**Section 1202.40 Temporary Motor Carrier of Property License Application**

a) Public notice of application for temporary 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.

b) 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.

c) Applications for temporary authority must also be accompanied by the following:

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

2) all Shipper Support Statements (Supporting Document SS).

d) Applications received by the Commission which have not been completed or which are not in accordance with (b) and (c), above, shall be returned to the applicant.

e) Temporary authority shall not be granted unless the application provides evidence that substantial economic harm will result to the supporting shipper or shippers if the temporary authority is not granted. In determining whether substantial economic harm will result the Commission shall consider:

1) the supporting shipper's ability to obtain the needed service from an existing carrier or carriers;

2) whether failure to grant the temporary authority will result in the shipper's loss of a customer or customers, or in a significant loss of business;

3) whether a layoff from the shipper's workforce will result if the temporary authority is not granted; and

4) any other factor(s) which is material and relevant.

f) The commodities and territory requested in an application for temporary authority must be supported in the accompanying shipper statement or statements.

g) 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) contracts, if a contract carrier;

3) proof of liability insurance, and any cargo and COD affidavits or bonds/insurance required; and

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

h) 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.

i) A temporary authority shall be valid for 90 days after the service date of the order granting or denying permanent authority.

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