

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-089BP-TA

THE APPLICATION OF THOMAS J. SALISBURY, DOING BUSINESS AS SANDBOX BUSES, FOR TEMPORARY AUTHORITY TO CONDUCT OPERATIONS AS A CONTRACT CARRIER BY MOTOR VEHICLE FOR HIRE.

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed Date: April 3, 2003
Adopted Date: April 2, 2003

I. BY THE COMMISSION:

A. Statement

1. On March 10, 2003, Thomas J. Salisbury, doing business as Sandbox Buses (Sandbox Buses), filed an application for temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of passengers and their baggage, between all points in Prowers County, State of Colorado, on the one hand, and all points in the Counties of Baca, Bent, and Kiowa, State of Colorado, on the other hand. This application is restricted to providing transportation services for only Outwest Farms, 207 East Oak Street, Lamar, Colorado 81052.

2. The Commission gave notice of the application on March 24, 2003.

3. There are no interventions opposing a grant of the application.

4. Pursuant to § 40-6-120(1), C.R.S., the Commission is authorized 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. Sandbox Buses must meet a two-fold test: first, that there is an immediate and urgent need for the transportation services, and second, that there is no existing carrier capable of meeting the need. If Sandbox Buses fails to meet either test, the application must be denied.

B. Findings of Fact

6. The support filed on behalf of this application consists of a letter from Outwest Farms signed by Tim Fort, Operation Manager. In his letter, Mr. Fort states that, "At the present time, Outwest Farms utilizes Ark Valley Charters to transport approximately 36 employees from Lamar to Two Buttes. This service provided by Ark Valley Charters will be discontinued on April 4, 2003. Our operation depends on the carrier providing transportation of our employees to our hog farm. Mr. Salisbury has expressed an interest in buying these buses from Ark Valley Charters and providing this service to Outwest Farms. The current service being provided by Ark Valley Charters will expire on April 4, 2003, so any way to expedite the application process for Mr. Salisbury would be greatly appreciated."

7. Mr. Fort's statements that: (1) Outwest Farms depends on the transportation of its employees to and from the hog farm; and (2) the carrier currently providing this service is discontinuing service on April 4, 2003; do indicate an immediate and urgent need for the requested transportation services.

C. Conclusions

8. An immediate and urgent need for the requested transportation services exists, and it has not been shown that there is another carrier capable of providing the service.

9. Sandbox Buses has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

10. This application for temporary authority is in the public interest.

11. Sandbox Buses is advised that the grant of a temporary authority creates no presumption that a permanent authority will be granted.

II. ORDER

A. The Commission Orders That:

1. Thomas J. Salisbury, doing business as Sandbox Buses, is granted temporary authority to conduct operations as a contract carrier for a period of 180 days commencing from the Mailed Date of this Order, with authority as set forth in the Appendix.

2. Thomas J. Salisbury, doing business as Sandbox Buses, shall operate in accordance with all applicable Commission rules and regulations.

3. Thomas J. Salisbury, doing business as Sandbox Buses, shall not commence operations until it has filed with the Commission certificates of insurance as required by Commission rules. Thomas J. Salisbury, doing business as Sandbox Buses, shall file a proper tariff and pay the appropriate annual vehicle identification fee. Thomas J. Salisbury, doing business as Sandbox Buses, may not begin operations until these requirements have been met and

notice in writing has been received from the Commission that it is in compliance and may begin service.

4. If Thomas J. Salisbury, doing business as Sandbox Buses, does not comply with the requirements of this Order within 30 days of its effective date, then the temporary authority shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 30 days.

5. 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 Order.

6. This Order is effective immediately on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
April 02, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners

Transportation of passengers and their baggage between all points in Prowers County, State of Colorado, on the one hand, and all points in the Counties of Baca, Bent, and Kiowa, State of Colorado, on the other hand.

This temporary permit is restricted to providing transportation services for only Outwest Farms, 207 East Oak Street, Lamar, Colorado 81052.

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OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE
DOCKET NO. 03A-089BP-TA

DECISION NO. C03-0332
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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 to the following:

APPLICANT:

Thomas J. Salisbury
dba Sandbox Buses
6525 Road FF
Lamar, CO 81052

ROUTE:

6, 60, and all PUC staff, including staff that may be listed as parties, received this decision electronically.

SEAL



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in cursive script that reads "Bruce N. Smith".

BRUCE N. SMITH
Director