

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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THE APPLICATION OF ALEX FRASER, )  
FOR TEMPORARY AUTHORITY TO )  
CONDUCT OPERATIONS AS A CONTRACT ) DOCKET NO. 92A-063BY-TA  
CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
- - - - - )

**COMMISSION ORDER GRANTING  
TEMPORARY AUTHORITY**

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Mailed date: March 4, 1992  
Adopted date: March 4, 1992  
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STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On January 29, 1992, Alex Fraser (Fraser), filed Docket No.92A-063BY-TA for temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of brick, block, building stone, building materials, and masonry building products between all points in the State of Colorado. This application is restricted to providing service for only the Brickyard.
2. The Commission gave notice of the application on February 18, 1992. An intervention was filed by Berta Bros. Transportation, Inc. (Berta) on February 24, 1992. On March 2, 1992, Fraser filed an amendment to the application. This amendment restricts service only to and from the facilities of the Brickyard. In addition, it restricts against service to or from points within a 35-mile radius of Canon City, Colorado. On March 3, 1992, counsel for Berta indicated to the Commission Staff that it would withdraw its intervention if the amendment was acceptable to the Commission and was applied to both the temporary and permanent applications. This application is therefore now non-contested and should be granted.

3. By § 40-6-120, C.R.S., the application for temporary authority is under consideration for a Commission order.

4. Section 40-6-120(1), C.R.S., authorizes the Commission 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. The support filed on behalf of this application indicates that shipper is utilizing various other carriers, but during peak periods has the need for additional carriers. Shipper also states that their business has seasonal fluctuations, and it is difficult to fulfill all their obligations during peak periods. Applicant is willing to do this service as a contract carrier.

6. The Commission finds due to the facts stated in paragraph (5) above, that there is an immediate and urgent need and therefore, the Commission will grant the application.

7. The Applicant has adequate equipment and financial resources to begin immediate service within the scope of the authority sought and is willing, ready and able to operate under all Commission rules and regulations governing carriers by motor vehicle.

8. This application for temporary authority is in the public interest and should be granted as amended.

9. The Applicant is advised that the granting of a temporary authority makes no presumption that a permanent authority will be granted.

THEREFORE THE COMMISSION ORDERS THAT:

1. Alex Fraser, is granted temporary authority to conduct operations as a contract carrier for a period of 180 days commencing from the mailed date, with authority as set forth in the attached appendix, which is conditioned on Applicant meeting the requirements contained in this Order, and is not effective until those requirements have been met.

2. Alex Fraser, shall not commence operations until all requirements have been met, including the proper filing of insurance, tariffs and payment of required fees. Operations may not begin until these requirements have been met, and the Applicant has been notified by the Commission that operations may begin.

3. Unless Alex Fraser, meets all the requirements indicated within 30 days of the mailed date of this Order, the authority granted will be void.

4. 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.

5. This Order is effective on its date of mailing.

ADOPTED IN OPEN MEETING on March 4, 1992.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

COMMISSIONER GARY L. NAKARADO  
ABSENT.

ORDER-DB

Appendix A  
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Decision No. C92-324  
Docket No.92A-063BY-TA  
March 4, 1992

Transportation of brick, block, building stone, building materials,  
and masonry building products

between the facilities of the Brickyard in Grand Junction, on the  
one hand, and all points in the State of Colorado, on the other hand.

Restriction: This Permit is restricted as follows

- 1)to providing service for only The Brickyard; and
- 2)against providing any service to or from points within a 35-mile  
radius of Canon City, Colorado.

ORDER-DB

APPLICANT:

Mr. Alex Fraser  
2210 Highways 6 & 50, Suite 204  
Grand Junction, CO 81505

INTERVENOR:

Berta Bros. Transportation, Inc.  
904 Colorado Highway 115  
Penrose, CO 81240

INTERVENOR'S ATTORNEY:

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