

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-545CP-TRANSFER

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

**COMMISSION ORDER APPROVING TRANSFER OF
CERTIFICATES OF PUBLIC CONVENIENCE
AND NECESSITY**

Mailed Date: March 15, 2004
Adopted Date: March 10, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On December 18, 2003, Black Hawk Central City Ace Express, Inc., (Black Hawk Central City Ace Express), filed an application for approval to transfer Certificates of Public Convenience and Necessity (CPCN) PUC Nos. 44908 and 47967 to CUSA BCCAE, LLC, doing business as Black Hawk Central City Ace Express, (CUSA BCCAE).

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on December 29, 2003. The Commission set this matter for hearing on March 2, 2004.

3. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is uncontested. Under § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

4. The information submitted with this application warrants granting the requested transfer.

5. The financial standing of CUSA BCCAE has been satisfactorily established.

6. CUSA BCCAE is ready, willing, and able to properly perform the service as requested.

7. This application for permanent approval of the transfer of CPCN PUC Nos. 44908 and 47967 is in the public interest.

II. ORDER

A. The Commission Orders That:

1. The hearing set for March 2, 2004, is vacated.

2. This application was deemed complete on March 10, 2004, within the meaning of § 40-6-109.5, C.R.S.

3. The application filed by Black Hawk Central City Ace Express for approval to transfer Certificates of Public Convenience and Necessity PUC Nos. 44908 and 47967, subject to encumbrances, if any, against the authority, to CUSA BCCAE is granted.

4. CUSA BCCAE shall operate in accordance with all applicable Commission rules and regulations.

5. Approval of the transfer of Certificates of Public Convenience and Necessity PUC Nos. 44908 and 47967 is conditioned on the prior filing by Black Hawk Central City Ace

Express of delinquent reports, if any, covering operations under the certificates up to the consummation of the transfer.

6. CUSA BCCAE shall cause to be filed with the Commission certificates of insurance as required by Commission rules. CUSA BCCAE shall also adopt the tariffs of Black Hawk Central City Ace Express which shall become that of CUSA BCCAE until changed in accordance with the public utilities law. CUSA BCCAE shall pay the vehicle identification fee. Black Hawk Central City Ace Express shall file a terminating annual report from the first of January to the date of this Order. An acceptance of transfer signed by both Black Hawk Central City Ace Express and CUSA BCCAE shall be filed with the Commission. CUSA BCCAE may not begin operations until these requirements have been met and it has received notice in writing from the Commission that it is in compliance and may begin service.

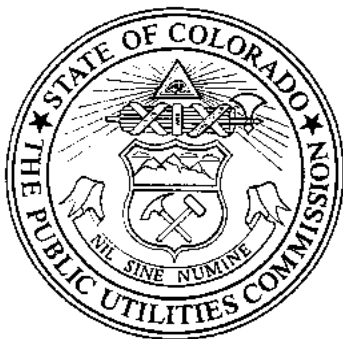
7. If Black Hawk Central City Ace Express and CUSA BCCAE do not comply with the requirements of this Order within 60 days of its effective date, then the approval to transfer Certificates of Public Convenience and Necessity PUC Nos. 44908 and 47967 shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 60 days.

8. The 20-day time period provided by §40-6-141(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.

9. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
March 10, 2004.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners

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