

(Decision No. C92-1082)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE OPERATIONS OF EDWIN R.)
HAVENER UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY) DOCKET NO. 1626-INS.
PUC NO. 15732.)
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**COMMISSION ORDER
GRANTING EXCEPTIONS**

Mailed date: September 9, 1992
Adopted date: September 9, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On June 26, 1992, Administrative Law Judge Ken Kirkpatrick entered Recommended Decision No. R92-831. This decision recommends that the operating authority of Edwin R. Havener (Havener) be revoked for failure to maintain continuous liability insurance as required by Rule No. 12 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle. The effective date of the recommended decision was July 16, 1992.

2. On July 16, 1992, Havener filed a motion to stay the effective date of the recommended decision. As grounds for the motion, Havener stated that he presently has insurance and that no harm would befall the public by the stay. The Commission granted the motion to stay on July 16, 1992, by Decision No. C92-959, and required that exceptions be filed by August 17, 1992.

3. On August 17, 1992, Havener filed exceptions to Decision No R92-831. By said exceptions, Havener states that the one day lapse of coverage was not his fault. That no claims were filed on the date of lapse, and that he has applied for a waiver of Rule 12.

4. Good cause having been shown, the Commission will grant

the exceptions.

THEREFORE THE COMMISSION ORDERS THAT:

1. The exceptions filed by Edwin R. Havener to Recommended Decision No. R92-831, are granted as said decision pertains to Edwin R. Havener. The remainder of Recommended Decision shall remain in full force and effect.

2. Edwin R. Havener shall prosecute the waiver of Rule 12 as cited above to its lawful conclusion. If Edwin R. Havener does not prosecute said waiver to its conclusion or if the waiver is not granted, Staff of the Commission is directed to reinstitute show cause proceedings.

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

ADOPTED IN OPEN MEETING September 9, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER GARY L. NAKARADO
ABSENT BUT CONCURRING.

ORDER-HI

APPLICANT:

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