

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-403CP-TRANSFER

THE APPLICATION OF ALPINE EXPRESS, INC., FOR APPROVAL TO TRANSFER
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 12750 AND
CONTRACT CARRIER PERMIT NO. B-9414 TO AEX, INC.

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

Mailed Date: September 17, 2004

Adopted Date: September 14, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. On August 3, 2004, Alpine Express, Inc. (Alpine Express), filed an application for approval to transfer Certificate of Public Convenience and Necessity (CPCN) PUC No. 12750 and Contract Carrier Permit B-9414 to AEX, Inc. (AEX).

2. Alpine Express and AEX also filed a document entitled "Motion Concerning Confidentiality." In this motion, Alpine Express and AEX request that the Commission "determine that the contract between the parties to the above referenced transaction (Docket No. 04A-403CP) shall be maintained in confidence under the PUC's confidentiality Rules, 4 CCR 723-16-3."

3. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on August 9, 2004. The Commission set this matter for hearing on October 14, 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 with this application warrants granting the requested transfer.

6. The financial standing of AEX has been satisfactorily established.

7. AEX is ready, willing, and able properly to perform the service as requested.

8. The procedures to be used by a party or parties, in a formal docket, to file information with the Commission that the party or parties claim is confidential are established in 4 (*Code of Colorado Regulations*) (CCR) 723-16. The party or parties, filing information in a formal docket which is claimed to be confidential, are not required by 4 CCR 723-16 to file a Motion with the Commission requesting the information be treated as confidential.

9. The documents filed by the parties pursuant to Rule 4 CCR 723-16 shall be treated in accordance with those rules.

10. This application for permanent approval of the transfer of CPCN PUC No. 12750 and Contract Carrier Permit B-9414 is in the public interest.

II. ORDER

A. The Commission Orders That:

1. The hearing set for October 14, 2004, is vacated.
2. This application was deemed complete on September 14, 2004, within the meaning of § 40-6-109.5, C.R.S.
3. The Motion Concerning Confidentiality is denied as moot.

4. The application filed by Alpine Express for approval to transfer CPCN PUC No. 12750 and Contract Carrier Permit No. B-9414, subject to encumbrances, if any, against the authority, to AEX is granted.

5. AEX shall operate in accordance with all applicable Commission rules and regulations.

6. Approval of the transfer of Certificate of Public Convenience and Necessity PUC No. 12750 and Contract Carrier Permit No. B-9414 is conditioned on the prior filing by Alpine Express of delinquent reports, if any, covering operations under the certificate and permit up to the consummation of the transfer.

7. AEX shall cause to be filed with the Commission certificates of insurance as required by Commission rules. AEX shall also adopt the tariff of Alpine Express, which shall become that of AEX until changed in accordance with the public utilities law. AEX shall pay the appropriate vehicle identification fee. Alpine 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 Alpine Express and AEX shall be filed with the Commission. AEX may not begin operations until it has these requirements have been met and it has received notice in writing from the Commission that it is in compliance and may begin service.

8. If Alpine Express and AEX do not comply with the requirements of this Order within 60 days of its effective date, then the approval to transfer CPCN PUC No. 12750 and Contract Carrier Permit No. B-9414 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.

9. 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.

10. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
September 14, 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners
CHAIRMAN GREGORY E. SOPKIN
ABSENT.