

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF FELIX DURAN,)	
DOING BUSINESS AS DURAN)	
TRUCKING, FOR TEMPORARY)	DOCKET NO. 92A-395BY-
AUTHORITY TO EXTEND OPERATIONS)	EXTENSION-TA
UNDER CONTRACT CARRIER PERMIT)	
NO. B-9617.)	
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**COMMISSION ORDER GRANTING
TEMPORARY AUTHORITY IN PART**

Mailed date: September 2, 1992
Adopted date: September 2, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On August 12, 1992, Felix Duran, doing business as Duran Trucking, filed Docket No. 92A-395BY-Extension-TA for temporary authority to extend operations under Contract Carrier Permit No. B-9617 for the transportation of lumber and building material from points in the Counties of Delta and Montrose, State of Colorado, to all points in the State of Colorado. Restricted to providing service for only Louisiana-Pacific Corporation (LPC) and Sage Brush Sales (Sage Brush).

2. The Commission gave notice of the application on August 17, 1992. Interventions opposing a grant of the application were timely filed by Berta Bros. Transportation, Inc. (Berta) and Milt Hawks & Son, Inc. (Hawks).

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 by LPC on behalf of this application indicates that this shipper is having difficulty getting trucks to move its product to Denver and other points in the State of Colorado. The letter filed by Sage Brush makes the same type of statements.

6. The Commission's Staff contacted both of the above-named shippers on September 1, 1992. LPC informed the Staff that it does use the services of Hawks, however, Hawks' trucks often break down and Hawks cannot provide all of the services required by LPC. LPC will continue to use Hawks but needs additional service. In addition, LPC does use the services of Berta, but cannot always get the required number of trucks from Berta. The representative of LPC informed the Staff that at least 50 percent of its loads are destined to the Denver Metropolitan Area. The Commission notes that part (1) of Certificate of Public Convenience and Necessity PUC No. 16369, held by Berta, is restricted against providing service to points in the Counties of Denver, Adams, Arapahoe, Jefferson, or Boulder. Since 50 percent of LPC's traffic is destined to these points and since Hawks cannot fulfill all of the shippers needs, the Commission will grant the application, in part, to allow Duran to serve LPC on its shipments to the Denver Metropolitan Area.

Similarly, the representative of Sage Brush told the Staff that it does use both Berta and Hawks. However, it also has a high percentage of loads going to Denver and needs additional service.

7. The Commission finds due to the facts stated in paragraph 6 above, there is an immediate and urgent need for additional transportation services, and there is no carrier capable of meeting that need. The Commission will grant the application in part.

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, in part.

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. Felix Duran, doing business as Duran Trucking, is granted temporary authority to extend operations under Contract Carrier Permit No. B-9617 for a period of 165 days commencing from the mailed date of this order, with authority as set forth in the attached Appendix.

2. Felix Duran, doing business as Duran Trucking, 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 September 2, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

ORDER-HF

Appendix A
Page 1 of 1 Page
Decision No. C92-1134
Docket No. 92A-395BY-
Extension-TA
September 2, 1992

Transportation of

fiberboard and lumber

from points in the Counties of Delta and Montrose, State of Colorado,
to all points in the Counties of Denver, Adams, Arapahoe, Boulder,
and Jefferson, State of Colorado.

This temporary permit is restricted to providing service for only
Louisiana-Pacific Corporation and Sage Brush Sales.

ORDER-HF

APPLICANT:

Felix Duran
dba Duran Trucking
2934 Highway 50
Grand Junction, CO 81503

INTERVENOR:

Berta Bros. Transportation, Inc.
904 Colorado Highway 115
Penrose, CO 81240

INTERVENOR'S ATTORNEY:

Lee E. Lucero, Esq.
L. E. LUCERO & ASSOCIATES, P.C.
Suite 203
651 Chambers Road
Aurora, CO 80011

INTERVENOR:

Milt Hawks & Son, Inc.
P. O. Box 325
Montrose, CO 81402

INTERVENOR'S ATTORNEY:

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