

Decision No. C04-1561

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04C-582INS

IN THE MATTER OF THE MOTION OF LINE TRANSIT, L. P. TO REINSTATE CONTRACT
CARRIER PERMIT PUC NO. B-9861.

**ORDER AMENDING PRIOR DECISION AND GRANTING
REINSTATEMENT**

Mailed Date: December 28, 2004
Adopted Date: December ~~28~~-, 2004

I. BY THE COMMISSION:

A. Statement, Findings and Conclusions

1. This matter comes before the Commission for consideration of a letter requesting the reinstatement of Contract Carrier Permit No. B-9874 filed by Line Transit, L. P. on December 21, 2004. In Decision No. R04-1320 (Recommended Decision) an Administrative Law Judge (ALJ), after a hearing on the matter, ordered that Line Transit, L. P.'s operating authority be revoked for failure to keep a currently effective Certificate of Insurance on file with the Commission. The request to reinstate Contract Carrier Permit No. B-9861 only pertains to that portion of the Recommended Decision that deals with Line Transit, L. P.'s operating authority (Case No. 07313-INS).

2. On September 20, 2004 the Commission received a Form K cancellation notice from Line Transit, L. P.'s insurance provider, National Indemnity Company. That cancellation was to become effective October 30, 2004. The Commission issued a Notice of Hearing and Order to Show Cause for failure to keep a currently effective Certificate of Insurance on file with the Commission on October 26, 2004. After a hearing on November 8, 2004, the ALJ issued the

Recommended Decision revoking Line Transit, L. P.'s Contract Carrier Permit No. B-9861. Decision No. R04-1320 was mailed on November 12, 2004.

3. Section 40-6-109(2), C.R.S., mandates that if no exceptions are filed to a recommended decision within 20 days, the recommended decision shall become effective as the decision of the Commission. Decision No. R04-1320 became effective as a decision of the Commission on December 8, 2004. Line Transit, L. P. did not file its letter requesting the reinstatement of Contract Carrier Permit No. B-9861 within the 20-day period. We therefore construe Line Transit, L. P.'s letter of December 15, 2004 as a request to amend Recommended Decision No. R04-1320 to show that Contract Carrier Permit No. B-9861 was not revoked.

4. In her letter, Marina Zakzun, the manager of Line Transit, L. P., states "We received notice from our insurance company, National Indemnity, that our liability insurance was to be canceled on 10-30-04. We contacted the insurance company to renew the policy and requested that the new policy become effective on 10-30-04, so there would not be a lapse in coverage. The insurance company sent a Form E to the PUC. The Form E showed the effective date was 10-30-04. The Form E listed the wrong address for our company. The address should be 1280 S. Birch Street. The Form E gave the address as 1240 S. Birch Street. The Commission returned the Form E to the insurance company on 11-5-04. A hearing was held on 11-8-04, to revoke Permit B-9861. The required insurance had been filed before 11-8-04, only the address was incorrect. Another Form E was filed with the PUC on 12-6-04, this form listed the correct address. Therefore, I am requesting that our permit be reinstated and not revoked."

5. Every contract carrier is required by Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-23-12.2 to file a Form E Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance with the Commission.

6. The Form E that named the incorrect address for Line Transit, L. P. was filed with the Commission on November 3, 2004. A proper Form E for Line Transit, L. P., with the correct address, was filed with the Commission by National Indemnity Company on December 6, 2004. This Form E has an effective date of October 30, 2004. Therefore, Line Transit, L. P. did not have a lapse in insurance coverage.

7. Pursuant to § 40-6-112, C.R.S., “[t]he Commission, at any time upon notice to the public utility affected...may rescind, alter, or amend any decision made by it. Any decision rescinding, altering, or amending a prior decision, when served upon the public utility affected, shall have the same effect as original decisions.”

8. The Commission finds that Line Transit, L. P. has shown good cause to amend Decision No. R04-1320 and reinstate Contract Carrier Permit No. B-9861.

II. ORDER

A. The Commission Orders That:

1. The letter requesting reinstatement of common carrier Contract Carrier Permit No. B-9861 filed by Line Transit, L. P. on December 21, 2004 is construed as a request to amend Decision No. R04-1320 pursuant to § 40-6-112, C.R.S. to indicate that Contract Carrier Permit No. B-9861 was not revoked.

2. That portion of Decision No. R04-1320 revoking Line Transit, L. P.’s (Case No. 07313-INS) Contract Carrier Permit No. B-9861 is amended to indicate that the permit was not revoked.

3. The practical effect of this amendment to Decision No. R04-1320 is that Line Transit, L. P.’s Contract Carrier Permit No. B-9861 is reinstated.

4. 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.

5. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONERS' WEEKLY MEETING
December 27, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners