

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF ROBERT)	
SCHREINER, DOING BUSINESS AS L & B)	
PRODUCE, FOR AUTHORITY TO EXTEND)	DOCKET NO. 94A-616CY-
OPERATIONS UNDER CERTIFICATE OF)	EXTENSION
PUBLIC CONVENIENCE AND NECESSITY PUC)	
NO. 42353.)	

**COMMISSION ORDER
DISMISSING APPLICATION
FOR LACK OF JURISDICTION**

Mailed date: February 8, 1995
Adopted date: February 8, 1995

I. BY THE COMMISSION:

Statement, Findings, and Conclusion

As a result of the passage of the Airport Improvement Bill of 1994, signed by the President on August 26, 1994, and subsequently upheld on appeal by the Federal District Court for the State of Oklahoma, state regulation over the rates, routes, and service of carriers of property has been preempted. Accordingly, this application has been rendered moot by supervening federal legislation. Applicant does not need a certificate of public convenience and necessity from this Commission to engage in the transportation of property in intrastate commerce anywhere in the State of Colorado. However, Applicant must continue to comply with the Commission's rules relating to insurance and

safety.

II. ORDER

A. The Commission Orders That:

1. The hearing set for March 8, 1995 is hereby vacated.

2. The application of Robert Schreiner, doing business as L & B Produce, is dismissed without prejudice.

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.

B. This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING February 8, 1995.

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ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT J. HIX

Bruce N. Smith
Director

CHRISTINE E.M. ALVAREZ

VINCENT MAJKOWSKI

Commissioners

ORDER-ACG

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 94A-616CY-EXTENSION
DECISION NO. C95-136
(Page 1 of 1 Page)

I, Bruce N. Smith, Director of The Public Utilities Commission of the State of Colorado, certify that I served a true and correct copy of the above Commission Decision -- entered in the above numbered matter of record -- 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 on the date noted on this certificate at Denver, Colorado.

APPLICANT:

Robert Schreiner
dba L & B Produce
122 County Road, No. 31
Craig, CO 81625

ROUTE:

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WITNESS MY HAND AND THE SEAL OF
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

BRUCE N. SMITH
DIRECTOR