

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-362CP-ENCUMBRANCE

THE APPLICATION OF MKBS, LLC FOR AUTHORITY TO ENCUMBER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 1481 IN FAVOR OF COLORADO BUSINESS BANK.

**COMMISSION ORDER
GRANTING ENCUMBRANCE**

Mailed Date: August 11, 2004
Adopted Date: August 11, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On July 8, 2004, MKBS, LLC filed an application for authority to encumber Certificate of Public Convenience and Necessity (CPCN) PUC No. 1481 in favor of Colorado Business Bank. MKBS, LLC seeks to encumber CPCN PUC No. 1481 as security for indebtedness in accordance with the terms and conditions set forth in the Asset and Purchase Agreement filed in Docket No. 04A-272CP.

2. Metro Taxi, Inc. filed Docket No. 04A-272CP on May 25, 2004. In Docket No. 04A-272CP, Metro Taxi, Inc. applied to transfer CPCN PUC No. 1481 and other specified assets to MKBS, LLC. The schedules to the Purchase Agreement and the purchase price for the transfer of CPCN PUC No. 1481 were filed under seal as confidential and proprietary information. The transfer of CPCN PUC No. 1481 was granted by Decision No. C04-0751 on July 13, 2004.

3. The Commission noticed this encumbrance application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on July 26, 2004. The Commission set this matter for hearing on September 7, 2004.

4. 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.

5. The information submitted warrants granting the requested encumbrance of CPCN PUC No. 1481.

6. This application for authority to encumber CPCN PUC No. 1481 is in the public interest.

II. ORDER

A. The Commission Orders That

1. The hearing set for September 7, 2004, is vacated.
2. This application was deemed complete on August 11, 2004, within the meaning of § 40-6-109.5, C.R.S.
3. MKBS, LLC is authorized to encumber all right, title, and interest in Certificate of Public Convenience and Necessity PUC No. 1481 in favor of Colorado Business Bank. The encumbrance is authorized to secure payment of indebtedness in accordance with the terms and conditions of the Asset Purchase Agreement executed by the parties, and properly filed with the Commission.
4. MKBS, LLC and Colorado Business Bank, shall notify the Commission, in writing, of the full satisfaction of the indebtedness and release of the authorized encumbrance. This notice shall be filed no more than 10 days after the full satisfaction of the indebtedness.

5. 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.

6. This Order is effective immediately on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
August 11, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners
CHAIRMAN GREGORY E. SOPKIN
ABSENT