

Decision No. C14-0421

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0211BP-TRANSFER

IN THE MATTER OF THE APPLICATION FOR AUTHORITY TO TRANSFER CONTRACT
CARRIER PERMIT NO. B-9822 FROM TRANSEXPRESS LLC TO MEDTRANS LLC.

**COMMISSION DECISION DEEMING
APPLICATION INCOMPLETE AND DISMISSING
APPLICATION WITHOUT PREJUDICE**

Mailed Date: April 23, 2014

Adopted Date: April 16, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusion

1. On March 7, 2014, TRANSEXPRESS, LLC filed an application to transfer Contract Carrier Permit No. B-9822 to MedTrans LLC.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on March 10, 2014.

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. On March 17, 2014, Staff of the Commission issued a Deficiency Letter pursuant to Rule 1303(c)(II) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1. The Deficiency Letter advised the applicants of the following deficiencies with the application:

Rule 6205(c)(VII) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, requires that an application to transfer any authority must include a copy of all agreements concerning the transaction, including a copy of all

documents creating a security interest, if any, and a statement of the consideration paid in the transaction (Item #21(b) of the application).

Rule 6205(c)(X) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, requires a current copy of each of the letters of authority encompassing the authorities at issue in the application.

Rule 6205(c)(XIII) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, requires a statement setting forth the qualifications of the transferee, including financial fitness, to conduct the proposed operations. Please supplement the application with more detailed information regarding the financial fitness of the transferee. It would also be helpful to the Commission in evaluating the application to have supporting documentation regarding the financial fitness of the transferee to operate the authority (e.g. income statement, personal bank statement, and/or approval for lines of credit).

Rule 6205(c)(VIII) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6, requires a statement explaining how the transferee proposes to meet the financial requirements of the transaction, including, if a loan is involved, the amount, maturity, interest rate, and other terms and conditions (Item #21(b) of the application). Please supplement the application with this information.

5. Rule 1303(c)(II), 4 CCR 723-1, states that upon receipt of a deficiency letter, “the applicant may file a response either curing all the deficiencies noted by Commission staff or explaining why it believes no further action is required.” This response “shall be filed no later than ten days after Commission staff’s written notification was sent.” *Id.* “If the applicant does not respond in the time allotted, the Commission may, after the application’s notice period has expired, deem the application incomplete, dismiss the application without prejudice, and close the proceeding.” *Id.*

6. The Deficiency Letter was sent to the applicants on March 17, 2014. Therefore, the ten-day period allotted for curing the deficiencies expired on March 27, 2014.

7. The applicants have not filed a response or the requested information.

8. Due to the foregoing, we deem the application incomplete and dismiss the application without prejudice.

II. ORDER

A. The Commission Orders That:

1. The application of TRANSEXRESS LLC is deemed incomplete, within the meaning of § 40-6-109.5, C.R.S., and Rule 1303(c) of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, and is dismissed without prejudice.

2. This proceeding is closed.

3. 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 Decision.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING
April 16, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAMELA J. PATTON

GLENN A. VAAD

Commissioners

CHAIRMAN JOSHUA B. EPEL ABSENT.