**Section 1202.10 Application for Permanent Authority**

a) Application for permanent authority shall be filed on forms provided by the Commission and must be accompanied by the following:

1) The required fee specified in 92 Ill. Adm. Code 1205;

2) The names and addresses of all shippers who intend to support the application;

3) All supporting documents, except as provided in subsection (c) below must be completed when filed; and

4) If an Illinois corporation, a copy of the articles of incorporation, or the certificate of authority to do business in Illinois if a foreign corporation.

b) Any application received which is not completed or which is not accompanied by the items specified in subsections (1) through (4) above shall be returned to the applicant.

c) Completed shipper support statements (Supporting Document SS) may either be filed with the application or at least 10 days prior to the date of the hearing on the application in accordance with the provisions of Section 18c-4201(4) of the Illinois Commercial Transportation Law (the Law) (Ill. Rev. Stat. 1989, ch. 95½, par. 18c-1101 et seq.). No shipper support statement will be accepted unless the shipper is named in the application as provided by subsection (a)(2) above.

d) Permanent 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.

e) Fitness shall be determined in accordance with the provisions of 92 Ill. Adm. Code 1304: Motor Carrier of Property Fitness Standards.

f) In determining whether a public need exists for the requested service the Commission shall consider:

1) Whether the applicant has sufficient shipper support to establish a public need for the transportation of the commodities and territory requested.

2) Whether supporting shippers have made a bona fide attempt to obtain service from existing authorized carriers.

3) Whether supporting shippers have experienced service failures, within the calendar year preceding application, which warrant the addition of new service.

4) Whether the supporting shippers provide evidence of a clear intent to use the applicant's services to the extent specified in the Shipper Support Statement.

5) Whether the testimony of supporting shippers demonstrates a need for the applicant's services as a means of meeting requirements of state or federal law, or local ordinances, for use of "minority owned businesses" or "female owned businesses" which need is not being met by existing authorized carriers. "Minority owned businesses" and "female owned businesses" shall be those so certified by a state agency, state university, or the Minority and Female Business Enterprise Council in accordance with the provisions of the Illinois Minority and Female Business Enterprise Act (Ill. Rev. Stat. 1989, ch. 127, pars. 132.600 et seq.).

(Source: Amended at 15 Ill. Reg. 17568, effective December 1, 1991)