

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF WEBER)
DISTRIBUTING COMPANY, INC. FOR)
TEMPORARY AUTHORITY TO CONDUCT)
OPERATIONS AS A CONTRACT CARRIER) DOCKET NO. 92A-199BY-TA
BY MOTOR VEHICLE FOR HIRE.)
- - - - -)

**COMMISSION ORDER DENYING
TEMPORARY AUTHORITY**

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

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On May 19, 1992, Weber Distributing Company, Inc., filed Docket No. 92A-199BY-TA for temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of meat and cheese, from the facilities of Bar S Foods in Denver, Colorado, to points in Loveland, Fort Collins, and Greeley, Colorado.

This application is restricted to providing service for only Bar S Foods. On June 1, 1992, an intervention opposing the application was filed by Mile Hi Express, Inc. (Mile Hi).

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

3. Section 40-6-120(1), C.R.S., authorizes the Commission to grant temporary authority when there appears to be ". . . an immediate and urgent need to any point or within a territory having no carrier service capable of meeting such need."

4. The Commission finds that the letters filed in support of this application fail to establish that there is an immediate and

urgent need for additional transportation services. In addition, the intervention of Mile Hi states that it provides daily scheduled service in refrigerated equipment and is willing to make as many stops as the shipper requests.

5. This application for temporary authority is not in the public interest and should be denied. Of course, this ruling does not affect the permanent authority application. The issues in the permanent authority application include whether or not Weber can provide a distinctly different or superior service compared to the services currently available. Applicant Weber will have to provide evidence on this issue, and prove that it can. The Commission recently discussed the issues in contract carrier proceedings in Decision No. C92-177, adopted February 19, 1992, Lewco Iron & Metals, Inc. Applicant Weber may wish to review that decision.

THEREFORE THE COMMISSION ORDERS THAT:

1. This application is denied.
2. 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.
3. This Order is effective on its date of mailing.

ADOPTED IN OPEN MEETING on June 11, 1992

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN ARNOLD H. COOK ABSENT.

ORDER-FJ

APPLICANT:

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