

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF CHARLES V.)
OWENS, DOING BUSINESS AS AIR &)
EXPRESS SERVICE, FOR TEMPORARY)
AUTHORITY TO CONDUCT OPERATIONS) DOCKET NO. 92A-361BY-TA
AS A CONTRACT CARRIER BY MOTOR)
VEHICLE FOR HIRE.)
- - - - -)

**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed date: August 31, 1992
Adopted date: August 26, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On July 14, 1992, Charles V. Owens, doing business as Air & Express Service (Owens), filed Docket No. 92A-361BY-TA for temporary authority to conduct operations as a contract carrier by motor vehicle for hire for the transportation of general commodities between all points within a 45-mile radius of Craig, Colorado, including Craig, Colorado, and between said points, on the one hand, and all points within a 150-mile radius of Craig, Colorado, on the other hand. This application is restricted as follows: (1) to the transportation of shipments weighing 10,000 pounds or less; and (2) to providing service for only Wagner Equipment Co.

2. The Commission gave notice of the application on July 20, 1992. Interventions opposing a grant of the application were filed by R. W. Jones Trucking Co. (Jones) and Groendyke Transport, Inc. (Groendyke).

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3. On August 14, 1992, Owens filed an amendment to the application restricting its application against the transportation

of commodities, in bulk, in tank vehicles. Subsequently, Groendyke withdrew its intervention.

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

5. 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."

6. The support filed on behalf of this application indicates the supporting shipper (Wagner Equipment Company) does not have the service of any carrier capable of carrying its shipments within the territory described in this application. Presently, Wagner is forced to provide its own transportation service on smaller shipments (under 10,000 pounds) within the area involved herein. On August 25, 1992, the Commission Staff contacted the representative of the shipper, Mr. Jeff Rosedale of Craig, Colorado. Mr. Rosedale informed the Staff that Wagner did not know who the intervenor Jones was and further did not know where to contact them. As noted above, the application was filed on July 14, 1992, and the intervention of Jones was filed on July 27, 1992. A full 30 days later, Jones being appraised of Wagner's needs, had not made itself and its services known to a potential customer.

7. The Commission finds due to the facts stated in paragraph 6 above, there is an immediate and urgent need for additional transportation services. The Commission will grant the application.

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

9. This application for temporary authority is in the public interest and should be granted.

10. The Applicant is advised that the granting of a temporary authority makes no presumption that permanent authority will be granted.

THEREFORE THE COMMISSION ORDERS THAT:

1. Charles V. Owens, doing business as Air & Express Service, is granted temporary authority to conduct operations as a

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contract carrier by motor vehicle for hire for a period of 180 days commencing from the mailed date of this order, with authority as set forth in the attached Appendix.

2. Charles V. Owens, doing business as Air & Express Service, shall not commence operation 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 August 26, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

ORDER-GX

Transportation of

general commodities

between all points within a 45-mile radius of Craig, Colorado, including Craig, Colorado, and between said points, on the one hand, and all points within a 150-mile radius of Craig, Colorado, on the other hand.

This Permit is restricted as follows:

- (1) to the transportation of shipments weighing 10,000 pounds or less;
- (2) to providing service for only Wagner Equipment Co.; and
- (3) against the transportation of (a) commodities, in bulk, in tank vehicles.

ORDER-GX

APPLICANT:

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dba Air & Express Service
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INTERVENOR:

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