

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF WAGONER)	
TRUCKING, INC., FOR TEMPORARY)	
AUTHORITY TO CONDUCT OPERATIONS)	
AS A CONTRACT CARRIER BY MOTOR)	DOCKET NO. 92A-549BY-TA
VEHICLE FOR HIRE.)	
- - - - -)	

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed date: November 25, 1992
Adopted date: November 25, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On October 29, 1992, Wagoner Trucking, Inc. ("Wagoner"), filed an application (Docket No. 92A-549BY-TA) for temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of meat and meat products between the facilities of Excel Beef in Sterling and Fort Morgan, Colorado and Monfort in Greeley, Colorado, on the one hand, and the facilities of Coleman Natural Meats in Denver, Colorado, on the other hand, restricted to providing service for only Coleman Natural Meats.

2. The Commission gave notice of the application on November 9, 1992. An intervention opposing the application was filed by Platte Valley Freightways, Inc. ("Platte Valley") on November 16, 1992.

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(1), C.R.S., authorizes the Commission to grant temporary authority when there appears to be ". . . an immediate

and urgent need to any point or within a territory having no carrier service capable of meeting such need."

5. The support filed on behalf of this application indicates that the shipper, Coleman Natural Meats ("Coleman"), desires a carrier capable of providing exclusive-use service so that Coleman may use the Applicant's trailer space for production overflows. Coleman states that this exclusive-use service is not available from the common carriers and that there is an immediate and urgent need for the Applicant's service.

Coleman specifically cites problems with Platte Valley's service. The Commission notes that Platte Valley does not hold authority to provide all of the service requested by Wagoner and required by Coleman. Specifically, Platte Valley does not hold common carrier authority to provide service from Greeley to Denver. Although Platte Valley has scheduled authority from Sterling and Fort Morgan to Denver they have not filed a time schedule to accommodate the shipper's needs. In a conversation with the Commission's Staff on November 17, 1992, Coleman stated that its Denver offices are closed by 5 p.m. and that they receive no shipments by Platte Valley under that schedule or any other schedule.

6. The Commission finds due to the facts stated in paragraph 5 above, there is no immediate and urgent need for additional transportation services, and that there is no existing carrier service capable of meeting this need. The Commission will grant the application.

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

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

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

THEREFORE THE COMMISSION ORDERS THAT:

1. Wagoner Trucking, Inc. is granted temporary authority to conduct operations as a contract carrier by motor vehicle for hire for a period of 180 days commencing from the mailed date of this order, with authority as set forth in the attached Appendix.

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2. Wagoner Trucking, Inc. shall not commence operation 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. If the Applicant does not comply with the requirements of this ordering paragraph within 30 days after the effective date of this Order, ordering paragraph 1 above, which grants authority to the Applicant, shall be void, and the authority granted shall then be void.

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 November 25, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER GARY L. NAKARADO
ABSENT, BUT CONCURRING IN THE
RESULT.

ORDER-JL

Transportation of

meat and meat products

between the facilities of Excel Beef in Sterling and Fort Morgan, Colorado and Monfort in Greeley, Colorado, on the one hand, and the facilities of Coleman Natural Meats in Denver, Colorado, on the other hand.

Restricted to providing service for only Coleman Natural Meats.

ORDER-JL

APPLICANT:

Wagoner Trucking, Inc.
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Northglenn, CO 80221

INTERVENOR:

Platte Valley Freightways, Inc.
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INTERVENOR'S ATTORNEY:

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