

(Decision No. C92-1522)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE THE PETITION OF GLEN R.)
ANSTINE, TRUSTEE OF THE)
BANKRUPTCY ESTATE OF BRYON W.)
HOLSTINE, DOING BUSINESS AS)
HOLSTINE TRUCKING, INC., AND W.)
H. HOLSTINE, FOR AN ORDER OF THE)
COMMISSION AMENDING DECISION NO.)
R92-427 AND THEREBY REINSTATING)
CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC)
NO. 14024.)
- - - - -)

CASE NO. 654-INS.

THE APPLICATION OF GLEN R.)
ANSTINE, TRUSTEE OF THE)
BANKRUPTCY ESTATE OF BRYON W.)
HOLSTINE, DOING BUSINESS AS)
HOLSTINE TRUCKING, INC., AND W.)
H. HOLSTINE, FOR AUTHORITY TO)
TRANSFER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC)
NOS. 14024 AND 1644&I TO MARCUS)
E. HOLSTINE AND RONALD R.)
HOLSTINE, DOING BUSINESS AS M &)
R HOLSTINE.)
- - - - -)

DOCKET NO. 92A-559CY
TRANSFER-TA

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TRANSFER

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**COMMISSION ORDER
GRANTING PETITION TO REINSTATE
AND GRANTING PERMANENT TRANSFERS**

Mailed date: December 2, 1992
Adopted date: November 25, 1992

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

1. On October 22, 1992, Marcus E. and Ronald R. Holstine, doing business as M & R Holstine ("Transferee"), filed a Petition For Amendment of Decision No. R92-427, pursuant to § 40-6-112(1), C.R.S.

That decision was issued on April 20, 1992, in Case No. 654-INS., and, as relevant here, suspended Certificate PUC No. 14024 for one year, or until April 20, 1993. The grounds for the suspension were that, according to Commission records, the carrier had failed to maintain cargo insurance coverage for a period of time beginning in 1987. That decision is final since no exceptions were filed within the required time frames.

2. In the present petition, the Transferee requests that the decision be amended to lift the suspension period effective on the day proof of current insurance coverage is filed by Transferee. The petition requests amendment of Decision No. R92-427, stating that the required cargo insurance was maintained by the carrier at all relevant times, and that the Commission's records indicated a lapse of insurance coverage due to the failure of the insurance company to make a Form H filing in 1987. In fact, the Transferee has provided to the Commission proof of its claims (*i.e.*, that insurance coverage was maintained throughout the period in question).

3. Sufficient grounds having been stated, we now amend Decision No. R92-427 in accordance with the Transferee's request. We now rule that Certificate PUC No. 14024 shall be reinstated effective on the day that appropriate proof of insurance coverage is provided to the Commission.

4. Proper notice of the filing of the above-captioned transfer applications has been given under § 40-6-108(2), C.R.S. No petition to intervene or otherwise participate in these proceedings has been filed by any person within the time prescribed. These proceedings are noncontested. Under § 40-6-109(5), C.R.S., these matters may be determined without a hearing.

5. The evidence submitted warrants the approval of the transfers as ordered.

6. The financial standing of the Transferee has been satisfactorily established and the transfer is in the public interest.

7. The Transferee is fit, willing, and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

THEREFORE THE COMMISSION ORDERS THAT:

1. The Petition For Amendment Of Decision No. R92-427 is granted consistent with the above discussion.

2. Applicants are authorized to transfer Certificate of Public Convenience and Necessity PUC Nos. 14024 and 1644&I, subject to encumbrances, if any, against said authorities.

3. The temporary approval applications pending under Docket Nos. 92A-559CY-Transfer-TA and 92A-560CY-Transfer-TA are now moot and are dismissed.

4. The right of Transferee to operate under this Order shall depend on its compliance with all present and future laws and Commission rules and regulations, and the prior filing by Transferor of delinquent reports, if any, covering operations under the Certificates up to the time of transfer.

5. Transferee shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Transferee shall also adopt the tariff of the Transferor which shall become that of Transferee until changed according to law. Transferee shall pay the vehicle identification fee. Transferor shall file a terminating annual report from the 1st of January to the date of this Order. Applicants shall file an acceptance of transfer signed by both the Transferor and Transferee. Operations may not begin until these requirements have been met. If the Applicants do not comply with the requirements of this ordering paragraph within 60 days of the effective date of this Order then ordering paragraph 2 above, which grants authority to the Transferee, shall be void, and the authority granted shall then be void. On good cause shown, the Commission may grant additional time for compliance, if the request for additional time is filed within the 60 days.

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

ADOPTED IN OPEN MEETING November 25, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER GARY L. NAKARADO
ABSENT, BUT CONCURRING IN THE
RESULT.

ORDER-JT

TRANSFeree:

Marcus E. Holstine and Ronald R. Holstine
dba M & R Holstine
3655 Otis Street
Wheatridge, CO 80033-6450

TRANSFEROR:

Glen R. Anstine, Trustee of the Bankruptcy Estate
of Bryon W. Holstine
dba Holstine Trucking, Inc. and W. H. Holstine
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IN THE REFERENCED BANKRUPTCY PROCEEDING:

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ROUTE:

1	15	Bulletin Board
2	20	Text Management
3	30	Operating Rights Unit
4	31 (5 copies)	DMS (plus certificate)
6-Docketing	40 (7 copies)	ORDER-JT

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