27, 2015  
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Public Record



Docket No. MC-F-21060

These comments are filed in accordance with 49 C.F.R. §§ 1182.5 and 1182.8.

Colorado Jitney, LLC (Jitney) is a regulated transportation carrier for hire in the State of Colorado subject to the states' Public Utilities Commission governance. Evergreen Trails, d/b/a Horizon (Horizon) is a regulated transportation carrier for hire in the State of Colorado. Horizon possesses two Certificates of Public Convenience and Necessity (CPCN) and one permitted contract authority issued by the Colorado Public Utilities Commission (Commission) – neither the certificates or permit authorize Horizon to provide shuttle service at Red Rocks Park located in Jefferson County, Colorado.

In July 2014 Jitney filed a formal complaint against the City and County of Denver (the City) and Horizon for providing unauthorized shuttle services in Red Rocks Park through a contract. This complaint (Colorado Public Utilities Commission - 14F-0806CP) is pending and the impetus for this filing. In violation of Commission rules neither Horizon, nor the City sought or obtained Commission approval to provide the shuttle service in Red Rocks Park. Finally, neither Horizon, nor the City disputes the execution or performance of the terms of the contract.

The City and Horizon contend that the Commission does not have subject matter jurisdiction because the roads in Red Rocks Park are *Private* (Emphasis Added) and the service is *Free* (Emphasis Added). Jitney believes the City's and Horizon's defense is ludicrous and amounts to a confiscation of public lands because the lands and roads were acquired, constructed, and maintained through the use of public funds. Furthermore, it is an erosion of the original agreement between the City and County of Denver, the State of Colorado, and the United States Government dating to the early 1900's that enabled the City to purchase lands outside its territorial boundaries for public purposes. In addition, the service is not "free" as the City contends, but is paid for through a required surcharge in the sale of all tickets.

In an apparent attempt to distance Horizon from Commission oversight, Horizon cancelled the contract to provide shuttle service at Red Rocks Park and is selling their assets through the Surface Transportation Board (STB) in this docket. As it matters before the STB, Jitney contests the transfer of any and all assets between Horizon and Buyer in this Docket. Jitney believes Horizon's transfer of assets is a real attempt to deny the Commission subject matter jurisdiction and absolve Horizon from wrongdoing and liability for violating public policy. Jitney prays for relief that the STB does not permit the transfer, acquisition, or sale of *any assets* (Emphasis Added) in this docket.

Bradley J. Doran  
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President  
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## CERTIFICATE OF SERVICE

I, Bradley J. Doran verify under penalty of perjury, under the laws of the United States of America, that all information supplied in connection with these comments is true and correct. Further, I certify that I am qualified and authorized to file these comments or pleading. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense. I served a true and correct copy of the upon each of the persons whose names and addresses appear below, by mailing the same in sealed envelopes properly addressed, with sufficient postage prepaid to carry the same to its destination to the following:

Surface Transportation Board,  
395 E Street SW.,  
Washington, DC 20423-0001.

Fritz R. Kahn,  
Fritz R. Kahn, P.C.,  
1919 M Street NW., 7th Floor,  
Washington, DC 20036

This 20<sup>th</sup> Day of April, 2015.

A handwritten signature in black ink, appearing to read 'Bradley J. Doran', followed by a long horizontal line extending to the right.

Bradley J. Doran  
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