

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
LEED TOOL CORPORATION FOR TEMPORARY)	
APPROVAL TO ASSUME OPERATIONAL)	
CONTROL OF CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY PUC NO.)	DOCKET NO. 92A-062CY-
15356&I PENDING DETERMINATION OF)	TRANSFER-TA
THE RELATED APPLICATION TO ACQUIRE)	
THE CERTIFICATE FROM AL'S HOT OIL)	
SERVICE, INC.)	
)	

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**COMMISSION ORDER GRANTING
TEMPORARY APPROVAL**

Mailed date: March 4, 1992
Adopted date: March 4, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On February 10, 1992, Leed Tool Corporation filed Docket No. 92A-062CY-Transfer-TA for temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 15356&I pending determination of the related application to acquire the Certificate from Al's Hot Oil Service, Inc.

2. The Commission gave notice of the application on February 18, 1992. An intervention was filed by Flint Engineering and Construction, Inc.

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

4. Section 40-6-120(1), C.R.S., authorizes the Commission to grant temporary approval ". . . 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."

5. The support filed on behalf of this application indicates that Transferor has entered into an agreement to sell all its operating equipment to Transferee, in addition to the operating authority. After the closing date of the contract, Transferor will have no equipment or employees to provide service to the public. Therefore, the Commission will grant this application.

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

7. This application for temporary approval is in the public interest and should be granted.

8. Transferee is advised that a grant of temporary approval makes no presumption that permanent approval will be granted.

THEREFORE THE COMMISSION ORDERS THAT:

1. Leed Tool Corporation is granted temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 15356&I pending determination of the related application to acquire the certificate from Al's Hot Oil Service, Inc. for a period of 180 days commencing from the mailed date, which is conditioned on Applicant meeting the requirements contained in this Order, and is not effective until those requirements have been met.

2. Leed Tool Corporation shall not commence operation 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 Transferee has been notified by the Commission that operations may begin.

3. 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.

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

Commissioners

COMMISSIONER GARY L. NAKARADO
ABSENT.

ORDER-DD

TRANSFEROR:

Al's Hot Oil Service, Inc.
Attn: Alfred R. Marez, President
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Fort Lupton, CO 80621

TRANSFEROR'S ATTORNEY:

Charles M. Williams, Esq.
WILLIAMS & ISLEY, P.C.
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Denver, CO 80203

TRANSFeree:

Leed Tool Corporation
Attn: Lee Daniel, III, President
8400 Sawtooth Lane
Longmont, CO 80503

TRANSFeree'S ATTORNEY:

Peter M. van Zante, Esq.
HUTCHINSON, BLACK, HILL & COOK
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INTERVENOR:

Flint Engineering and Construction, Inc.
400 Lashley
Longmont, CO 80501

INTERVENOR'S ATTORNEY:

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Julieann Kimball Nespor
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MISCELLANEOUS:

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