

## **Obtaining Operating Authority as a Motor Carrier from the Alabama Public Service Commission**

Persons who engage in non-exempt transportation by motor vehicle for compensation must have appropriate operating authority from the Alabama Public Service Commission to conduct operations intrastate in Alabama. Common carriers are those who serve the public or members of the public requesting their service and must have a certificate of public convenience and necessity. Contract carriers are those who operate under special or individual contracts or agreements, and must have a permit.

To apply for either a certificate or a permit, a person must obtain an application form from the Public Service Commission, fill out the form, and submit it, with all attachments, and a \$ 100.00 statutory filing fee. This filing fee is not returnable. The Commission will set up a time and date for a public hearing on the application, and will give the applicant and existing motor carriers notice of the hearing. Motor carrier hearings are open to the public, and are usually held in the third full week of each month, except July and December. Usually, motor carrier applications received by the Commission on or before Friday of the last full week in the month are placed on the next month's Hearing Docket.

Existing motor carriers have a right to protest a new application. However, carriers who wish to appear at the hearing to protest must give the applicant and the Commission notice of their intent to protest at least seven ( 7 ) days before the hearing, barring unusual circumstances.

An applicant, to receive authority, must appear at the hearing and must also bring public witnesses, especially if the application is protested. All applicants must prove that they are fit, willing, and able to properly perform the service they propose and to comply with the motor carrier laws and regulations of the Commission. In addition, an applicant for a certificate as a common carrier must prove that the service proposed is or will be required by the present or future public convenience and necessity. That is, he must show that there is a demand or need by the public for the service proposed and that this demand or need cannot, or will not, be met as well by existing carriers. An applicant for a permit as a contract carrier must show that the proposed operations will be in the public interest.

After the hearing, the Commission may grant or deny the application immediately from the bench, may take the application under advisement and render a decision at a later time, or the application may be the subject of a Report and Recommend Order of the Hearing Examiner. If an Examiner's Report is to be made, it will generally be served 60 to 90 days after the hearing. The Examiner's recommendation becomes the Order of the Commission by operation of law if no exceptions are filed within 20 days or other appropriate time if this period is extended. The applicant and the protestant carriers can file exceptions, and replies to exceptions can be filed by the parties within twenty ( 20 ) days after the exceptions are filed. If exceptions are filed, the Commission will decide whether to grant or deny the application at its next meeting after the time for filing exceptions and replies has run. After a decision is rendered, any party can petition for reconsideration or appeal to the Circuit Court within thirty ( 30 ) days.

When an application is granted, a new carrier is required to have his insurance agent file a certificate of insurance with the Commission on a form prescribed by the Commission; is required to file his rates and charges with the Commission; and is required to obtain registration numbers and affix the appropriate information to his vehicles. These requirements must be met before operations are commenced.

**This statement is designed to give general background information and is not a thorough or complete statement of the matters addressed. Further information may be obtained from the Commission.**

For further information please call 334-242-5200.