

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF SIDNEY D.)
LLOYD, DOING BUSINESS AS SIDNEY)
D. LLOYD TRUCKING, FOR TEMPORARY)
AUTHORITY TO EXTEND OPERATIONS)
UNDER CONTRACT CARRIER PERMIT)
NO. B-2390.)
- - - - -

DOCKET NO. 92A-393BY-
EXTENSION-TA

**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 11, 1992, Sidney D. Lloyd, doing business as Sidney D. Lloyd Trucking (Lloyd), filed Docket No. 92A-393BY-Extension-TA for temporary authority to extend operations under contract carrier Permit No. B-2390 for the transportation of building materials between points in the County of Montrose, State of Colorado, and between said points, on the one hand, and all points in the State of Colorado, on the other hand. Restricted to providing service for only Louisiana-Pacific Corporation (LPC).

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. It is having a problem getting service on a short notice to points in the State of Colorado.

6. The Commission's Staff contacted LPC on September 1, 1992. LPC informed the Staff that it does use the services of Hawks, however, Hawks' trucks often breakdown 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 Lloyd to serve LPC on its shipments to the Denver Metropolitan Area.

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. Sidney D. Lloyd, doing business as Sidney D. Lloyd Trucking, is granted temporary authority to extend operations under Contract Carrier Permit No. B-2390 for a period of 180 days commencing from the mailed date of this order, with authority as set forth in the attached Appendix.

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2. Sidney D. Lloyd, doing business as Sidney D. Lloyd 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-HG

Appendix A
Page 1 of 1 Page
Decision No. C92-1135
Docket No. 92A-393BY-
Extension-TA
September 2, 1992

Transportation of

fiberboard

from points in the County of 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.

ORDER-HG

APPLICANT:

Sidney D. Lloyd
dba Sidney D. Lloyd Trucking
P. O. Box 249
Palisade, CO 81526

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:

Charles J. Kimball, Esq.
KIMBALL & NESPOR, P.C.
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