

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14C-0780-INS

IN THE MATTER OF COMMISSION ACTION AGAINST THE CERTIFICATE(S) AND PERMIT(S) OF MOTOR CARRIERS CONCERNING FINANCIAL RESPONSIBILITY PURSUANT TO § 40-10.1-112, C.R.S., AND RULE 4 CCR 723-6-6008 OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLES.

DECISION GRANTING EXCEPTIONS

Mailed Date: September 25, 2014
Adopted Date: September 17, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of the Motion for Extension of Time to File Proof of Financial Responsibility (Motion) to Recommended Decision No. R14-0986 (Recommended Decision) such that Contract Carrier Permit No. B-10025 (Permit) is not revoked, filed on September 2, 2014 by Liberty Transportation, LLC (Liberty). Being duly advised in the matter and consistent with the discussion below, we construe the Motion as Exceptions and grant the Exceptions, giving Liberty 15 days from the mailing date of this Decision to file proof of Financial Responsibility.

2. On August 14, 2014, the Recommended Decision was issued. The Recommended Decision revoked the certificates and permits of a number of motor carriers, including Liberty, for failure to maintain proof of financial responsibility (proof of insurance or surety bond), pursuant to § 40-10.1.107, C.R.S., and Rules 6007 and 6008 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6.

3. On September 4, 2014, pursuant to § 40-6-109(2), C.R.S., the Recommended Decision became a Commission Decision. By the terms of the Recommended Decision, any Respondent who filed proof of financial responsibility on or before September 4, 2014, would not have their authority revoked.

4. On September 2, 2014, Liberty filed the Motion. On September 4, 2014, Liberty filed an Affidavit which accompanied the Motion. Liberty states that it has not provided any actual transportation under the Permit since May 1, 2014, and therefore has not performed any actual operations without insurance. Liberty further states that Liberty's owners were out of the country between June and August, and that Liberty has been attempting to secure insurance since August 16, 2014 and will be ready to submit proof of insurance as soon as possible if given the opportunity to. Liberty requests 15 days to submit proof of insurance.

5. We find that Liberty has shown good cause to amend Recommended Decision No. R14-0986 and remove Liberty from the list of Respondents whose certificates and permits were revoked by the Recommended Decision, so long as Liberty submits proof of insurance within 15 days. Pursuant to the timeframe established by Commission Rule of Practice and Procedure 1505(a), 4 CCR 723-1, we construe the Motion as Exceptions to the Recommended Decision and grant the Exceptions. If Liberty fails to file Proof of Financial Responsibility within 15 days of the mailing date of this Decision, the Permit will be revoked and Liberty will have to file an application for new authority as a contract carrier if they wish to resume service.

II. ORDER

A. The Commission Orders That:

1. The Motion for Extension of Time to Recommended Decision No. R14-0986 filed by Liberty Transportation, LLC on September 2, 2014 is construed as Exceptions to the

Recommended Decision and is granted, consistent with the discussion above. Liberty Transportation, LLC is granted 15 days from the mailing date of this Decision to file proof of financial responsibility with the Commission.

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 17, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners