

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE APPLICATION OF 3-J TRUCKING,)
INC. FOR TEMPORARY APPROVAL TO)
ASSUME OPERATIONAL CONTROL OF)
CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC)
NO. 756&I PENDING COMMISSION)
CONSIDERATION OF THE RELATED)
APPLICATION TO PERMANENTLY)
ACQUIRE THE CERTIFICATE FROM)
TURNER BROS. TRUCKING CO., INC.)
- - - - -)
)

DOCKET NO. 92A-469CY-
TRANSFER-TA

**COMMISSION ORDER GRANTING
TEMPORARY TRANSFER APPROVAL**

Mailed date: September 30, 1992
Adopted date: September 23, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On September 8, 1992, 3-J Trucking, Inc., filed Docket No. 92A-469CY-Transfer-TA for temporary approval to assume operational control of Certificate of Public Convenience and Necessity PUC No. 756&I pending Commission consideration of the related application to permanently acquire the certificate from Turner Bros. Trucking Co., Inc.

2. The Commission gave notice of the application on September 14, 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 for many years Transferor has rendered reliable and dependable common carrier service to the shipping public in Colorado. The owner and chief executive officer of Transferor is Mr. Jack Turner, Sr. Recent illness of Mr. Turner and his wife has necessitated their retirement from the trucking business. Their three sons desire to continue with the trucking business in the tradition of their parents. This application is filed to facilitate the orderly transition of the business from one generation to another. The interfamilial transfer of ownership is taking the form proposed in this proceeding for tax, business and estate planning reasons. The orderly transition and continuity of common carrier public service under the subject operating authority is in the public interest.

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 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.

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

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

THEREFORE THE COMMISSION ORDERS THAT:

1. 3-J Trucking, Inc. is granted temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 756&I for a period of 180 days commencing from the mailed date of this order.

2. 3-J Trucking, 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. 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 23, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

ORDER-HZ

TRANSFeree:

3-J Trucking, Inc.
P. O. Box 83017
Oklahoma City, OK 73148

TRANSFEROR:

Turner Bros. Trucking Co., Inc.
P. O. Box 82929
2000 South May Avenue
Oklahoma City, OK 73148

ATTORNEY FOR TRANSFeree AND TRANSFEROR:

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