**Section 1457.10 Application for Temporary Household Goods Authority**

a) Application for temporary household goods authority shall be filed on forms provided by the Commission.

b) Public notice of application for temporary household goods authority shall be published in the official State newspaper and the Certificate of Publication must be received by the Commission no more than 30 days after the application has been filed. The published notice must include the docket number assigned to the application by the Commission.

c) An application for temporary authority cannot be filed unless an application for permanent authority has been filed or is filed concurrently with the application for temporary authority.

d) The applicant shall have 60 days from the issuance of the order granting a temporary authority to file the following with the Commission:

1) Rates applicable to the full extent of the grant of temporary authority;

2) If applicable, proof of insurance as required in compliance with the Workers' Compensation Act [820 ILCS 305];

3) Proof of liability insurance, and any cargo and C.O.D. affidavits or bonds/insurance required; and

4) Payment of franchise fees for each truck to be operated under the temporary authority.

e) Failure to submit the above within the specified 60 day period will result in the order granting the temporary authority being vacated and the application being dismissed.

f) Temporary authority shall not be granted unless the application and the evidence presented at hearing demonstrate that a public need exists for the requested service and that the applicant is fit, willing, and able to provide the service requested.

g) Fitness shall be determined in accordance with the provisions of Subpart B of this Part. Evidence that applicant has conducted household goods moves without Commission authority, been assessed civil penalties, or received administrative citations shall be considered by the Commission in determining the applicant's fitness to operate.

h) In determining whether a public need exists for the requested service the Commission shall consider demographic statistics, supporting shipper testimony, or any other evidence presented that is material and relevant.

i) An applicant may operate as a household goods carrier under a temporary authority for up to one year after the service date of the order granting temporary authority. During that year of operation, the temporary authority holder shall be subject to:

1) A compliance audit conducted by the Commission;

2) A review of any and all consumer complaints against the temporary authority holder.

j) The compliance audit shall include, but not be limited to, a review of:

1) proof of proper insurance

2) claims/complaints filed by shippers

3) business organization records

4) proper documentation of moves including estimates, bills of lading,

inventories and claims

5) liability provisions on estimates and bills of lading

6) operation within scope of authority

7) compliance with rate and tariff provisions

8) distribution of the Commission's consumer brochure

9) advertising

10) equipment leases

11) documentation in vehicles

12) carrier identification on vehicles and documents

k) If substantial violations of the rules and regulations of the Commission are found in either the compliance audit or the consumer complaint review conducted under subsection (i) of this Section, notice of denial of permanent authority shall be sent to the temporary authority holder, together with a copy of the audit report and documents referred to in the audit report.

1) The temporary authority holder shall have 30 days from the service date of the notice of denial of permanent authority to submit a written request to the Commission for either or both of the following:

A) A six month extension of its temporary authority to allow opportunity to come into compliance with the rules and regulations of the Commission;

B) A formal hearing regarding the allegations of violations.

2) The hearing on denial of permanent authority shall be held no later than 45 days after the request is received by the Commission.

3) Failure of the Commission to enter a final order within 120 days after the request for a hearing on denial of permanent authority shall constitute denial of permanent authority by operation of law.

4) The Motor Carrier Employee Board shall act on requests for extensions of temporary authorities. A temporary authority holder shall be allowed only one six-month extension of its temporary operating authority.

A) During the six-month extension, the Commission will conduct a compliance audit of the temporary authority holder and a review of consumer complaints against the temporary authority holder.

B) The six-month extension shall terminate six months after the date granting the extension.

C) If during the six-month extension period the temporary authority holder is found to be in substantial non-compliance with the Commission's rules and regulations, the applicant shall cease operating immediately, notwithstanding whether a hearing has been requested pursuant to subsection (k)(1)(B) of this Section.

5) The Motor Carrier Employee Board shall act on applications for permanent authority following receipt of Staff recommendations.

l) A temporary authority shall be converted to a permanent authority upon expiration if the authority holder is found to have operated in substantial compliance with the rules and regulations of the Commission.

(Source: Amended at 31 Ill. Reg. 3156, effective March 1, 2007)