

(Decision No. C92-1089)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF RUAN)	
TRANSPORT CORPORATION FOR)	
TEMPORARY AUTHORITY TO EXTEND)	DOCKET NO. 92A-368CY-
OPERATIONS UNDER CERTIFICATE OF)	EXTENSION-TA
PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 1515&I.)	
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**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY**

Mailed date: September 10, 1992
Adopted date: September 9, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On July 20, 1992, Ruan Transport Corporation (Ruan), filed Docket No. 92A-368CY-Extension-TA for temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 1515&I for the transportation of acids and chemicals, in bulk, (1) from points located within a 10-mile radius of the intersection of 5th and Main in Pueblo, Colorado, on the one hand, and all points in the State of Colorado, on the other hand; and (2) from the facilities of Dixie Chemical Company in Hudson, Colorado, to all points in the State of Colorado.

2. The Commission gave notice of the application on August 3, 1992. Interventions opposing a grant of the application were filed by Ward Transport, Inc. (Ward), Groendyke Transport, Inc. (Groendyke), and Matlack, Inc. (Matlack). On August 24, 1992, Ruan filed a pleading entitled Motion For Variance Of Rules. On September 8, 1992, a response to the motion was filed by Ward, Groendyke, and Matlack. On September 4, 1992, Ruan amended the temporary application to exclude Dixie Chemical Company and further restricted the service area so as to authorize only service from the facilities of Interstate Chemical

Company (Interstate) in Pueblo to all points in the State of Colorado.

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 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."

5. The support filed on behalf of this application, as it is now postured, consists of an affidavit from William Bellah of Interstate and a letter dated August 21, 1992, filed with the motion for variance. The Commission finds that the Applicant has not stated sufficient grounds for granting the motion for variance and it will therefore be denied.

6. The affidavit from Interstate states that it is in the business of chemical distribution and is the eleventh largest chemical company in the United States. Interstate recently opened a new facility in Pueblo, Colorado. Shipments of chemicals go to a wide variety of points in the State of Colorado, including Monte Vista, Fort Collins, Golden, Pueblo, Loveland, and points on the western slope. Interstate has a need for a specialized trailer lined with DuraKane™. This special lining is needed to adequately move certain types of chemicals. As an example, Interstate cites its need for Durakane™ when shipping food-grade hydrochloric acid to the pharmaceutical industry. If this commodity is not shipped in the proper equipment, it can become contaminated and result in being rejected by the consignee and result in loss of business to Interstate.

Interstate also has a need for stainless steel trailers to prevent shipments from freezing in transit. Interstate is unable to get Durakane equipment™ from existing carriers as well as enough service in stainless steel equipment.

7. Due to the facts stated in paragraph 6 above, the Commission finds that there is an immediate and urgent need for additional transportation services in an area having no other carrier capable of providing the service. The Commission will therefore 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 as amended.

10. The Applicant is advised that the granting of an temporary

authority makes no presumption that permanent authority will be granted.

THEREFORE THE COMMISSION ORDERS THAT:

1. Ruan Transport Corporation is granted temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 1515&I for a period of 180 days commencing from the mailed date of this order, with authority as set forth in the attached Appendix.

2. The Motion For Variance Of Rules is denied.

3. Ruan Transport Corporation 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.

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 September 9, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER GARY L. NAKARADO
ABSENT BUT CONCURRING.

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Appendix A
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Extension-TA
September 9, 1992

Transportation of

acids and chemicals, in bulk,

from the facilities of Interstate Chemical Company, in Pueblo,
Colorado, to all points the State of Colorado.

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Groendyke Transport, Inc.
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Matlack, Inc.
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