

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF KEN SWAN,)
DOING BUSINESS AS KEN SWAN TRUCK)
LINE, FOR EMERGENCY TEMPORARY)
APPROVAL TO ASSUME OPERATIONAL)
CONTROL OF CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC)
NO. 2371&I PENDING COMMISSION)
CONSIDERATION OF THE RELATED)
APPLICATION TO PERMANENTLY)
ACQUIRE THE CERTIFICATE FROM DON)
PEPPEL, DOING BUSINESS AS DEER)
TRAIL TRUCK LINE.)
- - - - -)

DOCKET NO. 92A-168CY-
TRANSFER-ETA

**COMMISSION ORDER GRANTING
EMERGENCY TEMPORARY APPROVAL**

Mailed date: May 1, 1992
Adopted date: April 29, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On April 27, 1992, Ken Swan, doing business as Ken Swan Truck Line, filed Docket No. 92A-168CY-Transfer-ETA for emergency temporary approval to assume operational control of Certificate of Public Convenience and Necessity PUC No. 2371&I pending Commission consideration of the related application to permanently acquire the certificate from Don Poppel, doing business as Deer Trail Truck Line.

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

3. Section 40-6-120(1), C.R.S., authorizes the Commission to grant emergency temporary approval ". . . if it appears that failure

to grant such emergency 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."

4. The support filed on behalf of this application indicates that the transferor sold its certificate and equipment at auction and is not in a position to operate the authority.

5. The Commission finds due to the facts stated in paragraph 4 above, that failure to grant the application could result in injury to the certificate and ultimately effect service to the public. The Commission will therefore grant the application.

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

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

8. The Applicant is advised that the granting of an emergency temporary approval makes no presumption that temporary or permanent approval will be granted.

THEREFORE THE COMMISSION ORDERS THAT:

1. Ken Swan, doing business as Ken Swan Truck Line, is granted emergency temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 2371&I for a period of 15 days commencing from the mailed date of this order.

2. Ken Swan, doing business as Ken Swan Truck Line, shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that the Applicant is in compliance and may begin service.

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.

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

DONE IN OPEN MEETING on April 29, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

ORDER-EM

TRANSFeree:

Ken Swan
dba Ken Swan Truck Line
20710 County Road D, Box 254
Woodrow, CO 80757

TRANSFEROR:

Don Peppel
dba Deer Trail Truck Line
754 2nd Street
Deer Trail, CO 80105

MISCELLANEOUS:

Brad Mallon, Director
Office of Policy & Research
Dept. of Regulatory Agencies
1560 Broadway, Suite No. 1550
Denver, CO 80202

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