

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF BRUCE A.)
CORSON, DOING BUSINESS AS CORSON)
BROS. TRUCKING, FOR TEMPORARY)
APPROVAL TO ASSUME OPERATIONAL)
CONTROL OF CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC)
NO. 1232&I PENDING COMMISSION)
CONSIDERATION OF THE RELATED)
APPLICATION TO PERMANENTLY)
ACQUIRE THE CERTIFICATE FROM)
RICHARD L. BAKER, DOING BUSINESS)
AS VALLEY TRANSFER.)
-----)
)

DOCKET NO. 92A-088CY-
TRANSFER-TA

**COMMISSION ORDER GRANTING
TEMPORARY APPROVAL**

Mailed date: April 1, 1992
Adopted date: April 1, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On March 10, 1992, Bruce A. Corson, doing business as Corson Bros. Trucking, filed Docket No. 92A-088CY-Transfer-TA for temporary approval to assume operational control of Certificate of Public Convenience and Necessity PUC No. 1232&I pending Commission consideration of the related application to permanently acquire the certificate from Richard L. Baker, doing business as Valley Transfer.

2. The Commission gave notice of the application on March 16,

1992. An intervention opposing a grant of the application was filed by Peroulis Bros.

3. By § 40-6-120, C.R.S., the application for temporary authority is under consideration for a Commission order.

4. Section 40-6-120(2), C.R.S., authorizes the Commission to grant temporary approval ". . . if it appears that failure to grant such temporary approval may result in destruction of or injury to such carrier or carrier properties sought to be acquired or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public."

5. The support filed on behalf of this application indicates that Transferor has sold all his equipment that would enable him to perform the transportation service required by this authority. The Transferee purchased the equipment and is ready and able to perform this transportation. Therefore, we conclude that failure to approve the transfer would "interfere substantially" with "adequate and continuous service to the public," within the meaning of the statute, § 40-6-120(2).

Further support indicates that both Transferee and Transferor have been contacted to perform this transportation as soon as possible during this Spring season harvest.

The intervenor has raised questions of dormancy and fitness. These issues are properly addressed in the permanent application where they can be fully developed on the record.

6. The Commission finds due to the facts stated in paragraph (5) above, that failure to grant the application could result in injury to the certificate and ultimately effect service to the public. The Commission will therefore grant the application.

7. The Applicant has adequate equipment and financial resources to begin immediate service within the scope of the authority to be operated, and is willing, ready and able to operate under all Commission rules and regulations governing carriers by motor vehicle.

8. This application for temporary approval is in the public interest and should be granted.

9. The Applicant is advised that the granting of an temporary approval makes no presumption that permanent authority will be granted.

1. Bruce A. Corson, doing business as Corson Bros. Trucking, is granted temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 1232&I for a period of 180 days commencing from the mailed date of this order.

2. Bruce A. Corson, doing business as Corson Bros. Trucking, shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that the Applicant is in compliance and may begin service.

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.

DONE IN OPEN MEETING on April 1, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

ORDER-DV

TRANSFeree:

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TRANSFEROR:

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INTERVENOR:

Peroulis Brothers
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INTERVENOR'S ATTORNEY:

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MISCELLANEOUS:

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