

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE OPERATIONS OF ELBERT)
TRANSFER CO. UNDER CERTIFICATE)
OF PUBLIC CONVENIENCE AND) DOCKET NO. 01923-INS.
NECESSITY PUC NO. 322&I.)

**COMMISSION ORDER
GRANTING EXCEPTIONS**

Mailed date: September 9, 1992
Adopted date: September 9, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On August 4, 1992, Administrative Law Judge Ken Kirkpatrick entered Recommended Decision No. R92-951. This decision recommends that the operating authority of Elbert Transfer Co. (Elbert) be revoked for failure to maintain continuous liability insurance as required by Rule No. 12 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle. The effective date of the recommended decision was August 24, 1992.

2. On August 21, 1992, Elbert timely filed exceptions to said decision. By said exceptions, Elbert states that the lapse of insurance coverage was caused by adding and deleting equipment and a resulting misunderstanding as to payment of the premiums. When the premium was finally paid, a lapse of coverage had occurred.

3. Good cause having been shown, the Commission will grant the exceptions.

THEREFORE THE COMMISSION ORDERS THAT:

1. The exceptions filed by Elbert Transfer Co. to Recommended Decision No. R92-951, are granted as said decision pertains to Elbert Transfer Co. The remainder of this Recommended Decision shall remain in full force and effect.

2. Elbert Transfer Co. shall prosecute its waiver of Rule 12 to its lawful conclusion. If Elbert Transfer Co. does not prosecute said waiver to its conclusion or if the waiver is not granted, Staff of the Commission is directed to reinstitute show cause proceedings.

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

ADOPTED IN OPEN MEETING September 9, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER GARY L. NAKARADO
ABSENT BUT CONCURRING.

ORDER-HJ

APPLICANT:

Elbert Transfer Co.
4400 Mark Dabling Boulevard
Colorado Springs, CO 80907-4210

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