

Decision No. C03-0072

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 02M-668BP

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PUBLIC UTILITIES COMMISSION,

COMPLAINANT,

V.

ADMIRED TRANSPORTATION, INC.

RESPONDENT

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**ORDER CONSTRUING LETTER AS APPLICATION  
FOR REHEARING, REARGUMENT, OR  
RECONSIDERATION OF DECISION  
NO. R02-1330 PURSUANT TO § 40-6-114,  
C.R.S., AND GRANTING APPLICATION**

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Mailed Date: January 17, 2003

Adopted Date: January 15, 2003

**I. BY THE COMMISSION:**

**Statement**

1. This matter comes before the Commission for consideration of the letter requesting reinstatement of contract carrier Permit No. B-9814 filed by Admired Transportation, Inc., on December 23, 2002. In Decision No. R02-1330 (Recommended Decision) an Administrative Law Judge (ALJ), after a hearing on the matter, ordered that Admired Transportation, Inc.'s, operating authority be revoked for failure to keep a currently effective Certificate of Insurance on file with the Commission. Igor Zotman, President of Admired Transportation, Inc., was present at the hearing. This request to reinstate Permit No. B-9814 only

pertains to that portion of the Recommended Decision that deals with Admired Transportation, Inc.'s, operating authority (Case No. 4374-INS).

2. On October 21, 2002, the Commission received a Form K cancellation notice from Admired Transportation, Inc.'s, insurance provider, National Casualty Company. That cancellation was to become effective November 22, 2002. The Commission issued a Notice of Hearing and Order to Show Cause for failure to keep a currently effective Certificate of Insurance on file with the Commission on November 13, 2002. After a hearing on November 25, 2002, the ALJ issued the Recommended Decision revoking Admired Transportation, Inc.'s contract carrier authority, Permit No. B-9814.

3. On December 3, 2002, the Commission received notice via a Form E that Admired Transportation, Inc., had procured insurance coverage from Empire Fire and Marine Insurance Company effective November 27, 2002. In compliance with Commission rules, Admired Transportation, Inc., now has a currently effective Certificate of Insurance on file with the Commission.

4. Section 40-6-109(2), C.R.S., mandates that if no exceptions are filed to a recommended decision within 20 days, such decision shall become effective as the decision of the Commission by order of law. In this instance, the Recommended Decision was issued on November 29, 2002. Because no exceptions were filed, the Recommended Decision became effective as the Commission's decision on December 19, 2002. According to § 40-6-114(1), C.R.S., Admired Transportation, Inc., then had an additional 20 days--until January 8, 2003--in which to make an application for rehearing, reargument, or reconsideration of the decision. The Commission received Admired Transportation, Inc.'s, request on December 23, 2002<sup>23</sup>--within that 20-day period. We therefore construe Admired Transportation, Inc.'s, December 23, 2002

letter as an application for rehearing, reargument, or reconsideration of the Recommended Decision under § 40-6-114, C.R.S.

5. In its request filed on December 23, 2002, Igor Zotman, the current president of Admired Transportation, Inc., states that an application was filed with the Commission on October 8, 2002, by Gennady Vulikh, the former president of Admired Transportation, Inc., to transfer all the capital stock in Permit No. B-9814 to Igor Zotman. This stock transfer was granted in Docket 02A-544BP, by Decision No. C02-1320 on November 26, 2002. However, the cancellation of the required insurance on November 22, 2002, resulted in a lapse of coverage for Permit No. B-9814 from November 22 through November 26, 2002. In the letter filed on December 23, 2002, Mr. Zotman states “Mr. Vulikh was operating and insuring 6 vehicles at the time of the transfer. I was only going to to operate 2 vehicles. I contacted an insurance agent regarding insurance for these vehicles at least two weeks prior to November 22, 2002. A quote from Empire and Marine for 6 vehicles, not the 2 vehicles I planned to operate, was received around November 20, 2002. A corrected quote for 2 vehicles was received on November 22, 2002. This policy was accepted and became effective on November 27, 2002. Admired Transportation, Inc., was not involved in any accidents during the period from November 22 thorough November 27, 2002.”

6. The Commission finds that Admired Transportation, Inc., has shown good cause to reinstate Permit B-9814. We therefore grant Admired Transportation, Inc.’s, application for rehearing, reargument, or reconsideration of the Recommended Decision, and reinstate Admired Transportation, Inc.’s, contract carrier authority. However, Admired Transportation, Inc., is responsible for knowing and following all applicable rules, Colorado statutes, and Commission orders in a timely fashion. We remind Admired Transportation, Inc. that staff of the Commission

may pursue civil penalty assessments for Admired Transportation, Inc.'s operations during the time it had no effective certificate of insurance on file.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The letter requesting reinstatement of contract carrier Permit No. B-9814 filed by Admired Transportation, Inc., on December 23, 2002 is construed as an application for rehearing, reargument, or reconsideration of Decision No. R02-1330 pursuant to § 40-6-114, C.R.S., and is granted. That portion of Decision No. R02-1330 pertaining to Admired Transportation, Inc., (Case No. 4374-INS) is rescinded, and Permit No. B-9814 is reinstated.

2. This Order is effective on its Mailed Date.

### **B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING January 15, 2003.**

(SEAL)



ATTEST: A TRUE COPY

*Bruce N. Smith*

Bruce N. Smith  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

POLLY PAGE

JIM DYER

Commissioners

CHAIRMAN RAYMOND L. GIFFORD  
ABSENT