

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE OPERATIONS)
OF E. S. COLE UNDER CERTIFICATE) CASE NO. 3591-INS.
OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 1434&I.)

**COMMISSION ORDER
GRANTING EXCEPTIONS**

Mailed date: January 9, 1992
Adopted date: January 8, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On December 12, 1991, Administrative Law Judge Ken Kirkpatrick issued Recommended Decision No. R91-1614. The decision recommends that the operating authorities of a number of carriers, including E. S. Cole (Cole), be revoked for failure to have a current certificate of insurance on file with the Commission.

2. On December 18, 1991, Cole filed a letter with the Commission requesting stay of Decision No. R91-1614. The Commission will construe the letter as Exceptions to the Recommended Decision.

3. Cole states that he sold his truck in November of 1991 and is unable to insure a smaller vehicle. He further states he is transferring the authority, PUC No. 1434&I, to Dwain Barber. The Commission takes administrative notice of Docket No. 92A-006CY-Transfer, wherein Cole seeks to transfer the certificate to Barber. In order to allow Cole to proceed with the transfer, the Commission will grant the exceptions and stay the recommended decision.

THEREFORE THE COMMISSION ORDERS THAT:

1. The Exceptions filed by E. S. Cole to Recommended Decision No. R91-1614 are granted.

2. Recommended Decision No. R91-1614, as it pertains to E. S. Cole, is stayed pending the disposition of Docket No. 92A-006CY. If the authority is successfully transferred, the show cause proceeding in Case No 3591-Ins. is dismissed. If the certificate is not subsequently transferred, the Commission Staff is instructed to reinstitute show cause proceedings against the certificate.

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 after the Commission mails or serves this decision.

4. This Order is effective on its date of mailing.

ADOPTED IN OPEN MEETING January 8, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

ORDER-CJ

RESPONDENT:

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MISCELLANEOUS:

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