

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

THE APPLICATION OF MOON	)	
ENTERPRISES, LTD. FOR	)	DOCKET NO. 94A-519BY-
AUTHORITY TO EXTEND OPERATIONS	)	
UNDER CONTRACT CARRIER PERMIT	)	EXTENSION
NO. B-9723.	)	

**COMMISSION ORDER  
DISMISSING APPLICATION  
FOR LACK OF JURISDICTION**

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Mailed date: February 8, 1995  
Adopted date: February 8, 1995  
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**I. BY THE COMMISSION:**

**Statement, Findings, and Conclusion**

As a result of the passage of the Airport Improvement Bill of 1994, signed by the President on August 26, 1994, and subsequently upheld on appeal by the Federal District Court for the State of Oklahoma, state regulation over the rates, routes, and service of carriers of property has been preempted. Accordingly, this application has been rendered moot by supervening federal legislation. Applicant does not need a contract carrier permit from this Commission to engage in the transportation of property in intrastate commerce anywhere in the State of Colorado. However, Applicant must continue to comply with the Commission's rules relating to insurance and safety.

**II. ORDER**

**A. The Commission Orders That:**

1. The hearing set for January 3, 1995 is hereby vacated.

2. The application of Moon Enterprises, Ltd is dismissed without prejudice.

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.

**B.** This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING February 8, 1995.

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ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

ROBERT J. HIX

Bruce N. Smith  
Director

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CHRISTINE E.M. ALVAREZ

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VINCENT MAJKOWSKI

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Commissioners

ORDER-ACH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**CERTIFICATE OF SERVICE**

DOCKET NO. 94A-519BY-EXTENSION  
DECISION NO. C95-135  
(Page 1 of 1 Page)

I, Bruce N. Smith, Director of The Public Utilities Commission of the State of Colorado, certify that I served a true and correct copy of the above Commission Decision -- entered in the above numbered matter of record -- upon each of the persons whose names and addresses appear below, by mailing the same in sealed envelopes properly addressed, with sufficient postage prepaid to carry the same to its destination on the date noted on this certificate at Denver, Colorado.

APPLICANT:

Moon Enterprises, Ltd.  
4801 South Blue Spruce Road  
Evergreen, CO 80439

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WITNESS MY HAND AND THE SEAL OF  
THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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BRUCE N. SMITH  
DIRECTOR