

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF A. L. GILBERT)
COMPANY, DOING BUSINESS AS FORT)
COLLINS FEED, FOR EMERGENCY)
TEMPORARY APPROVAL TO ASSUME)
OPERATIONAL CONTROL OF CONTRACT)
CARRIER PERMIT NO. B-6882,)
PENDING COMMISSION)
CONSIDERATION OF THE RELATED)
APPLICATION TO PERMANENTLY)
ACQUIRE THE PERMIT FROM NEWHALL)
LAND & FARMING CO.)
- - - - -)

DOCKET NO. 92A-207BY-
TRANSFER-ETA

**COMMISSION ORDER GRANTING
EMERGENCY TEMPORARY APPROVAL**

Mailed date: June 12, 1992
Adopted date: June 11, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On June 3, 1992, A. L. Gilbert Company, doing business as Fort Collins Feed, filed Docket No. 92A-207BY-Transfer-ETA for emergency temporary approval to assume operational control of Contract Carrier Permit No. B-6882 pending Commission consideration of the related application to permanently acquire the permit from Newhall Land & Farming Co.
2. The Commission gave notice of the application on June 8, 1992.
3. By § 40-6-120, C.R.S., the application for emergency temporary authority is under consideration for a Commission order.

4. 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."

5. The support filed on behalf of this application seems to indicate that a sale of the subject permit has taken place, but it does not specifically say so. Further, the supporting letter states that: "It is imperative that the business transition be without a hitch on June 15, 1992, so we feel justified in these additional applications."

6. The Commission finds that the letter filed in support of the application does not meet the Commission's requirement to establish that failure to grant the application may result in destruction or injury to the carrier or the involved permit. Additionally, the Commission's Staff did inform the Applicant's representative of the Commission's requirements for emergency temporary approval applications. However, the Commission notes that the Applicants are acting pro se and may not fully understand the Commission's requirements. The Commission will grant the emergency application for 15 days. Applicants are advised they must show they are entitled to a temporary approval, by showing they meet the standards contained in the statutes and Commission rules. The Commission will consider the application for temporary approval upon the expiration of the emergency approval. Failure to properly document the temporary approval application may result in its denial.

7. 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.

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

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

1. A. L. Gilbert Company, doing business as Fort Collins Feed, is granted emergency temporary approval to conduct operations under Contract Carrier Permit No. B-6882 for a period of 15 days commencing from the mailed date of this order.

2. A. L. Gilbert Company, doing business as Fort Collins Feed, 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.

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

DONE IN OPEN MEETING on June 11, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN ARNOLD H. COOK ABSENT.

ORDER-FK

TRANSFeree:

A. L. Gilbert Company
dba Fort Collins Feed
P. O. Box 38
Oakdale, CA 95361

TRANSFEROR:

The Newhall Land and Farming Company
1020 North East Frontage Road
Fort Collins, CO 80524

MISCELLANEOUS:

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

ROUTE:

1	Bulletin Board
2	Text Management
3	Operating Rights Unit
4	DMS (plus certificate)
4.1	ORDER-FK
6-Docketing	
9	
10	
15	
20	
30	
31 (5 copies)	
40 (7 copies)	
50	
60	