

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-545CP

IN THE MATTER OF THE APPLICATION OF BLACK HAWK CENTRAL CITY ACE EXPRESS, INC., FOR AUTHORITY TO TRANSFER CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY PUC NOS. 47967 & 44908 TO CUSA BCCAE, LLC, DOING BUSINESS AS BLACK HAWK CENTRAL CITY ACE EXPRESS.

**COMMISSION ORDER GRANTING
MOTION FOR CONFIDENTIALITY**

Mailed Date: January 23, 2004

Adopted Date: January 7, 2004

I. BY THE COMMISSION

A. Statement

1. On December 18, 2003, CUSA BCCAE, LLC (CUSA) and Blackhawk Central City Ace Express (Blackhawk) filed a motion asking that the contract between and CUSA and Blackhawk for transfer of a certificate of public convenience and necessity (CPCN) to operate as a common carrier by motor vehicle for hire, be considered confidential pursuant to Commission rules on the confidentiality of submissions to the Commission.

2. The regulations in 4 *Code of Colorado Regulations* 723-16-3 set forth the Commission rules concerning confidentiality and procedures for challenging the confidentiality of information deemed to have that status. Pursuant to those rules, information not discoverable under §§ 24-72-201, *et seq.*, C.R.S., which governs public records, may be deemed confidential, but that status may be challenged.

3. According to the parties' motion, the contract for transfer of the CPCN contains financial and other proprietary information that would harm the parties' competitive position if it were disclosed.

4. The Commission believes that CUSA and Blackhawk have demonstrated that the contract of sale should be deemed confidential, subject to Commission rules.

II. ORDER

A. The Commission Orders That:

1. The parties' motion concerning confidentiality is granted.
2. The contract of sale between Blackhawk, Central City Ace Express, Inc., and CUSA BCCAE, LLC is deemed confidential pursuant to Commission rules. Under Commission rules, the confidential status of the contract may be challenged.
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 Order.
4. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
January 7, 2003.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners