

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-353CP-TRANSFER

THE APPLICATION OF BENJAMIN R. SAGENKAHN DOING BUSINESS AS PEAK TRANSIT, FOR APPROVAL TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 55275 TO PEAK TRANSIT, INC.

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

Mailed Date: August 19, 2004
Adopted Date: August 18, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On June 28, 2004, Benjamin R. Sagenkahn doing business as Peak Transit filed an application for approval to transfer Certificate of Public Convenience and Necessity (CPCN) PUC No. 55275 to Peak Transit, Inc.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on July 12, 2004. The Commission set this matter for hearing on September 15, 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 Peak Transit, Inc. has been satisfactorily established.
6. Peak Transit, Inc. is ready, willing, and able properly to perform the service as requested.
7. This application for permanent approval of the transfer of CPCN PUC No. 55275 is in the public interest.

II. ORDER

A. The Commission Orders That:

1. The hearing set for September 15, 2004, is vacated.
2. This application was deemed complete on August 18, 2004, within the meaning of § 40-6-109.5, C.R.S.
3. The application filed by Benjamin R. Sagenkahn dba Peak Transit for approval to transfer Certificate of Public Convenience and Necessity PUC No. 55275, subject to encumbrances, if any, against the authority, to Peak Transit, Inc. is granted.
4. Peak Transit, Inc. shall operate in accordance with all applicable Commission rules and regulations.
5. Approval of the transfer of Certificate of Public Convenience and Necessity PUC No. 55275 is conditioned on the prior filing by Benjamin R. Sagenkahn dba Peak Transit of delinquent reports, if any, covering operations under the certificate up to the consummation of the transfer.
6. Peak Transit, Inc. shall cause to be filed with the Commission certificates of insurance as required by Commission rules. Peak Transit, Inc. shall also adopt the tariff of Benjamin R. Sagenkahn dba Peak Transit, which shall become that of Peak Transit, Inc. until

changed in accordance with the public utilities law. Peak Transit, Inc. shall pay the appropriate vehicle identification fee and issuance fee. Benjamin R. Sagenkahn dba Peak Transit shall file a terminating annual report from the first of January to the date of this Order. An acceptance of transfer signed by both Benjamin R. Sagenkahn dba Peak Transit and Peak Transit, Inc. shall be filed with the Commission. Peak Transit, Inc. may not begin operations until these requirements have been met and it has received notice in writing from the Commission stating that it is in compliance and may begin service.

7. If Benjamin R. Sagenkahn dba Peak Transit and Peak Transit, Inc. do not comply with the requirements of this Order within 60 days of its effective date, then the approval to transfer Certificate of Public Convenience and Necessity PUC No. 55275 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 § 40-6-114(1), C.R.S., to file an application for rehearing, re-argument, 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
August 18, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners