

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-153BP-Transfer-TA

THE APPLICATION OF EAGLE TRANSPORTATION, LLP FOR TEMPORARY APPROVAL TO ALLOW P.O. TRANSPORTATION, LLP, TO ASSUME OPERATIONAL CONTROL OF CONTRACT CARRIER PERMIT NO. B-9830.

**COMMISSION ORDER GRANTING
TEMPORARY APPROVAL**

Mailed Date: May 13, 2003
Adopted Date: May 2, 2003

I. BY THE COMMISSION:

A. Statement

1. On April 15, 2003, Eagle Transportation, LLP, filed an application for temporary approval to allow P. O. Transportation, LLP, to assume operational control of Contract Carrier Permit No. B-9830 pending Commission consideration of the related application to permanently transfer the certificate.

2. The Commission gave notice of the application on April 21, 2003.

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

4. Pursuant to § 40-6-120(2), C.R.S., the Commission may grant temporary approval of a certificate transfer "if it appears that failure to grant such temporary approval may result in destruction of or injury to such carrier or carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public."

B. Findings of Fact

5. In the letter filed in support of this application, Eagle Transportation, LLP, states it no longer has a vehicle to provide service to its clients. Eagle Transportation, LLP, also states that since it does not own a vehicle it does not have an effective Certificate of Insurance on file with the Commission.

6. On February 11, 2003, the Commission received a Form K cancellation notice from Eagle Transportation, LLP's insurance provider. The cancellation became effective on March 14, 2003. The Commission received a Form E insurance notice on March 13, 2003, for P. O. Transportation, LLP. This Form E indicated that P. O. Transportation, LLP, had procured insurance coverage effective March 14, 2003. However, as of March 14, 2003, P. O. Transportation, LLP, had not been issued any authority from the Commission that required the filing of a Certificate of Insurance.

C. Conclusions

7. A failure to grant temporary approval of an assumption of operational control could result in injury to Contract Carrier Permit No. B-9830 and ultimately affect service to the public.

8. P. O. Transportation, LLP, has adequate equipment and financial resources to begin immediate service within the scope of the authority sought.

9. This application for temporary approval is in the public interest.

10. Eagle Transportation, LLP, and P. O. Transportation, LLP, are advised that the grant of temporary approval of an assumption of operational control creates no presumption that permanent transfer approval will be granted.

II. ORDER**A. The Commission Orders That:**

1. The application for temporary approval of an assumption of operational control filed by Eagle Transportation, LLP is granted.

2. P. O. Transportation, LLP, is granted temporary approval to assume operational control of Certificate of Public Contract Carrier Permit No. B-9830 for a period of 180 days commencing from the Mailed Date of this Order.

3. P. O. Transportation, LLP, shall operate in accordance with all applicable Commission rules and regulations.

4. P. O. Transportation, LLP, shall not assume operational control until it has, doing business as filed with the Commission, certificates of insurance as required by Commission rules. P. O. Transportation, LLP, shall also adopt the tariff of Eagle Transportation, LLP, which shall become that of P. O. Transportation, LLP, doing business as , until changed in accordance with the public utilities law. P. O. Transportation, LLP shall pay the vehicle identification fee. P. O. Transportation, LLP, may not begin operations until it has received notice in writing from the Commission that it is in compliance and may begin service.

5. If P. O. Transportation, LLP, does not comply with the requirements of this Order within 30 days of its effective date, then the temporary approval 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.

6. 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.

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

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
May 2, 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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CERTIFICATE OF SERVICE

DOCKET NO. 03A-153BP-Transfer-TA

DECISION NO. C03-0471

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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:

TRANSFEROR:

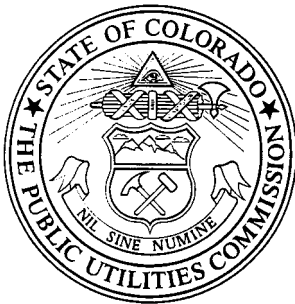
Eagle Transportation, LLP
9031 East Colorado Drive
Denver, CO 80231

TRANSFeree:

P. O. Transportation, LLP
5488 East Briarwood Circle
Littleton, CO 80122

ROUTE:

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



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

BRUCE N. SMITH
Director