

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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THE APPLICATION OF GAMBLER'S)
EXPRESS, INC. FOR EMERGENCY)
TEMPORARY APPROVAL TO ASSUME)
OPERATIONAL CONTROL OF)
CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC)
NO. 48963 PENDING COMMISSION)
CONSIDERATION OF THE RELATED)
APPLICATION TO PERMANENTLY)
ACQUIRE THE CERTIFICATE FROM)
DAVID JOHN DICKEY AND SALLY ANNE)
STEFFEN, DOING BUSINESS AS THE)
GAMBLER'S TOUCH OF LUCK.)
- - - - -)

DOCKET NO. 92A-363CP-
TRANSFER-ETA

THE APPLICATION OF GAMBLER'S)
EXPRESS, INC. FOR TEMPORARY)
APPROVAL TO ASSUME OPERATIONAL)
CONTROL OF CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC)
NO. 48963 PENDING COMMISSION)
CONSIDERATION OF THE RELATED)
APPLICATION TO PERMANENTLY)
ACQUIRE THE CERTIFICATE FROM)
DAVID JOHN DICKEY AND SALLY ANNE)
STEFFEN, DOING BUSINESS AS THE)
GAMBLER'S TOUCH OF LUCK.)
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DOCKET NO. 92A-363CP-
TRANSFER-TA

**COMMISSION ORDER GRANTING
TEMPORARY APPROVAL**

Mailed date: August 4, 1992
Adopted date: July 31, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On July 14, 1992, Gambler's Express, Inc., filed Docket No. 92A-363CP-Transfer-ETA and Docket No. 92A-363CP-Transfer-TA for emergency and temporary approval to assume operational control of Certificate of Public Convenience and Necessity PUC No. 48963 pending Commission consideration of the related application to permanently acquire the certificate from David John Dickey and Sally Anne Steffen, doing business as The Gambler's Touch of Luck.

2. The Commission gave notice of the application on July 20, 1992. No interventions were received.

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

4. Section 40-6-120(1), C.R.S., authorizes the Commission to grant temporary approval ". . . if it appears that failure to grant such 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 indicates that the transferee is unable to continue providing service to the public due to a lack of capital and physical strength of the partners.

6. The Commission finds due to the facts stated in paragraph 5 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.

7. The application for emergency temporary authority will be rendered moot by the grant of the temporary application and therefore will be dismissed.

8. 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.

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

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

THEREFORE THE COMMISSION ORDERS THAT:

1. Gambler's Express, Inc. is granted temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 48963 for a period of 180 days commencing from the mailed date of this order.

2. Gambler's Express, Inc. 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. Docket No. 92A-363CP-Transfer-ETA is dismissed.

4. 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.

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

DONE IN OPEN MEETING July 31, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

ORDER-GR

TRANSFeree:

Gambler's Express, Inc.
5850 East 58th Avenue
Commerce City, CO 80022

TRANSFEROR:

David John Dickey and Sally Anne Steffen
dba The Gambler's Touch of Luck
4710 South Bannock Street
Englewood, CO 80110

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