

Decision No. C07-0438-A-A

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 07A-174CY

IN THE MATTER OF THE ISSUANCE OF TEMPORARY REGISTRATIONS FOR
PROPERTY CARRIERS BY MOTOR VEHICLE FOR THE PURPOSE OF TRANSPORTING
UNPROCESSED AGRICULTURAL PRODUCE TO MARKET OR TO PLACES OF
STORAGE UNDER § 40-16-110(5)(a), C.R.S.

**ORDER AMENDING DECISION NO. C07-0438-A
ORIGINAL DECISION NO. C07-0438
MAILED MAY 23, 2007
1ST AMENDMENT MAILED: JUNE 4, 2007
1ST AMENDMENT ADOPTED DATE: MAY 30, 2007**

Second Amendment Mailed: July 12, 2007
Second Amendment Adopted Date: July 11, 2007

I. BY THE COMMISSION

A. Statement, Findings, and Conclusion:

1. Timothy J. Larsen, Senior Marketing Specialist for the Department of Agriculture

filed a letter with the Commission on May 15, 2007. In his letter Mr. Larsen stated:

Each year we face the challenge of bringing the Colorado agricultural harvest from the field. We would like to request the Colorado PUC issue temporary certificates for the seasonal movement of crops to help our industry handle this annual harvest. There is a shortage of authorized motor vehicles available during each harvest to insure the timely movement of crops from field to store or transportation locations.

2. The Commission may, under § 40-16-110(5)(a), C.R.S.:

authorize the Colorado motor carrier services division in the department of revenue to issue temporary registrations to property carriers by motor vehicle for the seasonal operation of motor vehicles for the purpose of transporting unprocessed agricultural produce to market or to places of storage. The duration of such temporary registrations shall be ninety consecutive days.

3. Each property carrier that applies for this temporary registration must present evidence of insurance to the port of entry at the time of application or sign an affidavit attesting that the person making the application is insured in accordance with the requirements of § 40-16-104, C.R.S. Each property carrier applying for this temporary registration is also required to pay a fee of \$20.00 per vehicle for each vehicle operated under this temporary registration.

4. At its weekly meeting on May 23, 2007, the Commission discussed Mr. Larsen's request for temporary certificates and found that, during the upcoming harvest season, the number of authorized motor vehicles available may not be sufficient to transport unprocessed agricultural produce from fields and farms to market, railroad loading points, warehouses, or other places of storage. At this meeting the Commission authorized the Colorado Motor Carrier Services Division in the Department of Revenue to issue temporary registrations to property carriers by motor vehicle for the seasonal operation of motor vehicles, up to 90 consecutive days, for the purpose of transporting such unprocessed agricultural produce to market or to places of storage as provided by § 40-16-110(5)(a), C.R.S.

5. The Commission granted the Colorado Motor Carrier Services Division in the Department of Revenue the authority to issue the temporary registrations in Decision No. C07-0438 on May 23, 2007.

6. The Commission received another letter from Mr. Larsen on July 10, 2007. In this letter Mr. Larsen states:

With a strong wheat harvest underway now, and upcoming other grain harvests, the elevators throughout Colorado are full and struggling to clear their storage of wheat on hand to allow for additional wheat unloading. This is compounded by a shortage of rail cars that could move some grain to the next point of storage. We request that the PUC clarify the decision on the issuance of temporary registrations for the purpose of transporting unprocessed agriculture produce to market or to places of storage to include the access of farm-owned vehicles

through this temporary registration option (to) allow these trucks to be utilized by our elevators in continuing to move the grain to storage. With the shipment and alternative storage options potentially located throughout the state, we request this for all counties.

7. Ordering Paragraph No. 1 of Decision No. C07-0438-A states:

These temporary registrations are authorized for the seasonal operation of motor vehicles for the purpose of transporting unprocessed agricultural produce from fields or farms located within the various counties in the State of Colorado to market, railroad loading points, warehouses, or other places of storage. Such registrations are authorized only for the commodities, and within the areas, and during the time frames described in the attached Appendix.

8. In his letter, Mr. Larsen states that due to the current large wheat harvest there is a need to transport unprocessed agriculture produce from places of storage, as grain elevators, to additional storage locations.

9. Ordering Paragraph No. 1 of Decision No. C07-0438-A restricts any individual or company operating under the temporary registration to the transportation of unprocessed agricultural produce from fields or farms to market, railroad loading points, warehouses, or other places of storage. The temporary registrations do not allow an individual or company to transport unprocessed agriculture produce from the initial storage location to additional storage locations.

10. Pursuant to § 40-6-112, C.R.S., “the commission, at any time upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, may rescind, alter, or amend any decision made by it.” Therefore, we shall amend Decision No. C07-0438-A by adding the following item to Ordering Paragraph (A)(2):
Item (b) Transportation of unprocessed agricultural produce from market, railroad loading points, warehouses, or other places of storage, located within the various counties in the State of

Colorado, to other market, railroad loading points, warehouses, or other places of storage, located within the various counties in the State of Colorado.

II. ORDER

A. The Commission Orders That:

1. Decision No. C07-0438-A will be amended by adding Item (b) as discussed in Paragraph (I)(10) to Ordering Paragraph (2).

2. These temporary registrations are authorized for the seasonal operation of motor vehicles for the purpose of: Item (a) Transporting unprocessed agricultural produce from fields or farms located within the various counties in the State of Colorado to market, railroad loading points, warehouses, or other places of storage. Such registrations are authorized only for the commodities, and within the areas, and during the time frames described in the attached Appendix; and Item (b) Transporting unprocessed agricultural produce from market, railroad loading points, warehouses, or other places of storage, located within the various counties in the State of Colorado, to other market, railroad loading points, warehouses, or other places of storage, located within the various counties in the State of Colorado.

3. Authorization under Item (a) of the temporary registrations shall be effective from the date of issuance by authorized personnel of the Colorado Ports of Entry to the expiration date listed in the attached Appendix.

4. Authorization under Item (b) of the temporary registrations shall be effective for 90 consecutive days from the date of issuance by authorized personnel of the Colorado Ports of Entry.

5. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 30, 2007.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RON BINZ

POLLY PAGE

CARL MILLER

Commissioners