

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF KANGAROO)
EXPRESS OF PUEBLO, INC., TO)
TRANSFER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC) DOCKET NO. 92A-149CY-TRANSFER
NO. 1970 TO KANGAROO EXPRESS OF)
COLORADO SPRINGS, INC.)
- - - - -

**COMMISSION ORDER
GRANTING TRANSFER**

Mailed date: May 14, 1992
Adopted date: May 13, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. Proper notice of the filing of this application has been given under § 40-6-108(2), C.R.S. No petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed. This proceeding is noncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

2. The evidence submitted warrants the approval of the transfer as ordered.

3. The financial standing of the Transferee has been satisfactorily established and the transfer is in the public interest.

4. The Transferee is fit, willing, and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

5. The transferee presently holds Contract Carrier Permit No. B-9624 which overlaps and duplicates, in part, the authority being

transferred in this docket. The Commission will add a restriction to Certificate PUC No. 1970 to eliminate the overlap.

THEREFORE THE COMMISSION ORDERS THAT:

1. Applicants are authorized to transfer Certificate of Public Convenience and Necessity PUC No. 1970, subject to encumbrances, if any, against said authority.

2. The full and complete authority under Certificate of Public Convenience and Necessity PUC No. 1970, is contained in the attached appendix.

3. The right of Transferee to operate under this Order shall depend on its compliance with all present and future laws and Commission rules and regulations, and the prior filing by Transferor of delinquent reports, if any, covering operations under the Permit up to the time of transfer.

4. Transferee shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Transferee shall also adopt the tariff of the Transferor which shall become that of Transferee until changed according to law. Transferee shall pay the vehicle identification fee. Transferor shall file a terminating annual report from the 1st of January to the date of this Order. Applicants shall file an acceptance of transfer signed by both the Transferor and Transferee. Operations may not begin until these requirements have been met. If the Applicants do not comply with the requirements of this ordering paragraph within 60 days of the effective date of this Order then ordering paragraph 1 above, which grants authority to the Transferee, shall be void, and the authority granted shall then be void. On good cause shown, the Commission may grant additional time for compliance, if the request for additional time is filed within the 60 days.

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

ADOPTED IN OPEN MEETING on May 13, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

ORDER-ES

Appendix A
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Docket

No.

92A-149CY-Transfer

Decision No. C92-648
May 13, 1992

Transportation, on call-and-demand, of general commodities

between all points located within the following described area: Beginning at the intersection of the Counties of Clear Creek, Park, and Jefferson, thence south along an imaginary line a distance of 85 miles to a point; thence east along an imaginary line to the Pueblo/Crowley County Boundary Line; thence north along an imaginary line to the Elbert/Arapahoe County Boundary Line; thence west to the point of beginning.

Restrictions: This Certificate is restricted as follows:

- (A) Against the transportation of commodities in bulk;
- (B) Against the transportation of articles weighing in excess of 50 pounds and against the transportation of shipments weighing more than 500 pounds in the aggregate;
- (C) Against the transportation of checks, bank drafts, business papers, mail, and interoffice correspondence to or from bank and savings and loan institutions;
- (D) Against rendering transportation services from, to, or between points in Fremont County, Colorado; and
- (E) Against the transportation of commodities to, from, or between points in a three-mile radius of the intersection of Interstate 25 and U.S. Highway 50 in Pueblo, Colorado.

To the extent this Certificate overlaps Contract Carrier Permit No. B-9624, only one operating right exists.

ORDER-ES

TRANSFeree:

Kangaroo Express of Colorado Springs, Inc.
210 Sutton Lane
Colorado Springs, CO 80907

TRANSFEROR:

Kangaroo Express of Pueblo, Inc.
410 West 4th Street
Pueblo, CO 81003

ATTORNEY for TRANSFeree & TRANSFEROR:

Nancy P. Bigbee
1580 Logan Street
Suite 500
Denver, CO 80203-1941

MISCELLANEOUS:

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

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