

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
D.L.D. GRAIN & FEED, INC. FOR)
TEMPORARY APPROVAL TO ASSUME)
OPERATIONAL CONTROL OF CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 30728 PENDING DETERMINATION)
OF THE RELATED APPLICATION TO)
ACQUIRE THE CERTIFICATE FROM K & L)
TRUCKING, INC.)
- - - - -)

DOCKET NO. 92A-065CY-
TRANSFER-TA

**COMMISSION ORDER GRANTING
TEMPORARY APPROVAL**

Mailed date: March 6, 1992
Adopted date: March 4, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On February 11, 1992, D.L.D. Grain & Feed, Inc. filed Docket No. 92A-065CY-Transfer-TA for temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 30728 pending determination of the related application to acquire the Certificate from K & L Trucking, Inc.

2. The Commission gave notice of the application on February 18, 1992. No interventions were received.

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 is in bankruptcy and is not able to operate the subject authority, so it is essential that the Transferee be temporarily able to operate the authority until the transfer is approved. The authority is now under suspension.

6. The Applicant 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. Applicant is advised that a grant of temporary approval makes no presumption that permanent approval will be granted.

THEREFORE THE COMMISSION ORDERS THAT:

1. D.L.D. Grain & Feed, Inc. is granted temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 30728 pending determination of the related application to acquire the certificate from K & L Trucking, 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. D.L.D. Grain & Feed, Inc. 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 Applicant 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 March 4, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER GARY L. NAKARADO
ABSENT.

ORDER-DF

TRANSFeree:

D.L.D. Grain & Feed, Inc.
Route 2, Box 188
Big Springs, Nebraska 69122

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ROUTE:

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6-Docketing

TRANSFEROR:

K & L Trucking, Inc.
Route 2, Box 69
Big Springs, Nebraska 69122

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