

Decision No. C14-0740

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0494BP-STOCK TRANSFER

IN THE MATTER OF THE APPLICATION FOR AN ORDER OF THE COMMISSION
AUTHORIZING THE SALE OF CAPITAL STOCK IN SITIYANA TRANSPORT, LLC,
RECORD OWNER AND OPERATOR OF CONTRACT CARRIER PERMIT NO. B-9907
FROM SITIYANA TRANSPORT, LLC TO ALPHA AMERICAN LOGISTICS, LLC.

**COMMISSION DECISION APPROVING
TRANSFER OF CONTRACT CARRIER PERMIT**

Mailed Date: July 2, 2014
Adopted Date: June 25, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On May 16, 2014, Sityana Transport, LLC (Transferor), record owner of Contract Carrier Permit No. B-9907, filed an application for authority to transfer all the issued and outstanding shares of capital stock in Sityana Transport, LLC, to Alpha American Logistics, LLC (Transferee). Supplements to the application were filed on May 27, 2014 and June 23, 2014.

2. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on May 19, 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. The information submitted with this application complies with Rule 6205(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR)

723-6, and warrants the granting of the requested transfer. In particular, pursuant to Rule 6205(c)(XVI), 4 CCR 723-6, the information submitted with the application establishes the following:

- (A) the transferor has not abandoned the authority and has not allowed the authority to become dormant;
- (B) the transferor has been and is engaged in *bona fide* operations under its authority;
- (C) the transfer is not contrary to the public interest;
- (D) the transfer will not result in the common control or ownership of duplicating or overlapping authorities; and,
- (E) the transferee will engage in *bona fide* regulated intrastate carrier operations and is fit to do so.

5. The financial standing of Alpha American Logistics LLC has been satisfactorily established.

6. This application for permanent approval of the transfer of Contract Carrier Permit No. B-9907 is in the public interest and will be granted.

II. ORDER

A. The Commission Orders That:

1. This application was deemed complete on June 25, 2014 within the meaning of § 40-6-109.5, C.R.S.

2. The application filed by Sityana Transport LLC for approval to transfer Contract Carrier Permit No. B-9907, subject to encumbrances, if any, against the authority, to Alpha American Logistics LLC is granted.

3. Alpha American Logistics LLC shall operate in accordance with all applicable Commission rules and regulations.

4. Sityana Transport LLC shall file a terminating annual report from the first of January to the date of this Decision.

5. Alpha American Logistics LLC shall not commence operation until it has:

- (a) caused proof of insurance (Form E or self-insurance) or surety bond (Form G) coverage to be filed with the Commission in accordance with applicable rules;
- (b) paid to the Commission, the motor vehicle fee (\$5) for each vehicle to be operated under authority granted by the Commission, or in lieu thereof, paid the fee for such vehicle(s) pursuant to the Unified Carrier Registration Agreement;
- (c) filed an adoption notice that adopts as its own the currently effective tariff of Sityana Transport LLC;
- (d) paid the applicable issuance fee (\$5);
- (e) filed an acceptance of transfer form, executed by Sityana Transport LLC and Alpha American Logistics LLC; and,
- (f) received notice in writing from the Commission that it is in compliance with the above requirements and may begin service.

6. If Sityana Transport LLC and Alpha American Logistics LLC do not comply with the requirements of this Decision within 60 days of its effective date, then the approval to transfer Contract Carrier Permit No. B-9907 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.

7. Within six months of the Mailed Date of this Decision, Alpha American Logistics LLC, shall file an advice letter and tariff in its own name.

8. 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.

9. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 25, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners