

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0389BP-TRANSFER

IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO TRANSFER CONTRACT CARRIER PERMIT NO. B-09994 FROM VICTOR O WAGIDI DOING BUSINESS AS DIVINE ROYAL CARE TO DIVINE ROYAL CARE.

**COMMISSION DECISION APPROVING TRANSFER
OF CONTRACT CARRIER PERMIT**

Mailed Date: June 17, 2014
Adopted Date: June 11, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On April 30, 2014, Victor O. Wagidi, doing business as Divine Royal Care, filed an application for approval to transfer Contract Carrier Permit No. B-09994 to Divine Royal Care.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on May 5, 2014.

3. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

4. The information submitted with this application complies with Rule 6205(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, and warrants the granting of the requested transfer. In particular, pursuant to

Rule 6205(c)(XVI), 4 CCR 723-6, the information submitted with the application establishes the following:

- (A) that the transferor has not abandoned the authority and has not allowed the authority to become dormant;
- (B) that the transferor has been and is engaged in bona fide operations under its authority;
- (C) that the transfer is not contrary to the public interest;
- (D) that the transfer will not result in the common control or ownership of duplicating or overlapping authorities; and
- (E) that the transferee will engage in bona fide regulated intrastate carrier operations and is fit to do so.

5. The financial standing of Divine Royal Care, a limited liability company in good standing with the Colorado Secretary of State, has been satisfactorily established.

6. This application for permanent approval of the transfer of Contract Carrier Permit No. B-09994 is in the public interest and will be granted.

II. ORDER

A. The Commission Orders That:

1. This application was deemed complete on June 11, 2014, within the meaning of § 40-6-109.5, C.R.S.

2. The application filed by Victor O. Wagidi, doing business as Divine Royal Care, for approval to transfer Contract Carrier Permit No. B-09994, subject to encumbrances, if any, against the authority, to Divine Royal Care, is granted.

3. Divine Royal Care shall operate in accordance with all applicable Commission rules and regulations.

4. Victor O. Wagidi, doing business as Divine Royal Care, shall file a terminating annual report from the first of January to the date of this Decision.

5. Divine Royal Care shall not commence operation until it has:
 - (a) caused proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission in accordance with applicable rules;
 - (b) paid to the Commission, the motor vehicle fee (\$5) for each vehicle to be operated under authority granted by the Commission, or in lieu thereof, paid the fee for such vehicle(s) pursuant to the Unified Carrier Registration Agreement;
 - (c) filed an adoption notice that adopts as its own the currently effective tariff of Victor O. Wagidi, doing business as Divine Royal Care;
 - (d) paid the applicable issuance fee (\$5);
 - (e) filed an acceptance of transfer form, executed by Victor O. Wagidi, doing business as Divine Royal Care, and Divine Royal Care; and,
 - (f) received notice in writing from the Commission that it is in compliance with the above requirements and may begin service.

6. If Victor O. Wagidi, doing business as Divine Royal Care, and Divine Royal Care do not comply with the requirements of this Decision within 60 days of its effective date, then the approval to transfer Contract Carrier Permit No. B-09994 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 60 days.

7. Within six months of the Mailed Date of this Decision, Divine Royal Care shall file an advice letter and tariff in its own name.

8. 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.

9. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 11, 2014.**

(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

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners