

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
DONALD D. FRESH, BOX 142, BRECKEN-
RIDGE, COLORADO, FOR A CLASS "B"
PERMIT TO OPERATE AS A PRIVATE
CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 9399-PP

September 12, 1949

Appearances: Clem Crowley, Esq., Denver,
Colorado, for applicant;
Marion F. Jones, Esq., Denver,
Colorado, for Fairplay
Motors and Ray Kohl;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company.

STATEMENT

By the Commission:

Application was filed herein for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of mine and road building equipment, lumber, mine props, mine supplies, furniture (both used and new), between points within Summit County, and from and to points in said county, to and from Denver, Colorado, and from Leadville, Colorado, to points in Summit County.

The matter was set for hearing and heard July 15, 1948, at 330 State Office Building, Denver, Colorado, and there taken under advisement.

The file in the instant application became misplaced, due to the untimely death of the Commissioner presiding at the hearing, and in the course of events, it was discovered, and a transcript of the record was ordered by the Commission.

The record discloses that applicant is a resident of Breckenridge, Colorado, and at the time of the hearing was engaged in the lumber business and has been operating trucks since 1934. He stated that he is the owner of a two and one-half-ton GMC Truck, equipped with winch; also

a one and one-half-ton Dodge Truck. Applicant stated he would like to haul mine props, ore, etc., more particularly set forth in his application.

The evidence further disclosed that applicant was granted authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of lumber from points in Summit County to Denver, Colorado, but has never perfected his permit.

On cross-examination, it appeared that applicant has violated some of the rules and regulations of the Commission in hauling furniture, and was taken before a Justice of the Peace and fined.

L. A. Chase, of Montezuma, Colorado, appearing on behalf of applicant, stated he was interested in mining, and felt there was room for an additional carrier for hauling mine supplies, etc.; that he, in the past, has had some trouble with the presently-authorized carriers -- chiefly concerning their charges for hauling; that he had shipped a few tons of ore during the last few years, and hoped to ship some in the future; that he would like for applicant to receive a permit so he would be available if he needed his service.

G. W. Goodman, of Montezuma, Colorado, stated he was engaged in the mining and lumber business; that presently he was not shipping ore; that he, too, had experienced some difficulty with the common carriers in hauling his products.

Several protestants appeared protesting the granting of the application, among whom were the following:

Norman Ashlock, of Dillon, Colorado, who holds PUC No. 1769. Mr. Ashlock stated he has authority to haul general commodities in Summit County, which includes all freight -- that is, mining supplies, furniture, etc.; that he owns two pieces of equipment -- a 1947 Chevrolet one and one-half-ton truck equipped with stake body, and a 1935 Chevrolet one and one-half-ton truck, equipped with dump body; that he is not able to keep his present equipment busy, and that the granting of a private carrier permit would, in his judgment, take away business from his operation, whereby an impairment of his service would naturally follow.

Roy Kohl, of Dillon, Colorado, holder of PUC No. 1484, stated he had general authority in Summit County for the hauling of all commodities. He stated he operates three pieces of equipment, and is not able to keep them busy. He felt, and so stated, that the granting of authority to applicant would tend to impair his service.

William Hoff, of Fairplay Motor Company, and A. J. Fregeau, for Weicker Transfer and Storage Company, vigorously protested the granting of the instant application, contending that an adequate service was rendered to residents of Summit County, and that the granting of additional authority would tend to impair this service.

From the evidence, it appears to the Commission that the services of protestants are adequate, or can be made adequate under the direction of the Commission. The Commission further is of the opinion that the granting of a permit to applicant would impair the efficiency of presently-authorized common carriers now serving the area asked to be served by applicant.

In view of the conclusions above reached, and inasmuch as the Commission is of the opinion that the presently-authorized service is adequate, or can be made adequate, the Commission believes that the application should be denied.

FINDINGS

THE COMMISSION FINDS:

That the instant application should be denied for the reasons heretofore set forth in our Statement, which by reference is made a part of these Findings.

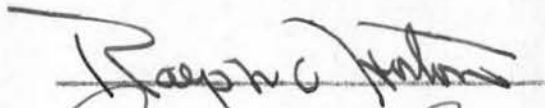
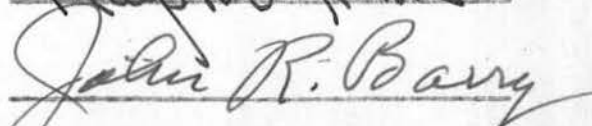
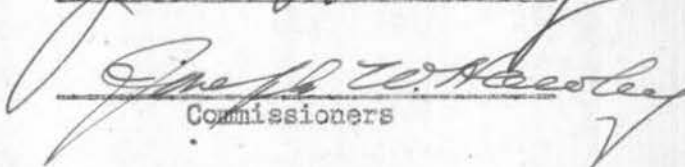
ORDER

THE COMMISSION ORDERS:

That the instant application should be, and the same is hereby, denied.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of September, 1949.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
WILLIAM E. FAAST, DOING BUSINESS AS)
"FAAST MOTORWAY," MONTROSE, COLO-)
RADO, FOR AN EXTENSION OF PUC NO.)
1345.)

APPLICATION NO. 9968-Extension

September 12, 1949

Appearances: Brooks and Icke, Esqs., Montrose,
Colorado, for applicant;
Marion F. Jones, Esq., Denver,
Colorado, for Telluride Trans-
fer Company, Pierpont Fuller,
and Rio Grande Southern Rail-
way Company.

S T A T E M E N T

By the Commission:

On April 19, 1949, William E. Faast, doing business as "Faast Motorway," filed application for an extension of PUC No. 1345, which authorizes the following:

transportation of passengers and express between Montrose, Colorado, and Paradox, Colorado, via Ridgway, Placerville, and Nucla, without the right to furnish local service between Montrose and Placerville and Placerville and Montrose or points intermediate; that in the transportation of express shipments, packages shall be limited to 75 pounds in weight, and the transportation of passengers and express between Uravan and Grand Junction and intermediate points, via Highways Nos. 141, Uravan to Whitewater, via No. 50, Whitewater to Grand Junction, save and except that no service shall be rendered between Grand Junction and Whitewater and intermediate points, and no express shall be carried between Gateway and Grand Junction, or between Grand Junction and Gateway.

Applicant now seeks authority to extend operations under PUC No. 1345 to include the right to transport express between the towns of Placerville, Telluride, and Ophir, Colorado.

The matter was originally set for hearing May 20, 1949, at Telluride, Colorado, and the setting was vacated on request of applicant.

The matter was again set for hearing August 15, 1949, at the Court House, Montrose, Colorado, where the matter was heard and at the conclusion of the hearing, was taken under advisement.

At the hearing, applicant testified he was the owner of PUC No. 1345, and also PUC No. 1648, which latter certificate authorizes taxicab operations in the Town of Telluride and Montrose; that description of his equipment and financial statement are presently on file with the Commission, and that he has had numerous requests and inquiries from men in Montrose as to service to Telluride and Ophir for express and light freight shipments.

Applicant further stated he has equipment, is financially responsible, and desires authorization by this Commission to render the service asked for in his application.

Several witnesses from Montrose -- mainly shippers of auto parts -- testified that if applicant was given authority they would use his service to Telluride and Ophir. All witnesses testified that they felt a daily service would serve their needs better than the tri-weekly service now offered.

On the other hand, several witnesses from Telluride testified that they felt that the present service rendered by Telluride Transfer Company was adequate; that the business going to Telluride and Ophir was limited, and if the business was divided, neither carrier could operate profitably and the present service would be impaired.

The Commission is inclined to agree with the contention of protestant witnesses. The Towns of Telluride and Ophir are located in the mountainous area of the San Juan, and the volume of transportation business destined for these points is not large. The communities cannot support additional carriers. The authorization of additional carriers would, in our judgment, tend to weaken, rather than strengthen, the existing transportation service.

FINDINGS

THE COMMISSION FINDS:

That the instant application should be denied, for the reasons heretofore set forth in our Statement, which by reference is made a part of these Findings.

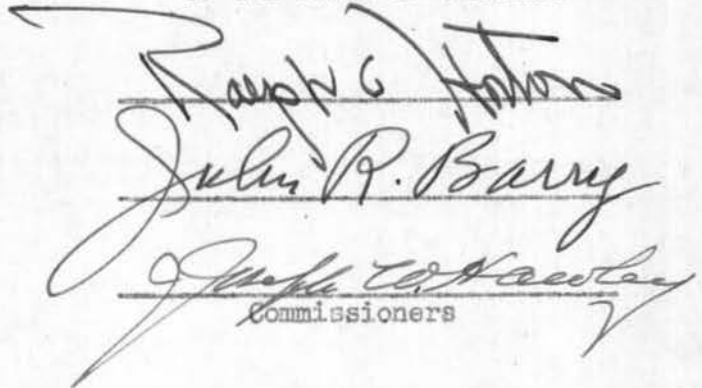
ORDER

THE COMMISSION ORDERS:

That the instant application be, and the same is hereby, denied.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of September, 1949.

MW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE PETITION OF THE)
DENVER AND RIO GRANDE WESTERN RAIL-)
ROAD COMPANY TO ABOLISH OVERHEAD)
CROSSING AT PALMER LAKE, COLORADO.)

APPLICATION NO. 9085

September 12, 1949

Appearances: T. A. White, Esq., Denver, Colo-
rado, and
Otis Gibson, Esq., Denver, Colo-
rado, for applicant;
Frank McDonough, Esq., Denver,
Colorado, for Town of Palmer
Lake.

S T A T E M E N T

By the Commission:

The instant application was filed January 31, 1948, set for hearing, and heard, March 8, 1948, at the Commission's Hearing Room, Denver, Colorado, and taken under advisement.

At the hearing, the following exhibits were introduced:

Exhibit No. 1: A map of the Town of Palmer Lake, showing the streets, alleys, highways, and railroad tracks.

Exhibit No. 2: The estimated cost of the proposed highway overpass at Palmer Lake.

Exhibit No. 3: Blue print of the proposed structure.

Exhibit No. 4: Purported contract between the Trustees of the Town of Palmer Lake and The Denver and Rio Grande Western Railroad Company and The Atchison, Topeka and Santa Fe Railway Company.

Exhibit No. 5: (Consisting of two pages).

Page 1: A letter from John W. Flintham, Secretary of The Public Utilities Commission of the State of Colorado, and Page 2: A carbon copy of a letter from Cyrus W. Dolph, Attorney for the Town of Palmer Lake, stating that the agreement between the railroads and the town had been accepted.

This is an application on the part of The Denver and Rio Grande Western Railroad Company for authority from this Commission to abandon a

wooden overpass, which crosses its tracks at the south end of the Town of Palmer Lake, and connects paved U. S. Highway No. 85 with the eastern portion of the Town of Palmer Lake, which portion of the town lies at the foot of Ben Lomond Mountain.

It is the contention of the railroad that this overpass was constructed in 1883, to provide ingress and egress to a pavillion located on the railroad's property at the south end of the Lake property. It contends that there is no need for this overpass at this time, since the persons who would use it are so few, and since there is an adequate crossing at the north end of the Town of Palmer Lake which crosses both the railroads' tracks, and provides all of the necessary ingress and egress needed by the few residents who reside on the east side of the town. It also contends that the present overpass would have to be completely reinstalled, at a cost of approximately \$4300.00; that because of the small amount of usage it would be put to, it would be an unnecessary burden on the railroad.

The Town of Palmer Lake, on the other hand, contends that the railroads -- both the Santa Fe and the Denver and Rio Grande, since their tracks parallel each other at this point -- entered into a contract, whereby they agreed to maintain these overpasses, in consideration for the railroads' making a crossing at the north end of the city a private crossing.

Mr. Medlock, Fire Chief of Palmer Lake, testified at the hearing, and stated that these overpasses were vital to the community because of the grass and timber fires which are started on Ben Lomond Mountain, and have to be put out by the Palmer Lake Fire Department. He stated that on many occasions there is a long freight train on the grade crossing at the north end of the city, and that while the Fire Department waits for the train to be uncoupled or moved, the fire gets that much better start in the grass and timber land.

It was also the contention of the protestants that the railroads had entered into an agreement with the Town of Palmer Lake that the town would consent to the removal of the two railroads' respective railway stations, and the establishment of a joint or central station on the north

end of the lake in the Year 1938, for an in consideration of the railroads keeping up and maintaining these two overpasses. However, no written evidence of what this agreement was was introduced at the hearing.

The Commission has personally inspected the overpass and railroad tracks in question. The case presents a rather difficult problem. Exhibit No. 4 and Exhibit No. 5 should be incorporated in this Statement, to-wit:

Exhibit No. 4:

"At a meeting this date, June 12, 1931, of the Trustees of the Town of Palmer Lake, Colorado, an agreement was arrived at on our part to the effect that we will agree to the closing of the crossing north of the D&RGW and The AT&SF Ry. Co.'s depots, which crossing was formerly a highway crossing, protected on each side of the railroad tracks by proper signs and wigwags, except that the crossing shall be permitted to be used as a private crossing only, gates being constructed by the D&RGW west of their tracks and by the AT&SF east of their tracks, on this road, wing fences and cattle guards to remain as at present located. We further agree that we will take such action as may be necessary to see that the gates are kept closed when not in immediate use. The reason for this request as to the gates and the use of the crossing is more especially because of there being stock on the east side of the railroad tracks to be transferred across to the townsite, or stock from the townsite to be moved to the east side of both lines of the railroads, and for occasional use of the crossing by vehicles, the old highway being used for that purpose. We understand that this use is infrequent but it is necessary to the people desiring the transfer of such stock.

"It is also our understanding that the approaches to the D&RGW and the AT&SF overhead bridges shall be put in useable condition and the bridges strengthened sufficiently for tractors or other heavy machiner and that the east end of the AT&SF bridge there shall be a highway constructed to the old highway referred to along the east side of the AT&SF tracks, this road to be so built as to be passable at all times and surfaced in such manner and with such material as to make it passable.

"We further agree that when the above improvements are made by the railroad companies, the protection now afforded by the wigwags may be abandoned.

"If the railroad companies accept the proposition as above set forth within sixty days from date, the proposals we have made herein shall become effective.

(Signed)

A. C. Phillips, Mayor

Charles O. Clark

W. E. Wilson

I. J. Campbell

S. M. Price
Town Trustees

Witnessed:

Chas. Bowen, Supt. D&RGW

C. E. Inger, Supt. AT&SF "

Exhibit No. 5:

Page 1:

"CYRUS W. DOLPH

Attorney-at-Law
Suite 331 Bennett Building
Telephone Main 889
Colorado Springs, Colo.

Sept. 6, 1930.

"Public Utilities Commission
State Office Building
Denver, Colorado

Gentlemen:

I beg to advise you that The Town of Palmer Lake has made an agreement between the two railroad companies whereby the public highway crossing the railroads at the north end of Palmer Lake be vacated.

This agreement was made on the condition that the railroads put up signs showing that the road crossing the railroads at that point is a private road and that the town be relieved from any responsibility in case of an accident on same.

The Santa Fe Railroad to build and slag road on east side of its track to south end of Palmer Lake and fix up overhead crossing to satisfaction of the town and the Denver and Rio Grande has agreed to do the same with its overhead crossing.

In this way there will be a public road from 85 south of Palmer Lake across the two railroad tracks to east side of Santa Fe track and thence to Santa Fe depot and north connecting on to old 85 before change to pavement on west side of railroad tracks.

Very truly yours,

(Signed) C. W. Dolph

City Attorney."

Page 2:

"THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

State Office Building
Denver, Colorado

September 11, 1930.

"Closing of crossing at Palmer Lake

"Mr. C. W. Dolph,
Town Attorney for Palmer Lake,
Bennett Building
Colorado Springs, Colorado

Dear Sir:

Receipt of your letter of the 6th instant advising the Commission as to the agreement regarding crossing at Palmer Lake is acknowledged and the Commission is pleased to note that the old grade crossing at that place will be closed to public travel and that the old overhead bridge at south end of Palmer Lake will be made available for use of the public crossing the tracks at Palmer Lake.

Very truly yours,

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

By: (Signed) John W. Flintham

Secretary

CHR:C

We wish to state here and now that we are not a court of law, and that if the foregoing exhibits evidence a contract between the Town of Palmer Lake and The Denver and Rio Grande Western Railroad Company, the relief which the town seeks is before a Court, and not before us. Therefore, we make no finding whatsoever as to whether or not a contract exists between the two litigants here.

From our inspection, we observed that there are very few residents who reside on the east side of Palmer Lake. We also observed that the Santa Fe Railway has recently constructed a new wooden overpass over its tracks; that the Rio Grande Railroad overpass was so old that it has since this hearing been removed for safety of operation to the railroad. The only question confronting us now is whether to acquiesce in this action of the railroad, or order it to rebuild a new overpass. From a safety angle,

the overpasses lead on to U. S. Highway No. 85, and are several feet higher than the highway, although very close to it. This, in itself, causes a very serious safety problem. Any vehicles coming off of the Rio Grande's overpass must immediately start a precipitous descent to U. S. Highway No. 85. At this particular point, motor vehicular traffic -- both north and south -- travels at a relatively high speed. Furthermore, any vehicles approaching the overpass from U. S. Highway No. 85 must make a very rapid ascent to negotiate the top of the overpass. This, in itself, is a very serious problem.

The only evidence as to the actual need of this structure was that of the Fire Department. It seems to us that if these grass and brush fires are of a serious nature -- and they certainly could be -- the railroad has some obligation to provide the Palmer Lake Fire Department with immediate access to such fires with a minimum of delay. This, we think, could be accomplished by the railroad, if at the private crossing at the north end of the city it was required to exercise more diligence in moving trains or uncoupling trains when the Fire Department has occasion to go to the east side of the Town of Palmer Lake. If the railroad does this -- and we think it is its duty to so do -- we see no reason why the same object could not be achieved -- that is, rapid accessibility to grass and brush fires in the eastern part of the Town of Palmer Lake, and on Ben Lomond Mountain, by the Palmer Lake Fire Department, without the railroad going to the expense of constructing a wooden overpass over the south end of its tracks.

FINDINGS

THE COMMISSION FINDS:

That the petition of applicant, The Denver and Rio Grande Western Railroad Company, should be granted, but that the railroad should be required to exercise more diligence in moving or uncoupling trains blocking the private crossing at the north end of the Town of Palmer Lake.

ORDER

THE COMMISSION ORDERS:

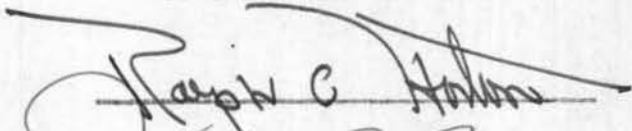
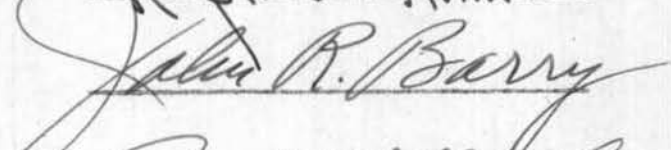
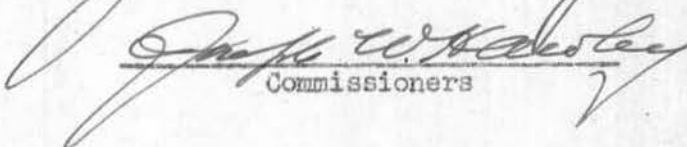
1. That applicant, The Denver and Rio Grande Western Railroad

Company, be, and it hereby is, authorized to remove the wooden overhead bridge across its tracks at the south end of the Town of Palmer Lake, since public convenience and necessity no longer require the maintenance of this structure.

2. That The Denver and Rio Grande Western Railroad Company be, and it hereby is, required to exercise all due diligence and speed in the removal of trains or the uncoupling of same at the private crossing on the north end of the Town of Palmer Lake, whenever the Fire Department of Palmer Lake makes requests for immediate passage over said crossing.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of September, 1949.

nw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
HENRY FRITZLER, JR., 415 TURNER
STREET, BRUSH, COLORADO, FOR AUTH-
ORITY TO TRANSFER PERMIT NO. B-3677
TO R. W. SAMPLES, HILLROSE, COLO-
RADO.

APPLICATION NO. 10221-PF-Transfer

September 12, 1949.

S T A T E M E N T

By the Commission:

By Decision No. 28002, of date April 10, 1947, Ernest Gabriel, Brush, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

milk to Brush from points in the area along and within five miles of either side of Highway No. 6 between Brush and Roosevelt School, and milk from McLagan Brothers Creamery, at Brush, Colorado, to Beatrice Creamery in Denver, Colorado, with return of empties; and bottled milk from Hillrose to Roosevelt School,

said operating rights being designated "Permit No. B-3677."

Pursuant to authority contained in Decision No. 29848, of date January 31, 1948, said permit-holder transferred said operating rights to Henry Wolfe, Brush, Colorado, who, subsequently (Decision No. 31581, of date November 26, 1948) transferred Permit No. B-3677 to Henry Fritzler, Jr., Brush, Colorado.

By Decision No. 33130, of date July 28, 1949, authority under said Permit No. B-3677 was extended to include the right to transport:

dairy products between Brush and Fort Morgan, Colorado, for McLagan Brothers Creamery, only, with return of empty containers.

By the instant application, Henry Fritzler, Jr. seeks authority to transfer Permit No. B-3677 to R. W. Samples, Hillrose, Colorado.

Inasmuch as the files of the Commission and the application herein show that said permit is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said permit; that transferee, pecuniarily and otherwise, is able, willing, and qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

FINDINGS

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

ORDER

THE COMMISSION ORDERS:

That Henry Fritzler, Jr., Brush, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-3677 — being the operating rights granted by Decision No. 28002, and extended by Decision No. 33130 — to R. W. Samples, Hillrose, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him or transferee of all unpaid ton-mile tax.

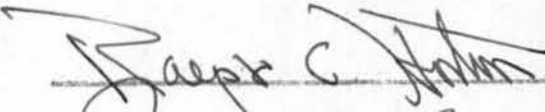
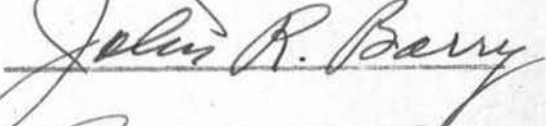
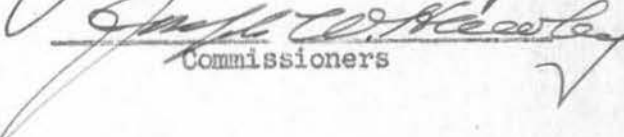
This order is made a part of the permit authorized to be transferred.

4

That ton-mile tax deposit of transferor shall be transferred
and credited to account of transferee.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of September, 1949.

mw

Original

(Decision No. 33424)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
FREDERIC A. BETHKE, ROSINA A. BETHKE,
AND E. BONABEL BETHKE, CO-PARTNERS,
DOING BUSINESS AS "BETHKE MILK LINES,"
GILCREST, COLORADO, FOR AN EXTENSION
OF PUC NO. 557.

APPLICATION NO. 9890
EXTENSION

September 12, 1949

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for applicants;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company;
Myron H. Burnett, Esq., Denver,
Colorado, for Colorado Motor
Carriers Association;
John L. Rice, Esq., Denver, Colo-
rado, for Chicago, Burlington
& Quincy Railroad Co. and
Colorado and Southern Railway
Company;
T. A. White, Esq., Denver, Colo-
rado, for The Denver and Rio
Grande Western Railroad Co.;
E. B. Evans, Esq., Denver, Colo-
rado, for Rein Milk Transport
and Austin Brothers;
Wm. T. Bullard, Denver, Colorado,
for Pioneer Trucking Company;
Worth Allen, Esq., Denver, Colo-
rado, for Ed Mapes.

S T A T E M E N T

By the Commission:

Applicants are the owners of PUC No. 557, authorizing the trans-
portation of milk and cream, in tank trucks, in certain designated territories.

By the instant application, they seek an extension of said au-
thority to transport milk and cream in tank trucks, over irregular routes,
on call and demand, between all of the following points:

Those on Highway U. S. 85 between Trinidad and Greeley; those on Highway U. S. 87 between Denver and Fort Collins, including Denver and Fort Collins; those on Highway U. S. 6 between Denver and Sterling, including Denver and Sterling; and Golden, Boulder, Windsor, and Johnstown.

The application was set for hearing in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, for March 31, 1949, and after due notice to all parties in interest was there heard and taken under advisement.

Frederic A. Bethke, one of the applicants, testified that he is presently the sole owner of the Bethke Truck Line, owner of PUC No. 523 and 523-I, and Permits Nos. A-59 and A-519, and ICC MC-82944, with authority to serve all points named in the application with the exception of Golden, Windsor, and the Boulder area. He and two other members of his family have formed a co-partnership, which now holds PUC No. 557, and asks for the extension.

During the course of the hearing, in order to eliminate certain protestants, applicant agreed to amend his application to exclude local service between Denver and Keenesburg and intermediate points; between Denver and Boulder; between Denver and Golden; between Denver and La Salle; and between Denver and Greeley and intermediate points.

Applicant's equipment consists of one tank truck, with capacity of approximately 2,000 gallons, insulated for the proposed operation. The Bethke Truck Line owns no tank trucks. He contends that milk can be hauled more cheaply and more quickly by tank trucks, the milk being better protected and less liable to spoil in the event of a breakdown. He has used the tank truck in transporting milk under his private permits and certificate since April, from Sterling, Fort Morgan, Brush, and other points, to Johnstown, Fort Lupton, and Denver, making between a hundred and a hundred and fifty trips during said period under his private permits and certificate, while the Bethke Truck Line carried milk on about fifty occasions during the same period. Applicant proposes no pick-up service at farms -- only between towns and cities on the highways designated in the application -- serving dairies only, the service limited to tank trucks.

He wants the general authority requested, even though there are at present no receiving points or dairies at some of the cities or towns on these highways. He knows of no present similar service.

Applicant stated that he had requests for the service from the Frink Dairy at Denver, the Goodrich Dairy at Greeley, the Denver Milk Producers at Denver, McLagan Brothers Creamery at Brush and Fort Lupton, and the IXL Dairy at Colorado Springs, for which he had hauled from ten to twenty-five loads of milk in the summer of 1948. He had received no requests from Pueblo, Golden, Boulder, Trinidad, Keenesburg, or La Salle.

Mr. Moore, of the Denver Milk Producers, testified in support of the application, stating that milk production was uneven, with usually a surplus in the spring; that last year the surplus from the Pueblo area was hauled to Larkspur to be manufactured into cheese; but witness would like to have authority granted to some one to haul from the Pueblo area to Fort Lupton and Johnstown, as well as to Larkspur. The Boulder area now has adequate service. He had received no requests from points between Keenesburg and Denver, and there is no need for the service from LaSalle or Greeley to Denver. In his opinion, the operation should be limited to the transportation of surplus milk from dairies to condensaries, and as so limited would not put any other carriers out of business.

V. E. Whitmore, Field Supervisor for the plants at Johnstown and Fort Lupton, testified that he buys milk from Sterling, Fort Morgan, Brush, Colorado Springs, and Pueblo, and is furnished good service, but there is a definite need for a service by tank truck as surplus milk cannot be utilized at his plants if transported for long distances by other means. He was partly responsible for the filing of the application.

Robert Frink, Vice President and Secretary of Frink Creamery, processors of milk and cheese, uses Bethke Truck Line service in transporting milk to his own plants, and the service is satisfactory.

The records of the Commission show that these applicants filed Application No. 9598 on August 10, 1948, for the extension of their PUC

No. 557 to include the right to transport milk and cream, in tank trucks, in the following-described territory.

Between all points and places in Colorado on and east of U. S. Highway No. 87, and on and north of U. S. Highway No. 36, including Golden, Colorado, and Boulder, Colorado, and between all points and places in said area, on the one hand, and all points and places in Colorado, on the other hand.

In other words, the territory applied for covered an origin area and a destination area of almost a fourth of the State. The instant application is for point to point service on the main highways from Fort Collins and Greeley to Trinidad, Denver, and Sterling, Golden, Boulder, Windsor, and Johnstown.

The testimony at the hearing on Application No. 9598 was very similar to the evidence at the instant hearing, and by Decision No. 31714, of date December 17, 1948, the Commission denied the original application, stating:

"The Commission, in the past, has experienced considerable difficulty in regulating transportation of milk for hire. We are impressed with the mode of transportation of milk offered by applicants, as it appears to us it might prove to be an improved service. However, applicants are asking point to point authority in a large territory that is now served by at least thirty-five common carriers whose operations depend upon transportation of milk and cream. Likewise, we have an equal, if not greater, number of private carriers located within the same territory.

"Applicants further ask for authority between this large territory and all points in the State of Colorado. If we are to believe the testimony of applicant and his witness, this, in the future, will be the recognized and proper method of transporting milk and cream. It therefore appears to the Commission that the application is too broad -- too general in its terms -- to justify the granting of the instant application. While it is desirable to foster and encourage the improvement of existing facilities for transporting milk and cream, it would, in our opinion, be decidedly unfair, unwise, and improper regulation to grant the extension sought upon the showing made. Parchance, certainly clearly specified hauls should be authorized by this Commission, but we cannot see where we are justified, under the evidence, in granting authority covering so large a territory, where the evidence was confined to a small number of short hauls."

We do not feel that conditions have changed materially since the date of Decision No. 31714, and even though the territory applied for is different from that applied for in Application No. 9598, we still feel that the instant application is "too broad -- too general in its terms -- to justify the granting of the instant application," and that it should be denied generally for the same reasons assigned for the denial of Application No. 9598 by Decision No. 31714.

Moreover, Frederic A. Bethke is the sole owner of the Bethke Truck Line, PUC No. 523, and other intrastate authority, with authority to serve generally all points named in the instant application, as limited at the hearing. This application is filed by a family partnership, of which he is a member. The granting of the authority sought would be generally equivalent to the granting of authority to a family partnership which would be competitive with and paralleling the authority already granted to an individual who is a member of the family partnership. In the opinion of the Commission, public convenience and necessity do not require the granting of such authority.

FINDINGS

THE COMMISSION FINDS:

That, for the reasons assigned in the foregoing Statement, which by reference is made a part hereof, the instant application should be denied.

ORDER

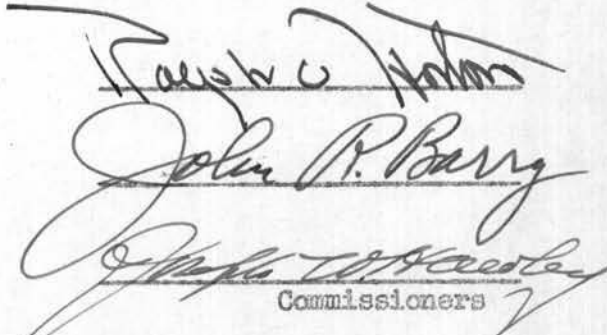
THE COMMISSION ORDERS:

That the instant application be, and the same hereby is, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 12th day of September, 1949.


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
J. B. SHELTON, CRAIG, COLORADO, FOR
A CLASS "A" PERMIT TO OPERATE AS A
PRIVATE CARRIER BY MOTOR VEHICLE
FOR HIRE.

APPLICATION NO. 10222-PP

September 12, 1949

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from Red Wing Mine, located at Mt. Streeter, Colorado, to Craig, Colorado, for Colo-Wyo Coal Company.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That J. B. Shelton, Craig, Colorado, be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from Red Wing Mine, located at

Mt. Streeter, Colorado, to Craig, Colorado, for Colo-Wyo Coal Company, only, without the right to add to the number of customers served except upon permission from the Commission so to do.

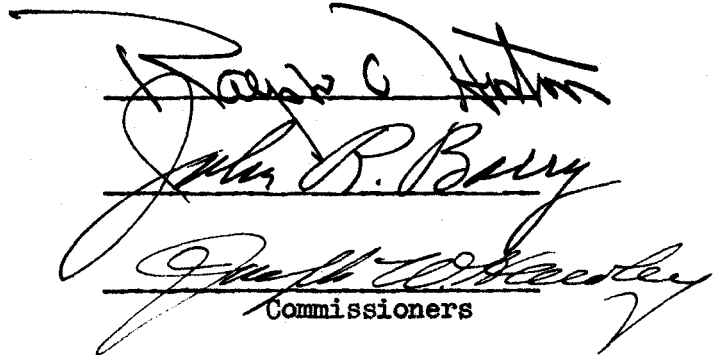
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

DATED at Denver, Colorado,
this 12th day of September, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK E. HAMILTON, BOX 40, WALDEN,)
COLORADO, FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 10219-PP

September 12, 1949

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of timber products from point to point within a radius of fifty miles of Walden, Colorado.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That, as limited in the Order following, authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Frank E. Hamilton, Walden, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of forest products, only, from point to

point within a radius of fifty miles of Walden, in Grand and Jackson Counties, only, with no town-to-town service, said operating rights to be non-transferable.

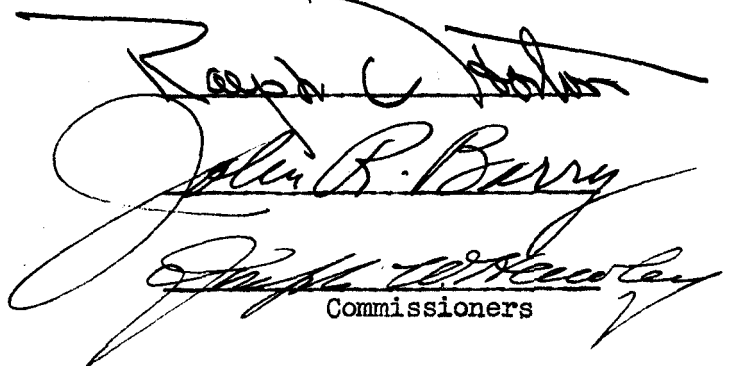
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

DATED at Denver, Colorado,
this 12th day of September, 1949.

(Decision No. 33427)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. C. REIFF AND ROY CLAUSSEN, CO-)
PARTNERS, DOING BUSINESS AS "REIFF)
AND CLAUSSEN," KREMMLING, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS PRIVATE CARRIERS BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 10218-PP

September 12, 1949

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as Class "B" private carriers by motor vehicle for hire for the transportation of forest and sawmill products from forests and sawmills in Grand and Jackson Counties, to points within said counties, with no town-to-town service.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicants, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That C. C. Reiff and Roy Claussen, co-partners, doing business as "Reiff and Claussen," Kremmling, Colorado, be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle

for hire for the transportation of forest and sawmill products, only, from forests and sawmills in Grand and Jackson Counties to points within said counties, with no town-to-town service, said operating rights to be non-transferable.

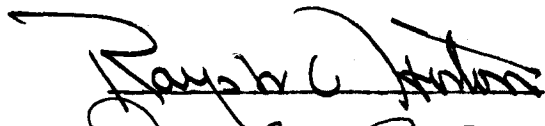
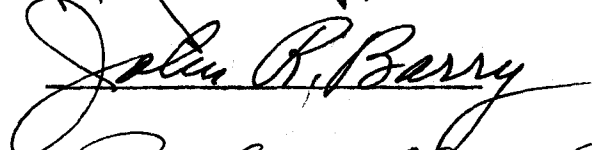
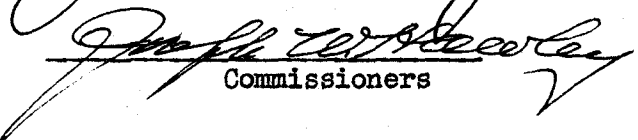
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 12th day of September, 1949.

(Decision No. 33428)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
OWEN B. LYONS, BOX 334, WALDEN,)
COLORADO, FOR A CLASS "A" PERMIT)
TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 10217-PF

September 12, 1949

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of logs, from Gould, Colorado, to Walden, Colorado.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted, as limited by the Order following.

O R D E R

THE COMMISSION ORDERS:

That Owen B. Lyons, Walden, Colorado, be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of forest products, only, from Gould,

Colorado, to Walden, Colorado, said operating rights to be non-transferable.

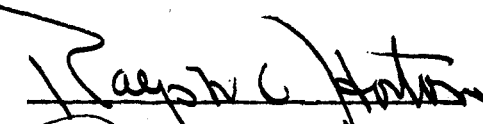
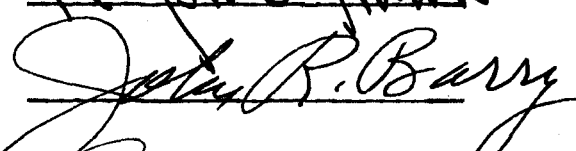
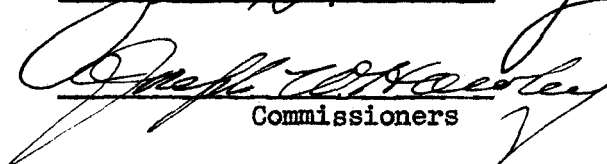
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 12th day of September, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE PROPOSED CANCELLATION OF PICK-UP
AND DELIVERY SERVICE BY RAILWAY
EXPRESS AGENCY, INC., AT OURAY,
COLORADO.

INVESTIGATION AND SUSPENSION
DOCKET NO. 282

September 12, 1949

Appearances: H. J. Claggett, Route Agent,
Railway Express Agency,
Denver, Colorado, for
applicant;
Jerome A. Paul, Esq., Ouray,
Colorado, for Town of Ouray.

S T A T E M E N T

By the Commission:

By Decision No. 29999, under date of February 21, 1948, the Commission suspended Supplement No. 172 to Colorado PUC No. 13, Supplement to Joint Directory of Express Stations, filed by C. H. Williams, Freight Traffic Manager for Railway Express Agency, which tariff proposed the cancellation of pick-up and delivery service by Railway Express Agency in the Town of Ouray, Colorado.

The matter was set for hearing, and heard, December 7, 1948, at the Court House, Ouray, Colorado, and taken under advisement.

At the hearing, the evidence disclosed that the depot at Ouray has been consumed by fire, and that, presently, Railway Express shipments are hauled to Ouray via bus, and then deposited in a box car, and up until January 1, 1945, these shipments were delivered to the respective consignees in Ouray by Mr. Frank A. Rice. Mr. Rice also gathered any shipments which originated in Ouray and delivered them to the agent at Ouray.

Mr. Rice received \$40.00 per month compensation for this service, and

since Railway Express Agency did not feel disposed to increase this amount, he no longer renders the service for them. The evidence further disclosed that the agent, W. D. Matthews, attempted to get a drayman to perform this service, as did A. O. Anderson. In 1946, Fellin Brothers were requested to render this service, but refused to do so for \$40.00 per month.

The evidence further disclosed that the volume of traffic handled by Railway Express Agency in Ouray is not too large, the principal amount being shipments received, both interstate and intrastate in nature. The evidence further disclosed that the handling charge per package in Ouray is higher than that of most other agency stations in Colorado.

Mr. John J. McMann, Mayor of Ouray, testified in opposition to the discontinuance of pick-up and delivery service, stating that the service was not now good, since no one made deliveries of parcels received via Railway Express, and that anyone who received merchandise by this means was forced to personally go to the depot and pick up the parcels or hire some one to do it for him. He stated that, in his opinion, if the service were bettered or improved, Railway Express volume and revenue would increase at Ouray.

Ouray, being situated where it is in the San Juan Mountains, and being subject to rather severe winters, is dependent as to the whole population on receiving merchandise of all kinds from what might be called "outside sources." Local merchants do not have warehouses available to them, and local residents do not have stores from which they can purchase many of the items required for consumption in a modern every-day life. The transportation facilities available to people living in these Western Slope communities are not at all times the most desirable. However, we think it regrettable that Railway Express Agency and some local drayman cannot come to an amicable understanding on this matter. Certainly, Railway Express Agency owes a duty to the people at Ouray, and we think that local transportation systems also owe a duty to their own people which, because of the nature of the merchandise shipped in which we have spoken of supra, should

be performed. However, we think that the evidence disclosed a diligent effort on the part of Railway Express Company to procure local pick-up and delivery service at a reasonable compensation in this community, and it apparently has met with little or no success. Under the circumstances, we think that the application to cancel pick-up and delivery service in Ouray should be granted. However, by this it is by no means inferred that Railway Express Agency should not continue to render service to Ouray from outside points. It may be true that Parcel Post gives the Agency a great deal of competition, but there are many items which cannot be shipped by Parcel Post, and these items we feel the citizens of Ouray should receive, as well as the citizens of any other community in the State.

A financial statement introduced by the Express Agency and identified as Exhibit No. 1 in this case does not indicate that Railway Express Agency is faring too badly from the service being given to the town.

It is also contemplated in the tariff that Railway Express Agency will delete from its tariff the symbols "M R", which mean "motor vehicle and railroad," and carry no symbols whatsoever in the tariff as to the manner or means of transportation of Railway Express traffic to Ouray. We also emphasize that this deletion does not carry with it the authority to discontinue Railway Express Agency service to Ouray, but does carry with it the obligation for the company to give service by whatever means is available to it.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed changes have been justified, and that an order should be issued vacating and setting aside the order suspending the proposed changes and discontinuing the proceeding.

O R D E R

THE COMMISSION ORDERS:

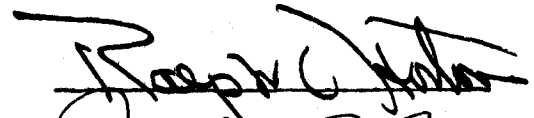
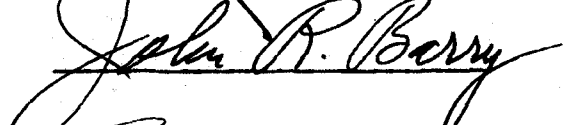
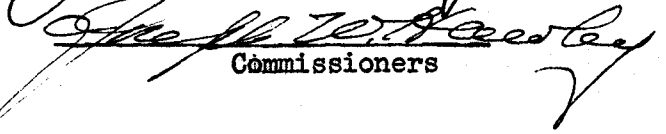
That the order heretofore entered in this proceeding, suspending the operation of said schedules, be, and it is hereby, vacated and set

aside as of September 12, 1949, and that this proceeding be discontinued.

However, in authorizing the discontinuance of pick-up and delivery service, it does not mean that the Railway Express Agency is relieved of giving service to the Town of Ouray, and is relieved, only, from rendering pick-up and delivery service within the corporate limits thereof.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 12th day of September, 1949.

EHC

(Decision No. 33430)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
ROCKY MOUNTAIN TRANSPORTATION COMPANY,
ALAMOSA, COLORADO, FOR A CLASS "B"
PERMIT TO OPERATE AS A PRIVATE CAR-
RIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 10192-PP

September 13, 1949

S T A T E M E N T

By the Commission:

The above-styled application was filed on May 19, 1949, and, upon notice to all parties in interest, was set for hearing at the Court House, Alamosa, Colorado, September 15, 1949, at 9:30 p'clock, A. M.

The Commission is now in receipt of a communication from J. E. Newman, President of applicant, as follows:

"The Rocky Mountain Transportation Company respectfully requests the permission of the Public Utilities Commission to withdraw their application, No. 10192-PP, for a Class B permit to operate as a private carrier by motor vehicle."

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed, upon request of applicant.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application should be, and hereby is, dismissed, upon request of applicant.

That this order shall become effective twenty days from date.

DATED at Denver, Colorado,
this 13th day of September, 1949

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Foster
John R. Barry
Joseph C. Foster
Commissioners

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. N. HOOD, 416 NORTH 4TH,)
LAMAR, COLORADO,)
)
)
)
)
-----)

PERMIT NO. C-14231

September 16, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
W. N. Hood, Lamar, Colorado,-----
requesting that Permit No. C-14231-----be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-14231-----, heretofore issued to-----
W. N. Hood, Lamar, Colorado,-----be,
and the same is hereby, declared cancelled effective September 1, 1949.

(S E A L)

ATTEST: A TRUE COPY

Secretary

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of September, 1949

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
A. C. RINDERLE, ROUTE 4,)
GRAND JUNCTION, COLORADO) PERMIT NO. C-15686
-----)

September 16, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
A. C. Rinderle, Route 4, Grand Junction, Colorado,
requesting that Permit No. C-15686.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-15686....., heretofore issued to.....
A. C. Rinderle, Rt. 4, Grand Junction, Colorado,.....be,
and the same is hereby, declared cancelled effective September 1, 1949,

(S E A L)

ATTEST: A TRUE COPY

Secretary

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Ralph C. Horton
John R. Barry
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 16TH day of September, 1949

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
Tony, Johnnie, Rocco, George,)
)
Alex, Frank, & Rosso Bomareto,) PERMIT NO. C-11256
)
DBA "Bomareto Brothers,)
)
-----)

September 15, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Bomareto Brothers,

requesting that Permit No. C-11256-----be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-11256-----, heretofore issued to-----
Bomareto Brothers-----be,
and the same is hereby, declared cancelled effective as of August 13, 1949.

(S E A L)

ATTEST: A TRUE COPY

Secretary

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of September, 194

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
D. SHELTON, Rt. 2, Box 508,)
Costa Mesa, California.) PERMIT NO. C-10825
)
)
-----)

September 15, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
D. Shelton, Costa Mesa, California,
.....
requesting that Permit No..C-10825.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-10825....., heretofore issued to.....
D. Shelton, Costa Mesa, California (formerly Lawson, Colorado).....be,
and the same is hereby, declared cancelled effective August 14, 1949.

(S E A L)

ATTEST: A TRUE COPY

Secretary

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 15th day of September, 1949

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JULIUS F. WIDHALM, HUGO,)
COLORADO.) PERMIT NO. C-16308
)
)
)
-----)

September 15, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
JULIUS F. WIDHALM, Hugo, Colorado,
.....
requesting that Permit No. C-16308.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-16308....., heretofore issued to.....
Julius F. Widhalm, Hugo, Colorado,.....be,
and the same is hereby, declared cancelled effective September 5, 1949.

(S E A L)

ATTEST: A TRUE COPY

Secretary

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Ralph C. Horton
John R. Barry
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of September, 1949

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EVERETT O. and VELMA M. WILD,)
DBA " BEVERAGE PRODUCTS CO.",)
RT. 2, LOVELAND, COLORADO.)
-----)
PERMIT NO. C-17805

September 15, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Everett O. Wild, Loveland, Colorado,
.....
requesting that Permit No. C-17805.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-17805....., heretofore issued to.....
Everett O. and Velma M. Wild, DBA "Beverage Products Co.",.....be,
and the same is hereby, declared cancelled effective Sept. 8, 1949.

(S E A L)

ATTEST: A TRUE COPY

Secretary

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of September, 1949

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN F. DEARING, Estate,)
Florence, Colorado,) PERMIT NO. C-22491
)
)
)
-----)

September 15, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Mr. Erick A. Roberts, attorney, Florence, Colorado,
requesting that Permit No. C-22491.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-22491....., heretofore issued to.....
John F. Dearing, Florence, Colorado,.....be,
and the same is hereby, declared cancelled effective Sept. 13, 1949.

(S E A L)

ATTEST: A TRUE COPY

Secretary

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Ralph C. Horton
John R. Barry
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 15th day of September, 194 9

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE HUNT, IGNACIO, COLORADO,)
PERMIT NO. C-23460

September 16, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Joe Hunt, Ignacio, Colorado,
requesting that Permit No. C-23460 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-23460, heretofore issued to
Joe Hunt, Ignacio, Colorado, be,
and the same is hereby, declared cancelled effective Sept. 8, 1949.

(S E A L)

ATTEST: A TRUE COPY

Secretary

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Ralph C. Horton
John R. Barry
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 16th day of September, 194 49

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN CHEVARRIA, 79 South Julian)
Street, Denver, Colorado)
)
)
)
)

PERMIT NO. B-3253

September 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
John Chevarria, 79 South Julian St., Denver, Colorado
.....
requesting that Permit No. B-3253.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. B-3253....., heretofore issued to.....
John Chevarria.....be,
and the same is hereby, declared cancelled effective September 10, 1949

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Houten

Commissioners

Dated at Denver, Colorado,
this 13th day of September, 194 9

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. G. WHITCOMB, 3rd and Walnut)
Sts., Sterling, Colorado.)
)
)
)

PERMIT NO. B-3068

September 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
C. G. Whitcomb, 3rd and Walnut Sts., Sterling, Colorado
.....
requesting that Permit No. B-3068.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. B-3068....., heretofore issued to.....
C. G. Whitcomb.....be,
and the same is hereby, declared cancelled effective September 1, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of September, 1949

(Decision No. 33445)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DAVID G. STEWART, 2705 STOUT ST.,) APPLICATION NO. 9931-PP
DENVER, COLORADO.)

September 13, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from David G. Stewart, requesting that the authority granted in Application No. 9931-PP, Decision No. 32590, of date May 13, 1949, be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

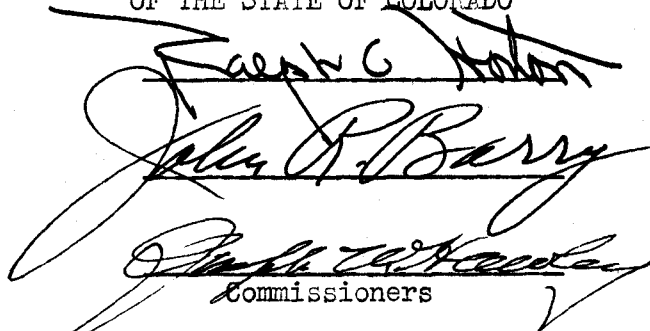
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the authority granted David G. Stewart in the above-numbered application, Decision No. 32590, of date May 13, 1949, be, and the same hereby is, declared cancelled, effective as of September 6, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 13th day of September, 1949.

jh

(Decision No. 33447)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HENRY F. THOMPSON, 802 WEST) APPLICATION NO. 8490-PP
ADAMS, TRINIDAD, COLORADO.)

September 13, 1949

S T A T E M E N T

By the Commission:

The Commission, on August 30, 1949, directed a letter to the above named applicant at 802 West Adams, Trinidad, Colorado, requiring him to complete his application by filing certificate of insurance, description of equipment for 1949, monthly reports from the start of his operation, and cash deposit in the amount of \$10.00, within fifteen days. Said letter was returned to the Commission with notation on the envelope, "Gone--No Order."

F I N D I N G S

THE COMMISSION FINDS:

That the authority granted in Application No. 8490-PP, by Decision No. 28690, of date July 22, 1947, to the above named applicant, should be cancelled for non-compliance with the Commission's requirements as set forth in its decision and letter of August 30, 1949.

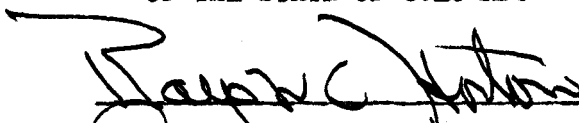
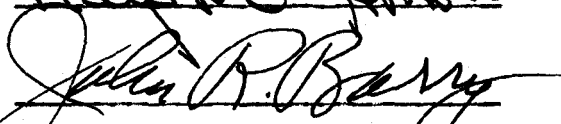
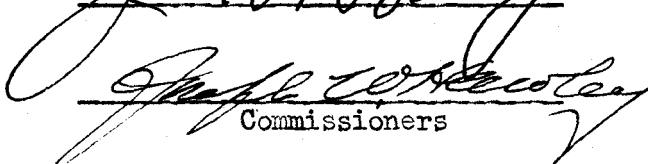
O R D E R

THE COMMISSION ORDERS:

That the authority granted Henry F. Thompson of Trinidad, Colorado in the above numbered application, Decision No. 28690, of date July 22, 1947, be, and the same hereby is, declared cancelled,

effective as of September 9, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 13th day of September, 1949

jh

* * * *

PERMIT NO. C 20264

September 13, 1949

S T A T E M E N T

The commission is in receipt of a communication from.....
Joseph A. Wheeler, Route 2, Grand Junction, Colorado

requesting that Permit No. C 20264 be cancelled, due to breakdown of equipment and inability to secure insurance.

FINDINGS

That the request should be granted.

O R D E R

That permit No. C 20264, heretofore issued to Joseph A. Wheeler be

and the same is hereby, declared cancelled effective as of September 9, 1949

Ralph C. Morton
J. C. Perry
Joseph W. Hawley
Commissioners

this 13th day of September, 1949

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES A. JOHNSON, RFD #1,)
Boulder, Colorado)
)
)
)

PERMIT NO. C 23521

September 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Charles A. Johnson, RFD #1, Boulder, Colorado

requesting that Permit No.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C 23521, heretofore issued to.....
Charles A. Johnson.....be,
and the same is hereby, declared cancelled effective as of September 6, 1949

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Randall C. Norton
John H. Barry
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 13th day of September, 194 9

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE E., ELLIS M. AND)
KENNETH E. BOWER dba BOWER) PERMIT NO. C 22836
MFG. CO., 2001 W. Alameda,)
Denver, Colorado)

September 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
the Bower Mfg. Co., by Kenneth E. Bower, 2001 W. Alameda, Denver, Colorado

requesting that Permit No.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C 22836, heretofore issued to.....
the Bower Mfg. Company.....be,
and the same is hereby, declared cancelled effective September 8, 1949

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

J. B. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 13th day of September, 194 9

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MORRIS KAPLAN, 12 Corona St.,)
Denver, Colorado)
) PERMIT NO. C-23212
)
)
)

September 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Morris Kaplan

requesting that Permit No. C-23212.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-23212....., heretofore issued to.....
Morris Kaplan.....be,
and the same is hereby, declared cancelled effective September 7, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 13th day of September, 194 9

Original

(Decision No. 33452)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
TRINIDAD PUBLIC SERVICE COMPANY FOR
APPROVAL OF TRANSFER OF FRANCHISE,
FOR TRANSFER OF CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY
FROM THE FRONTIER POWER COMPANY,
AND FOR THE EXTENSION OF EFFECTIVE
DATE ON ORDER OF ABANDONMENT.

APPLICATION NO. 10187
TRANSFER

September 13, 1949

Appearances: Frederick P. Cranston, Esq., Denver,
Colorado, for applicant;
Lee, Bryans, Kelly & Stansfield, Esqs.,
Denver, Colorado, for Frontier
Power Company;
Joseph F. Nigro, Esq., Trinidad, Colo-
rado, for City of Trinidad;
Joseph P. McNulty and
W. Geo. Denny, Jr., Denver, Colorado,
for The Public Utilities Commis-
sion of the State of Colorado.

S T A T E M E N T

By the Commission:

By the instant application, Trinidad Public Service Company, a Colorado corporation, seeks approval of transfer of franchise originally granted by the City of Trinidad, Colorado, to the Trinidad Electric Transmission Railway and Gas Company, now Frontier Power Company, by Ordinance No. 594, Series of 1929, authorizing the purchase, construction, operation, and maintenance of a gas plant and works and system in said City of Trinidad and adjoining territory, and asks an extension of the effective date of a previous order of this Commission authorizing Frontier Power Company to abandon said gas service on October 1, 1949, to December 31, 1949.

The application was set for hearing in Denver, Colorado, for September 6, 1949, and after due notice to all parties in interest was there heard and taken under advisement.

At the hearing, Joseph F. Nigro, City Attorney of the City of Trinidad, noted his formal exception to the order of the Commission denying his motion for change of venue from Denver to Trinidad, Colorado, and renewed said motion. No valid reason appearing for such change of venue, the motion was again denied.

The following exhibits were introduced in evidence:

Exhibit No. 1 - Agreement of date May 26, 1949, between Frontier Power Company and Ellis P. Lupton for the sale of the gas plant and distribution system in Trinidad, Colorado, of the former to the latter.

Exhibit No. 2 - Certified copy of Certificate of Incorporation of Trinidad Public Service Company.

Exhibit No. 3 - Assignment of interest of Ellis P. Lupton in Exhibit No. 1 to Trinidad Public Service Company.

Applicant was granted leave to withdraw Exhibits Nos. 1 and 3 and substitute copies of the same.

It was stipulated by counsel that on June 24, 1929, by Ordinance No. 594, the City of Trinidad, Colorado, granted to the predecessor of Frontier Power Company a 25-year franchise, empowering said Company to carry on the operation of manufacturing, distribution, and sale of gas in said City, and thereafter this Commission granted to said Company a certificate of public convenience and necessity therefor.

Ellis P. Lupton, a civil engineer of many years' experience, identified the exhibits and testified as follows: He is the owner, with others, of mining and other enterprises in the State of Colorado, in which he has an investment of approximately \$300,000., mostly in mining property in Clear Creek County, Colorado. He is the president of the applicant company. By the terms of the contract, designated as Exhibit No. 1, he has paid Frontier Power Company the sum of \$1,000.00, and is willing to pay the balance of \$5,000.00 forthwith, as a condition precedent to the granting of the transfer, so that applicant may receive a good and sufficient deed, bill of sale, and assignment, conveying, assigning, and transferring to applicant the gas plant and distribution system owned by

Frontier in the City of Trinidad, more particularly described in said Exhibit No. 1. Applicant company is incorporated for \$200,000. Stock of a par value of \$130,000.00 has been issued to witness, and the assets of applicant company, when and if transfer is granted, will consist of the remaining \$70,000.00 in treasury stock and the gas plant and distribution system purchased. A financial statement of applicant, attached to the application herein, estimates the value of the fixed assets at \$135,000., with liabilities of \$5,000.00, only, being the balance of the purchase price due under the contract of sale. The fixed assets were carried on the books of Frontier at a value of \$200,000.

A preliminary study is required to determine the economic advisability of continuing the operation of this plant, and if the study is favorable, to further determine whether service shall be furnished with the propane-butane mixture now being used or by natural or manufactured gas. If this preliminary study justifies the expenditure required, witness will be able to obtain more than half a million dollars for future operation and development of the company, from his own funds and those of his associates.

By Decision No. 32413, of date April 18, 1949, Frontier Power Company was authorized to abandon its gas service in Trinidad, effective October 1, 1949. If the transfer is granted, applicant asks that the effective date of such abandonment be extended to December 1, 1949, so that the preliminary survey required can be made. Immediate steps will be taken to eliminate any fire or other hazards; the present gas service will be continued to the 418 customers still using the same (including about 60 commercial users); and the gas holder, now in poor condition, will be operated, and repaired if necessary, under the supervision of applicant's engineers and the Chief of the Fire Department of the City of Trinidad. By oral agreement with Frontier, the cost of operation of the plant after September 1, 1949, will be borne by applicant. The main and distribution pipes in each city block will be tested for leaks and faulty material, and if service to any customer is interrupted by such tests, necessary

steps will be taken to furnish the customer with bottled gas during such interruption. In the event that the preliminary survey, when completed, is favorable, the report of the engineers, and the proposed plan of future operation, will be submitted to the City Council of Trinidad, together with an application for a new franchise for a period of not less than twenty years, without which the applicant could not obtain the necessary financing to permit the further operation of the plant, and without which he would not attempt to operate. In the event applicant finds that the further operation of the plant will not be economically feasible, it will not abandon service without notice of at least forty-five days to the customers, and if the decision to abandon is not reached in time to give such notice before December 31, 1949, he will ask that the effective date of the abandonment be extended for such time as will allow of such notice, and will continue the operation of the plant until such final effective date.

T. W. Sass, of Wheatridge, Colorado, a petroleum engineer of many years' experience, testified that he had been employed to make the preliminary survey referred to, and tentatively employed to operate the gas plant if the survey is favorable. He described the several possible methods of making such a survey, and stated he would adopt the method indicated as the best after a further study. In his opinion, the preliminary survey can be completed within ninety days.

W. L. Kite, distributor of bottled gas in Trinidad, called as a witness by the City, testified that it would require six months' time to allow the conversion from the present gas mixture to bottled gas or electricity, and that the customers would endure great hardship if the application for transfer is not granted and if the effective date of the abandonment should not be postponed.

Rocco Di Paolo, who operates an electrical shop in Trinidad, opposed the transfer, stating that he could convert the remaining gas installations to electricity in a thirty-day period. He was not opposed to the service to the present customers of natural gas, if natural gas is found available.

C. W. Nolan, Chief of the Fire Department at Trinidad, testified that he was the official electric and gas inspector for the City. He had found gas pipes in some houses defective. At the location of the gas holder, there had been two fires last year. The holder consists of three sections, the lower being in fair condition and the upper two sections being unsafe, as they are already excessively patched. There had been between twenty and twenty-five conversions to bottled gas, and about a hundred conversions to electricity, during the thirty-day period prior to the hearing, and in the month previous thereto, eight conversions to bottled gas and seventy-two to electricity. Two leaks in the gas mains have been reported -- one at the Presbyterian Church and one at the Masonic Building, in Trinidad.

Joseph F. Nigro, City Attorney of Trinidad, stated that he did not appear either to oppose or to support the application, but there was an objection on the part of the citizens of Trinidad to the City being used as a "guinea pig" by those without financial responsibility. He did state that he thought conversion to electricity could be effected in a thirty-day period, and naturally was interested in such a conversion in view of the fact that Trinidad is now constructing a municipally-owned electric plant.

It is evident from the testimony that the gas consumers in Trinidad will need time, in addition to the time already granted under the previous order of the Commission, in which to convert to bottled gas or electricity, whether or not the instant application for transfer is granted. Under an agreement between applicant and Frontier, the former has assumed the expense of operation after September 1, and any extension of time cannot adversely affect Frontier, nor does the record show that anyone could be so affected. A provision in the order requiring applicant to give at least forty-five days' notice of decision to withdraw from the operation, if such decision is reached after the preliminary survey, will give the consumers more time than still remains under the original order, in which to convert. The balance of the purchase price of the plant, as fixed by Exhibit No. 1,

should be paid as a condition precedent to the transfer, so that the proper financial statement can be furnished by applicant.

FINDINGS

THE COMMISSION FINDS:

That, for the reasons assigned in the above and foregoing Statement, which by reference is made a part hereof, the transfer is compatible with the public interest, and should be authorized, subject to the conditions in the Order following.

ORDER

THE COMMISSION ORDERS:

That Frontier Power Company, Trinidad, Colorado, be, and it hereby is, authorized to transfer all its right, title, and interest in and to the franchise originally granted by the City of Trinidad in Ordinance No. 594, Series of 1929, to Trinidad Public Service Company, a corporation, applicant herein, and upon receipt of the balance of \$5,000.00 due upon the purchase price, as provided by Exhibit No. 1, to make, execute, and deliver unto Trinidad Public Service Company a good and sufficient deed, bill of sale, and assignment, conveying, assigning, and transferring unto Trinidad Public Service Company, and its assigns, free and clear of all liens and encumbrances, the gas plant and distribution system owned by it in the City of Trinidad, Colorado, and particularly described in said Exhibit No. 1.

That Trinidad Public Service Company be, and it hereby is, required, as a condition precedent to making this transfer effective, to pay to said Frontier Power Company the balance of \$5,000.00 due upon the contract for sale (Exhibit No. 1), and to file with this Commission proper proof of such payment.

That in the event of the payment of the balance of such purchase price, and proof thereof being filed with this Commission, the applicant, Trinidad Public Service Company, shall be authorized to continue the opera-

tion of the gas plant and distribution system so purchased, and the effective date of the abandonment of said service, as fixed by Decision No. 32413, of date April 18, 1949, shall be extended to December 31, 1949.

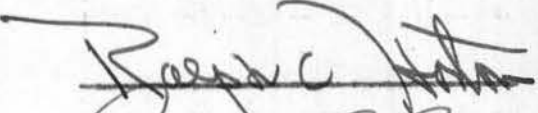
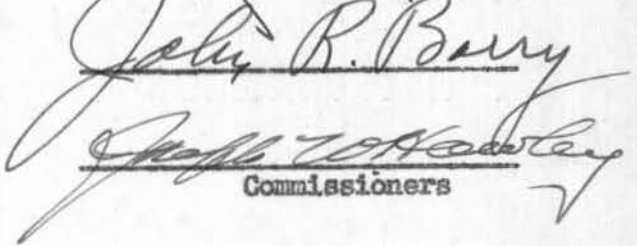
It is further ordered and directed that said Trinidad Public Service Company shall, in the event it shall determine, prior to December 31, 1949, that the further operation of said system is not economically feasible, give notice of at least forty-five days to this Commission of such decision, and similar notice of at least forty-five days to the gas customers of the City of Trinidad, Colorado, of the proposed abandonment of the service at the end of such period; and shall further be required to continue the operation of said gas plant and distribution system until the date so fixed for such abandonment. And if such decision is not reached by applicant company at least forty-five days prior to December 31, 1949, said Trinidad Public Service Company shall be required to file with this Commission an application for a further postponement of the effective date of such abandonment from December 31, 1949, to such date as shall be fixed by the forty-five-day notice, and in any event such forty-five-day notice shall be given prior to December 31, 1949. In the event the preliminary survey referred to is favorable, and the applicant company decides to continue the operation of said gas plant and distribution system, it shall so notify the gas customers in Trinidad, and this Commission, and ask for an appropriate order relative to the lifting of the former and present orders of abandonment.

During the period of the preliminary survey above referred to, the Trinidad Public Service Company and its engineers shall cooperate with C. W. Nolan, Chief of the Fire Department of Trinidad, Colorado, in maintaining the gas holder and other installations, and the plant and distribution system, in a manner that shall be consistent with the public safety.

This order shall become effective upon the date that proper proof is filed by the applicant company showing the payment of the balance due on the purchase price of the plant and distribution system, as pro-

vided in said Exhibit No. 1, and if such proof is not filed within ten days of the service hereof, this order shall be and become null and void and the application herein shall be denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Joseph R. Barry

Commissioners

DATED at Denver, Colorado,
this 13th day of September, 1949.

(Decision No. 33453)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
PUBLIC SERVICE COMPANY OF COLORADO,
A CORPORATION ORGANIZED AND EXISTING
UNDER THE LAWS OF THE STATE OF COLO-
RADO, FOR AUTHORITY TO ISSUE 15,000
SHARES OF ITS 4 1/4% CUMULATIVE PRE-
FERRED STOCK, PAR VALUE \$100 EACH.

APPLICATION NO. 10228

September 13, 1949

STATEMENT

By the Commission:

Upon consideration of the application filed September 13, 1949, by the Public Service Company of Colorado, a Corporation, in the above-styled matter:

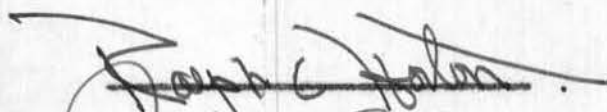
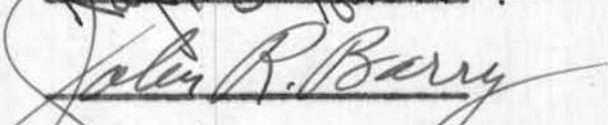
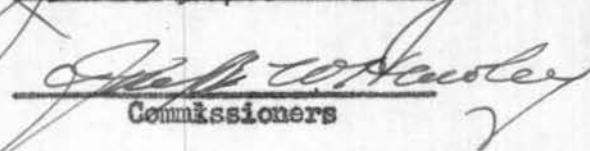
ORDER

THE COMMISSION ORDERS:

That a public hearing be held, commencing on Friday, September 23, 1949, at ten o'clock A. M., 330 State Office Building, Denver, Colorado, respecting the matters involved and the issues presented in this proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before September 20, 1949, and should set forth the grounds of the proposed intervention, and the position and interest of the petitioners

in the proceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 13th day of September, 1949.

jh

(Decision No. 33454)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE CLOSING BY)
CHICAGO, ROCK ISLAND AND PACIFIC)
RAILROAD COMPANY OF ITS FALCON)
STATION IN EL PASO COUNTY, COLO-)
RADO, AS A CUSTODIAN STATION.)

APPLICATION NO. 10168

September 15, 1949

S T A T E M E N T

By the Commission:

On July 27, 1949, the Chicago, Rock Island and Pacific Railroad Company, by J. W. Myers, Superintendent of the Western Division, filed an application under the Public Utilities Commission's General Order No. 34 for permission to close its Falcon, Colorado, station as a custodian station. The application recited that on the 15th day of May, 1931, the Commission authorized the Railroad to abandon the agency station at Falcon, and that, since said time, it had been operated as a custodian station, but that said operation has not been justified by the business transacted or the revenues received therefrom.

The interested parties, so far as known to the Commission, were notified, namely, the Postmaster of Falcon -- Falcon being an unincorporated community in El Paso County, Colorado -- and the Board of County Commissioners of El Paso County.

Under date of August 16, 1949, the Postmaster of Peyton, Colorado, advised the Commission that several years ago the Post Office of Falcon was closed and the patrons were served by the Post Office of Peyton, and it was thought that none of them would be affected greatly by the closing of the station.

No reply was received from the County Commissioners in response to the notice sent to them.

The Railroad having recited that it was posting the notice required by General Order No. 34, and no protests having been received to the granting of the authority sought, the Commission has heard the matter without further notice upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the granting of the authority sought, and that applicant should be permitted to close said custodian station at Falcon, Colorado; and that said change may become effective on September 15, 1949.


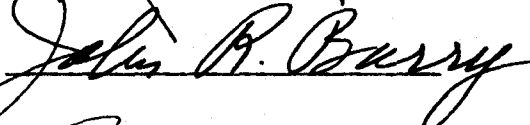
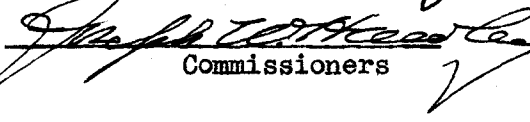
O R D E R

THE COMMISSION ORDERS:

That Chicago, Rock Island and Pacific Railroad Company be, and it is hereby, permitted to close the Falcon, Colorado, station as a custodian station, and this order shall be their authority so to do.

That this order shall become effective on September 15, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 15th day of September, 1949.

(Decision No. 33455)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD D. PUNCHES, 112 FREMONT)
STREET, FORT MORGAN, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.)
A-2131 TO DONALD JAPHET, GENERAL)
DELIVERY, FORT MORGAN, COLORADO.)

APPLICATION NO. 10239-PP
TRANSFER

September 17, 1949

S T A T E M E N T

By the Commission:

By Decision No. 11456, of date February 26, 1938, Herman Vollmert, Fort Morgan, Colorado, was authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

Milk and dairy products to Fort Morgan from farms within the area described as: Beginning at Fort Morgan, thence north a distance of 5 miles; thence east 7 miles; thence south 8 miles; thence west 7 miles; thence north 3 miles to the place of beginning, for the Northern Colorado Dairy Company; sugar beets from farms within a radius of 6 miles of Fort Morgan to the factory therein; coal from the northern Colorado coal fields to customers residing within said 6-mile area,

said authority being designated "Permit No. A-2131."

By Decision No. 11735, of date April 19, 1938, the following authority was deleted from said operating rights:

Transportation of coal from the northern Colorado coal fields to customers residing within the six-mile area.

Bursuant to authority contained in Decision No. 22879, of date November 20, 1944, Donald S. Douglas acquired said Permit No. A-2131, which was transferred to Fred J. Nevin by Decision No. 25433, of date January 24, 1946.

By Decision No. 26023, of date May 28, 1946, said Fred J. Nevin was authorized to extend operations under Permit No. A-2131 to include:

Delivery of milk and dairy products to McLagan Brothers Creamery, at Fort Morgan, Colorado.

By Decision No. 27478, of date February 7, 1947, said Fred J. Nevin was authorized to further extend operations under said permit to include the right to transport:

Whole milk to Denver, Colorado, from farms within the area above described, and whole milk to Denver, Colorado, from Northern Colorado Dairy Company and McLagan Brothers Creamery in Fort Morgan, Colorado.

Pursuant to authority contained in Decision No. 33168, of date August 8, 1949, said Fred J. Nevin transferred said Permit No. A-2131 to Harold D. Panches, Fort Morgan, Colorado, who, by the instant application, seeks authority to transfer said operating rights to Donald Japhet, Fort Morgan, Colorado.

Inasmuch as the files of the Commission and the application herein show that said permit is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid obligations against said permit; that transferee, pecuniarily and otherwise, is able, willing, and qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to payment of outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Harold D. Panches, Fort Morgan, Colorado, be, and he here-

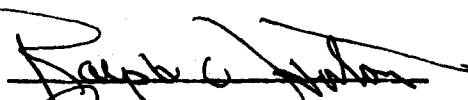
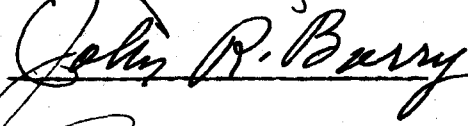
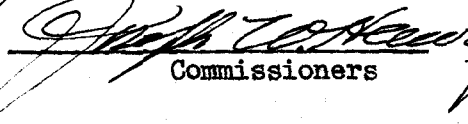
by is, authorized to transfer all his right, title, and interest in and to Permit No. A-2131 -- being the operating rights granted by Decision No. 11456, as restricted by Decision No. 11735, and extended by Decisions Nos. 26023 and 27478 -- to Donald Japhet, Fort Morgan, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That the right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of this Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him, or by transferee, of all unpaid ton-mile tax.

That ton-mile tax deposit of transferor be transferred and credited to account of transferee.

That this order is made a part of the permit authorized to be transferred, and shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 17th day of September, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE WEICKER TRANSFER AND STORAGE)
COMPANY, a Colorado corporation,)
Petitioner,)
v.)
MRS. H. G. HILDAHL and WILLIAM A.)
SEIWALD ,)
Respondents.)

CASE NO. 4919

September 17, 1949

Appearances: Truman A. Stockton, Jr., Esq.,
Denver, Colorado, and
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company;
Marion F. Jones, Esq., Denver,
Colorado, for Respondents.

S T A T E M E N T

By the Commission:

The above-styled case has been long pending before this Com-
mission, having been set for hearing at the Commission's Hearing Room,
330 State Office Building, Denver, Colorado, October 4, 1944, said
hearing having been vacated at request of counsel.

It now appears that interested parties are no longer desirous
of prosecuting this case.

F I N D I N G S

THE COMMISSION FINDS:

That the instant case should be dismissed.

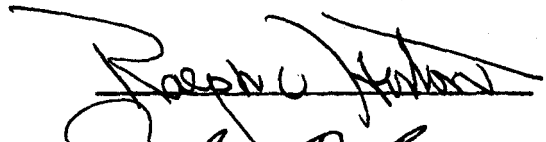
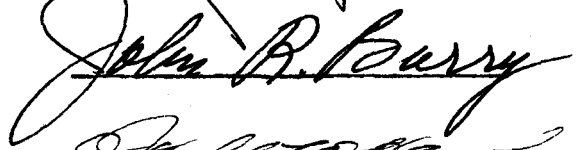

O R D E R

THE COMMISSION ORDERS:

That the above-styled case should be, and the same hereby is,
dismissed.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 17th day of September, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRED A. LANPHIER, DOING BUSINESS AS)
"LANPHIER PRODUCE," 625 SOUTH MAIN)
STREET, HUTCHINSON, KANSAS, FOR)
AUTHORITY TO TRANSFER INTERSTATE)
OPERATING RIGHTS TO ROBERT G. JONES,)
721 CLOVERDALE DRIVE, HUTCHINSON,)
KANSAS.)

PERMIT NO. B-3899-I

September 17, 1949

S T A T E M E N T

By the Commission:

Heretofore, Fred A. Lanphier, doing business as "Lanphier Produce," Hutchinson, Kansas, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a private carrier by motor vehicle for hire, in interstate commerce, and Permit No. B-3899-I issued to him.

Said permit-holder now seeks authority to transfer said operating rights to Robert G. Jones, Hutchinson, Kansas.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That said transfer should be authorized.

O R D E R

THE COMMISSION ORDERS:

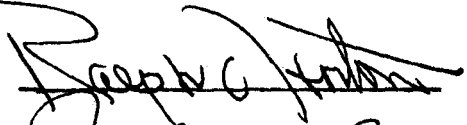
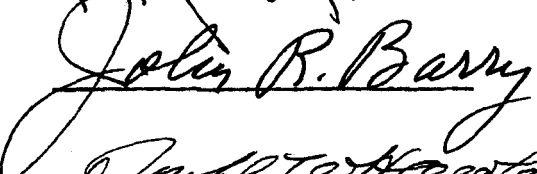

That Fred A. Lanphier, doing business as "Lanphier Produce," Hutchinson, Kansas, should be, and hereby is, authorized to transfer

all his right, title, and interest in and to Permit No. B-3899-I to Robert G. Jones, Hutchinson, Kansas, subject to the provisions of the Federal Motor Carrier Act of 1935, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That ton-mile tax deposit of transferor shall be refunded to him.

That this order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 17th day of September, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. HUGO ARONSON AND CLAUDE CARBIS,)
CO-PARTNERS, DOING BUSINESS AS "J.)
HUGO ARONSON, GENERAL CONTRACTOR,")
(THE GALLOPING SWEDE), RANGELY,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NOS. 1649 AND 1649-I TO SVEN)
J. JOHANSON AND CLAUDE CARBIS, CO-)
PARTNERS, DOING BUSINESS AS "J.)
HUGO ARONSON, GENERAL CONTRACTOR,")
NEW CASTLE, WYOMING.)

APPLICATION NO. 10238
TRANSFER

September 17, 1949

S T A T E M E N T

By the Commission:

By Decision No. 25133, of date November 16, 1945, J. Hugo Aronson and Sven Johanson, co-partners, doing business as "The Galloping Swede," Cut Bank, Montana, were granted a certificate of public convenience and necessity, authorizing:

Transportation, in irregular service, on call and demand, in intrastate and interstate commerce, of machinery, materials, equipment, supplies, and facilities used in or incidental to or in connection with: (a) the discovery, developing, production, and preservation of natural gas and petroleum; (b) the construction, dismantling, repair, servicing, and maintenance of pipe lines; (c) the construction, operation, repair, servicing, dismantling, and maintenance of facilities for the storage of natural gas, gasoline and petroleum; (d) the construction, operation, repair, servicing, dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas and petroleum, between all points in the State of Colorado, interstate authority being subject to the provisions of the Federal Motor Carrier Act of 1935;

said operating rights being designated "PUC Nos. 1649 and 1649-I."

Pursuant to authority contained in Decision No. 30628, of date June 15, 1948, said certificate-holders transferred said operating rights

to J. Hugo Aronson and Claude Carbis, co-partners, doing business as "The Galloping Swede," Rangely, Colorado, who, by the instant application, seek authority to transfer said PUC Nos. 1649 and 1649-I to Sven J. Johanson and Claude Carbis, co-partners, doing business as "J. Hugo Aronson, General Contractor," New Castle, Wyoming.

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferees; that there are no outstanding unpaid operating obligations against said operation; that transferees, pecuniarily and otherwise, are qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That J. Hugo Aronson and Claude Carbis, co-partners, doing business as "J. Hugo Aronson, General Contractor," (The Galloping Swede), Rangely, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC Nos. 1649 and 1649-I -- being the operating rights granted by Decision No. 25133 -- to Sven J. Johanson and Claude Carbis, co-partners, doing business as "J. Hugo Aronson, General Contractor," New Castle, Wyoming, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That the right of transferees to operate under this order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferors of delinquent reports, if any, covering their operations under said certificate, and the payment by them or by transferees of all unpaid ton-mile tax.

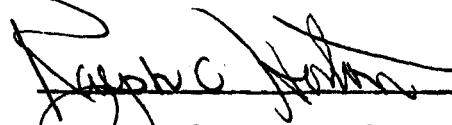
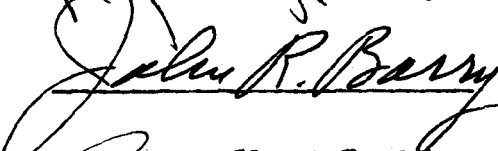
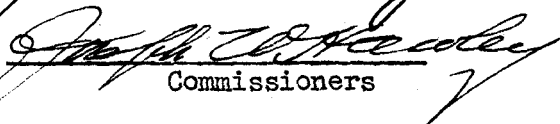
That the tariff of rates, rules, and regulations of transferors shall become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

That transfer of interstate operating rights is subject to the provisions of the Federal Motor Carrier Act of 1935.

That ton-mile tax deposit of transferors shall be transferred and credited to account of transferees.

That this order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 17th day of September, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
STARLITE CAMPERS OF THE ROCKIES, INC.,)
ALTA VISTA HOTEL, COLORADO SPRINGS,)
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 9768-EXTENSION
SUPPLEMENTAL ORDER

September 17, 1949

Appearances: Calvin Heisler, Alta Vista Hotel,
Colorado Springs, Colorado,
for applicant;
Alfred Creager, Esq., 315 Conti-
nental Avenue, Dallas, Texas,
for Continental Bus Lines;
Charles R. Dasher, 775 Wazee
Street, Denver, Colorado,
for Continental Bus Lines;
Walter Colburn, Colorado Springs,
Colorado, for Colburn Motor
Tours.

S T A T E M E N T

By the Commission:

By Decision No. 33418, of date September 12, 1949, Starlite Campers of the Rockies, Inc., Colorado Springs, Colorado, was granted a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire.

It now appears that said decision, as released, did not clearly set forth the authority granted applicant therein.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 33418 should be amended, by striking therefrom the words "and terminating," appearing in the last line on Page 3 thereof, being the third and fourth words in the fifth line of the Order contained in said decision.

O R D E R

THE COMMISSION ORDERS:

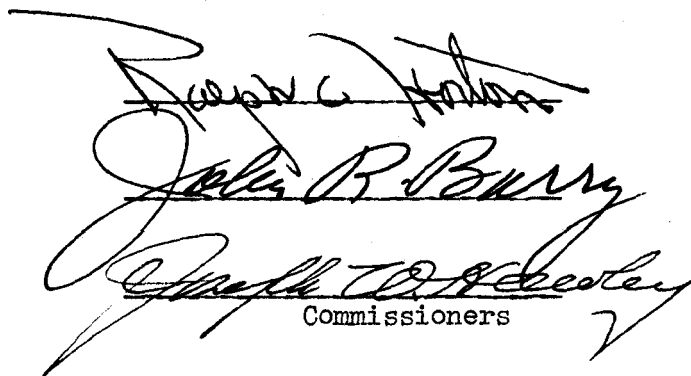
That Decision No. 33418, of date September 12, 1949, be, and the same hereby is, amended, nunc pro tunc, as of said 12th day of September, 1949, by striking the words "and terminating," appearing the last line on Page 3 of said decision, being the third and fourth words in the fifth line of the Order contained in said decision, so that the first paragraph of said Order contained in said Decision No. 33418, as amended, shall read:

"THE COMMISSION ORDERS:

"That public convenience and necessity require the motor vehicle common carrier call and demand operation of Starlite Campers of the Rockies, Inc., Colorado Springs, Colorado, for the conduct of sightseeing tours originating within a sixty-five-mile radius of Glenwood Springs, Colorado, to points within a radius of sixty-five miles of Glenwood Springs, Colorado, for the guests of Starlite Campers of the Rockies, only, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor, applicant to charge rates which will be non-competitive with any scheduled motor bus operations within the area."

That, except as herein amended, Decision No. 33418 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

DATED at Denver, Colorado,
this 17th day of September, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEONARD W. WILCOX AND GERTRUDE FOWLER,)
ROUTE 3, BOX 38, LONGMONT, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 10210-PP

September 21, 1949

Appearances: Leonard W. Wilcox, Longmont,
Colorado, for applicants;
W. C. Bullard, Denver, Colorado,
for Pioneer Trucking Company;
L. C. Austin, Boulder, Colorado,
for Austin Brothers.

S T A T E M E N T

By the Commission:

The above-named applicants request authority to operate as a
Class "B" private carrier by motor vehicle for hire for the transporta-
tion of:

Forest and sawmill products between points within
a 25-mile radius of Gould, Colorado, and from and
to points in said area to and from points within a
50-mile radius of Longmont, Colorado; excluding
service between towns; and farm products (no live-
stock) between points within a 50-mile radius of
Longmont, Colorado, with no town to town service.

After proper setting and due notice to all parties in interest,
the application was heard in the Hearing Room of the Commission in Denver,
Colorado, on September 13, 1949, and taken under advisement.

Applicant Leonard W. Wilcox testified that the equipment of the
applicant partnership consisted of a 1940 3-ton International truck with
stake body, and that the net worth of the partners is \$9,000.00. He
stated that there is a demand for the proposed service of transporting
farm products, farm to farm, from the farmers within a 50-mile radius of
Longmont, Colorado, and he expects to transport forest and sawmill pro-

ducts between points in the area applied for, for Independent Lumber Company, of Gould, Colorado, and others.

Witness agreed that his application for transportation of farm products might be amended by excepting milk and cream from the commodity description, whereupon all protests to the granting of the authority were withdrawn.

F I N D I N G S

THE COMMISSION FINDS:

That as amended at the hearing, the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Leonard W. Wilcox and Gertrude Fowler, co-partners, Route 3, Box 38, Longmont, Colorado, be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

Forest and sawmill products between points within a 25-mile radius of Gould, Colorado, and from and to points in said area to and from points within a 50-mile radius of Longmont, Colorado, excluding service between towns; and farm products, with the exception of livestock, milk, and cream, between points within a 50-mile radius of Longmont, Colorado, with no town-to-town service.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

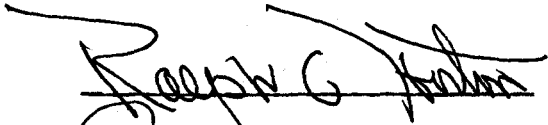
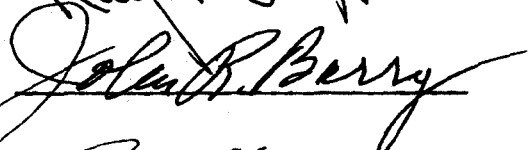

That this order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

That the right of applicants to operate hereunder shall depend

upon their compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 21st day of September, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ALBERT TRIBLEHORN, 4232 KNOX COURT,)	
DENVER, COLORADO, FOR A CLASS "B")	APPLICATION NO. 10131-PP
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

September 21, 1949

Appearances: Albert Tribblehorn, Denver,
Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing at 330 State Office Building, Denver, Colorado, on September 13, 1949, at ten o'clock A. M., due notice of the time and place of hearing being forwarded to all parties in interest, and was there heard and taken under advisement.

Applicant requested authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

Sand, gravel, dirt, and other road surfacing materials, from pits and supply points in the State of Colorado to road and building construction jobs within a 50-mile radius of said pits and supply points; and coal from mines in the Northern Colorado coal fields to Denver, Colorado.

At the hearing, applicant asked that his application be amended to eliminate therefrom the transportation of coal, which amendment was allowed. He testified that he expected to haul sand, gravel, dirt, and other road surfacing materials for Western Paving Company, Blanchard Construction Company, Gordon Martin, a contractor, and others. He stated that his equipment consisted of a 3-ton Diamond T truck, 1945 model, and that his net worth is between \$4,000.00 and \$5,000.00.

No one appeared to protest the granting of the application, as amended at the hearing, and it did not appear that the granting of the

authority sought would impair the efficiency of existing adequate common carrier motor vehicle service now operating in the area sought to be served by applicant.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application, as amended at the hearing, should be granted.

O R D E R

THE COMMISSION ORDERS:

That Albert Tribblehorn, 4232 Knox Court, Denver, Colorado, be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of:

Sand, gravel, dirt, and other road surfacing materials, from pits and supply points in the State of Colorado, to road and building construction jobs within a 50-mile radius of said pits and supply points.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

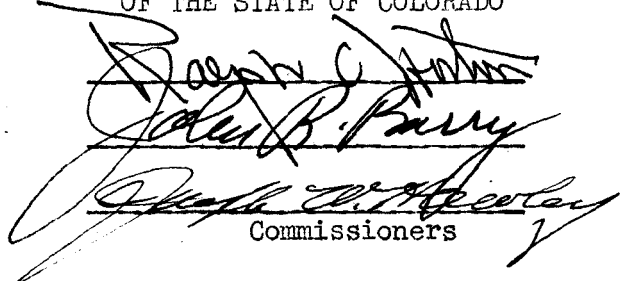
That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective twenty days from date.

DATED at Denver, Colorado,
this 21st day of September, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
CLYDE PERSINGER, 4218 SOUTH ACOMA
STREET, ENGLEWOOD, COLORADO, FOR A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY.

APPLICATION NO. 10208

September 21, 1949

Appearances: Richard H. Simon, Esq., Engle-
wood, Colorado, for applicant.

S T A T E M E N T

By the Commission:

The above-styled application was filed with the Commission on August 26, 1949, and after due setting and appropriate notice to all parties in interest, was heard on September 13, 1949, at the Hearing Room of the Commission in Denver, Colorado, and taken under advisement.

The application, as filed, requested a certificate of public convenience and necessity authorizing transportation of furniture, dirt, ashes, trash, and other miscellaneous items, within a radius of ten miles of the city limits of Englewood, Colorado.

At the hearing, applicant asked that his application be amended by eliminating the transportation of furniture, and that the territory applied for be amended by eliminating therefrom the territory served by Louis C. Berend, doing business as "Dad's Disposal Service," PUC No. 1968, Denver Maintenance Corporation, PUC No. 2010, and the whole of Jefferson County, Colorado.

Applicant testified that for the past four years he has been engaged in trash hauling in Englewood, Colorado, under permit from that city. His equipment consists of a 1½-ton Ford dump truck, and his net

worth is between \$3,000.00 and \$4,000.00. He has had many requests for his services in the territory applied for, as above limited. He did not show a permit for service in Aurora, Colorado.

Reverend M. W. Roll, M. E. Jackson (operator of a service station and motor court), and Glen Howell, a carpenter, all of Englewood, testified as to the general demand and need for the proposed service, and as to the satisfactory service now being rendered by applicant under his city permit.

No one appeared to oppose the granting of the authority sought.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the motor vehicle call and demand service of applicant, as limited by the testimony at the hearing.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the motor vehicle common carrier call and demand service of applicant, Clyde Persinger, Englewood, Colorado, for the transportation of:

Dirt, ashes, trash, and garbage, to and from points within a radius of ten miles of the City Limits of Englewood, Colorado; provided, however, that no service shall be performed in the territory now served by Louis C. Berend, doing business as "Dad's Disposal Service," (PUC No. 1968) or Denver Maintenance Corporation (PUC No. 2010); nor in any part of Jefferson County, Colorado, or in the city of Aurora, Colorado;

and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

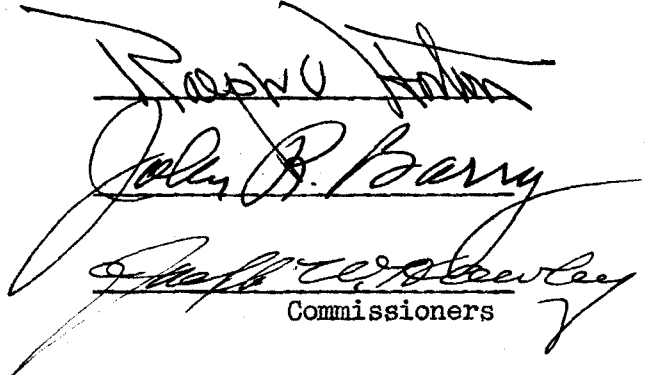
That the applicant shall file tariffs of rates, rules, and regulations, and distance schedules, as required by the rules and regulations of this Commission, within twenty days from date.

Applicant shall operate his carrier system in accordance with the order of this Commission except when prevented by Act of God, the public enemy, or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of this Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

DATED at Denver, Colorado,
this 21st day of September, 1949.

ehc

Original

(Decision No. 33463)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

A. L. MUSICK,

Complainant,

v.

THE CITY OF COLORADO SPRINGS,

Defendant.

CASE NO. 4982

ORDER DENYING REHEARING

September 21, 1949

Appearances: Bennett and Heinicke, Esqs.,
Colorado Springs, Colorado,
for Complainant;
F. T. Henry, Esq., City Attorney,
Colorado Springs, Colorado,
for Defendant;
J. M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On August 2, 1949, the Commission entered its order in the above case, holding, among other things, that the City of Colorado Springs was a public utility as to service outside its municipal boundaries, and ordering it to comply with all the laws, rules, and regulations of the State of Colorado and of this Commission applicable to public utilities.

On August 22, 1949, the Commission received, through the mail, an application for rehearing, filed by F. T. Henry as attorney for the City of Colorado Springs, in which twenty different grounds were alleged as reasons why a rehearing should be ordered. The envelope in which the petition was received was postmarked August 20, 1949.

On August 25, 1949, there was filed with the Commission, by Alfred Heinicke, attorney for A. L. Musick, complainant herein, a motion

asking that the City's application for rehearing be denied, on the ground that the application was not filed in apt time, and also because there was no sufficient ground or reason stated in the application which would require a rehearing.

The contention that the application for rehearing was not filed within the time prescribed by law is based upon Section 51 of Chapter 137, 1935 C. S. A. The applicable language reads as follows:

" No cause of action arising out of any order or decision of the Commission shall accrue in any court to any corporation or person unless such corporation or person shall have made, before the effective date of said order or decision, application to the Commission for a rehearing. "

The order of the Commission was dated August 2, 1949, and the order stated that it should become effective twenty days after date. Section 46 of Chapter 137 authorizes the Commission to fix the effective date of its orders. Complainant's contention apparently is that the order became effective by its terms on August 22, 1949, and the statute requires that the petition for rehearing be filed before the effective date, and, therefore, the petition actually having been received and stamped by the Commission on the effective date, it has been filed too late and the City has no right of appeal to the courts. The effect would be to render the petition a nullity.

Before ruling on the merits of complainant's motion, we should like to state for the record that this Commission has not in the past, and will not in the future, attempt to deprive any person of the right or opportunity to have a court review its orders, as provided by law, by any technical rulings or insistence upon matters of form. If parties, by inaction or otherwise, fail to take advantage of administrative procedures and fail to follow the mandate of the statute in regard to reviews, this Commission is powerless to aid them. But where honest attempts have been made to comply with the statutes, and if there is any room for interpretation, this Commission will always attempt to act in such a manner that its orders may be reviewed on their merits.

A careful study of the sections of Chapter 137 relating to hearings, rehearings, and appeals from orders of this Commission, discloses that Section 46, which provides that the Commission may set the effective date of an order and also provides that negative orders shall be deemed to become effective on the date of entry thereof, unless otherwise provided, is in hopeless conflict with Section 51, which requires that the application for rehearing be filed before the effective date of an order. This Commission has attempted in the past to resolve this conflict by providing that its orders become effective twenty days after date, in conformance with original Section 46, so as to protect rights of review, and this practice was followed in the instant case. Under a strict interpretation of Section 51, the application for rehearing should have been filed on Sunday, August 21. However, in 1945, numerous sections of Chapter 137 were amended to require the Commission to follow the Colorado Rules of Civil Procedure as to many of its practices and procedures. Section 38 also was amended, giving this Commission power to prescribe its own Rules of Practice and Procedure in all other cases.

Rule 6 (a) of C. R. C. P. provides that in computing any period of time, the last day of a period of time within which some act must be done shall be included in the computation unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday.

The Commission is of the opinion, and holds, that this salutary rule should apply to computations of time for filing applications for rehearing before this Commission, and the application of that rule requires a holding that the City's application in this case was filed in apt time. We shall, therefore, pass upon the merits of the City's application for a rehearing.

In view of the fact that the application contains twenty different grounds relied upon by the City for a rehearing, it will avoid confusion if each ground is dealt with separately and in order.

(1) The Commission, in its original order, relied upon ordinances, rules, and practices of the City of Colorado Springs which were evidenced by papers and documents filed with this Commission. All of said records were offered by the Commission's staff at the hearing on September 30, 1948 (R. 88), and the Commission took the offer under advisement after the City's attorney objected (R. 89, 90). The Commission overruled the objection to the admission of these records by its first order in this case (p. 6). It must be assumed that the filings by the City were truthful, and no objection is raised as to the accuracy, validity, or materiality of those documents. We believe that such evidence was pertinent and material, and was properly considered by this Commission in rendering the first decision. On page 5 of the original order, there appears a note as to the Commission's authority and duty to consider relevant matters, even though they are not presented at a hearing. The policy followed in that order is again approved.

(2) The original order herein stated that the facts set out in the case of Colorado Springs v. Colorado City, 42 Colo. 75, were res judicata, and the case was incorporated by reference in the order. An examination of the order discloses that the only factual data taken from that case was that Colorado Springs had sold water to inhabitants outside its boundaries since its original incorporation (p. 7). The only other reference to the case was in regard to the law of the case, which, of course, is binding upon this Commission (p. 16). The order is supported by evidence which has no relation to the prior Supreme Court case, and the exclusion of the single sentence regarding ancient history would have no effect on the validity of the conclusions stated. Nevertheless, the original ruling is adhered to.

(3) The original order recited the fact that the City was conducting electric and gas operations outside its boundaries and this reference is objected to. The order expressly declared that those facts were set forth merely to limit the scope of the decision, and the order in no way is dependent upon such recitation.

(4) The statements in the original order regarding the City's purchase of an existing water utility, and its acceptance of a certificate of public convenience and necessity from this Commission, likewise were objected to, but likewise were included in the order to show its limited application, and as an antidote to the City's threats to withdraw from all water service outside its boundaries if it were held to be a utility (p. 6).

(5) To the objection that municipal water is a commodity or service that cannot legally, and should not be subject to or burdened with a public utility servitude, the Supreme Court of Colorado has given a conclusive answer. In the case of Lamar v. Wiley, 80 Colo. 18, the Court specifically held that municipalities were in no different category from private utilities when performing services outside their boundaries.

(6) The objection that the City of Colorado Springs is, by the Commission's order, forced to serve users outside its limits in derogation to its obligation to serve its own citizens, was discussed in detail in the order (p. 16), and the Commission held that the conclusion of the Colorado Supreme Court in the Colorado Springs case previously cited, supplied a practical, legal, and eminently fair answer to this problem. In addition, the very fact that the City has been and is entering into contracts with outside users to render water service for specific periods of time, is evidence that this objection has no merit.

(7) The question of impairment of the water supply of the City, and the objection that our order imposes a servitude "which transcends the limitation that municipal water may be sold so long and only so long as a surplus supply is available," are subject to the remarks and holdings appearing under Grounds (5) and (6) above.

(8) and (9). The objections that our order is in violation of Sections 25 and 35 of Article V, and Article XX, of the Constitution apparently have never been specifically passed upon by the Colorado Supreme Court. However, the language of the Court in the case of Lamar v. Wiley, cited above, seems to indicate the attitude of the Court on that question. On page 23 of that case, the Court said:

" . . . When a municipality, whether in its operation of its own public utility it acts in its municipal or governmental, or in its proprietary, or quasi public, capacity, or partly in one and partly in the other, and as such furnishes public service to its own citizens and in connection therewith supplies its products to consumers outside of its own territorial boundaries, the function it thereby performs, whatever its nature may be, in supplying outside consumers with a public utility, is and should be attended with the same conditions and be subject to the same control and supervision that apply to a private public utility owner who furnishes like service."

The Commission believes that the sections of the Constitution referred to above are not violated by its order.

(10) Whether the order in the instant case is in conflict with previous orders of this Commission -- specifically, in Re City and County of Denver, 20 P.U.R. (N.S.) 235 -- is beside the point. Administrative agencies are not and must not be bound by their own previous decisions. That case was never appealed to any court, and this Commission is free to follow or disregard it even if it be considered as a previous holding in point. At any rate, we think it is not in point, in view of the fact that in 1931, the Legislature adopted an Act applying only to the City and County of Denver (Ch. 172, Sec. 1, Session Laws of 1931), and that statute was relied upon by this Commission in the Denver case as one of the major grounds for its decision. No such statute exists in the present case.

(11) The argument that water is so different from electricity that it must be distinguished from all other service of a public utility nature, is a novel one to say the least. Section 3 of Chapter 137, defining public utilities, makes no such distinction, and specifically refers to municipalities and to water. Nor can the language or holding of the Supreme Court in the Lamar case be construed as applying only to electricity. Until the people or their elected representatives change the law, it seems incumbent upon this Commission to follow the clear language of the cases and statutes cited above.

(12) The petition states that the testimony and evidence failed to show that the City dedicated its water system to the public or any portion thereof outside its limits. The law does not require such a

dedication, and the order clearly points out two methods by which a municipality may become a public utility. Whether the City dedicated its water to the public is not decisive, since the evidence shows that it is "supplying the public for domestic uses." Even though the order would stand upon this ground alone, the objection that the testimony fails to show the dedication is overruled, since it seems clear that there was such a dedication.

(13) The statements under Ground (12) above also apply to Ground (13), and, in addition, as to the contention that it would be ultra vires for the City to attempt to dedicate its water outside its limits, we again refer petitioner to the case of Lamar v. Wiley, supra.

(14) It is stated that our order is ambiguous, in that it does not define the City's area of service. The order purposely left that question for later determination if and when it arises. The City may at any time file a petition for clarification of its certificated area, and only when all the facts are brought out as to where the service has been rendered or offered, can such area be exactly defined. As is the case with all utilities operating prior to the passage of the Public Utilities Act in 1913, and those operating after that date without approval of the Commission, the area of service is a question of fact to be determined by examination of the physical properties of the utility and its dedications, offers, and contract to and with the public. The City is not subjected "to the obligation of service in an unlimited area," since the order itself provides a sufficient guide (pp. 7, 8). Further clarification may be had at any time.

(15) Remarks under Ground (14) above also apply to Ground (15). As to whether the City's ordinances should be construed as limiting the City's service area outside its boundaries to those persons whose property is within 200 feet of an existing water line, Section 1 of the ordinance adopted on October 10, 1944, provides a complete answer. It is there stated that property within one mile of the City Limits may be served.

(16-20) The remaining five grounds relied upon by petitioner in asking for a rehearing are general objections, as follows: That the Commission was without jurisdiction; that the order is illegal; contrary to law; contrary to the Constitution; contrary to the evidence; not supported by the evidence; and that improper, incompetent, and irrelevant evidence was received. The Commission has carefully considered its original order and has reviewed the evidence, the law, and its rulings in the original order. We are of the opinion that Grounds (16) through (20) of the petition are without merit.

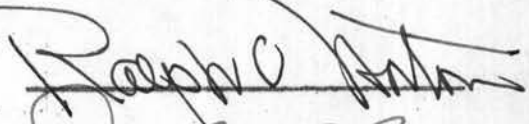
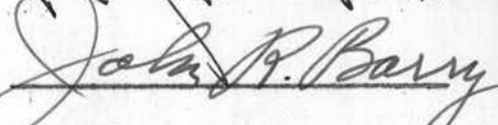

O R D E R

In accordance with the above Statement, all grounds relied upon by petitioner in the application for rehearing are overruled, and the application for rehearing is denied on the merits.

Complainant's motion to dismiss the application for rehearing on the ground that it was not filed in apt time, is overruled. In view of the present action of the Commission, the remaining ground of complainant's motion need not be considered or passed upon.

In order that the City may have time to perfect its review as provided by law, if it so desires, the effective date of this order, and the original order herein, is hereby extended, and said orders shall become effective thirty-one (31) days after the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 21st day of September, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ERNEST RODRIGUEZ, P. O. BOX 307, LA)
JARA, COLORADO, FOR A CLASS "A")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 10194-PP

September 22, 1949

Appearances: Conour and Conour, Esqs., Del
Norte, Colorado, for Fred
Gibson, Lute Vance;
Ralph Turano, Esq., Denver,
Colorado, for Rio Grande
Motor Way, Inc.

S T A T E M E N T

By the Commission:

The above-styled application, pursuant to prior setting, after appropriate notice to all parties in interest, was called for hearing at City Hall, Alamosa, Colorado, September 15, 1949, at 9:30 o'clock A. M., at which time and place applicant failed to appear, either in person or by counsel.

Thereupon, protestants moved that said application be dismissed for lack of prosecution.

The matter was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That motion of protestants should be granted.

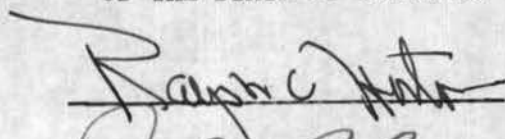
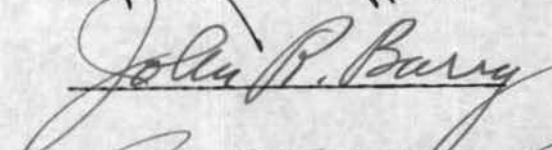

O R D E R

THE COMMISSION ORDERS:

That the above-styled application should be, and hereby is,
dismissed for lack of prosecution.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 22nd day of September, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TED D. JAKES, BOX 290, CENTER,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 10190-PP

September 22, 1949

Appearances: Conour and Conour, Esqs.,
Del Norte, Colorado, for
J. P. Wiedekehr and Son,
Fred Gibson, Lute Vance;
R. E. Turano, Esq., Denver,
Colorado, for Rio Grande
Motor Way, Inc.;
McCormick Brothers, Center,
Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled application, pursuant to prior setting, after appropriate notice to all parties in interest, was called for hearing at City Hall, Alamosa, Colorado, September 15, 1949, at 9:30 o'clock A. M., at which time and place applicant failed to appear, either in person or by counsel.

Thereupon, protestants moved that said application be dismissed for lack of prosecution.

The matter was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed, upon motion of protestants.

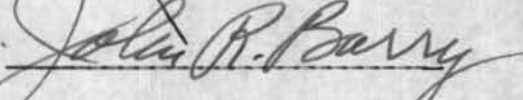
O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is,
dismissed for lack of prosecution.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 22nd day of September, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ABEL ARELLANO, BOX 251, ALAMOSA,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 10193-PP

September 22, 1949

Appearances: Abel Arellano, Alamosa,
Colorado, pro se;
Conour and Conour, Esqs.,
Del Norte, Colorado, for
for J. P. Wiederkehr & Son.

S T A T E M E N T

By the Commission:

The above-styled application, pursuant to prior setting, after appropriate notice to all parties in interest, was called for hearing at City Hall, Alamosa, Colorado, September 15, 1949, at 9:30 A. M., at which time and place applicant requested that said application be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application should be, and the same hereby is, dismissed, at request of applicant.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph W. Hawley
Commissioners

DATED at Denver, Colorado,
this 22nd day of September, 1949

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PETE LUJAN, SAGUACHE, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 10195-PP

September 23, 1949

Appearances: Tarbell and Tarbell, Esqs.,
Saguache, Colorado, for
applicant.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing at Alamosa, Colorado, September 15, 1949, at 9:30 A. M., at which time and place attorneys for applicant appeared, requesting that hearing of said application be continued, due to the fact that applicant desired to file an amended application.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

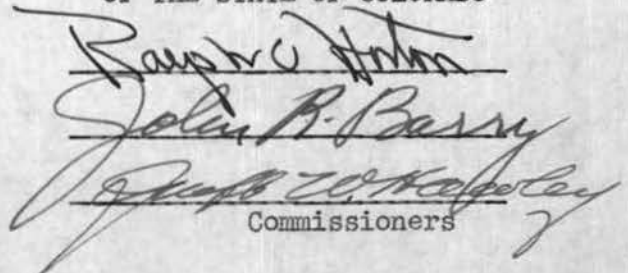
O R D E R

THE COMMISSION ORDERS:

That hearing in the above-styled application be, and the same hereby is, continued to a future date, to be determined by the Commission, with notice thereof to all parties in interest.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

DATED at Denver, Colorado,
this 23d day of September, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. C. IRVIN AND J. L. SWEEN, 215)
GALAPAGO STREET, DENVER, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 10206-PP

September 23, 1949

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for Britt Truck
Service.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as a Class "B"
private carrier by motor vehicle for hire for the transportation of:

Sand, gravel, and other road surfacing materials,
from pits and supply points in the State of Colo-
rado to road and building construction jobs within
a radius of fifty miles of said pits and supply
points; and coal from the Northern Colorado coal
fields to Denver, Colorado.

Said application was set for hearing in Denver, Colorado, on
September 13, 1949, and after due notice to all parties in interest was
there called for hearing. However, the applicants did not appear at
the time and place set for hearing, and the Commission is in receipt of
information from W. C. Irvin that his failure to appear was due to the
fact that his wife was taken to a hospital on the day set for hearing.
Mr. Jones, attorney for protestant, stated that he would have no objec-
tion to an order granting the authority sought provided service in
Boulder County, Colorado, was excluded.

Inasmuch as the motor carrier associations have heretofore in-
dicated that they have no objection to the granting of permits limited

to the service herein sought to be performed by applicants, the Commission has decided to grant the application, as limited, without resetting, upon the records and files herein and the statement of attorney for protestant.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted, as hereinafter limited.

O R D E R

THE COMMISSION ORDERS:

That W. C. Irvin and J. L. Sween, 215 Galapago Street, Denver, Colorado, be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

Sand, gravel, and other road surfacing materials, from pits and supply points in the State of Colorado to road and building construction jobs within a radius of fifty miles of said pits and supply points; and coal from the Northern Colorado coal fields to Denver, Colorado; excluding, however, any service in Boulder County, Colorado.

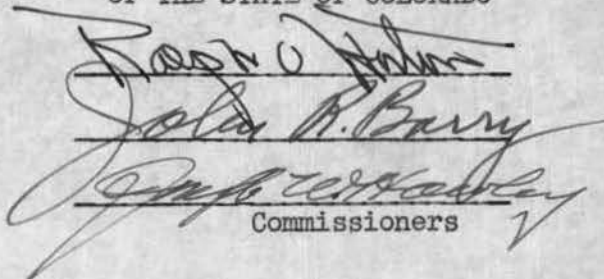
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicants have filed statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

That the right of applicants to operate hereunder shall depend upon their compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

DATED at Denver, Colorado,
this 23d day of September, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L. C. BENNETT, DOING BUSINESS AS)
"WALSENBURG TAXICAB COMPANY," ROUTE)
2, BOX 765G, PUEBLO, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 1688)
TO LEON FETTINGER AND EDITH FETTINGER,)
CO-PARTNERS, DOING BUSINESS AS "WAL-)
SENBURG TAXICAB COMPANY," 127 EAST)
SIXTH STREET, WALSENBURG, COLORADO.)

APPLICATION NO. 10188
TRANSFER

September 23, 1949

Appearances: L. C. Bennett, Pueblo, Colorado,
pro se;
Leon Fettinger, Walsenburg,
Colorado, pro se;
Edith Fettinger, Walsenburg,
Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Walsenburg, Colorado, September 14, 1949, at 2:00 o'clock P. M., and there taken under advisement.

Pursuant to authority contained in Decision No. 28904, D. C. Stephens and Ray I. Collins, doing business as "Walsenburg Taxicab Company," acquired from George W. Theil and Charles Weems, doing business as "Walsenburg Taxicab Company," Walsenburg, Colorado, their certificate of public convenience and necessity (PUC No. 1688), originally granted to Archie L. Levy, doing business as "Levy's Transfer and Storage," Walsenburg, Colorado, he having been authorized to operate a taxicab service as a common carrier by motor vehicle for hire for the transportation of:

Passengers and their baggage, on call and demand, between points within a radius of fifty miles of Walsenburg, subject to the following conditions: (a) That in the conduct of said operation, applicant's equipment shall be limited to six-passenger automobiles; (b) for the transportation of passengers between points served by line-haul motor vehicle common carriers, on schedule, rates shall be on the basis of twenty-five cents per mile one way, with fare and a half for round-trip for one passenger, with one-half fare extra for each passenger in addition to a single passenger, either one way or round trip, and \$2.00 per hour waiting time.

Pursuant to authority contained in Decision No. 29402, of date November 22, 1947, said partnership of D. C. Stephens and Ray I. Collins, doing business as "Walsenburg Taxicab Company," was authorized to transfer said operating rights to D. C. Stephens, doing business as "Walsenburg Taxicab Company," Walsenburg, Colorado.

By Decision No. 31073, of date August 23, 1948, said D. C. Stephens was authorized to extend operations under said operating rights to include the right to transport:

Passengers and their baggage, in the same vehicle with passengers, in automobiles with capacity of five passengers and driver, between points within a radius of fifty miles of, and including Walsenburg, Colorado, on the one hand, and, on the other, points and places in the State of Colorado, applicant to charge the following rates for said service:

One passenger	25¢ per mile (one way)
Each additional passenger carried in the same vehicle	12½¢ per mile (one way)
Round trip fare will be 1½ times one-way fare	
Waiting time to be charged for at the rate of \$2.00 per hour, and to be limited to cars of not more than five-passenger-and-driver capacity; and operations to be governed by general conditions and provisions attached thereto in Decision No. 25780.	

Pursuant to authority contained in Decision No. 31864, of date December 31, 1948, said D. C. Stephens, doing business as "Walsenburg Taxicab Company," transferred said operating rights to L. C. Bennett, doing business as "Walsenburg Taxicab Company," Pueblo, Colorado, who, by the instant application, seeks authority to transfer said PUC No. 1688 to Leon Fettinger and Edith Fettinger, co-partners, doing business as "Walsenburg Taxicab Company," Walsenburg, Colorado.

At the hearing, it appeared that the net worth of transferees is the sum of \$15,400.00; that the consideration for transfer of said operating rights and equipment is Seven Thousand Dollars (\$7,000.00); that there are no outstanding unpaid operating obligations against said certificate; that transferees, pecuniarily and otherwise, are able, willing, and qualified to carry on the operation; that passenger-mile tax deposit of transferor is to be transferred to account of transferees.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That L. C. Bennett, doing business as "Walsenburg Taxicab Company," Pueblo, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1638 -- being the operating rights acquired by him pursuant to authority contained in Decision No. 31864 -- to Leon Fettinger and Edith Fettinger, co-partners, doing business as "Walsenburg Taxicab Company," Walsenburg, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

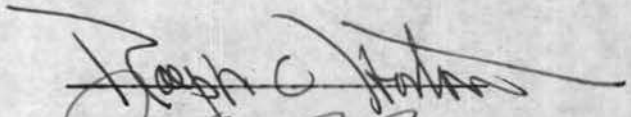

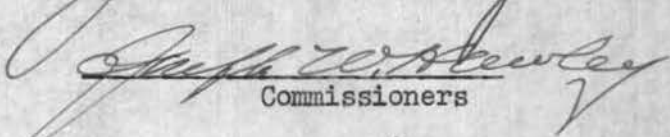
That the tariff of rates, rules, and regulations of transferor shall become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

That the right of transferees to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering his operations under said certificate, and the payment by him, or by transferees, of all unpaid passenger-mile tax.

That road tax deposit of transferor be transferred and credited to account of transferees.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 23d day of September, 1949.

EHC

Original

(Decision No. 33470)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED
INCREASE IN THE WATER RATES
OF THE CASCADE TOWN COMPANY.

INVESTIGATION AND SUSPENSION
DOCKET NO. 290

September 27, 1949

Appearances: Ben S. Wendelcin, Esq., Colorado
Springs, Colorado, for protestants;
Elwood M. Haynie, Esq., Colorado
Springs, Colorado, for The
Cascade Town Company;
Paul M. Hupp, Denver, Colorado,
for the Commission's Staff.

S T A T E M E N T

By the Commission:

On December 2, 1948, The Cascade Town Company, by Frank J. Cusack, President, filed a proposed rate schedule for water service, to become effective on May 1, 1949, said proposed rate schedule being an increase in all classes of service.

The Company, in compliance with the Commission's General Order No. 33, notified its customers that it had filed the proposed rate increase with this Commission, and subsequently approximately 45 per cent of such customers of the Water Company made complaint to the Commission protesting the increase in rates, and approximately 25 per cent of said customers also protested in regard to the type of service rendered by the Water Company.

Upon receipt of the above-mentioned protests, the Commission suspended the proposed rate schedule for a period of one hundred and twenty days as provided by law, or from May 1, 1949, until August 28, 1949. The Commission further suspended the proposed rate increase for an additional one hundred and twenty days from August 28, 1949, or until December 27, 1949, unless otherwise ordered.

The matter, after due notice to all interested parties, was set down for hearing before the Commission on Friday, August 26, 1949, at ten A. M., in the Council Chamber of the City Hall in Colorado Springs, Colorado. The hearing was held on said date and the matter taken under advisement by the Commission.

The Cascade Town Company is primarily in the real estate business, but it owns and operates a water utility located at Cascade in El Paso County, Colorado, in conjunction with said real estate business. Cascade is a summer tourist resort lying at the foot of Pikes Peak, approximately ten miles west of Colorado Springs, Colorado. The water to supply the system is obtained from Cascade Creek, by virtue of water rights in said Creek owned by The Cascade Town Company.

Mr. Frank J. Cusack, President of The Cascade Town Company, testified at some length at the hearing regarding the original cost and the operation of the Water Company.

Customers were represented by counsel, and in addition several testified on their own behalf. The consensus of protestants' testimony was to the effect that they would not object to a rate increase necessary for a fair return on the used and useful property of the Company if the low pressure and the muddy water conditions were corrected.

Mr. Cusack introduced Exhibit No. 1, "Pipeline Depreciation Schedule," showing the year that the various mains were installed, the cost of installation, and the rate of depreciation on said mains. The net value, after subtracting the depreciation, is also shown in this exhibit. The values shown on the exhibit are based as nearly as could be determined on the estimated original cost installed.

On the basis of Mr. Cusack's testimony, and that of Mr. J. S. Schwartz, a pipeline contractor who testified regarding some pipe he installed for the Company and in regard to other values, and on the basis of investigations made by the Commission's staff and its experience in other rate cases, the Commission concludes that the original costs of pipe as shown on Exhibit No. 1 are fair and substantially correct. The

total installed cost as shown on the exhibit is \$32,394.82. This includes all the pipe installed to the date of hearing.

On this exhibit is an item of 1,370 feet of six-inch cast iron pipe, valued at \$4,795.00, listed as serving Marigreen Pines, the name of the estate and home of the Cusack family. Even if a six-inch pipe were required for the estate, the Company's billings show that the annual revenue from the estate is not sufficient to warrant including the full value of this line in the rate base, when it was constructed solely for the purpose of serving the family. Realizing this, the Company proposed to include in its rate base the amount of \$3,699.00 for this extension, the estimated cost of a three-inch line to the estate. For accounting purposes, this was accomplished on the exhibit by listing the full value, \$4,795.00, and subtracting a credit (shown in red) of \$1,096.00. The Commission's staff has approached the matter on the basis of revenue from the line, and has found a value by capitalizing earnings, a method which we believe is proper as to this particular line. The Company's proposed rate schedule would result in annual gross revenue from Marigreen Pines in the amount of \$251.00. (For easy calculation an amount of \$250.00 has been used by the staff.) The Company estimates that one-half of its total revenue under the proposed new rate will be required for operating expenses, which results in an operating ratio of 50 per cent. Applying this ratio to the estimated revenue from Marigreen Pines, \$125.00 will go for expenses, and \$125.00 will be the net operating income, which is the figure to be used in the capitalization of earnings method.

Using the five per cent rate of return allowed later in this order, the \$125.00 net operating income from Marigreen Pines would be capitalized at \$2,500.00. The formula is as follows:

$$\frac{\text{Net Return (i.e., Net Operating Income)}}{\text{Rate of Return}} = \frac{\text{Capitalized Net Earnings}}{\text{(i.e., Value of Property)}}$$

Inserting the figures, the formula reads as follows: $\frac{\$125.00}{.05} = \$2,500.00$

Using \$2,500.00 as the amount to be included in the rate base for the Marigreen Pines extension instead of the \$3,699.00 proposed by the

Company, the credit of \$1,096.00 should be increased to \$2,295.00 for the purpose of bringing the Company's books into conformance with this order.

Line extension policies are usually based on one of two methods,-- either a guaranteed revenue basis or a contribution in aid of construction basis. On a guaranteed revenue basis, the customer guarantees an annual income to justify the company in making the extension. If this guaranteed revenue is not met by the customer, then the company is not obligated to render the service on this basis. The contribution in aid of construction method requires that the customer pay in advance the full cost of the construction less the free extension allowed by the company in its line extension policy on file with the Commission, the company to own and maintain the line and to receive depreciation on said line but to set the full amount of the contribution on its books in the account, "Contributions in Aid of Construction." The account "Contributions in Aid of Construction" is not a part of the rate base since the customer has contributed this amount. The utility has the option at its discretion to build a pipe line of larger size than that required for immediate use of its existing customers if, in its opinion, expansion in the near future will require a larger pipe. However, the difference in the size of pipe necessary to serve its present customers and the expected load growth in the future should not be placed in a rate base to penalize the presently existing customers. One method of handling such a situation would be to include in the rate base the amount of investment necessary to extend a line of sufficient capacity to serve the present customers and to place in an account, "Property Held for Future Use," that amount of the investment over and above that necessary to render immediate service.

In the instant matter, it is felt that a fair and equitable manner for handling the service to Marigreen Pines would be to allow an amount of \$2,500.00 for said service, since that is approximately what the proposed income would justify, and to place in the account "Property Held for Future Use," \$2,295.00, being the difference in the cost of the pipe actually installed in 1925, in the amount of \$4,795.00, as shown in Ex-

hibit No. 1, and the aforementioned \$2,500.00.

The Company has allowed a credit as shown on Exhibit No. 1, of \$1,096.00 for Capital Adjustment on the Marigreen Pines extension, and further reduction of \$252.08 in the Reserve for Depreciation. The Commission is substituting therefor a deduction from Capital of \$2,295.00, as stated in the foregoing paragraph, but no reduction is made to the Reserve for Depreciation, as the Company is allowed to take depreciation on items held for future use since they are required to maintain and replace the pipe line when necessary. These corrections will be seen more easily by reference to the tabulations set out later in this Statement.

Testimony disclosed that the 700 feet of two-inch galvanized iron pipe to serve the Falicon residence at an installed cost of \$1,911.27 was constructed by the Company for the use of that customer only, and that the revenue from the line was \$11.00 a year. However, subsequent to the initial installation, two more customers were added to this line. It is noted that in the new rate schedule, proposed by the Company, Mrs. Falicon will be required to pay \$33.00 per year. Assuming that the other two customers would have a bill of approximately the same amount, a correction similar to the Marigreen Pines extension would be as follows: Annual revenue from three customers, \$100.00; using a 50 per cent operating ratio and a five per cent return, the revenue from this line would result in a figure of \$1,000.00 as its allowable value under the capitalization of earnings method. Since the total cost of the Falicon extension was \$1,911.27, an amount of \$911.27 should be placed in the account "Property Held for Future Use." Here again the full value of depreciation should be allowed on \$1,911.27, since the Company will be required to maintain and replace this main. No further correction is necessary for the depreciation reserve shown on Exhibit No. 1. The \$911.27 should be subtracted from the original installed cost of this line, as this amount is no longer a part of the rate base and should be transferred to the account "Property Held for Future Use."

The foregoing corrections in tabular form would appear as follows:

Description	<u>COSTS</u>		<u>RESERVE FOR DEPRECIATION</u>		<u>NET VALUES</u>		<u>Reduction in Net Value</u>
	<u>Company</u>	<u>Commission's Staff</u>	<u>Company</u>	<u>Commission's Staff</u>	<u>Company</u>	<u>Commission's Staff</u>	
Marigreen Pines Extension	\$4,795.00	\$4,795.00	\$1,102.85	\$1,102.85			
Deduction for difference Between Cost of 3" and 6" Pipe	1,096.00	2,295.00	252.08	-0-			
Total Marigreen Pines	\$3,699.00	\$2,500.00	\$ 850.77	\$1,102.85	\$2,848.23	\$1,397.15	\$1,451.08
Falicon Extension	\$1,911.27	\$1,911.27	\$ 95.57	\$ 95.57			
Deduction for difference Between Cost of Pipe in- stalled and reasonable extension policy	-0-	911.27	-0-	-0-			
Total Falicon Extension	\$1,911.27	\$1,000.00	\$ 95.57	\$ 95.57	\$1,815.70	\$ 904.43	\$ 911.27
Net Totals of Marigreen Pines and Falicon Ex- tensions after adjust- ments	\$5,610.27	\$3,500.00	\$ 946.34	\$1,198.42	\$4,663.93	\$2,301.58	\$2,362.35
Net Totals of all dis- tribution mains after adjustment	\$32,394.82	\$30,284.55	\$10,268.21	\$10,520.29	\$22,126.61	\$19,764.26	\$2,362.35

As a result of these corrections, the Company's distribution mains will be included in the rate base as having a gross value of \$30,284.55, and the Reserve for Depreciation on the distribution main will be \$10,520.29, as reflected in the pro forma balance sheet and the tabulated rate base appearing later in this Statement.

Exhibit No. 5, as introduced at the hearing, is a copy of an agreement suggesting a compromise settlement of disputed matters between the Cascade Town Company, the Cusack family, and the City of Colorado Springs. This exhibit, which Mr. Cusack stated reflects the manner in which the matter was finally settled, states that the City of Colorado Springs will furnish to the Cascade Town Company .4 second feet of water in its pipe line on a reasonably permanent basis as a part of the settlement. As a result of this agreement, the Cascade Town Company has, since 1935, been receiving water from Colorado Springs directly into its mains. However, there are times, due to necessary repairs on the interconnecting pipe line between the City of Colorado Springs and the Cascade Town Company, when this water is not available to the Cascade Town Company. As a standby service, the Cascade Town Company uses its direct flow rights from Cascade Creek, together with its dam and settler, to furnish water to its customers. As testified to at the hearing, this standby service is required approximately ten per cent of the time.

Mr. Cusack further testified that the Water Company held 210 acres of land in its water shed to keep trespassers out and thereby protect the purity of its water supply. The 210 acres of land is listed in the Second Amended Annual Report, filed by the Company with the Commission, as being valued at \$12,600.00, and this value was established at the hearing.

Inasmuch as this standby service is used only ten per cent of the time, only ten per cent of the value of the dam and settler and the water shed land should be included in the rate base. The remaining 90 per cent of the value of these items should be transferred to the account "Property Held for Future Use." The cost of the dam and settler was established at the hearing to be \$2,920.19, and therefore only \$292.02 should be included in the rate base, while the difference, in the amount

of \$2,628.17, should be placed in the account "Property Held for Future Use."

Treating the real estate in the same manner, \$1,260.00 should be included in the rate base and the remaining \$11,340.00 should likewise be transferred to the account "Property Held for Future Use." The same Amended No. 2 Annual Report shows in the account "Buildings, Fixtures and Structures," an amount of \$7,017.41, consisting of bridge and water park improvements in the amount of \$4,097.22, and also the dam and settler discussed above in the amount of \$2,920.19. Under cross-examination, Mr. Cusack stated that of the bridge and water park improvements (the item of \$4,097.22), only 25 per cent was used and useful in the Water Company's operation. This 25 per cent (being \$1,024.30) represents the value of the bridge which supports the pipe line as it crosses a stream, but the water park improvements have no place in the rate base. Therefore, only 25 per cent of the total cost of the bridge and water park improvements should be included in the rate base, while the balance of \$3,072.92 should be removed completely from the Water Company's books as not being a part of said Water Company.

The value of the dam and settler and the pipe bridge are shown in the tabulated rate base as one item, "Buildings, Fixtures and Structures," in the total amount of \$1,316.32.

In the same annual report, pump station equipment is listed at a value of \$473.36. Mr. Cusack stated that the pump had been purchased to take care of the low pressure on the system, but that it had not yet been installed as he had been waiting for additional equipment. In view of the numerous complaints received at the hearing on the low pressure in certain areas of the water system, this pump is essential and should be installed as soon as possible. There is no figure given as to the cost of installation of said pump, but for the purpose of calculating the rate base, the amount of \$500.00 will be added to the cost of the pump, it being understood that when this pump is installed, the actual cost of installation will be reflected on the books.

Testimony at the hearing, supported by the Company's annual report, showed that the Company had expended the sum of \$1,328.06 for necessary surveys of the system, and this amount is included in its entirety in the rate base. The purchase price of the Company's water rights was shown to be \$6,833.33, and this figure also is included in the rate base as being fair and equitable for said water rights.

It is noted on the Amended No. 2 Annual Report that the depreciation reserve reflects only the depreciation taken on distribution mains. Apparently, the Company has neglected to take depreciation on other items of property upon which depreciation is allowable. The following tabulation reflects the proper depreciation schedule on the Company's property as of December 31, 1948: (N.B. Although depreciation expense is allowable on the full value of that portion of the property which is held for future use, such property is not included in computing a rate base.)

DEPRECIATION SCHEDULES PLANT ACCOUNTS

<u>Item</u>	<u>Amount</u>	<u>Year Installed</u>	<u>Rate</u>	<u>Depreciation</u>
Distribution Mains	\$30,284.55	Various	1-5%	\$10,520.29
Pipe Bridge	1,024.30	1925	1%	235.59
Dam and Settler	2,920.19	1925	1%	671.64
Reservoir, Canyon and Pipeline Survey	<u>1,328.06</u>	<u>1925</u>	<u>1%</u>	<u>305.45</u>
Totals	\$35,557.10			\$11,732.97

Mr. Gusack also stated in his testimony that the Water Company had considered the installation of a chlorinator, at an estimated installed cost of \$2,500.00. A chlorinator should be installed as soon as possible, since it was very evident from samples of water produced at the hearing that further operation without protection for the water customers would be at a considerable risk. The obligation of a water company to provide pure water is paramount. Here, during the summer months, there are many people in the water shed area, and, consequently, the amount of contaminating elements which get into the system must be guarded against in order that the health of the Company's customers can be safe-guarded. Later in this order it is provided that the chlorinator shall be installed, and it will, therefore, be included in the rate base at the Company's estimate, with

the condition that the actual installed cost will be reflected in the Company's books at the time of installation.

In response to the numerous complaints regarding muddy water after rains, Mr. Cusack explained that a portion of the water shed on North Cascade Creek is traversed by the Pikes Peak Highway. Whenever a rain occurs, the water washes across said highway into North Cascade Creek and, because of the fast run-off, carries mud in suspension, which finds its way into the Colorado Springs pipe line and thence into the Cascade Town Company pipe line. He stated that the Cascade Town Company, in conjunction with the City of Colorado Springs, was endeavoring to remedy this situation by diverting the creek during rain-storms, so that, in the future, flash rains would be prevented from washing mud into the water system. The Commission feels that this situation should be corrected as soon as possible, in order that the customers of the Water Company may be protected from the occurrence of muddy water in the future. No estimate of the cost, if any, to the Cascade Town Company was made for this work, so none is included at this time in the present rate base.

A pro forma balance sheet showing the adjustments reflected in this Statement is as follows:

PRO FORMA BALANCE SHEET

THE CASCADE TOWN COMPANY, CASCADE, COLORADO

DECEMBER 31, 1948

	Company's	Commission		Adjusted
	Balance Sheet	Dr.	Cr.	Balance Sheet
<u>PLANT</u>		<u>ASSETS</u>		
105 Water Shed	\$ 12,600.00		\$11,340.00(e)	\$ 1,260.00
106 Building, Fixtures & Structures	7,017.41		2,628.17(e)	
			3,072.92(f)	1,316.32
108 Pumping Station Equip.	473.36	\$ 500.00(a)		973.36
125 Distribution Mains	31,822.07	1,096.00(b)	2,295.00(e)	
		572.75(c)	911.27(e)	30,284.55
141 Reservoir Canyon & Pipe Line Survey	1,328.06			1,328.06
141 Water Rights	6,833.33			6,833.33
116 Purification System	-0-	2,500.00(d)		2,500.00
141 Property Held for Future Use	-0-	17,174.44(e)		17,174.44
	\$ 60,074.23			\$ 61,670.06
351 Less: Reserve for Depreciation	10,268.21		1,464.76(g)	11,732.97
NET PLANT	\$ 49,806.02			\$ 49,937.09
202 Notes & Accounts Receivable	67.50			67.50
201 Cash on Hand and in Bank	914.23			914.23
TOTAL ASSETS	\$ 50,787.75			\$ 50,918.82

LIABILITIES

321	Notes & Accounts Payable	233.49			233.49
270	Capital Surplus	50,554.26	1,464.76(g)	2,500.00(d)	
			3,072.92(f)	500.00(a)	
				1,096.00(b)	\$ 50,685.33
				572.75(c)	
	TOTAL LIABILITIES	\$50,787.75	\$26,380.87	\$ 26,380.87	\$ 50,918.82

ADJUSTMENTS

	<u>Debits</u>	<u>Credits</u>
(a) Pumping Station Equipment Capital Investment (Represents Labor for Installation of Pressure Pump)	\$ 500.00	\$ 500.00
(b) Distribution Main Capital Investment (Arbitrary Adjustment made by Management to Adjust Cost of Marigreen Pipe Line: item corrected to \$2,295.00 in other Adjustments).	1,096.00	1,096.00
(c) Distribution Main Capital Investment (Pipe added Year 1949, as per Exhibit No. 1)	572.75	572.75
(d) Purification System Capital Investment (Chlorinator System for Water Works in accordance with testimony of Mr. Frank Cusack - Estimated)	2,500.00	2,500.00
(e) Property Held for Future Use (not in Rate Base)	17,174.44	
Water Shed Land		11,340.00
Dam and Settler		2,628.17
Distribution Mains, Marigreen Pines		2,295.00
Distribution Mains, Falcon Line		911.27
(To defer items presently held in regular Property Accounts but not now in service.)		
(f) Capital Investments Building, Fixtures, & Structures (Property included in this Account in error as it has no connection with Water Company Operations, representing 75% of \$4,097.22 Bridge & Water Park Improvements)	3,072.92	3,072.92
(g) Capital Investment	1,464.76	
125 Reserve for Depreciation, Distr. Mains		252.08
106 Reserve for Depreciation, Dam & Settler		671.64
141 Reserve for Depreciation, Survey		305.45
106 Reserve for Depreciation, Pipe Bridge		235.59

(The above items are necessary to adjust the Reserves on
items omitted in the No. 2 Amended Annual Report to the
Commission.)

The above adjustments, and the depreciation schedule set out
previously, should be entered on the Company books to bring them into agreement
with Commission figures.

In arriving at a rate base, the following figures are taken from the pro forma Balance Sheet:

RATE BASE

Water Shed Land	\$ 1,260.00
Buildings, Fixtures, & Structures	1,316.32
Pumping Station Equipment	973.36
Distribution Mains	30,284.55
Reservoir, Canyon, & Pipe Line Survey	1,328.06
Water Rights	6,833.33
Purification System	<u>2,500.00</u>
Total Gross Plant	\$44,495.62
Less Depreciation Reserve \$11,732.97	
Deduct: Portion of Reserve applying to Property Held for Future Use	<u>604.48</u> <u>11,128.49</u>
Net Rate Base	<u><u>\$33,367.13</u></u>

No allowance is made for Working Capital as the rates charged by the Water Company are due and payable yearly in advance. No Material and Supplies are listed by Applicant on its annual reports, and no testimony was presented at the hearing in regard to this item, so no provision is made thereon.

As previously stated, this Water Company is a joint operation of the Cascade Town Company, and accounts and finances have heretofore been intermingled so that no allowance is made for Going Concern Value, it being evident that the Water Company originally was started as an aid to sales of the real estate and not as an independent enterprise.

Mr. Cusack stated that the rate of return, according to his calculations based on the proposed increase, would yield approximately five per cent. The Commission agrees that in the instant matter a return of five per cent represents a fair and reasonable rate of return, especially in view of the fact that the Company has no outstanding stocks or bonds on which they must pay a return sufficient to interest outside capital, and also because it is principally an adjunct to a real estate business. Comparable rates of return have been found reasonable for other water companies in cases before this Commission.

A tabulation of expenses for the Year 1948, as given in Amended No. 2 Annual Report of The Cascade Town Company, is set out below, together with corrections and additions recommended by the Commission's staff. The Company's pro-ration of salaries and expenses between the Water Company and the real estate company, as presented at the hearing, was very fair, and the gross amount of other expenses, with the minor adjustments made below, is reasonable and will be allowed in calculating the rate.

	<u>Company's Amended No. 2 Report</u>	<u>Commission's Staff</u>
<u>Salaries & Wages</u> (after pro- ration between Real Estate and Water Company)		
Harold Cusack - 48%	\$ 594.00	\$ 594.00
Frank Cusack - 20%	208.00	208.00
Mildred Walden - 35%	<u>294.50</u>	<u>294.50</u>
Total Salaries & Wages	\$ 1,096.50	\$ 1,096.50
<u>Other Expenses</u>		
Insurance Liability 35%	17.69	17.69
Compensation Insurance	16.50	16.50
Old Age Benefits	10.97	10.97
Truck Expense	389.96	389.96
Office Expense & Supplies 50%	40.24	40.24
General Repairs, Thawing, etc.	81.37	81.37
Office Rent & Telephone	144.00	144.00
Accounting Fees, 25% of \$42.50	10.60	10.60
Chlorinator Expense		100.00 (1)
Pumping Expense		100.00 (2)
Contingent Expense		<u>100.00 (3)</u>
Total Other Expenses	\$ 711.33	\$ 1,011.33
<u>Depreciation</u>	396.85	456.55 (4)
<u>Taxes</u>		
Pipe Line	132.35	132.35
Water Shed Land	<u>21.97</u>	<u>2.20 (5)</u>
Total Depreciation & Taxes	\$ 551.17	\$ 604.54
Total Operating Expenses	<u>\$ 2,359.00</u>	<u>\$ 2,698.93</u>

- (1) Estimated annual cost of operating Chlorinator.
- (2) Estimated annual cost of electric pumping bill and incidentals.
- (3) Contingent expense covers unforeseen expenses, such as extra-ordinary system repairs.
- (4) With additions to depreciable property not previously taken by Company.
- (5) 10% Land used and useful.

Adding to the total allowable operating expenses of \$2,698.93, the amount necessary to give a net profit equal to five per cent on the Net Rate Base of \$33,367.13, i.e., \$1,668.36, results in an amount of \$4,367.29 as the total revenue requirement. The proposed rate schedule, as filed by The Cascade Town Company, shows a revenue return of \$4,795.00, which exceeds the needed requirement in the amount of \$427.71. The rate established later herein is based on the revenue recommended by the Commission's staff.

Testimony disclosed at the hearing that there were 111 customers, but actually only 97 buildings upon which the basic rate applies. In other words, 14 residences are classified as "Supplemental Houses" and "Multiple Units" in the Company's proposed rate schedule. This rate has a basic minimum for each type of service to which is added the rate for additional equipment. The Rate Schedule as filed with the Commission is shown below, together with a rate suggested by the Commission's staff to reflect the decrease in required revenue:

<u>Items</u>	<u>ANNUAL RATE</u>	<u>Proposed by Company</u>	<u>Amended by Commission's Staff</u>
1 -- Residences - 1 to 3 rooms and bath Additional rooms - per room Bathrooms, additional, 3 pieces 2 pieces or less		\$ 30.00 2.00 6.00 4.00	\$ 26.00 2.00 6.00 4.00
2 -- Supplemental houses and multiple units: 1 to 2 rooms Additional rooms - per room Additional bathrooms, 3 pieces 2 pieces		10.00 2.00 4.00 3.00	10.00 2.00 4.00 3.00
3 -- Outside taps - first tap or faucet Additional taps or faucets, each		3.00 5.00	3.00 5.00
4 -- Fountains or Fish Ponds Limit 1/2 inch pipe Limit 1/4 inch pipe		36.00 18.00	36.00 18.00
5 -- Store (restaurant, grocery, curio, etc.) Bathrooms, 3 pieces 2 pieces		30.00 4.00 3.00	26.00 4.00 3.00

ANNUAL RATE (Continued)

<u>Items</u>	<u>Proposed by Company</u>	<u>Amended by Commission's Staff</u>
6 -- Boarding Houses or Restaurants:		
Ten rooms or less	\$ 30.00	\$ 26.00
Additional rooms - per room	2.00	2.00
Additional bathrooms, 3 pieces	4.00	4.00
2 pieces or less	3.00	3.00
7 -- Public Garage and Filling Station	50.00	50.00
8 -- Water Coolers:		
All taps not exceeding 1/16 inch in diameter	2.50	2.50
of 1/16 to 1/8 inch	5.00	5.00
of 1/8 to 1/4 inch	12.50	12.50
of 1/4 to 1/2 inch or over	25.00	25.00
9 -- Multiple Sprinkling Systems:		
Each sprinkler	1.00	1.00
Perforated pipe, each 20' length	1.50	1.50
10 -- Park Uses	Special	Special

The rate proposed by the Commission's staff would reduce the annual revenue by $97 \times \$4.00$, or \$388.00, leaving an annual income of \$4,407.00 -- very slightly in excess of the minimum revenue required.

FINDINGS

THE COMMISSION FINDS:

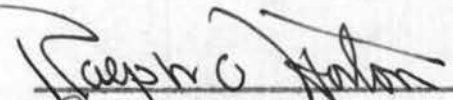
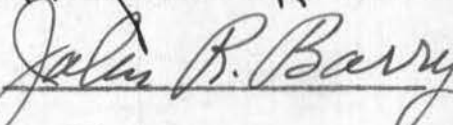

1. The above Statement is incorporated herein by reference.
2. The rate increase proposed by The Cascade Town Company would result in a return to the Company in excess of the amount deemed by the Commission to be fair and reasonable, and should be denied.
3. The Company's rate base, consisting of property used and useful in the water system, is found to be \$33,367.13, and a fair return on said rate base is found to be five (5) per cent.
4. After the allowance for reasonable expenses to the Company in accordance with the preceding Statement, the rates which will yield an annual revenue sufficient to cover operating expenses, depreciation, taxes, and other charges, plus a fair profit to the Company, are the rates set out in the preceding Statement, with adjustments as shown in Items 1, 5, and 6 thereof.

O R D E R

THE COMMISSION ORDERS:

1. That the rate increase proposed by The Cascade Town Company is hereby denied.
2. That The Cascade Town Company file with the Commission, on the standard forms, within thirty (30) days, the new rates shown in the Statement preceding, to become effective with the 1950 billing.
3. That The Cascade Town Company install a chlorinator on its water system to effectively treat all water used in its system, before May 1, 1950.
4. That The Cascade Town Company install a pump on its system, to correct low pressure complained of at the hearing, before May 1, 1950.
5. That The Cascade Town Company take the necessary reasonable steps to divert the muddy waters of North Cascade Creek, so that muddy water will not find its way into its water system, and the Commission will retain jurisdiction to approve alternate solutions to this problem, in the event present plans of the Company later prove impracticable or impossible of performance.
6. That above requirements in this Order are not conditional or permissive, but are mandatory.
7. That this Order shall become effective twenty (20) days from the date hereof, and petition for rehearing must, in accordance with law, be filed on or before nineteen (19) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 27th day of September, 1949.

(Decision No. 33471)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. T. PRIDDY, JR., 12112 JONES ST.) PERMIT NO. C-14691
FORT WORTH, TEXAS.)

September 21, 1949

S T A T E M E N T

By the Commission:

On August 26, 1949, in Case No. 48147-R, the Commission entered an order revoking the above numbered permit for failure of the respondent to file monthly reports for the period May, 1947 to date.

The Commission is now in receipt of a communication from H. T. Priddy, Jr., requesting reinstatement of said permit, for the reason that he had mailed to the Commission the required reports prior to the date of revocation. This statement is supported by the records of the Commission. The reports were received on August 12, 1949 and were sent to the Revenue Department for checking, and were not received back by the Commission in time to be of record before the revocation order was issued.

After careful consideration of the record, and the request, the Commission is of the opinion, and finds, that the request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-14691 be, and the same hereby is, reinstated as of August 26, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. [Signature]
John R. Barry
James W. [Signature]
Commissioners

Dated at Denver, Colorado,
this 21st day of September, 1949

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF APPLICATION FOR)
AUTHORITY TO ISSUE CERTAIN SECUR-)
ITIES INCIDENT TO PROPOSED ACQUI-)
SITION OF THE NATURAL GAS DISTRI-)
BUTION SYSTEM SERVING ALBUQUERQUE,)
NEW MEXICO, AND ENVIRONS, AND TO)
CONSUMMATE RELATED TRANSACTIONS)

APPLICATION No. 10226

September 24 , 1949

Appearances: Willis L. Lea, Jr., Esq.,
Burt Building, Dallas, Texas,
for Southern Union Gas Company;
Paul M. Hupp, Esq., Denver,
Colorado, for The Public
Utilities Commission of the
State of Colorado.

S T A T E M E N T

By the Commission:

The instant application was filed September 1, 1949, and set for hearing on September 22, 1949, by this Commission. The matter was, pursuant to such notice, duly heard on September 22, 1949, at 10:00 a.m., at 330 State Office Building, Denver, Colorado, and there taken under advisement.

This is an application of Southern Union Gas Company, a Delaware corporation (hereinafter referred to as "Southern Union") for authority of the Commission to the extent of its jurisdiction (a) to issue and sell not to exceed \$1,400,000 in aggregate principal amount of promissory notes to commercial banks, bearing interest at a rate not to exceed $3\frac{1}{2}\%$ per annum and due and payable on or before twenty-four months after issuance, the proceeds thereof to be applied to the acquisition by Southern Union as proposed of the natural gas distribution system and related assets in and adjacent to Albuquerque, New Mexico, from Public Service Company of New

Mexico, the present owner (together with the proceeds of contemporaneous issue and sale by Southern Union of similar notes having a maturity less than twelve months after date of issue), and (b) to consummate such of the other transactions described and proposed as may be subject to the Commission's jurisdiction.

No protests were filed against the granting of authority here sought to consummate the transactions referred to.

The evidence shows that Southern Union is a corporation organized, created, and existing under and by virtue of the laws of the State of Delaware, and is now lawfully transacting a public utility business in the State of Colorado. It owns and operates a gas transportation and distribution system in the County of La Plata, for the distribution of natural gas in the City of Durango and vicinity. It also owns and operates facilities for the distribution and sale of natural gas in twenty-eight cities and towns in New Mexico and Western Texas. Its main business and executive office is located at Dallas, Texas, and a local office is maintained in Durango.

The evidence further shows that Southern Union has entered into an Agreement of Sale and Purchase under date of August 31, 1949, with Public Service Company of New Mexico, providing for the sale to and acquisition by Southern Union of the complete natural gas distribution system serving Albuquerque and vicinity and certain related assets in the gas business now belonging to Public Service Company of New Mexico. The evidence further shows that Southern Union has entered into bank loan agreements under date of August 29, 1949, respectively, with The Northern Trust Company, Chicago, First National Bank in Dallas, Mercantile National Bank at Dallas, Republic National Bank of Dallas, First National Bank of Albuquerque, The State National Bank of El Paso and El Paso National Bank, providing for the consummation of bank loans by Southern Union in aggregate principal amount of \$4,000,000 in the event it is authorized to conclude and is successful in concluding acquisition of the gas properties from Public Service Company of New Mexico. The bank loan agreements, a counterpart of which is

in evidence, provide for the issuance and delivery by Southern Union of promissory notes to each of the lending banks, \$2,600,000 in principal amount of which will mature on or before six months after date of issue and the remaining \$1,400,000 of which will mature on or before twenty-four months after date of issue. The loan agreements also contain certain provisions designed for protection of the lending banks and of Southern Union.

The evidence also shows that Southern Union intends that permanent financing (subject to the Commission's authorization) will be completed through the issuance of its long-term bonds and/or equity securities by Southern Union, the proceeds thereof to be used in discharging the interim financing represented by the bank loans described above.

As a part of its proposed purchase transaction Southern Union also proposes to assume the outstanding Contract Deposits Refundable (advances in aid of construction) of Public Service Company of New Mexico in the latter's gas department at the time of closing, an amount estimated to be approximately \$90,000.00, for which assumption Southern Union will receive a credit on the total purchase price to be paid for such properties. Because Public Service Company of New Mexico's outstanding meter deposits in and adjacent to Albuquerque are designed to secure the payment not only of gas bills but of electric utility bills as well, it is not intended that Southern Union assume any liability with respect to such customers' deposits, and they will remain obligations of the selling company which will continue in the electric public utility business at Albuquerque.

The evidence also shows that Public Service Company of New Mexico supplies electric and/or water service in several cities and towns in the State of New Mexico, although its only gas system is located in and adjacent to the City of Albuquerque; moreover, that for many years Southern Union has supplied under city gate contract the natural gas requirements of Albuquerque and its environs, all such gas being obtained by Southern Union from its own leases or pursuant to long-term purchase contracts with other producers, all from lands located in San Juan County, New Mexico, and

that the gas so obtained is transported by Southern Union through its own pipe lines, compressors and facilities to points in and immediately adjacent to the City of Albuquerque; that Public Service Company of New Mexico neither owns nor operates any gas production or transportation facilities. The evidence also shows that Public Service Company of New Mexico operates its gas business and properties in the City of Albuquerque pursuant to a natural gas franchise granted by that City to Southern Union and now owned by Southern Union, subject to its assignment thereof to Public Service Company of New Mexico for the duration of the city gate contract dated March 1, 1943.

The evidence also shows that Southern Union already operates extensively in and immediately adjacent to Albuquerque, maintaining border station and equipment and an office and appliance store within the City and also serving certain outlying residential areas in the general vicinity as well as towns north and south of Albuquerque, all as a part of its integrated system for the production, transportation and distribution of natural gas in northwestern New Mexico.

It was also established that Southern Union is ready, willing and able to assume the service obligations of Public Service Company of New Mexico and thereafter to discharge same directly instead of merely delivering the natural gas supply at the city gate as at present.

The transfer of properties to Southern Union will be made free and clear of the lien of Public Service Company of New Mexico's outstanding bonds secured by its Indenture to Irving Trust Company dated as of June 1, 1947, as a result of the fact that sufficient proceeds from sale of property subject to such lien will be applied by Public Service Company of New Mexico toward the retirement of such bonds.

F I N D I N G S

After careful consideration of the evidence adduced and upon all the files, records and proceedings herein, the Commission is of the opinion and finds as follows:

1. That the Commission has jurisdiction over, and with respect to, Southern Union Gas Company, in certain of its operations, and that its interests and the interests of its consumers will not be adversely affected by the proposed transactions.

2. That the proposed transactions, and each of them, and the purposes for which the securities referred to are to be issued and assumed, are consistent with, and permitted by, the provisions of Chapter 127, 1935 Colorado Statutes Annotated, as amended, and are consistent with the public interest; that the application to be made of such securities, or the proceeds thereof, to wit, the acquisition of property and/or other proper purposes, is permitted by applicable laws of Colorado.

3. That a finding or a certificate of public convenience and necessity for the operation by Southern Union of properties outside the State of Colorado is not required or appropriate.

4. That the foregoing Statement is made a part of the Findings herein, and by reference is incorporated in these Findings.

O R D E R

THE COMMISSION ORDERS:

To the full extent that its approval and authorization are required by the laws of Colorado, that the application of Southern Union is hereby granted or approved; and

1. That the issue, sale and delivery by Southern Union of not to exceed \$1,400,000 in aggregate principal amount of its promissory notes to commercial banks, bearing interest at a rate not to exceed $3\frac{1}{2}\%$ per annum and due and payable on or before twenty-four months after issuance, is hereby authorized and approved, and Southern Union is also authorized to apply the proceeds thereof to the acquisition of property in and adjacent to Albuquerque, New Mexico, as proposed (together with the proceeds from contemporaneous issue and sale by Southern Union of similar notes maturing within less than twelve months after date of issuance);

2. That the assumption by Southern Union incident to such property acquisition of all obligations of Public Service Company of New Mexico

represented by its Contract Deposits Refundable in the gas department outstanding at the date of acquisition, including accrued interest thereon, if any, is hereby authorized and approved; and

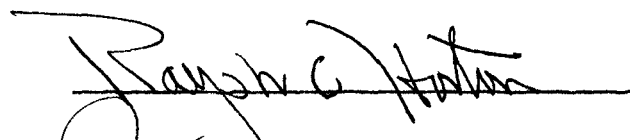
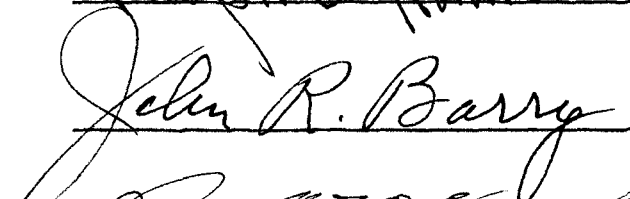
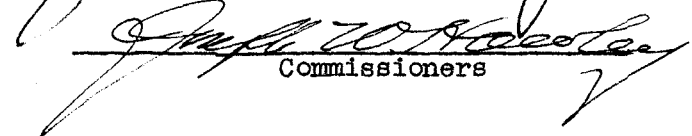
3. That Southern Union is hereby authorized to take such further steps and actions as may in conformity with applicable law and regulation be necessary, incidental or appropriate to the full accomplishment of the transactions hereinabove approved and authorized.

THE COMMISSION FURTHER ORDERS that within ninety days from and after consummation of the transactions authorized and, in any event, on or before April 1, 1950, Southern Union shall file its report with this Commission showing consummation of its security transactions herein authorized.

THE COMMISSION FURTHER ORDERS that each of the promissory notes issued pursuant to this authority having a maturity on or before twenty-four months after date of issuance, shall be identified by a legend appearing thereon: "Colo. PUC. No. 10226," and that such notes may at the election of Southern Union also be numbered serially 1 and up.

This order shall become effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado, this

24th day of September, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
EZRA FARROW, 2430 DEPEW STREET,
EDMONTON, COLORADO, FOR A CERTIFI-
CATE OF PUBLIC CONVENIENCE AND
NECESSITY.

APPLICATION NO. 10207

September 27, 1949

Appearances: Truman A. Stockton, Jr., Esq.,
Denver, Colorado, and
John H. Lewis, Esq., Denver,
Colorado, for applicant;
E. B. Richardson, Denver,
Colorado, for D. M. Baker
and William L. Frame, and
Alex Foos;
Robert L. McDougal, Esq., Denver,
Colorado, for Denver Main-
tenance Corporation;
Louis C. Berand, Lakewood,
Colorado, pro se.

S T A T E M E N T

By the Commission:

On August 10, 1949, Ezra Farrow filed application for a certificate of public convenience and necessity authorizing transportation of rubbish between points and places in Jefferson and Denver Counties, Colorado.

After due setting and appropriate notice to all persons in interest, the application was heard on September 13, 1949, in the Hearing Room of the Commission in Denver, Colorado, and taken under advisement.

At the hearing, applicant asked that the territory to be served be restricted to the area bounded as follows:

On the East by Sheridan Boulevard; on the South
by Twentieth Avenue; on the North by Fifty-
second Avenue; and on the West by Zephyr Street.

Applicant testified that he had been engaged in the hauling of trash and rubbish for the past two years; that he held permits from the

City and County of Denver and the Town of Edgewater; and did not know that a certificate was required from this Commission until so advised by Alex Foos (PUC No. 1844), about six weeks prior to date of hearing, at which time he ceased operations. His equipment consists of one 1930 Ford Dump Truck and one 1946 Dodge Dump Truck, and his net worth is \$1240.00. He had received requests for service from more than 100 prospective customers, many of whom complained that they could not get service from any other carrier, and at the time he ceased operations he was making about 200 stops, twenty-five per cent of which were in Edgewater, serving each customer twice a month. He had heard of no one else serving the area except Foos, and about 125 of the customers served by applicant resided in territory which Foos is authorized to serve.

Mrs. Arthur Tracy, of Wheatridge, testified that she had tried to obtain the services of Foos on three different occasions, but he did not respond. He gave no reason for his failure, although she kept calling him. She did not know that Denver Maintenance Corporation had authority in her vicinity and had never been contacted by them.

Mrs. Opal Coch, of Wheatridge, and Mrs. Florence I. Hook, of Edgewater, corroborated the testimony of Mrs. Tracy as to the need for applicant's service, the satisfactory service rendered, and the fact that they had not been contacted by anyone having authority to haul rubbish in their vicinity.

It was stipulated by counsel that the following-named witnesses, who were present in the Hearing Room, would, if called to the witness stand, testify to substantially the same facts as had Mrs. Tracy, Mrs. Coch, and Mrs. Hook, to-wit: George R. Sago, Roy J. Mills, Mrs. Carrie Sago, Mrs. Walter Rodalls, and R. F. Newhouse, all of Edgewater; Mrs. Don Budy, Mrs. Harold M. Webster, Jr., Mrs. Genevieve Fitting, Mrs. Edward Jenkins, and Mrs. William Treat, of Wheatridge; and Mrs. Milton Drew, Mrs. Rose McNees, and Mrs. Helen W. Simons, residing in the area applied for.

Vern Gallion, of Edgewater, testified that he came to Colorado

from Kansas two and a half years ago. It took him eleven months to find some one to haul his rubbish. He called all trash and rubbish haulers listed in the Telephone Directories three times, but without success, then obtained the necessary service from applicant and found the service very satisfactory. He had not been contacted by any of the protestants and was certain that there was great need for the certificate applied for.

Ralph Shimel, officer of the Denver Maintenance Corporation, testified that PUC No. 2010 issued to said corporation on June 6, 1949, authorizing the transportation of trash, ashes, and waste materials in specifically described territory; he had been engaged in the trucking business for a long time previous to said date. Since certificate issued, he has solicited business in his territory and has circularized the same extensively (Exhibit No. 1). He now serves about 150 "stops", has a proper permit for service in Edgewater, and has always served his customers on the day he was called. He has four trucks equipped for the service. After receiving his certificate, he has set fifty containers for the use of his customers, and expects to furnish a container for each customer. Since applicant stopped operation, witness has solicited many of his customers.

Alex Foos, PUC No. 1844, testified that he had never refused service to a customer, and some of the witnesses who appeared for applicant resided in the territory served by witness. His equipment consists of a 1949 Chevrolet Dump Truck and a 1943 International Dump Truck, and he has been serving the territory for two years past. He has sent out cards to about 200 prospective customers, and while he could not serve all of the prospective customers in his territory, many of them hauled their own trash.

Alex Foos owns PUC No. 1844, authorizing call and demand service for the transportation of trash, dirt, brush, garbage, and fertilizer, between all points in an area in Jefferson County, Colorado, bounded on the north by West 52nd Avenue; on the south by West 29th Avenue; on the east by Sheridan Boulevard; and on the west by Kipling Street; and additional authority. Denver Maintenance Corporation owns PUC No. 2010,

authorizing call and demand service for the transportation of trash, ashes, and waste materials, in the same territory. In other words, the Commission has granted two certificates in the area above described, and these operators should be able to furnish adequate service in said area.

D. M. Baker and W. L. Frame own PUC No. 1669, authorizing the transportation of garbage and trash in the area immediately adjoining the above described tract on the south.

Excluding the territory served under PUC No. 1844 and PUC No. 2010, the territory applicant seeks to serve would include only a strip about six blocks wide and a mile long, between Twentieth Avenue and Twenty-sixth Avenue, adjoining on the south the territory above excluded, and service to such a small area could not be made economically successful in the opinion of the Commission. And even the small area he seeks to serve outside the territory of Foos and Denver Maintenance Corporation is included in the territory which D. M. Baker and W. L. Frame are authorized to serve under PUC No. 1669.

In the opinion of the Commission, the presently-authorized carriers in the territory applied for by applicant can furnish adequate service in the area. They are common carriers, call and demand, and if they fail to furnish adequate service when requested to do so, upon proper complaint they can be forced to do so or lose their authority. We feel that the public is presently adequately protected, and that public convenience and necessity do not require the granting of the authority sought by this applicant.

F I N D I N G S

THE COMMISSION FINDS:

That for the reasons assigned in the foregoing Statement, which by reference is made a part hereof, the instant application should be denied.

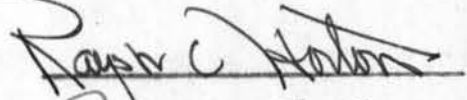
O R D E R

THE COMMISSION ORDERS:

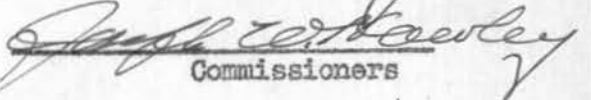
That the application of Ezra Farrow, Edgewater, Colorado,
for a certificate of public convenience and necessity be, and the same
hereby is, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Holton


John B. Barry


Joseph C. Hawley
Commissioners

DATED at Denver, Colorado,
this 27th day of September, 1949.

EMC

(Decision No. 33474)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
FLORENCE NATURAL GAS CO., A COLORADO
CORPORATION, FOR AUTHORITY TO ISSUE
DEBENTURES AND TO CREATE LIENS ON ITS
PROPERTY LOCATED IN AND TO BE LOCATED
IN THE CITY OF FLORENCE, COLORADO. } APPLICATION NO. 10185-Securities

September 24, 1949

STATEMENT

By the Commission:

Upon consideration of the application filed September 24, 1949,
by the Florence Natural Gas Co., a Colorado Corporation, in the above-
styled matter:

ORDER

THE COMMISSION ORDERS:

That a public hearing be held, commencing on October 5, 1949, at
ten o'clock A. M., 330 State Office Building, Denver, Colorado, respect-
ing the matter involved and the issues presented in this proceeding.
Any interested municipality or any representative of interested con-
sumers or security holders of applicant corporation, and any other
person whose participation herein is in the public interest, may inter-
vene in said proceedings. Intervention petitions should be filed with
the Commission or or before October 1, 1949, and should set forth the
grounds of the proposed intervention, and the position and interest
of the petitioners, in the proceeding, and must be subscribed by inter-
veners.

(S E A L)

ATTEST: A TRUE COPY

Secretary

Dated at Denver, Colorado,
this 24th day of September, 1949

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RAUL G. HORTON

JOHN B. BARRY

JOSEPH W. HAWLEY

Commissioners

(Decision No. 33475)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
PIKES PEAK NATURAL GAS CO., A COLO-
RADO CORPORATION, FOR AUTHORITY TO
ISSUE DEBENTURES AND TO CREATE LIENS
ON ITS PROPERTY LOCATED IN THE CITIES
OF LIMON AND HUGO, COUNTY OF LINCOLN,
COLORADO. } APPLICATION NO. 10186-Securities

September 24, 1949

S T A T E M E N T

By the Commission:

Upon consideration of the application filed September 24, 1949,
by the Pikes Peak Natural Gas Co., a Colorado Corporation, in the above-
styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on October 5, 1949, at
ten o'clock A. M., 330 State Office Building, Denver, Colorado, respect-
ing the matter involved and the issues presented in this proceeding.
Any interested municipality or any representative of interested con-
sumers or security holders of applicant corporation, and any other
person whose participation herein is in the public interest, may inter-
vene in said proceedings. Intervention petitions should be filed with
the Commission on or before October 1, 1949, and should set forth the
grounds of the proposed intervention, and the position and interest
of the petitioners, in the proceeding, and must be subscribed by inter-
veners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph E. Hawley
Commissioners

Dated at Denver, Colorado,
this 24th day of September, 1949

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
DICK AKEMAN, 4451 SOUTH PENNSYLVANIA
STREET, ENGLEWOOD, COLORADO, FOR A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY FOR THE TRANSPORTATION
OF ASHES, TRASH, FERTILIZER, DIRT,
AND ARTICLES OF FURNITURE, WITHIN A
RADIUS OF TEN MILES OF THE CITY
LIMITS OF ENGLEWOOD, COLORADO.

APPLICATION NO. 10205

September 27, 1949

Appearances: Dick Akeman, Englewood, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company;
Harold D. Torgan, Esq., Denver,
Colorado, for Colorado Trans-
fer and Warehousemen's
Association, Bekins Moving
& Storage Company, Amick
Transfer & Storage Company,
Buehler Transfer Company;
Robert L. McDougal, Esq., Denver,
Colorado, for Denver Mainte-
nance Corporation;
D. B. Richardson, Esq., Denver,
Colorado, for D. M. Baker
and William L. Frame.

S T A T E M E N T

By the Commission:

On August 27, 1949, Dick Akeman filed application for a certi-
ficate of public convenience and necessity authorizing transportation of
ashes, trash, fertilizer, dirt, and articles of furniture, within a
radius of ten (10) miles of the city limits of Englewood, Colorado.

By letter of date September 9, 1949, applicant stated that he
did not intend to enter the furniture moving business, and agreed to
limit his furniture hauling to one customer, Mrs. Verna Fisher, an an-
tique dealer located at 4201 South Broadway, Englewood, Colorado.

After due setting and appropriate notice to all parties in interest, the application was heard on September 13, 1949, at the Hearing Room of the Commission in Denver, Colorado, and taken under advisement.

Applicant testified that his equipment consists of a 1935 Ford 1½-ton Pickup truck; that his net worth is \$7,000.00; and that he has been hauling in Englewood and surrounding territory and has a permit from the City of Englewood to haul ashes, trash, fertilizer, and dirt. He has been serving customers east and south of Englewood as well as some within the city limits. He agreed to the amendment of his application by the elimination of any service in, from, and to Golden, Colorado; any service in, from, and to the territory which Louis C. Berend, doing business as "Dad's Disposal Service," is authorized to serve under PUC No. 1968; transportation of ashes and trash in, from, and to the territory which Denver Maintenance Corporation (PUC No. 2010) is authorized to serve; and transportation of garbage and trash in, from, and to the territory which D. M. Baker and William L. Frame (PUC No. 1669) are authorized to serve.

Applicant further testified that he had received requests for the proposed service from the J. C. Penney Store and other firms in Englewood, forty or fifty prospective customers on Layton Street and on University Boulevard, Denver, and various parties in Littleton. He has no present permit to operate in Denver but expects to obtain same.

James E. O'Brien, Chief of Police of Englewood, stated that applicant has rendered good service to the City, particularly in cleaning up trash after carnivals and circuses sponsored by the City, and that there was constant demand for his services. He was corroborated by Loren Pruden, Fire Warden for the Fire Department of Englewood, and Fred Schroeder, who also has a permit to haul trash, both of whom testified as to the demand for applicant's service and the fact that service rendered by him in the past has been satisfactory.

Applicant wishes to haul furniture for one customer, only. In the opinion of the Commission, a certificate of public convenience and necessity cannot be so limited as to one commodity, and the transportation of furniture should be eliminated from any certificate authorized.

FINDINGS

THE COMMISSION FINDS:

That public convenience and necessity require the motor vehicle call and demand service of applicant, as limited by the testimony at the hearing, excluding the transportation of furniture.

ORDER

THE COMMISSION ORDERS:

That public convenience and necessity require the motor vehicle common carrier call and demand service of applicant, Dick Akeman, 4451 South Pennsylvania Street, Englewood, Colorado, for the transportation of:

Ashes, trash, fertilizer, garbage, and dirt, from point to point within a radius of ten (10) miles of the city limits of Englewood, Colorado; excluding any service in, from, and to Golden, Colorado; any service in, from, and to the territory which Louis C. Berand, doing business as "Dad's Disposal Service," under PUC No. 1968 is authorized to serve; any hauling of ashes and trash in, from, and to the territory which Denver Maintenance Corporation is authorized to serve under PUC No. 2010, and the hauling of garbage and trash in, from, and to the territory which D. M. Baker and William L. Frame are authorized to serve under PUC No. 1669; and service in, from, and to Aurora, Colorado;

and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That in all other respects, said application be, and is hereby denied.

That applicant shall file tariffs of rates, rules, and regulations, and distance schedules, as required by the rules and regulations of this Commission, within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of this Commission except when prevented by Act of God, the public enemy, or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of this Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Johnson
John B. Barry
Joseph C. Hecceley
Commissioners

DATED at Denver, Colorado,
this 27th day of September, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE PROPOSED RATE SCHEDULE, AS IT
AFFECTS USERS OUTSIDE CORPORATE
BOUNDARIES OF THE CITY OF
LONGMONT, COLORADO.

INVESTIGATION AND SUSPENSION
DOCKET NO. 275

ORDER GRANTING REHEARING

September 27, 1949

Appearances: J. S. Schey, Esq., Longmont, Colo-
rado, for City of Longmont;
J. M. Hovlid, Longmont, Colorado,
pro se;
H. E. Brewbaker, Longmont, Colo-
rado, pro se;
Danzel Hartshorn, Longmont, Colo-
rado, pro se;
J. W. Hawley, Esq., Denver, Colo-
rado, for the Commission.

S T A T E M E N T

By the Commission:

On August 4, 1949, the Commission issued its order in this case regarding the tap charges and "permit" charges to be made by the City of Longmont to its water customers outside the city limits. Previously, on May 17, 1949, the Commission issued its order on the branch of the case relating to the water rates to be charged by the City. On September 16, 1949, the City of Longmont filed an application for a rehearing, on the ground that the City is not a public utility, and that this Commission cannot lawfully deny the City the right to fix and collect charges for water service or facilities as to the City's customers outside its corporate limits, since such action would violate certain statutes and the Constitution of the State of Colorado.

No contention was made at the original hearing as to these matters, and no evidence was presented on the point. The Commission can-

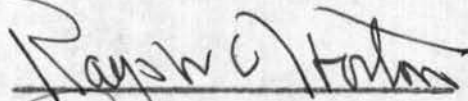


not pass upon the question with the record in its present state, and therefore has concluded to grant the application for a rehearing.

O R D E R

IT IS THEREFORE ORDERED, That the application for rehearing in this case shall be granted, and a rehearing shall be held on a day to be later set by the Commission.

IT IS FURTHER ORDERED, That the proposed connection charge, service charge, permit charge, and meter charge to the City's customers outside its corporate limits, as proposed in the schedule filed by the City on May 19, 1947, shall remain suspended; that the water rates established in said schedule shall remain in effect; and that the orders of this Commission dated May 17, 1949, and August 4, 1949, being Decisions numbered 32649 and 33146, respectively, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 27th day of September, 1949.

original

(Decision No. 33478)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
PUBLIC SERVICE COMPANY OF COLORADO,
A CORPORATION ORGANIZED AND EXISTING
UNDER THE LAWS OF THE STATE OF COLO-
RADO, FOR AUTHORITY TO ISSUE 15,000
SHARES OF ITS 4-1/4% CUMULATIVE PRE-
ferred STOCK, PAR VALUE \$100 EACH.

APPLICATION NO. 10228.

September 26, 1949

Appearances: Lee, Bryans, Kelly and
Stansfield, Esqs., Denver,
Colorado, for Public Service
Company of Colorado;
W. Geo. Denny, Jr., Denver,
Colorado, for the Commission.

STATEMENT

By the Commission:

The instant application was filed September 13, 1949, by the Public Service Company of Colorado, a Colorado corporation, hereinafter called "Company," pursuant to Sub-section (c) of Section 3, Chapter 137, 1935 Colorado Statutes Annotated, for an order authorizing it to issue and sell at private sale 15,000 shares of its authorized, but unissued, initial series 4-1/4% Cumulative Preferred Stock of \$100.00 par value.

By Decision No. 33453, dated September 13, 1949, this Commission ordered a public hearing to be held September 23, 1949, at 10:00 o'clock A. M., at 330 State Office Building, Denver, Colorado. Interested parties, municipalities, and/or representatives of interested consumers or security holders of the Company, or any other persons, were invited to intervene in the proceedings, petitions of intervention were to have been filed on or before September 20, 1949.

The matter was set over from September 23, 1949 to September 24, 1949, after due notice to all interested parties. On the last aforementioned date the matter was heard at the time designated, and taken under advisement.

No petitions of intervention were received by the Commission, nor did anyone appear at the hearing in opposition to the application.

Applicant is a corporation organized and existing under the laws of the State of Colorado, and is engaged principally in the generation, purchase, transmission, distribution and sale of electricity, and in the purchase, distribution and sale of natural gas. It is also engaged, but to a minor extent only, in rendering steam heating service, bus transportation service and manufactured gas service, and to a limited extent in the sale of gas and electrical appliances, and actively cooperates with local dealers in appliance sales activities.

Applicant owns all the outstanding securities of Colorado-Wyoming Gas Company and the Green and Clear Lakes Company; all the outstanding securities (other than directors' qualifying shares) of the Cheyenne Light, Fuel and Power Company, and all the outstanding capital stock (other than directors' qualifying shares) of the Pueblo Gas and Fuel Company acquired in 1944. The Company also controls -- through stock ownership -- three other subsidiaries which are of relatively small size.

The Company's operations are wholly within the State of Colorado, the principal center of distribution and sale of electricity and gas being in the City of Denver, Colorado, and the immediate vicinity thereof.

For the calendar year ended December 31, 1948, applicant reported consolidated operating revenues of \$33,246,006, and consolidated net income, that is, the amount available for dividends and surpluses, of \$5,341,167. During the Year 1948, the amount of \$780,833.00 was appropriated for preferred stock dividends, and the amount of \$2,116,843.00 for common stock dividends. Earnings in prior years have been satisfactory.

As of December 31, 1948, applicant reports its Assets and

Liabilities on a consolidated basis as follows:

ASSETS

Property, Plant, Equipment, Investments, etc.,	\$111,750,380
Current Assets	23,489,151
Deferred Charges	<u>4,298,796</u>
Total Assets -	\$139,538,327

LIABILITIES

Capital Stock	44,216,180
Funded Debt	53,190,000
Current Liabilities	10,650,631
Other Liabilities	1,450,368
Reserves	21,032,599
Premium on Capital Stock (formerly entitled "Capital Surplus")	2,748,740
Earned Surplus	<u>6,249,809</u>
Total Liabilities -	\$139,538,327

The authorized capital stock of applicant consists of \$75,000,000 par value divided into 1,875,000 shares of non-assessable Common Stock of the par value of \$20.00 each, and 375,000 shares of non-assessable Cumulative Preferred Stock of the par value of \$100.00 each. Applicant's Cumulative Preferred Stock, pursuant to the powers contained in its Certificate of Incorporation, as amended, is issuable in one or more series and there has been authorized an initial series of 175,000 shares of 4-1/4% Cumulative Preferred Stock, and a second series of 75,000 shares of 4.40% Cumulative Preferred Stock convertible into Common Stock at any time prior to October 1, 1958. The Company now requests authority to issue the remaining 15,000 shares of the 4-1/4% Cumulative Preferred Stock above referred to.

The Company has issued and outstanding:

(a) \$40,000,000 principal amount of First Mortgage Bonds, 2-7/8% Series due 1977, issued under and secured by Company's Indenture of Mortgage to Guaranty Trust Company of New York, as Trustee, dated as of December 1, 1939, and indentures supplemental thereto, including the Supplemental Indenture with respect to such bonds dated as of June 1, 1947.

(b) \$10,000,000 principal amount of First Mortgage Bonds, 3-1/8% Series due 1978, issued under and secured by Company's Indenture

of Mortgage to Guaranty Trust Company of New York, as Trustee, dated as of December 1, 1939, and indentures supplemental thereto, including the Supplemental Indenture with respect to such bonds dated as of October 1, 1948.

(c) 160,000 shares of 4-1/4% Cumulative Preferred Stock of the par value of \$100 each; and 66,000 shares of 4.40% Cumulative Preferred Stock of the par value of \$100 each convertible into Common Stock at any time prior to October 1, 1958.

(d) 1,080,809 shares of Common Stock of the par value of \$20 each.

By the sale of 15,000 shares of 4-1/4% Cumulative Preferred Stock, applicant proposes to raise approximately \$1,500,000.00 (before expenses) to be used toward plant additions, extension and improvements scheduled to be made during the remaining portion of 1949, and 1950.

After giving effect to the sale of 15,000 shares of 4-1/4% Cumulative Preferred Stock for which authority is herein sought, the pro forma capital structure of the Company as of August 31, 1949, will be as follows, with percentages of debt as to ratio being on the right-hand side:

First Mortgage Bonds	\$50,000,000	46.8
Preferred Stock	24,100,000	22.6
Common Stock	21,616,180	20.2
Premium on Capital Stock	2,748,740	2.6
Earned Surplus	<u>8,277,217</u>	<u>7.8</u>
	\$106,742,137	100.0

Company has been, and now is, in the process of making large expansions and extension to its plant. Company desires to raise this additional capital to round out its financial setup in order that it will be able to continue and complete that portion of its expansion program setup for the remainder of 1949 and the whole of 1950.

Company is interested in having this transaction handled as a private sale because it contemplates expenses of approximately \$1.00 per share, however, if, due to the size of this offering, Company were required to make a public offering, the expense of registration, statements, etc., might bring the cost to as high as \$4.00 per share.

F I N D I N G S

THE COMMISSION FINDS:

That the petitioner, Public Service Company of Colorado, a Colorado corporation, is a public utility, as defined by Section 3, Chapter 137, 1935 Colorado Statutes Annotated.

That the Commission has jurisdiction of said applicant, and the subject-matter of the petition herein.

That the Commission is fully advised in the premises.

That the issuance by Company of the securities proposed to be issued, as hereinabove set forth, is reasonably required and necessary for its proper corporate financing.

That the proposed securities transaction is not inconsistent with the public interest, and that the purpose or purposes thereof are permitted by, and are consistent with the provisions of Chapter 137, 1935 Colorado Statutes Annotated, as amended by the Session Laws of 1947; that the order sought should issue and should be made effective forthwith.

That Company should be permitted to sell these securities at private sale and the Commission hereby waives public offering or competitive bidding with respect to the issuance of these securities.

O R D E R

THE COMMISSION ORDERS:

That Public Service Company of Colorado be, and hereby is, authorized and empowered to issue and sell at private sale 15,000 shares of its authorized, but unissued, initial Series 4-1/4% Cumulative Preferred Stock of \$100.00 par value.

That Public Service Company of Colorado be, and hereby is, authorized to use the proceeds derived from the issuance sale of these securities toward plant additions, extensions and improvements scheduled to be made during the remaining portion of the Year 1949 and the Year 1950.

That the securities authorized to be issued hereunder shall bear on the face thereof a serial number for proper and easy identification thereof; that within sixty (60) days from the issuance and delivery of said securities, Public Service Company of Colorado shall make verified report to the Commission of such serial numbers placed on such securities as are issued.

That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to the additional 4-1/4% Cumulative Preferred Stock or dividends thereon to be issued pursuant to this Order, on the part of the State of Colorado.

That within ninety (90) days from the date of the sale of said securities authorized herein to be sold at private sale and without public offering, Public Service Company of Colorado shall make verified report to this Commission of the issue and disposition of the new securities herein authorized, the consideration for which such securities were sold, and commissions and expenses incident to such sale, pursuant to the terms and conditions of this Order, accompanying the same with a new balance sheet of the Company reflecting the issuance and sale of said securities.

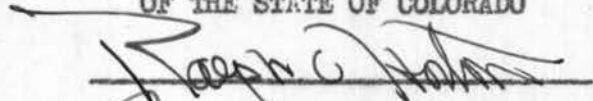
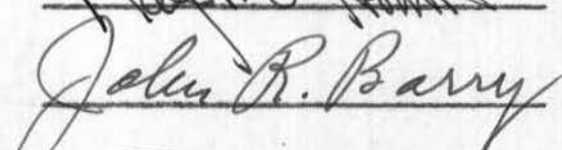

That the right shall be reserved to applicant to reopen the proceedings herein upon good cause shown after hearing upon notice to all interested parties.

That the Commission retains jurisdiction of these proceedings to the end that it may make such further orders in the premises as to it may seem to be proper and desirable.

That the authority herein granted shall be exercised from and

after this date, this Order being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ORIGINAL

IN THE MATTER OF THE DISCONTINUANCE
OF THE AGENCY STATION OF THE DENVER
& RIO GRANDE WESTERN RAILROAD COMPANY
AT SEDALIA, COLORADO.

APPLICATION NO. 10203.

At a General Session of the
Public Utilities Commission of
the State of Colorado, held at
its office in Denver, Colorado,
on September 26, 1949.

INVESTIGATION AND SUSPENSION DOCKET NO. 299

IT APPEARING, That on August 27, 1949, The Denver & Rio Grande Western Railroad Company, by L. F. Wilson, Assistant General Manager, filed its petition under the Commission's General Order No. 34 proposing to discontinue, effective September 30, 1949, the agency station of said Railroad at Sedalia, Douglas County, Colorado; and

IT FURTHER APPEARING, As stated by petition, that during the period of two years and five months from January 1, 1948 to May 31, 1949, the total revenue on account of less-than-carload shipments at Sedalia amounted to but \$194.47, and during the same period tickets were sold to but twelve passengers with a total revenue of \$43.93; and, during said period no milk or cream was shipped and no express was handled at the station since April 30, 1948; and that 99% of the revenue of the station during said period resulted from the transportation of carload shipments consisting principally of feldspar moved from one shipper at Sedalia to one consignee at Denver; and the continued maintenance of said agent and agency station will be wasteful and will impose an unreasonable, unnecessary and injurious burden on petitioner and on the interstate and intrastate commerce in which it is engaged and on the public without the commensurate benefit to the traveling and shipping public; and

IT FURTHER APPEARING, That the intention of applicant having become known to parties in interest, viz. the people living in and around

Sedalia, The Sunflower Grange No. 162, Sedalia, Colorado, and The Order of Railroad Telegraphers, System Division No. 49, the Commission has received complaints from said interested parties, stating, in effect, that they are in opposition to the closing of the agency station at Sedalia, Colorado; and

IT FURTHER APPEARING, That the effective date of the proposed discontinuance of the agency station at Sedalia might injuriously affect their rights and interests of the community and parties involved; and

IT FURTHER APPEARING, That the instant petition having been assigned Application No. 10203 on the Commission's records and it now becoming necessary to suspend the effective date of the discontinuance of said agency station, the instant petition assigned Application No. 10203 together with all the records and files therewith should be transferred on the Commission's Docket to Investigation and Suspension Docket No. 299.

F I N D I N G S

THE COMMISSION FINDS:

That the discontinuance of the agency station of The Denver & Rio Grande Western Railroad Company at Sedalia, Colorado, should be suspended and a hearing had in the matter.

O R D E R

THE COMMISSION ORDERS:

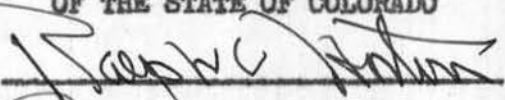
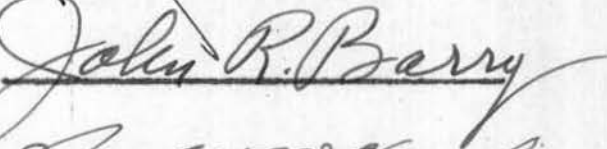
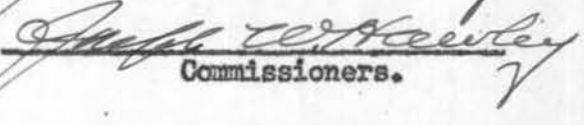
That the effective date of the proposed discontinuance of the agency station of The Denver & Rio Grande Western Railroad Company at Sedalia, Douglas County, Colorado, be, and it hereby is, suspended for a period of one hundred and twenty (120) days from September 30, 1949, or until January 28, 1950, unless otherwise ordered.

That the matter of the proposed discontinuance of the agency station at Sedalia, Colorado, be, and hereby is, set down for hearing at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, on October 5, 1949, at 10:00 o'clock A. M.

That Application No. 10203 originally assigned to the instant proceedings be, and hereby is, closed and all records and files in said Application be transferred to Investigation and Suspension Docket No. 299.

That a copy of this Order be filed with Application No. 10203, and with Investigation and Suspension Docket No. 299, and a copy hereof be forthwith served on L. F. Wilson, Assistant General Manager of The Denver & Rio Grande Western Railroad Company, T. R. Woodrow, Esq., and T. A. White, Esq., attorneys for petitioner, all at Post Office Box 2040, Denver, Colorado; Postmaster, Sedalia, Colorado; Harry Nelson, Master, Sunflower Grange No. 162, Sedalia, Colorado; Mildred Curtis, Secretary, Sunflower Grange No. 162, Sedalia, Colorado; John Bowman, Nelson Mercantile, and Cecil Johnson, all of Sedalia, Colorado, and W. M. Epstein, General Chairman, Order of Railroad Telegraphers.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. A. RIDGEL, BOX 91, WALDEN, COLO-)
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 10242-PP

September 28, 1949

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of logs, ties, lumber, posts, and slabs, between timber-cutting operations in Jackson County, to Walden, Colorado.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That C. A. Ridgel, Walden, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of logs, ties, lumber, posts, slabs, and other timber products, from timber-cutting operations in Jackson County, Colorado, to Walden, Colorado.

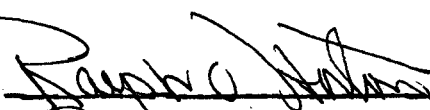
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

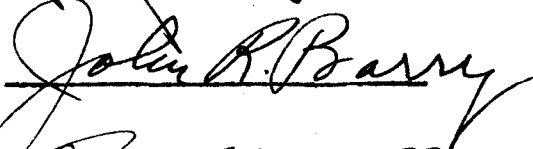
That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

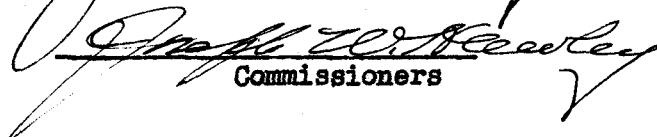
That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Johnston


John R. Barry


Commissioners

DATED at Denver, Colorado,
this 28th day of September, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MAX VIGIL, CENTER, COLORADO, FOR)
RE-ISSUANCE OF PERMIT NO. B-3311.)

APPLICATION NO. 10191-PP

September 28, 1949

Appearances: Tarbel and Tarbel, Esqs., Saguache,
Colorado, for applicant;
Conour and Conour, Esqs., Del
Norte, Colorado, for
J. P. Wiederkehr & Son;
Ralph Turano, Esq., Denver,
Colorado, for Rio Grande
Motor Way, Inc.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing at the City Hall, Alamosa, Colorado, September 15, 1949, and there heard and taken under advisement.

As limited by the testimony offered at the hearing, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of timber, posts, and poles from the mountains near Center, Colorado, to points in the San Luis Valley, Colorado.

Applicant also asks for a seasonal permit for the transportation of farm products, excluding livestock, to sheds, storage places, and railroad loading points within the area extending twenty miles north, twelve miles east, and six miles west of Center, and to the Rio Grande-Saguache-Alamosa-County Lines on the south.

All protests to the granting of the authority sought, as limited by the testimony, were withdrawn.

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission.

Applicant testified that he is the owner of a one and one-half ton truck, and stated that he desired to haul timber from the mountains during the winter months, and during the fall he would like to haul farm products.

F I N D I N G S

THE COMMISSION FINDS:

After a careful consideration of the record, that the authority sought, as hereinafter limited, should be granted.

O R D E R

THE COMMISSION ORDERS:

That Max Vigil, Center, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of timber, posts, and poles, from the mountains near Center, Colorado, to points in the San Luis Valley; farm products, excluding livestock, from points within the area extending twenty miles north, twelve miles east, six miles west of Center, and to the Rio Grande-Saguache-Alamosa County Lines on the south, to points in said area, beginning August 15th of each year and terminating November 15th of each year. It is understood that said farm products haul herein authorized is for the harvest season, only.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms,

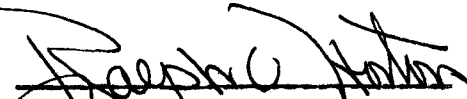

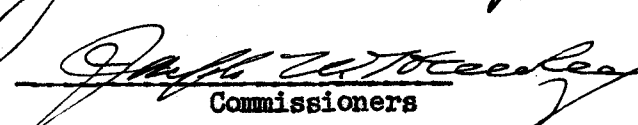
the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That permit herein granted shall bear the number "B-3311."

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 28th day of September, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROSS MONTANO AND FILBERT MONTANO,)
CENTER, COLORADO, FOR REISSUANCE)
OF PERMIT NO. B-3673.)

APPLICATION NO. 10196-PP

September 28, 1949

Appearances: Tarbel and Tarbel, Esqs., Saguache,
Colorado, for applicants;
Conour and Conour, Esqs., Del
Norte, Colorado, for J. P.
Wiederhehr and Son;
Ralph Turano, Esq., Denver, Colo-
rado, for Rio Grande Motor
Way, Inc.

S T A T E M E N T

By the Commission:

On August 10, 1949, applicants herein filed application for a Class "B" permit to operate as private carriers by motor vehicle for hire for the transportation of potatoes within a radius of ten miles of Center, Colorado.

Said application was set for hearing, and heard, at the City Hall, Alamosa, Colorado, September 15, 1949, and there taken under advisement.

At the hearing, the evidence disclosed that applicants were owners of Permit No. B-3673, with authority to transport:

potatoes and hay between points within the area extending 12 miles north, 5 miles south, and 6 miles west of Center, Colorado, and to a line drawn north and south through Center on the east, without the right to transport such commodities between towns in said area.

It further appears that one E. R. Biery lives outside applicants' original authority, and applicants have been contacted by said Biery to haul potatoes during the coming season.

Protests were filed by Wiederkehr and Son, who hold certificate of public convenience and necessity from this Commission to serve the area lying approximately six miles west of Center. Wiederkehr maintains he has ample equipment, and that additional service is not needed for the area he is authorized to serve, but stated through his attorneys that he would have no objection to the granting of application if applicants confined service to the territory originally served, and further stated he had no objection to applicants serving Biery, alone, as per the instant application.

It appears that applicants are well fitted, financially and by experience, to carry on the proposed operation, and it does not appear from the record before the Commission that the proposed operation of applicants, as hereinafter set forth, will tend to impair the efficiency of any motor vehicle common carrier service with which applicant will compete.

F I N D I N G S

THE COMMISSION FINDS:

That applicants are willing and able to perform the aforementioned transportation service properly, and to conform to the provisions of the carrier acts and rules and regulations and requirements thereunder.

O R D E R

THE COMMISSION ORDERS:

That Boss Montano and Filbert Montano, co-partners, Center, Colorado, be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of potatoes, between points within the area extending twelve miles north, twelve miles south, twelve miles east, and six miles west of Center, Colorado.

That applicants, in addition to the above authority, shall be authorized, under this Order, to transport potatoes for E. R. Biery, of Center, Colorado, only, between points within a radius of twelve miles of Center, Colorado.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

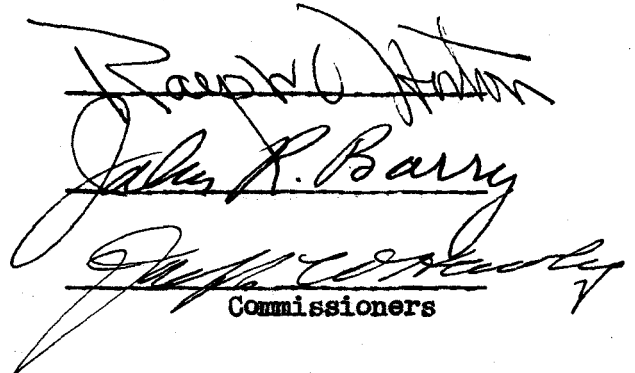
That this Order is the permit herein provided for, but it shall not become effective until applicants have filed statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

That the right of applicants to operate hereunder shall depend upon their compliance with all present and future laws and rules and regulations of this Commission.

That permit herein granted shall bear the number "B-3673."

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

DATED at Denver, Colorado,
this 28th day of September, 1949.

Original

(Decision No. 33483)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE OPERATIONS OF LEROY A. KNOWLES
AND GILBERT T. MULLINS, DOING BUSI-
NESS AS "MONTE VISTA FLYING SERVICE,"
MONTE VISTA, COLORADO.

CASE NO. 5002

September 28, 1949

S T A T E M E N T

By the Commission:

On August 24, 1949 (Decision No. 33336), Notice of Hearing and Order to Show Cause, in re operations of Leroy A. Knowles and Gilbert T. Mullins, doing business as "Monte Vista Flying Service," issued, said matter being set for hearing, and heard, at Alamosa, Colorado, September 15, 1949, and there taken under advisement.

Respondent failed to appear or file answer in response to the Order to Show Cause.

Homer E. Brayton, Trustee in Bankruptcy for Monte Vista Flying Service, under date of September 3, 1949, wrote the Commission as follows:

"As trustee in bankruptcy for Leroy A. Knowles, bankrupt, I hereby consent to such action as the Commission may desire to take in this matter; without recourse, however, on me as trustee, or upon the estate represented by me."

F I N D I N G S

THE COMMISSION FINDS:

That certificate of public convenience and necessity issued to Leroy A. Knowles and Gilbert T. Mullins, doing business as "Monte Vista Flying Service," Monte Vista, Colorado, should be revoked, for the reasons heretofore set forth and more clearly detailed in our Decision No. 33336, which by reference is made a part of these Findings.

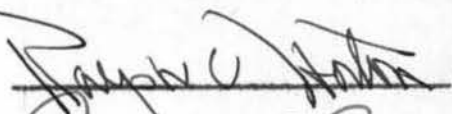
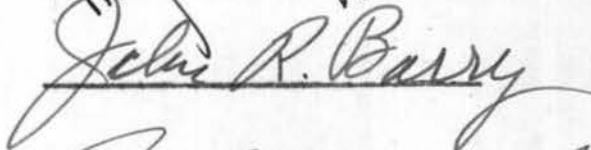
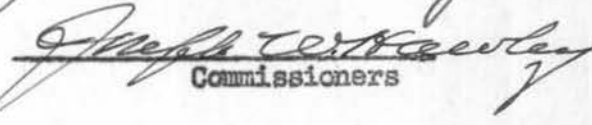
O R D E R

THE COMMISSION ORDERS:

That certificate of public convenience and necessity granted by Decision No. 27764, and presently operated by Leroy A. Knowles and Gilbert T. Mullins, co-partners, doing business as "Monte Vista Flying Service," Monte Vista, Colorado, be, and the same hereby is, revoked.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 28th day of September, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

CARL A. BORGMANN AND WALTER A.
BORGMANN, DOING BUSINESS AS
"BORGMANN BROTHERS,"

Complainants,

vs.

CASE NO. 4970.

FREDERIC A. BETHKE, DOING
BUSINESS AS "BETHKE TRUCK
LINES,

Defendant.

September 29, 1949

Appearances: Worth Allen, Esq., Denver,
Colorado, for Complainants;
Marion F. Jones, Esq., Denver,
Colorado, for Defendant.

S T A T E M E N T

By the Commission:

On January 20, 1948, Borgmann Brothers, holders of PUC No. 1323, through their attorney, filed formal complaint against Bethke Truck Line, holder of PUC No. 557, wherein they complained that defendants had not, in recent years, if ever, transported milk for farmers from a territory within a ten-mile radius of Platteville, Colorado, on the one hand, to Denver, Colorado, on the other, and asked that the service from the above-described area to Denver be declared forfeited by this Commission.

On February 3, 1948, defendant above named filed a verified Answer, in which he alleges as follows:

"That defendant is the owner of Certificate No. 557 by virtue of purchase from L. C. Camp. That he is now and has been continuously, since the transfer of said certificate, engaged in the transportation of milk under the authority thereof, between all points in said territory where business has been available to him."

The complaint was formally set for hearing, and heard, May 3, 1948, at 330 State Office Building, Denver, Colorado, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that Defendant Bethke is the owner of PUC No. 557, which he acquired from one Louis C. Camp, by transfer. It further appears that the certificate authorizes the transportation of:

milk, cream, and dairy products, between points in a radius of ten miles of Platteville, and between points in said area, on the one hand, and other points in the State of Colorado, on the other.

Mr. Bethke was called by complainant for cross-examination under the statute, and during the examination, the following testimony was given:

"Q. Will you state to the Commission whether, during the past year you have carried on any operations under that certificate?

"A. I have, yes. I have ever since I have owned it.

"Q. Where have you hauled milk from, what parts of that territory and to what points?

"A. I have hauled, it's kind of hard to say what points, because it fluctuates.

"Q. Have you hauled milk from any point in that territory during the past year to Denver?

"A. No.

"Q. How long has it been since you hauled milk from points in that territory to Denver?

"A. I believe as late as 1945.

"Q. To Denver?

"A. Actually the certificate has never been out of operation."

Mr. Kenneth A. Schafer, who is associated with Beatrice Foods Company, in Denver, testified that he appeared by virtue of a subpoena; that some time prior he contacted Mr. Bethke concerning the shipment of milk from the Platteville area to his company located in Denver; that after considerable discussion, in which the head of our Enforcement Department participated, milk was hauled to Denver for a few days, and eventually another dairy got the milk, and it appears that a carrier named "Martin" ended up carrying milk from this territory to Denver.

A careful review of Mr. Schafer's testimony does not indicate to the Commission a refusal of Bethke to serve, nor does it warrant an abandonment of his operating rights to Denver.

Complainants Borgmann Brothers both testified as to their operation, and as to their competitive relationship with Defendant Bethke.

In the instant case, the complainants ask the Commission to declare a portion of PUC No. 557 forfeited for non-use. No complaints have been filed against the Bethke operation prior to the instant case. The existence of a certificate creates a statutory-vested motor carrier status which remain in force and effect until terminated by due process of law. After issuance of a certificate, the holder thereof has a property right and must be accorded the opportunity of complying with all the terms of the certificate before the vested right can be revoked. The law abhors forfeitures, and a mere non-use by a call and demand certificate-holder of part of his authority should not operate as a forfeiture. The flow of traffic is changeable, and the demands upon a call and demand carrier vary from time to time to meet the shipping needs of the general public.

For the reasons above indicated, it appears to the Commission that complainants have failed to justify the allegations of their complaint, and that there has been no abandonment by Bethke of all or any part of his authority under PUC No. 557.

FINDINGS

THE COMMISSION FINDS:

That the complaint should be dismissed, for the reasons heretofore set forth in the Statement, which by reference is made a part of these Findings.

ORDER

THE COMMISSION ORDERS:

That Case No. 4970 be, and the same hereby is, dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert L. Hahn
John R. Barry
James C. Hawley
Commissioners.

Dated at Denver, Colorado,
this 29th day of September, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEO VANDENBERGH, LAFAYETTE, COLO-)
RADO, FOR A CLASS "B" PERMIT TO OP-) APPLICATION NO. 10093-PP.
ERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)
-----)

September 29, 1949

S T A T E M E N T

By the Commission:

Heretofore, applicant herein filed application for authority to operate as a Class "B" private carrier by motor vehicle for hire.

Pursuant to prior setting, after appropriate notice to all parties in interest, said application was heard at 330 State Office Building, Denver, Colorado, July 8, 1949, and there taken under advisement.

The Commission is now in receipt of a communication from said applicant, under date of September 22, 1949, as follows:

"Kindly cancel my application for 'B' permit."

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed.

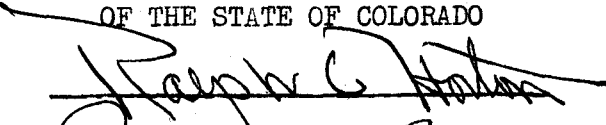
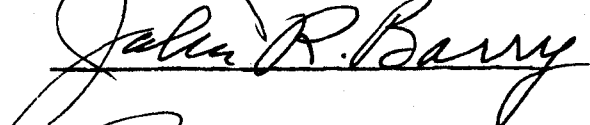
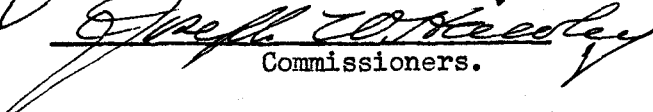
O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed, upon request of applicant.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 29th day of September, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ANSELMO VALLEJOS, 630 WEST FIFTH)
STREET, WALSENBURG, COLORADO, FOR) APPLICATION NO. 10189-PP.
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

September 29, 1949

Appearances: Anselmo Vallejos, Walsenburg,
Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at Walsenburg, Colorado, September 14, 1949, at 2:00 o'clock P. M., and there taken under advisement.

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal between points within the confines of the boundaries of Huerfano County, Colorado.

At the hearing, applicant testified that he is the owner of a 1949 one and one-half ton GMC Truck; that his net worth is \$3,000.00.

No one appeared in opposition to the granting of the authority sought.

It did not appear that the proposed operation of applicant will impair the efficiency of service rendered by common carriers operating in the territory sought to be served by applicant.

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Anselmo Vallejos, Walsenburg, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from point to point within Huerfano County, Colorado.

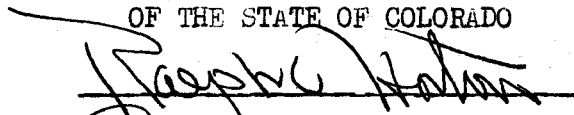
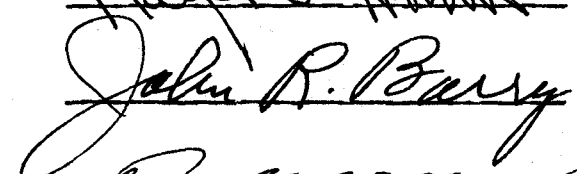

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 29th day of September, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES J. SHIRRELL, GOULD, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS) APPLICATION NO. 10241-PP.
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

September 29, 1949

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of lumber and forest products from forests to mills and railroad loading points within Jackson County, only.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That James J. Shirrell, Gould, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of lumber and forest products from forests to mills and railroad loading points within Jackson County, only.

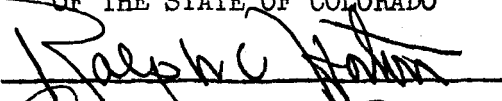
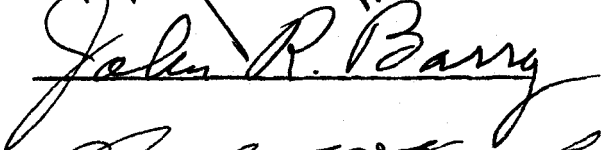
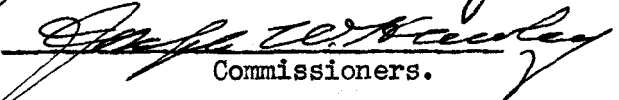
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 29th day of September, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYMOND P. WOOD, DOING BUSINESS AS)
"WOOD VAN & STORAGE CO.," 128 SOUTH) APPLICATION NO. 8710.
FOURTH STREET, GRAND JUNCTION, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)
-----)

September 29, 1949

S T A T E M E N T

By the Commission:

Heretofore, applicant herein filed his application for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire.

Applicant has now advised the Commission that he no longer desires to prosecute said application.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed.

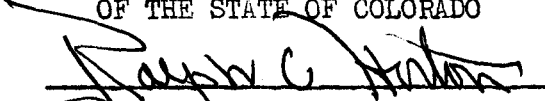
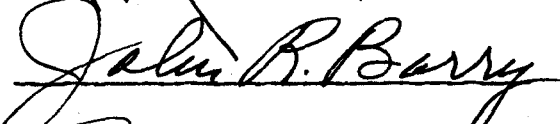
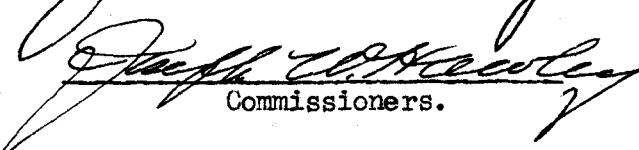
O R D E R

THE COMMISSION ORDERS:

That the above-styled application should be, and the same hereby is, dismissed, at the request of applicant.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 29th day of September, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE BOARD OF COUNTY COMMISSIONERS OF)
HUERFANO COUNTY, COLORADO, TO MOVE)
HIGHWAY CROSSING OVER THE LOMA)
BRANCH OF THE DENVER AND RIO GRANDE)
WESTERN RAILROAD COMPANY NORTHWEST)
OF WALSENBURG, COLORADO.)

APPLICATION NO. 10007

September 29, 1949

Appearances: Romilly Foote, Esq., County Attorney,
Walsenburg, Colorado, for applicant;
Fred Scholes, County Commissioner,
Walsenburg, Colorado, for applicant.

S T A T E M E N T

By the Commission:

On March 18, 1949, the Board of County Commissioners of Huerfano County, Colorado, by its attorney, Romilly Foote, filed an application with this Commission for authority to move an existing crossing over the tracks of The Denver and Rio Grande Western Railroad Company, at grade, at Columbus Avenue, Loma Park Townsite, Huerfano County, to Cedar Street, Walsenburg, Colorado, extended into said Loma Park Townsite.

The existing crossing at Columbus Avenue is located 1,670 feet southerly from Mile Post No. 177 of the Loma Park Branch of The Denver and Rio Grande Western Railroad Company in Huerfano County, while the proposed crossing at Cedar Street is located 1,532 feet southerly of said Mile Post No. 177 of said Railroad Company. The net effect of the proposed relocation is to move the crossing 138 feet northerly from its existing location. The location of the existing and proposed crossings listed above are more clearly shown on a map marked Exhibit "A" and attached to the instant application, and by reference made a part hereof.

The instant matter was set down for hearing at the Court House at Walsenburg, Colorado, on Wednesday, September 14, 1949, at 2:00 P. M., after due notice to all interested parties, and was there heard and taken under advisement.

At the hearing, Mr. James Fisk, engineer for the Board of County Commissioners, testified that it was necessary to change the location of the existing crossing on Columbus Avenue to the new location at Cedar Street because, while the Columbus Avenue on the east side of the crossing was a public road, the extension of said avenue westward across the tracks and right-of-way of The Denver and Rio Grande Western Railroad Company led into private property. In order to correct this condition, the County Commissioners propose to relocate the crossing from Columbus Avenue to Cedar Street. The County Commissioners have purchased land at the proposed location in order to open a public highway along Cedar Street extended southeastward over the tracks and right-of-way of The Denver and Rio Grande Western Railroad Company.

The Commission has received a letter from The Denver and Rio Grande Western Railroad Company stating that the Railroad has no objection to the relocation of the crossing, provided the County of Huerfano pays for all the expenses involved in said relocation.

The testimony disclosed that the public convenience and necessity require the proposed change in location of the crossing, and that the public safety will not be adversely affected by said change. The necessary labor, materials, and expense to relocate the planking, grading, drainage, and crossing protection shall be borne by the County Commissioners of Huerfano County, Colorado.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the relocation of the crossing over the tracks of The Denver and Rio Grande Railroad Company at the location described in the foregoing Statement and in accordance with said Statement, which Statement by reference is made a part hereof.

O R D E R

THE COMMISSION ORDERS:

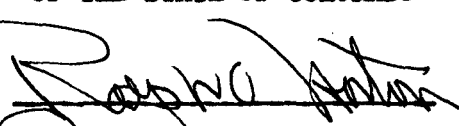


That applicant, Board of County Commissioners of Huerfano County, Colorado, be, and it hereby is, authorized to relocate, establish, maintain, and operate a highway crossing, at grade, on and across The Denver and Rio Grande Western Railroad Company's tracks and right-of-way 1,532 feet southerly from Mile Post No. 177 of the Loma Park Branch of The Denver and Rio Grande Western Railroad Company.

That upon said relocation, the existing crossing, located 1,670 feet southerly from Mile Post No. 177 of the Loma Park Branch of The Denver and Rio Grande Western Railroad Company, shall be vacated and closed.

The County Commissioners of Huerfano County, Colorado, shall furnish all material and labor, at their expense, to perform the work as outlined in the Statement preceding, which Statement by reference is made a part hereof.

That this order shall become effective on the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 29th day of September, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD L. EAKINS, 4421 WEST) PERMIT NO. B-2328.
35TH AVENUE, DENVER 12, COLORADO.)
-----)

September 30, 1949

S T A T E M E N T

By the Commission:

On July 15, 1949, the Commission authorized Harold L. Eakins to suspend operations under his Permit No. B-2328 until January 10, 1950.

The Commission is now in receipt of a communication from the above-named permittee, requesting that his permit be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

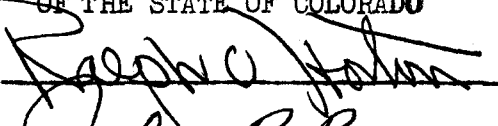
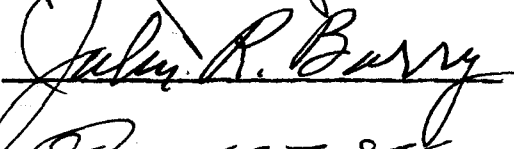

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-2328 should be, and the same hereby is, reinstated as of September 22, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MARTIN E. STITES, 3510 WEST) PERMIT NO. B-3804.
CUSTER PLACE, DENVER, COLORADO.)
-----)

September 30, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee, requesting that his Permit No. B-3804 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

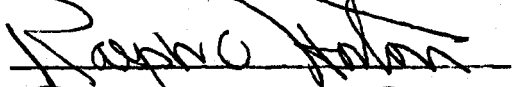
O R D E R

THE COMMISSION ORDERS:

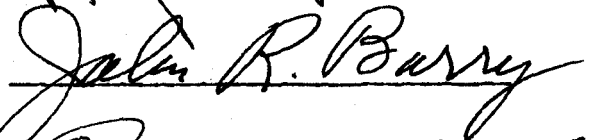
That Martin E. Stites be, and he is hereby, authorized to suspend his operations under Permit No. B-3804 until March 12, 1950.

That unless said Martin E. Stites shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph C. Hutton



John R. Barry



Joseph W. Kearney
Commissioners. 2

Dated at Denver, Colorado,
this 30th day of September, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HUBERT L. GILLISPIE, ROUTE 1,) PERMIT NO. B-3882.
BOX 133, LA JUNTA, COLORADO.)
-----)

September 30, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee, requesting that his Permit No. B-3882 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

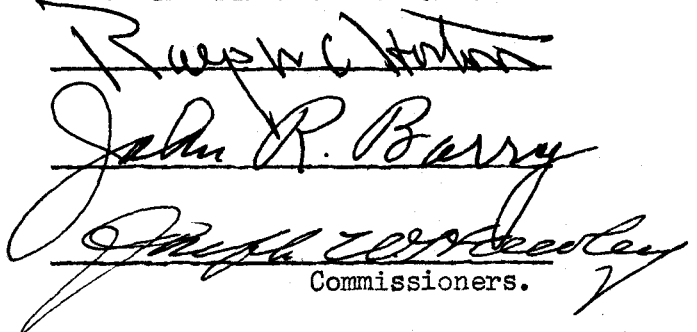
O R D E R

THE COMMISSION ORDERS:

That Hubert L. Gillispie be, and he is hereby, authorized to suspend his operations under Permit No. B-3882 until March 26, 1950.

That unless said Hubert L. Gillispie shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

At a General Session of The
Public Utilities Commission
of the State of Colorado,
held at its Office in Denver,
Colorado, this 29th day of
September, 1949.

INVESTIGATION AND SUSPENSION DICKET NO. 298

IT APPEARING, That on August 31, 1949, the Mountain Utilities Corporation, by its Vice President, B. E. Jack, filed a proposed rate schedule for electric service to become effective the first day of October, 1949, said proposed rate schedule being an increase in all classes of service rendered by the Aspen Division of the Mountain Utilities Corporation in Pitkin County, Colorado, over the presently effective rates; and

IT FURTHER APPEARING, That in compliance with the Commission's General Order No. 33, said Electric Company notified its customers that it had filed with this Commission the proposed rate increase, and that, following receipt of this notice, 28 users of the electricity in Aspen, Colorado, made complaint to the Commission protesting the increase in rates and asking the Commission to make an investigation as to the necessity for said increase; and


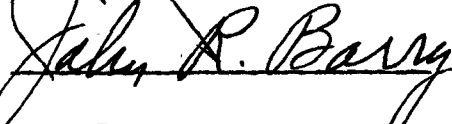
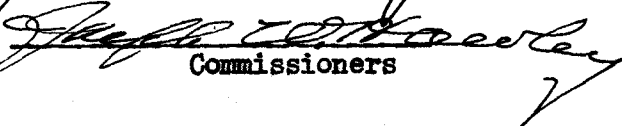
IT FURTHER APPEARING, That unless the effective date of the proposed increase is extended, the rights and interests of the customers and others concerned might be injuriously affected:

IT IS THEREFORE ORDERED, That the effective date of the proposed rate increase be suspended for a period of one hundred and twenty (120) days from October 1, 1949, that is, until January 28, 1950, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That the proposed rate increase, the financial status, and the physical condition of the property of the Mountain Utilities Corporation, Aspen Division, Pitkin County, Colorado, be made a subject of investigation by this Commission within said period of suspension, or within such further time as the same may be lawfully suspended.

IT IS FURTHER ORDERED, That a copy of this order be filed with the aforesaid proposed rate schedule and complaints filed therewith, and that copies hereof be served forthwith on B. E. Jack, Vice President, Mountain Utilities Corporation, and on Thomas F. Beck, Aspen, Colorado, representing persons protesting the proposed increase in rates.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 29th day of September, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
AARON A. BAKER, BOX 435,)
MANCOS, COLORADO)
) PERMIT NO. C-23420
)
)
)

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
..Aaron A. Baker,.....
requesting that Permit No. C-23420.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-23420....., heretofore issued to.....
..Aaron A. Baker,.....be,
and the same is hereby, declared cancelled effective September 13, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD SEGELKE, WIGGINS,)
COLORADO.) PERMIT NO. C-22037
)
)
)

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Harold Segelke,.....
requesting that Permit No. C-22037..... be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22037....., heretofore issued to.....
Harold Segelke,..... be,
and the same is hereby, declared cancelled effective August 13, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHRIS F. MERKEL, C/O RAINER)
HOTEL, 1246 STOUT ST., DENVER)
COLORADO)
)
)
)

PERMIT NO. C-23794

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
..Chris F. Merkel,.....
requesting that Permit No.C-23794.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-23794....., heretofore issued to.....
Chris F. Merkel,.....be,
and the same is hereby, declared cancelled effective September 13, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John R. Barry

Commissioners

Dated at Denver, Colorado,
this 5th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
SEFERINO MARTINEZ, PAGOSA SPRINGS,
COLORADO)

PERMIT NO. C-22494

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Seferino Martinez,.....
 requesting that Permit No. C-22494 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22494, heretofore issued to
Seferino Martinez,
be,
and the same is hereby, declared cancelled effective September 13, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
A. G. MANCHESTER, 237 SOUTH)
AVENUE, GRAND JUNCTION, COLORADO)
-----)

PERMIT NO. C-21085

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
A. G. Manchester,-----
requesting that Permit No. C-21085-----be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21085-----, heretofore issued to-----
A. G. Manchester,-----be,
and the same is hereby, declared cancelled effective September 13, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Winton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
STEVE LUCERO, ROUTE 1, BOX 29,)
WESTON, COLORADO) PERMIT NO. C-18143
)
)
)

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Steve Lucero,.....
requesting that Permit No. C-18143.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-18143....., heretofore issued to.....
Steve Lucero.....be,
and the same is hereby, declared cancelled effective September 5, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EUGENE GIRON, ALAMOSA, COLORADO)
)
)
)

PERMIT NO. C-22512

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Eugene Giron,.....
requesting that Permit No. C-22512.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22512....., heretofore issued to.....
Eugene Giron,.....be,
and the same is hereby, declared cancelled effective August 8, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Harkness

John R. B. B. B.

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 5th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RANDALL M. DAVIS, DEL NORTE,)
COLORADO.)
) PERMIT NO. C-18389
)
)
)

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Randall M. Davis,.....
requesting that Permit No. C-18389.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-18389....., heretofore issued to.....
Randall M. Davis,.....be,
and the same is hereby, declared cancelled effective September 10, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
T. L. NORMAN, 915 23rd ST.,)
GREELEY, COLORADO.)
) PERMIT NO. C-18821
)
)
)

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
T. L. Norman,.....
requesting that Permit No. C-18821.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-18821....., heretofore issued to.....
T. L. Norman,.....be,
and the same is hereby, declared cancelled effective September 13, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of Oct., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
SIMPLICIO VALLEJOS, ROUTE 1,)
WESTON, COLORADO)
) PERMIT NO. C-19776
)
)
)

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Simplicio Vallejos,.....
requesting that Permit No. C-19776 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-19776, heretofore issued to.....
Simplicio Vallejos,..... be,
and the same is hereby, declared cancelled effective September 12, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Heston

Oliver H. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT E. PRETTI, RIFLE, COLO-)
RADO.)
)
)
)

PERMIT NO. C-20625.

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Robert E. Pretti,
requesting that Permit No. C-20625 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20625, heretofore issued to.....
Robert E. Pretti, be,
and the same is hereby, declared cancelled effective September 13, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. B. ...

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LEWIS B. FOX, BIG SPRINGS,)
NEBRASKA) PERMIT NO. C-21208
)
)
)

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
Lewis B. Fox,-----
requesting that Permit No. C-21208-----be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21208-----, heretofore issued to-----
Lewis B. Fox,-----be,
and the same is hereby, declared cancelled effective September 13, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

Colin B. Blair

Joseph W. Harty

Commissioners

Dated at Denver, Colorado,

this 5th day of Oct., 194 9.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
A. H. GRAFF, 1628 MINER STREET,)
IDAHO SPRINGS, COLORADO.) PERMIT NO. C-23121
)
)
)

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
A. H. Graff,.....
requesting that Permit No. C-23121..... be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-23121....., heretofore issued to.....
A . H. Graff,..... be,
and the same is hereby, declared cancelled effective September 13, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 5th day of Oct., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MARTIN MUSIC & APPLIANCE CO. INC.,)
620 NORTH MAIN, ALAMOSA, COLO-)
RADO.)
)
)
)

PERMIT NO. C-23178

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from
Martin Music & Appliance Co. Inc.,
requesting that Permit No. C-23178 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-23178, heretofore issued to
Martin Music & Appliance Co. Inc., be,
and the same is hereby, declared cancelled effective September 6, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
NORRIS MONTGOMERY MOTOR COMPANY,)
INC., LEBANON, MISSOURI.)

PERMIT NO. C-20677

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Norris Montgomery Motor Company, Inc.,.....
requesting that Permit No. C-20677..... be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20677....., heretofore issued to.....
Norris Montgomery Motor Company, Inc.,.....be,
and the same is hereby, declared cancelled effective August 20, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. B...

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 5th day of Oct., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WICHITA DISTRIBUTING COMPANY,)
800 E. 21st ST., WICHITA, KANSAS)
)
)

PERMIT NO. C-21222

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Wichita Distributing Company,.....
requesting that Permit No. C-21222.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21222....., heretofore issued to.....
Wichita Distributing Company,.....be,
and the same is hereby, declared cancelled effective September 10, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John E. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 5th day of Oct., 1949
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MAURICE B. LOGAN AND CARL A.)
MILLER, 8506 W. 38th AVENUE,) PERMIT NO. C-23799
WHEATRIDGE, COLORADO)
-----)

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from
Maurice B. Logan and Carl A. Miller,
requesting that Permit No. C-23799 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-23799, heretofore issued to
Maurice B. Logan and Carl A. Miller, be,
and the same is hereby, declared cancelled effective September 9, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hanson
John A. Baker
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 5th day of Oct., 1949

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GLEN S. GRIMSBY, BONANZA)
HOTEL, VILLAGROVE, COLORADO)
PERMIT NO. B-3910
-----)
-----)
-----)

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Glen S. Grimsby,.....
requesting that Permit No. B-3910..... be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. B-3910....., heretofore issued to.....
Glen S. Grimsby,.....be,
and the same is hereby, declared cancelled effective September 12, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 5th day of Oct., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM C. DINE, RT 3, BOX 92,)
GOLDEN, COLORADO.)
)
)
)
)

PERMIT NO. B-3932

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
William C. Dine,.....
requesting that Permit No. B-3932..... be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. B-3932....., heretofore issued to.....
William C. Dine,.....be,
and the same is hereby, declared cancelled effective August 20, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 5th day of Oct., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
O. C. STINSON, DOING BUSINESS AS)
STINSON TRANSFER COMPANY,)
KINSLEY, KANSAS.) PERMIT NO. A-1652-I
)
)
)
-----)

October 5, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
O. C. Stinson, d/b/a Stinson Transfer Company,.....
requesting that Permit No. A-1652-I.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. A-1652-I....., heretofore issued to.....
O. C. Stinson, d/b/a Stinson Transfer Company,.....be,
and the same is hereby, declared cancelled effective September 20, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DENVER TRAMWAY CORPORATION TO)
INSTALL FLASHING LIGHT CROSSING)
SIGNALS ON STATE HIGHWAY 72, JEF-)
FERSON COUNTY, COLORADO, AT)
TRAMWAY STATION 447 + 97.90.)

APPLICATION NO. 10163

September 30, 1949

S T A T E M E N T

By the Commission:

On August 3, 1949, The Denver Tramway Corporation, by its Chief Engineer, Frank Overstreet, filed an application with the Commission for authority to install flashing light crossing signals on State Highway 72, Jefferson County, Colorado, at Tramway Station 447 + 97.90.

The present tramway crossing is at grade over State Highway 72, and is protected only by warning signs. The location of said crossing is more particularly described as being located on the Leyden Division of The Denver Tramway Corporation's electric railroad, where said railroad intersects State Highway No. 72 on the north and south range line between Section 25, Township 2 South, Range 70 West, and Section 30, Township 2 South, Range 69 West, Jefferson County, Colorado. The location of said crossing over State Highway 72 is shown on a map marked "Exhibit A", attached to the instant application and by reference made a part hereof.

The application states that The Denver Tramway Corporation and the State Highway Department of the State of Colorado have entered into an agreement dated June 7, 1949, providing for the installation and maintenance of flashing light crossing signals, with loud-ringing bell, at the location heretofore referred to. Pursuant to said agreement, the signals are to be installed as part of a Federal Aid Project, and the cost thereof will be financed from funds appropriated for such purpose by the Federal Government and the applicant, all as more particularly set forth in said agreement, a

copy of which is attached to the instant application, marked "Exhibit B", and by reference made a part hereof.

The State Highway Department is improving State Highway No. 72, and in the course of said improvement, is eliminating hazards to public travel. The safety to the general public will be better insured by the installation of the flashing light signals as proposed in this application.

The type of lights and construction shall be in conformance with the Association of American Railroads, Joint Committee on Grade Crossing Protection, Bulletin No. 3, as adopted by this Commission. All maintenance shall be at the expense of The Denver Tramway Corporation, as stated in "Exhibit B", heretofore referred to.

All interested parties having been notified of the instant matter, and no protest being received in opposition to the granting of the authority sought, the Commission has heard said matter without further notice, upon the records and files herein.

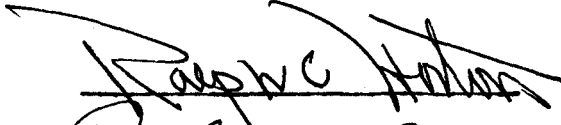
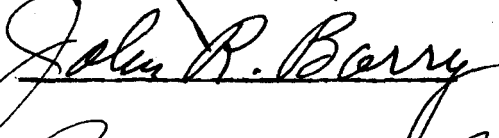

F I N D I N G S

THE COMMISSION ORDERS:

That applicant, The Denver Tramway Corporation, be, and it hereby is, authorized to construct, establish, maintain, and continuously operate flashing light signals at its crossing over State Highway No. 72, Jefferson County, Colorado, designated as Tramway Station 447 + 97.90. The Denver Tramway Corporation shall construct and maintain said lights in accordance with the Statement preceding, which, by reference, is made a part hereof.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 30th day of September, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASE IN RATES ON MILK }
ON THE LINE OF THE DEERTRAIL }
TRUCK LINE }

Investigation and Suspension Docket
No. 300

September 29, 1949

S T A T E M E N T

By the Commission:

On August 15, 1949, the Motor Truck Common Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, filed a tariff containing new schedules to become effective September 30, 1949, designated as follows:

"Motor Truck Common Carriers' Association, Agent, Local and Joint Freight Tariff No. 12, Colo. P.U.C. No. 6, 3d Revised Page No. 207, Cancels 2d Revised Page No. 207, Item No. 2980, Milk in shipping cans (rate includes return of empty cans) from authorized territory of Vancil Truck Line, other than described in Note No. 1, below, to Denver - 45¢ per cwt."

The proposed schedule, in regard to which the Commission has received complaints from shippers, makes an increase and establishes a new rate for the transportation of milk from part of the territory of the Vancil Truck Line to Denver, Colorado, whereby the rights and interests of the public may be injuriously affected. It is the opinion of the Commission that the effective date of said tariff containing said schedule should be postponed pending a hearing and decision thereon.

F I N D I N G S

THE COMMISSION FINDS:

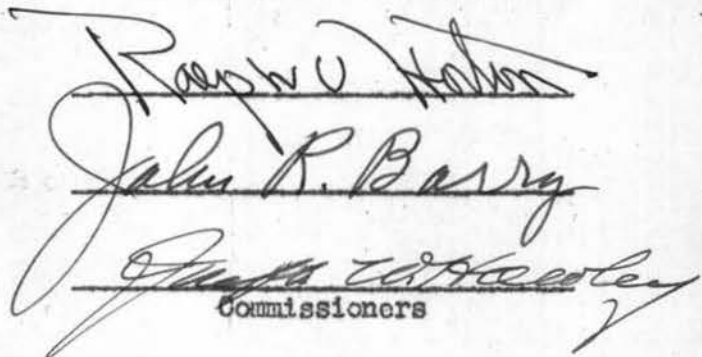
That, the rate contained in the proposed item in said tariff, hereinbefore designated, should be suspended and that the use of the proposed rate should be postponed pending a hearing and decision thereon.

O R D E R

THE COMMISSION ORDERS:

That, the Commission, upon complaint, enter upon a hearing concerning the lawfulness of the rate stated in the item contained in the tariff set forth in the statement and made a part hereof; that the rate set forth in the item contained in said tariff be suspended and that the use of the rate therein stated be deferred 120 days or until the 23th day of January 1950, unless otherwise ordered by the Commission and no change shall be made in said rate during the said period of suspension; that the rate thereby sought to be altered, shall not be changed by any subsequent tariff until this investigation and suspension has been disposed of or until the period of suspension or any extension thereof has expired; that a copy of this order shall be filed with said tariff in the office of the Commission and that copies hereof be forthwith served upon the Motor Truck Common Carriers' Association, Agent, Denver, Colorado and Robert Rector, Elmer Dezutti, Claude Donovan, Jake Guy, Goerge Ehman and Dennis McClure, all of Deertrail, and also George Vancil of the Vancil Truck Line, Deertrail; that this proceeding be and the same is hereby assigned for hearing October 25, 1949 at 10:00 o'clock A.M. in the hearing room of the Commission 330 State Office Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado
this 29th day of September, 1949.

hn

Original

(Decision No. 33516)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
THE DENVER AND RIO GRANDE WESTERN
RAILROAD COMPANY TO DISCONTINUE
OPERATION OF ITS SUNDAY PASSENGER
TRAINS NOS. 215 AND 216 BETWEEN
ALAMOSA AND DURANGO, COLORADO.

APPLICATION NO. 10204

At a General Session of The Public
Utilities Commission of the State
of Colorado, held at its office
in Denver, Colorado, on September
30, 1949.

INVESTIGATION AND SUSPENSION DOCKET NO. 297

IT APPEARING, That on August 30, 1949, The Denver and Rio Grande Western Railroad Company, by L. F. Wilson, Assistant General Manager, filed its petition under the Commission's General Order No. 34, proposing to discontinue, effective October 1, 1949, the operation on Sundays of its interstate passenger trains Nos. 215 and 216, between Alamosa, Colorado, and Durango, Colorado; and

IT FURTHER APPEARING, That before the effective date fixed in said petition, and before further action was taken by this Commission, The Denver and Rio Grande Western Railroad Company asked the Commission to withdraw said petition and to dismiss the proceedings in the instant matter; and

IT FURTHER APPEARING, That the instant petition having been assigned Application No. 10204 and Investigation and Suspension Docket No. 297, the Commission records in both dockets should show the effect of the instant order.

F I N D I N G S

THE COMMISSION FINDS:

That the request of The Denver and Rio Grande Western Railroad Company to withdraw its petition in the instant matter should be granted.

O R D E R

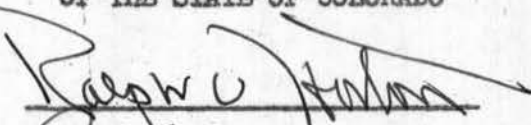
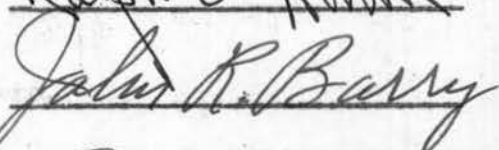
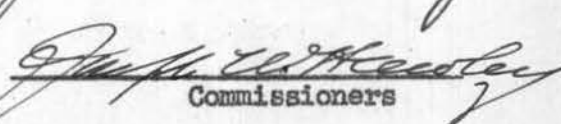
THE COMMISSION ORDERS:

That the petition of The Denver and Rio Grande Western Railroad Company to discontinue Sunday passenger train service between Alamosa and Durango, Colorado, be dismissed.

That the records of the Commission in Application No. 10204 and in I. & S. Docket No. 297 be closed.

That a copy of this order be filed with Application No. 10204 and with Investigation and Suspension Docket No. 297, and a copy hereof be forthwith served on L. F. Wilson, Assistant General Manager, of The Denver and Rio Grande Western Railroad Company; T. R. Woodrow, Esq., and T. A. White, Esq., attorneys for petitioner, P. O. Box 2040, Denver, Colorado; Janie L. Barrett, Postmaster, Arboles, Colorado; C. A. Davlin, Mayor, Alamosa, Colorado; Merlin R. Manning, Mayor, La Jara, Colorado; F. W. Jones, Mayor, Cortez, Colorado; Alton C. Dorsett, President, Durango Chamber of Commerce, Durango, Colorado; Elbert Mallett, Mayor, Mancos, Colorado; Milenski and Armstrong, Attorneys for Town of Dolores, Cortez, Colorado; E. Ellison Hatfield, City Attorney, Durango, Colorado; Wilbur B. Foshay, Secretary, Alamosa County Chamber of Commerce, Alamosa, Colorado; Helene Crawford, Town Clerk, Silverton, Colorado; Herbert W. Gee, for protestants of Dulce, New Mexico; E. C. Van Fradenburg, Cashier, The Colonial State Bank, Manassa, Colorado; Chamber of Commerce, Manassa, Colorado; Lynn Burt, Mayor, Manassa, Colorado; H. L. Phillips, Mayor, Ignacio, Colorado; Antonito Chamber of Commerce, Antonito, Colorado; J. Fidel Chavez, Attorney for Town of Antonito, Antonito, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 30th day of September, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THE UNION PACIFIC RAILROAD COMPANY
TO CLOSE RAILROAD CROSSING AT 5TH
STREET, AND TO PLACE FLASHING LIGHT
CROSSING SIGNALS AT 9TH STREET IN THE
TOWN OF FORT LUPTON, WELD COUNTY,
COLORADO.

APPLICATION NO. 10175.

September 30, 1949

STATEMENT

By the Commission:

On July 26, 1949, the Union Pacific Railroad Company, by its attorney, E. G. Knowles, filed an application with the Commission for authority to close the railroad crossing at 5th Street in Fort Lupton, Colorado, and to install flashing-light crossing signals at the 9th Street crossing in that town. The location of said crossings are shown in more detail on the map attached to this order and, by reference, made a part hereof. Both crossings are presently protected only by standard crossing signs. Some traffic will continue to cross one industrial track at 5th Street, but barricades will prohibit movement across the main tracks. The flashing-light signals to be installed at 9th Street will be of the automatic type and construction as prescribed by the Association of American Railroads, Joint Committee on Grade Crossing Protection, Bulletin No. 3, as adopted by this Commission. The cost of installation and maintenance will be at the expense of the Union Pacific Railroad Company.

The application also states that the Town Council, By Ordinance No. 16, has authorized the closing of the 5th Street crossing. The safety to the general public will be increased by the proposed changes in crossing protection as outlined in the instant application.

All interested parties were notified of the instant application and there were no protests received to the granting of the authority sought. The Town of Fort Lupton, by its Town Clerk, has stated, in writing, to the Commission that the 5th Street crossing has had very little use in the past ten years, and that the Town was agreeable to the closing of this crossing, provided the flashing-light signals were installed by the Railroad Company at 9th Street. Other interested parties replied in writing, stating that it was their belief that flashing-light signals were needed at 9th Street, and they had no objection to the closing of the 5th Street crossing. In view of the above response to the instant application, the Commission has heard said matter without further notice, upon the records and files herein.

The Commission has personally inspected the sites of the two crossings, and it is evident that the proposed changes should be authorized. In addition, as a part of the improvement of the 9th Street crossing, the cross-buck sign presently located on the east side of the tracks, should be moved to the north side of the highway and placed west of the main tracks, to provide protection for the industrial and switching tracks lying west of the main line. With this additional change, the application should be approved.

FINDINGS

THE COMMISSION FINDS:

That public convenience and necessity require the granting of the authority sought, with the additional change in the location of the cross-buck sign on the east side of the 9th Street crossing, as set forth in the preceding Statement.

ORDER

THE COMMISSION ORDERS:

That the applicant, the Union Pacific Railroad Company, be, and hereby is, authorized and directed to construct, establish, maintain and continuously operate flashing-light signals at 9th Street in the Town of Fort Lupton, Weld County, Colorado, in accordance with the preceding Statement, by reference made a part hereof.

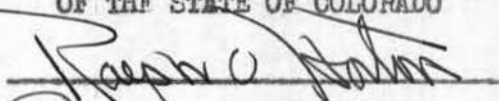
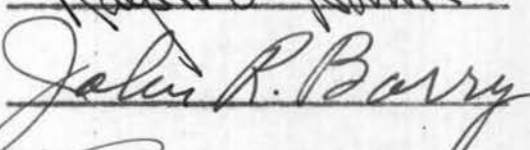

That Union Pacific Railroad Company remove the existing crossing protection at 5th Street in the Town of Fort Lupton, Weld County, Colorado, and install at said crossing suitable barricades to effectively close said crossing, with the exception of the industrial track on the west side of the right-of-way.

That the Railroad re-locate the cross-buck sign on the east side of the 9th Street crossing as outlined in the preceding Statement.

That the expense of improving the crossings as required by this Order, shall be borne by the Union Pacific Railroad Company.

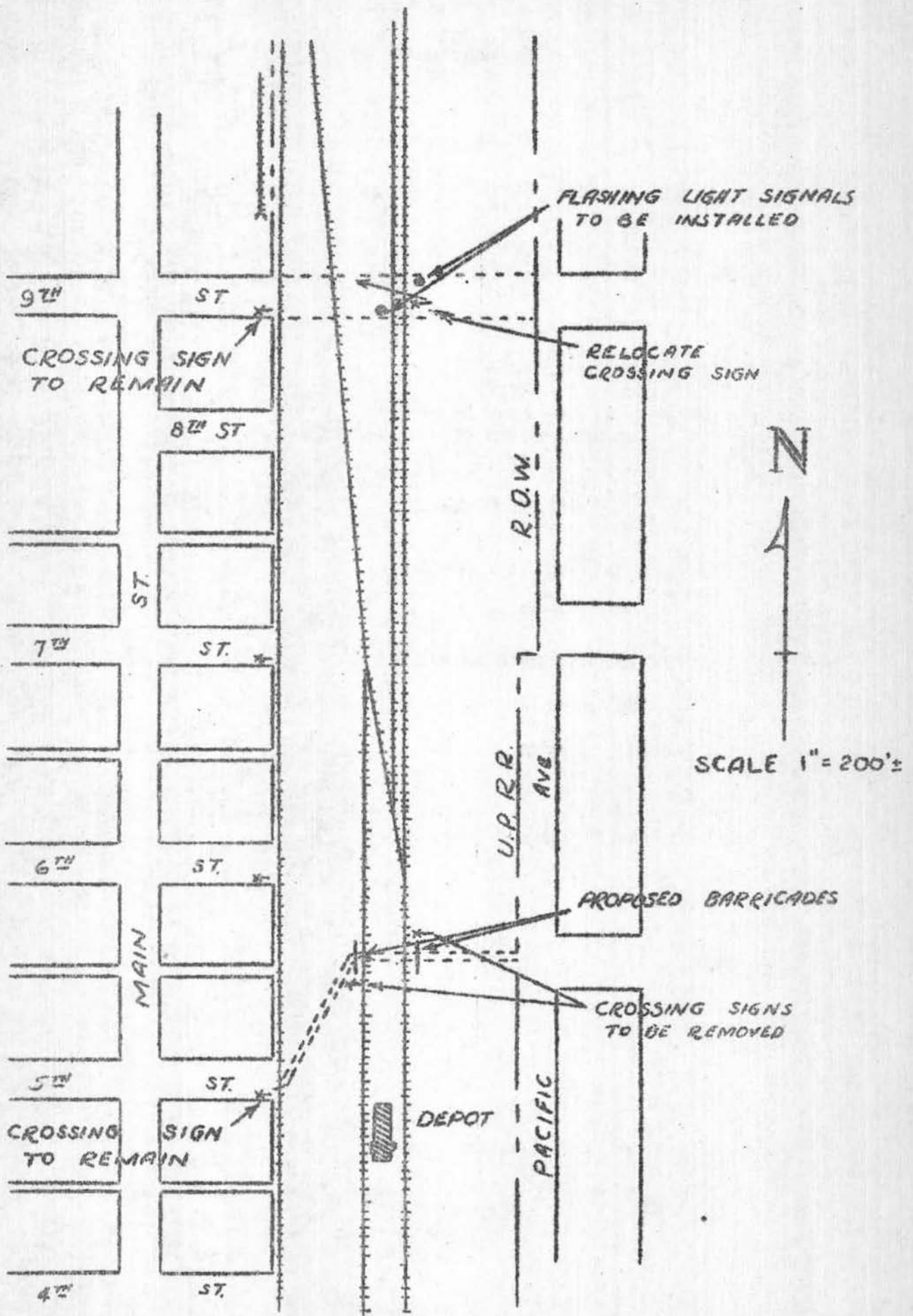
This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1949.

ea



APPLICATION 10175

UNION PACIFIC RR CHANGE IN CROSSING PROTECTION - FORT LUPTON, COLO.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
WILLIAM ROBERT STOW, DOING BUSINESS
AS "ARTESIA WATER COMPANY," ASKING
FOR AN ORDER AUTHORIZING THE DISCON-
TINUANCE OF THE OPERATION OF A WATER
DISTRIBUTION SYSTEM AT ARTESIA,
COLORADO.

APPLICATION NO. 9814.

October 3, 1949

Appearances: Henley A. Calvert, Esq.,
Denver, Colorado, and
Earl T. Thrasher, Esq.,
Denver, Colorado, for
applicant;
Lincoln Coit, Esq., Grand
Junction, Colorado, for the
Town of Artesia, protestant;
Joseph M. McNulty, Denver,
Colorado,
G. L. Flower, Denver, Colorado,
and
W. Geo. Denny, Jr., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On September 8, 1949, by Decision No. 33414, this Commission denied the right to one William Robert Stow, doing business as "Artesia Water Company," Artesia, Colorado, to abandon the operation of said water company for failure to make a proper showing before this Commission.

At that time the applicant did not have a proper set of books from which we could ascertain whether or not abandonment was justified.

The Commission is now in receipt of a Petition for Rehearing in the instant matter, the allegations of said petition being as follows, to-wit:

"As grounds for this petition your Applicant respectfully represents that there are now in existence or should be in existence, books of accounts, records, and other items of like nature which will show the true operations of the water system in question, and will give to the Commission an opportunity to issue a proper order herein."

We have reviewed the matter again, and are of the opinion that on this motion we cannot grant a rehearing. The motion says, "there are now in

existence or should be in existence, books of accounts, records, etc." We are not disposed at this time to go on a hunting expedition with this applicant to ascertain whether he has, or has not, a proper set of books. As stated in the original order, this Commission loaned to the applicant the services of the Auditing Department some years back for the purpose of setting up proper books of account. They were not in existence when this matter was originally heard, and from the motion we cannot tell whether they are in existence today or not. If and when this applicant does what he is supposed to do, namely, set up a proper set of books, then we shall be glad to take into consideration any plea which he may make, but until such time as he has something concrete for us to work on, we see no reason in granting additional hearings. This matter has been heard twice already, and each time the applicant failed to produce the books in question.

FINDINGS

THE COMMISSION FINDS:

That no error was committed in Decision No. 33414, and that no useful purpose would be served by granting a rehearing herein, and that said application for rehearing should be denied.

ORDER

THE COMMISSION ORDERS:

That the application for rehearing in the above-styled matter filed by William Robert Stow, doing business as "Artesia Water Company," be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 3rd day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. W. BLOOM, 1004 SOUTH HARLAN)
STREET, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 10233-PP

October 5, 1949

Appearances: R. W. Bloom, Denver, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

The instant application was filed August 31, 1949, set for hearing, and heard, after proper notice to all parties in interest, on September 30, 1949, at 330 State Office Building, Denver, Colorado, and taken under advisement.

The evidence disclosed that applicant has a 1941 two-ton Dodge Truck; that his net worth is approximately \$15,000.00, and that he is interested in transporting coal from the northern Colorado coal fields to Denver. He has an oral agreement with the Rio Grande Fuel Company.

F I N D I N G S

THE COMMISSION FINDS:

That the authority herein sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That R. W. Bloom, of 1004 South Harlan Street, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier

by motor vehicle for hire for the transportation of coal from the mines in the northern Colorado coal fields to Denver, Colorado.

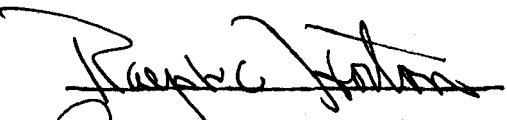
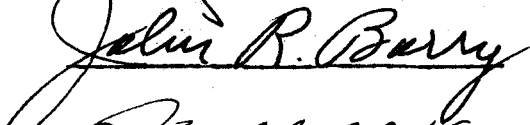
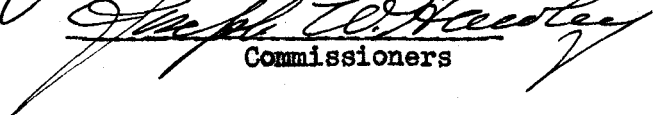
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 5th day of October, 1949.

(Decision No. 33520)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
BEN A. ROMERO, 2411 STOUT STREET,
DENVER, COLORADO, FOR A REISSUANCE
OF PERMIT NO. B-2739.

APPLICATION NO. 10234-PP

October 5, 1949

Appearances: Ben A. Romero, Denver,
Colorado, pro se.

S T A T E M E N T

By the Commission:

The instant application to reinstate Private Carrier Permit No. B-2739 was filed September 6, 1949, set for hearing, and after appropriate notice to all parties in interest, was heard September 30, 1949, at 330 State Office Building, Denver, Colorado, and taken under advisement.

The evidence disclosed that applicant has a 1942 International Truck, 1½-ton capacity; that his net worth is approximately \$1,300.00; that he has an oral agreement with the Holly Coal and Wood Company of Denver; and that he is interested in again engaging in this type of transportation and having his old authority reinstated, carrying the number above referred to.

No one appeared in opposition to the granting of this authority.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application to reinstate Private Carrier Permit No. B-3729 should be granted.

O R D E R

THE COMMISSION ORDERS:

That Ben A. Romero, of 2411 Stout Street, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other road surfacing materials used in making up the surface of the road, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to points within a radius of five miles of Denver, Colorado.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.


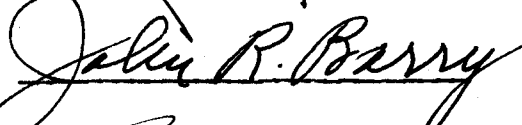

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order is a reinstatement of Permit No. B-2739, and the authority shall bear that number.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 5th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAY WHITCOMB, 1301 FLORENCE STREET,)
AURORA, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 10232-PP

October 5, 1949

Appearances: Ray Whitcomb, Aurora,
Colorado, pro se.

S T A T E M E N T

By the Commission:

The instant application was filed September 8, 1949, set for hearing on September 30, 1949, at 330 State Office Building, Denver, Colorado, where, after appropriate notice to all parties in interest, it was heard and taken under advisement.

The evidence disclosed that applicant has a 1939 Mack Truck; that his net worth is \$3,000.00, and that he is interested in engaging in the transportation of sand, gravel, and other road surfacing materials. He stated he has oral agreements with construction companies in Aurora.

No one appeared in opposition to the granting of the authority sought.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Ray Whitcomb, of 1301 Florence Street, Aurora, Colorado,

be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road surfacing materials, from pits and supply points in the State of Colorado to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties, Colorado.

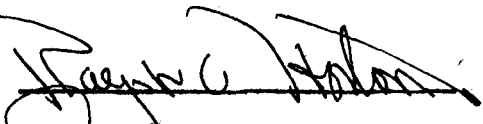
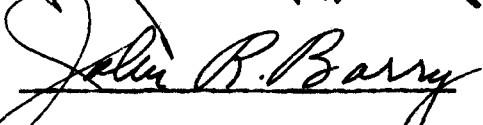

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 5th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
REINHOLD BEART, 3359 OSCEOLA)
STREET, DENVER, COLORADO.)
-----)

PERMIT NO. B-2744.

October 10, 1949

S T A T E M E N T

By the Commission:

On May 23, 1949, the Commission authorized Reinhold Beart to suspend operations under his Permit No. B-2744 until November 9, 1949.

The Commission is now in receipt of a communication from the above-named permittee, requesting that his permit be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-2744 should be, and the same hereby is, reinstated as of October 3, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Berg
Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 10th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RALPH MILLER, 917 KNOX COURT, DENVER,)	<u>APPLICATION NO. 10230-PP</u>
COLORADO, FOR A REISSUANCE OF PERMIT)	
B-2735.)	
-----)	

IN THE MATTER OF THE APPLICATION OF)	
RALPH MILLER, 917 KNOX COURT, DENVER,)	<u>APPLICATION NO. 10230-PP-Ext.</u>
COLORADO, FOR AN EXTENSION OF PERMIT)	
B-2735.)	
-----)	

October 5, 1949

Appearances: Ralph Miller, Denver,
Colorado, pro se.

S T A T E M E N T

By the Commission:

The instant application for reinstatement of Private Carrier Permit No. B-2735 was filed September 3, 1949, set for hearing, and heard September 30, 1949, at 330 State Office Building, Denver, Colorado, after appropriate notice to all parties in interest, and taken under advisement.

The evidence disclosed that applicant has a 1946 2-ton Ford Truck; that his net worth is approximately \$5,000.00, and that he is now interested in having the above-numbered authority reinstated in order that he may again engage in the type of transportation covered by the application herein.

Besides the reinstatement of Permit No. B-2735, applicant is interested in having an extension of the permit, allowing the transportation of coal to the points designated in the application.

No one appeared in opposition to the reinstatement or extension of this permit.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be reinstated and extended, as requested.

O R D E R

THE COMMISSION ORDERS:

That Ralph Miller, of 917 Knox Court, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other road surfacing materials, from pits and supply points in the State of Colorado, to points within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; and coal from mines in the northern Colorado coal fields to Denver, to Valmont Plant of Public Service Company near Boulder, to the Great Western Sugar Company plants at Longmont, Loveland, Greeley, Fort Lupton, Brighton and Johnstown, and to the Rocky Mountain Arsenal located northeast of Denver; coal from Seven Crown Coal Mine near Phippsburg to loading points in Phippsburg for Seven Crown Coal Company, only.

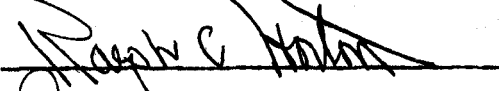
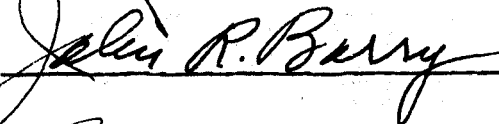
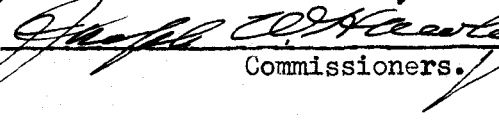
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That this order is made part of the permit granted to applicant, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JOHN LEACH, ROUTE 9, BOX 241, AURORA,)	
COLORADO, FOR A REISSUANCE OF PERMIT)	APPLICATION NO. 10229-PP.
B-1048.)	
-----)	

October 5, 1949

Appearances: John Leach, Aurora,
Colorado, pro se;
A. J. Fregeau, Denver,
Colorado, for Weicker
Transfer and Storage Company.

S T A T E M E N T

By the Commission:

The instant application to reissue Private Carrier Permit No. B-1048 was filed August 31, 1949, set for hearing, and heard September 30, 1949, at 330 State Office Building, Denver, Colorado, after appropriate notice to all parties in interest, and taken under advisement.

The evidence disclosed that applicant has a 2½-ton Ford Truck with a dump body, and that he is interested in again engaging in the transportation of sand, gravel, road surfacing materials and coal, as heretofore authorized by the above-numbered permit.

Applicant stated that his net worth was \$10,000.00:

In response to queries by Mr. Fregeau, applicant stated he had no desire to engage in the transportation of used building materials, and was satisfied to have these commodities excluded from his authority, should the Commission reissue same.

No one appeared in opposition to the granting of this application other than Weicker Transfer and Storage Company.

F I N D I N G S

THE COMMISSION FINDS:

That the authority herein sought should be granted, as limited.

O R D E R

THE COMMISSION ORDERS:

That John Leach, of Route 9, Box 241, Aurora, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and other road surfacing materials from pits and supply points in the State of Colorado to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; and coal from mines in the northern Colorado coal fields to Denver, Colorado.

That this authority is a reinstatement of the old authority contained in Private Carrier Permit No. B-1048, and shall bear this number.

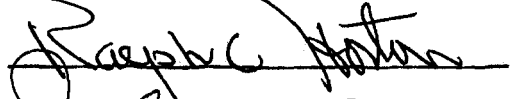


That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DOYLE R. SWIFT, 307 RAPP STREET,)
LITTLETON, COLORADO, FOR A CLASS "B") APPLICATION NO. 10231-PP.
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)
-----)

October 5, 1949

Appearances: A. J. Fregeau, Denver,
Colorado, for Weicker
Transfer and Storage Company.

S T A T E M E N T

By the Commission:

The instant application was filed August 27, 1949, set for hearing September 30, 1949, at 330 State Office Building, Denver, Colorado, after appropriate notice to all parties in interest.

When the matter was called, applicant did not appear, either in person or by counsel, whereupon the application and the files were made a part of the record and the matter was taken under advisement.

We observe that there are over three full pages in the file containing the names of carriers who were notified of this hearing by the Commission. To the contrary notwithstanding, the applicant apparently was not interested enough to notify us, or to appear. We think that people who make applications to this Commission for authority should exercise more diligence.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application, upon the Commission's own motion, should be dismissed for lack of prosecution.

O R D E R

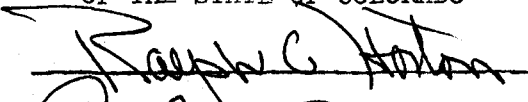
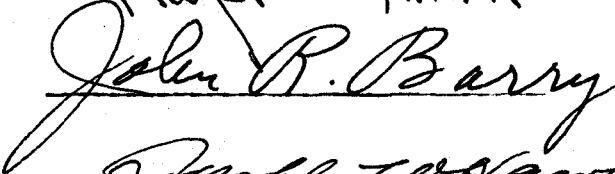

THE COMMISSION ORDERS:

That the instant application, upon the Commission's own motion,

be, and hereby is, dismissed for lack of prosecution.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASE IN RATES ON MILK)
ON THE LINES OF THE BYERS-)
DENVER TRUCK LINE AND W. F.)
ACKLEY.)

Investigation and Suspension Docket
No. 293

October 3, 1949

Appearances: Myron H. Burnett, Esq., for Byers-Denver
Truck Line; Midland Savings Bldg., Denver 2, Colo;
J. R. Smith for Colorado Motor Carriers'
Association, 407 Denham Bldg., Denver 2,
Colorado;
T. S. Wood, for the Public Utilities Commission,
State Office Bldg., Denver 2, Colo.;
E. E. Van Matre, Byers, Colorado;
Ellis Hodges, Byers, Colorado;
Roy Meredith, Byers, Colorado.

S T A T E M E N T

By the Commission:

By schedules filed to become effective on the 10th day of June, 1949, the Motor Truck Common Carriers' Association, Agent, for account of the Byers-Denver Truck Line and W. F. Ackley, proposed certain changes in rates which apparently had the effect of increasing the rates for the transportation of milk between certain designated points on intrastate transportation. Upon complaint, this Commission suspended the operation of the said schedules until the 7th day of October, 1949 and assigned the same for hearing on July 6, 1949 in the hearing room of the Commission, 330 State Office Building, Denver, Colorado, at which time and place, said matter was heard. At the hearing, William F. Ackley made no appearance nor was he represented. Therefore, inasmuch as there was no attempt to sustain the rates proposed by Ackley, no discussion of his rates will be made in this order. There is only one conclusion that can be reached and that is, that his proposed increases were not justified.

With regard to the proposed increase of the Byers-Denver Truck Line, witness Ed Tuxhorn testified and introduced five exhibits. Exhibit No. 1 shows that for the year 1943 his freight revenue amounted to \$8,682.81 and his expenses were \$6,144.77, which produced a profit of \$2,538.04. Exhibit No. 2 is an

itemized statement of his expenses for the year 1948, the total of which is \$6,807.83. Exhibit No. 3 is a statement of revenue received from milk for the year 1948, amounting to \$3,217.98. Exhibit No. 4 is a statement which purports to show the revenue he received from each of his milk customers for the year 1948, the total of which is \$1,801.86. Witness Tuxhorn testified that this Exhibit No. 4 did not include the last half of May and the first half of January. However, it is rather difficult to reconcile the revenue shown in his Exhibit No. 4 with that shown in his Exhibit No. 3, since Exhibit No. 4 was stated to be a breakdown of Exhibit No. 3. Exhibit No. 5 consists of a group of pictures of the road conditions he has to encounter in conducting his milk operations.

With regard to Exhibit No. 1, it shows a profit of \$2,538.04 which is approximately 29% of his revenue. The "breakdown" of his total expense, shown on Exhibit No. 2, is \$6,807.83, which amount is \$663.06 greater than the expenses shown in Exhibit No. 1. However, even assuming that the expenses shown on Exhibit No. 2 are correct, his profit would be \$1,874.98 which is 21.6% of his revenue. On the basis of Exhibit No. 1, his operating ratio would be 70.8%, and substituting the expenses shown on Exhibit No. 2, in lieu of those shown on Exhibit No. 1, his operating ratio would be 78.03%, both of said operating ratios being very favorable.

In addition to hauling milk, this carrier has a line-haul operation for all freight between Denver and Byers. His Exhibit No. 3 shows that his milk receipts for 1948 were \$3,217.98, which is approximately 37% of his total receipts as shown in Exhibit No. 1. However, there is no separation between the cost covering the transportation of milk as compared with all other commodities and we are therefore unable to determine whether the milk operation itself is showing a profit or loss. His whole operation shows a good profit and favorable operating ratio, and on the basis of the record, we cannot reach a conclusion other than the proposed increase has not been justified.

F I N D I N G S

THE COMMISSION FINDS:

That the increase proposed in the schedule as hereinbefore designated, has not been justified.

O R D E R

THE COMMISSION ORDERS:

That, the Motor Truck Common Carriers' Association, Agent, be and it hereby is notified and required to cancel 3d revised Page No. 207, in Local and Joint Freight Tariff No. 12, Colo. P.U.C. No. 6, on or before October 7, 1949, upon notice to this Commission and to the public by not less than one day's filing and posting, in the manner prescribed in Section 16 of the Public Utilities Act of the State of Colorado; this proceeding is discontinued and this order shall become effective as of October 7, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hutton
John R. Barry
Joseph T. Hickey
Commissioners

Dated at Denver, Colorado
this 3d day of October, 1949.

hn

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES F. HAITZ, 2419 NORTH)
NEVADA AVENUE, COLORADO SPRINGS,)
COLORADO.)

CASE NO. 48028-INS.
(Permit No. C-6631)

October 5, 1949

S T A T E M E N T

By the Commission:

On August 23, 1949, in Case 48028-Ins., the Commission entered an order revoking Permit No. C-6631 for failure to keep on file effective insurance.

Proper insurance was filed within the five-day period of grace allowed in the order, and revocation should be set aside.

F I N D I N G S

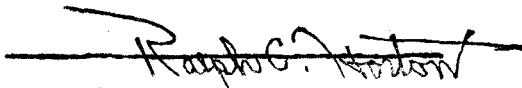

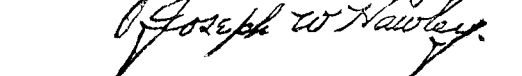
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 48028-Ins., should be cancelled and set aside, and said Permit No. C-6631 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 48028-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-6631 restored to its former status as of August 23, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 5th day of October, 1949



PUBLIC UTILITIES COMMISSION

STATE OFFICE BUILDING
DENVER 2, COLORADO

Oct. 5, 1949

Mr. J. R. Smith,
Chief of Tariff Bureau,
Motor Truck Common Carriers' Assn.,
407 Denham Bldg.,
Denver 2, Colorado.

Dear Mr. Smith:

Referring to our telephone conversation this date relative to the order contained in Dec. No. 33526 in Investigation and Suspension Docket No. 293, the cancellation order should read, Item No. 2895, 3d Revised Page No. 203 and Item No. 3135, 5th Revised Page No. 210, in lieu of 3d Revised Page No. 207.

This will have the effect of cancelling the matters suspended under Dec. No. 32836, dated June 9, 1949, in the above numbered docket.

Very truly yours,

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

TSW hn

Rate Expert

cc: Myron H. Burnett, Esq., Midland Sav. Bldg., Denver, Colo.
E. E. Van Matre Byers, Colo.
Ellis Hodges Byers, Colo.
Roy Meredith Byers, Colo.
Ed Tuxhorn, d/b/a Byers-Denver Truck Line, Byers, Colo.
W. F. Ackley Snyder, Colo.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATION OF
HAROLD JAMES FRANKS, 564 FOURTH
AVENUE, DURANGO, COLORADO.

CASE NO. 48029-INS.
(Permit No. C-22373)

October 5, 1949

S T A T E M E N T

By the Commission:

On August 23, 1949, in Case No. 48029-Ins., the Commission entered an order revoking Permit No. C-22373, for failure to keep on file effective insurance.

Proper insurance was filed within the five-day period of grace, allowed in the order, and revocation should be set aside.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 48029-Ins., should be cancelled and set aside and said Permit No. C-22373 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 48029-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-22373 restored to its former status as of August 23, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry
Joseph W. Hawley
Commissioners

DATED at Denver, Colorado,
this 5th day of October, 1949.

EHC

(Decision No. 33529)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY AND H. D. SIETSEMA, DOING)
BUSINESS AS "CULLIGAN SOFT WATER)
SERVICE," 314 WEST BEAVER, FORT)
MORGAN, COLORADO.)

CASE NO. 47989-INS.
(Permit No. C-23141) S.

October 5, 1949

S T A T E M E N T

By the Commission:

On August 23, 1949, in Case No. 47989-Ins., the Commission entered an order revoking Permit No. C-23141, for failure to keep on file effective insurance.

Proper insurance was filed within the five-day period of grace allowed in the order, and revocation should be set aside.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 47989-Ins., should be cancelled and set aside and said Permit No. C-23141 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 47989-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-23141 restored to its former status as of August 23, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph W. Hawley
Commissioners

DATED at Denver, Colorado,
this 5th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

GLOBEVILLE FUEL & FEED COMPANY,
DENVER 16, COLORADO

Complainant

vs

CASE NO. 4989

THE DENVER AND RIO GRANDE WESTERN
RAILROAD COMPANY, DENVER 1,
COLORADO

Defendant.

October 4, 1949.

S T A T E M E N T

By the Commission:

Complainants, James J. O'Connor and George A. Stadler, co-partners doing business as Globeville Fuel & Feed Company, Denver, Colorado, by complaint filed October 22, 1948, allege that certain terminal switching charges assessed and collected by the Denver and Rio Grand Western Railroad Company were wrongfully collected.

The charges were made on 18 broad gauge carloads of hay weighing in the aggregate 438,600 pounds, shipped from Gunnison, Colorado to Denver, Colorado between November 17, 1947 and January 22, 1948. The cars were consigned to complainant at its warehouse tracks located at the Castle Building near the 16th Street viaduct at 16th and Bassett Streets and within approximately 500 feet of the old Moffat Depot (Terminal). The basis of the claim that the charges were wrongfully collected is that the rates or charges demanded and paid have not been duly published and public notice given thereof as required by Section 16 of Chapter 137, 1935 C.S.A., and in violation of Section 14 (a) of that Chapter.

The prayer is for the payment of reparation amounting to ninety-nine dollars and fifty-four cents (\$99.54) plus accrued interest and such other relief as the Commission may consider proper in the premises.

On November 4, 1943, defendant filed with the Commission its answer denying the allegations that the rates and charges were wrongfully assessed and collected, or that the rates and charges complained of were or are in violation of any provision of the Public Utilities Law.

On August 19, 1949, defendant filed with the Commission its amended answer, wherein it admits that due to tariff changes effective August 22, 1949, the switching charges complained of herein should not have been collected and prays that an order be entered permitting said defendant to refund the charges collected from complainant and in addition thereto authorize defendant to waive collection of similar switching charges which other shippers under similar circumstances have not paid.

In the face of defendants amended answer, the Commission does not deem it essential to set forth herein all of the allegations and contentions contained in the complaint. Suffice it to say that under the present tariff, no switching charges would be applicable on switching movements of the kind here under consideration or similar movements to locations on the D & RG W tracks in the Denver switching district.

F I N D I N G S

The Commission concludes and finds that during the period November 17, 1947 to January 22, 1948, defendant transported eighteen (18) carloads of hay from Gunnison, Colorado to Denver, Colorado, consigned to complainant, Globeville Fuel & Feed Company; that upon arrival in Denver, the said cars were switched to the warehouse tracks of complainant located at the Castle Building near the 16th Street viaduct at 16th and Bassett Streets; that for the switching services, defendant collected charges amounting in the aggregate to ninety-nine dollars and fifty-four cents (\$99.54); that no switching charges should have been collected on the shipments in question; that complainant paid and bore the said charges; that it has been damaged to the extent of said amount plus interest at a rate of six (6) per cent and is entitled to reparation thereon; that waiver of any existing uncollected switching charges on switching services to other shippers under similar circumstances should be authorized.

O R D E R

IT IS ORDERED:

That, defendant, The Denver and Rio Grande Western Railroad Company, be and it is hereby directed to pay unto complainant, Globeville Fuel & Feed Company, Denver, Colorado, on or before November 22, 1949, the sum of ninety-nine dollars and fifty-four cents (\$99.54), plus interest at the rate of six (6) per cent, from date of payment by the shipper, as reparation on account of the unreasonable charges collected on the aforesaid shipments; that waiver of any existing uncollected switching charges on switching services to other shippers under similar circumstances is hereby authorized and directed; that this order shall become effective forthwith.

(S E A L)

ATTEST: A true copy.

J. J. Mahoney, Secretary

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RALPH C. HORTON

JOHN P. BARRY

JOSEPH W. HAWLEY

Commissioners

Dated at Denver, Colorado
this 4th day of October, 1949.

hn

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM E. FAAST, DOING BUSINESS)
AS "FAAST TAXI SERVICE," MONTROSE,) PUC NO. 1648.
COLORADO.)
-----)

October 5, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the attorneys
for the above-named certificate-holder, as follows:

"On behalf of the Faast Taxi Service, we hereby
request suspension for a period of six months of
that part of P. U. C. No. 1648 granted by Decision
No. 32078 dated February 1, 1949, including the
following authority:

'The transportation of passengers and
their baggage in the Town of Telluride,
and for the transportation of passengers
and baggage from the Town of Telluride on
the one hand, to and from all points in
the Counties of Montrose, San Miguel, San
Juan, Ouray, Hinsdale, and Gunnison.' "

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That William E. Faast, doing business as "Faast Taxi Service,"
Montrose, Colorado, be, and he is hereby, authorized to suspend a portion of
the authority granted under his Certificate of Public Convenience and Necessity
No. 1648, which portion is as follows:

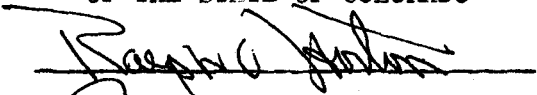
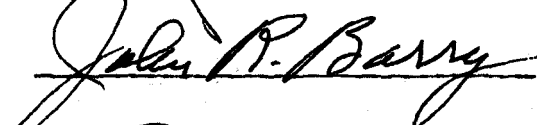
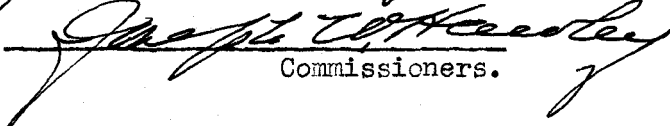
The transportation of passengers and their baggage
in the Town of Telluride, and for the transportation
of passengers and baggage from the Town of Telluride
on the one hand, to and from all points in the Counties
of Montrose, San Miguel, San Juan, Ouray, Hinsdale
and Gunnison,

until March 9, 1950.

That unless said William E. Faast, doing business as "Faast
Taxi Service," shall, prior to the expiration of said suspension period, make

a request in writing for the reinstatement of said portion of authority under PUC-1648, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to common carrier certificates, said portion of authority, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. M. WILLIAMS, ROUTE 1, COLO-) CASE NO. 43065-R
RADO SPRINGS, COLORADO.) (PUC-No. 1431
-----)

October 5, 1949

S T A T E M E N T

By the Commission:

On August 15, 1948, in Case No. 43065-R, the Commission entered an order revoking Certificate of Public Convenience and Necessity No. 1431 for failure to file road tax reports for the period from March, 1948 to June 30, 1948.

The Enforcement Department of the Commission reports that said J. M. Williams has now complied with all requirements, and recommends that order of revocation be set aside.

F I N D I N G S

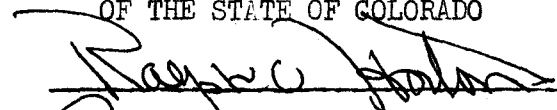
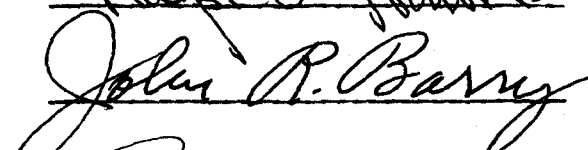
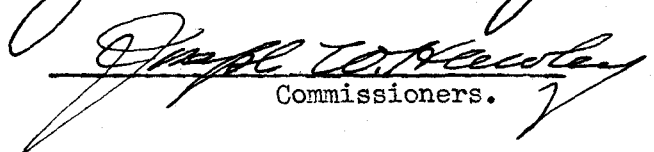
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 43065-R should be cancelled and set aside, and said PUC-1431 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 43065-R should be, and it hereby is, cancelled and set aside, and said PUC-1431 restored to its former status as of August 15, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
I. E. STEVENS, DOING BUSINESS)
AS "STEVENS DELIVERY," 321 MAIN)
STREET, GRAND JUNCTION, COLORADO.)
-----)

CASE NO. 48017-INS.
(Permit No. B-3223)

October 5, 1949

S T A T E M E N T

By the Commission:

On August 23, 1949, in Case No. 48017-Ins., the Commission entered an order revoking Permit No. B-3223, for failure to keep on file effective insurance.

Proper insurance, however, was filed within the five-day period of grace allowed in the order and revocation should be set aside.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 48017-Ins., should be cancelled and set aside and said Permit No. B-3223 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 48017-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. B-3223 restored to its former status as of August 23, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Berry
Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES W. GREGG, BOX 134, BENNETT,)
COLORADO.)
-----)

CASE NO. 47571-Ins.
(PUC-426)

October 5, 1949

S T A T E M E N T

By the Commission:

On July 19, 1949, in Case No. 47571-Ins., the Commission entered an order revoking PUC-426 for failure to keep on file effective insurance.

Insurance was in effect, however, but, through neglect of the agent, was not filed in time to stop the revocation of the certificate.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 47571-Ins., should be cancelled and set aside and said PUC-426 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 47571-Ins., should be, and it hereby is, cancelled and set aside, and said PUC-426 restored to its former status as of July 19, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Bering
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
PILLE BROTHERS, INC., 748 BROAD-)	CASE NO. 47904-INS.
WAY, DENVER, COLORADO.)	(Permit No. C-3006)
-----)	

October 5, 1949

S T A T E M E N T

By the Commission:

On August 23, 1949, in Case No. 47904-Ins., the Commission entered an order revoking Permit No. C-3006, for failure to keep on file effective insurance.

Proper insurance was, however, filed within the five-day period of grace allowed in the order, and revocation should be set aside.

F I N D I N G S

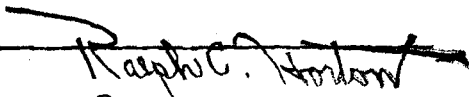
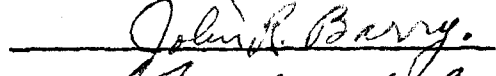
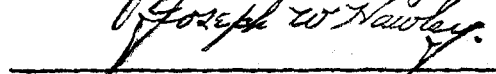
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 47904-Ins., should be cancelled and set aside and said Permit No. C-3006 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 47904-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-3006 restored to its former status as of August 23, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CECIL E. BENNETT, BOX 27,)
BELLVUE, COLORADO.)

CASE NO. 47857-INS.
(Permit No. C-17660)

October 5, 1949

S T A T E M E N T

By the Commission:

On August 16, 1949, in Case No. 47857-Ins., the Commission entered an order revoking Permit No. C-17660, for failure to keep on file effective insurance.

Proper insurance filing was made as of July 5, 1949, but through oversight was not posted to the records. Insurance has not been filed without lapse and order of revocation should be set aside.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 47857-Ins., should be cancelled and set aside and said Permit No. C-17660 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 47857-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-17660 restored to its former status as of August 16, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John H. Barry
Joseph W. Hawley

Commissioners

DATED at Denver, Colorado,
this 5th day of October, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE TROUT, BOX 921, GRAND)
JUNCTION, COLORADO.)

CASE NO. 47614-INS.
(Permit No. C-10840)

October 5, 1949

S T A T E M E N T

By the Commission:

On July 28, 1949, in Case No. 47614-Ins., the Commission entered an order revoking Permit No. C-10840 for failure to keep on file effective insurance.

Insurance was in effect but name of assured was misspelled and was not posted to the permit. Adjustment has been made and insurance properly applied without lapse, and order of revocation should be set aside.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 47614-Ins., should be cancelled and set aside, and said Permit No. C-10840 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 47614-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-10840 restored to its former status as of July 28, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John B. Barry
Joseph W. Hawley

Commissioners

DATED at Denver, Colorado,
this 5th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
A. H. GREER, ALAMOSA, COLORADO.

CASE NO. 47347-INS.
(Permit No. C-22445.)

October 5, 1949

S T A T E M E N T

By the Commission:

On July 9, 1949, in Case No. 47347-Ins., the Commission entered an order revoking Permit No. C-22445, for failure to keep on file effective insurance.

Proper insurance was in effect, but through typographical error was filed in the name of "Green" instead of "Greer." This filing has been adjusted and filed in the correct name, without lapse, and order of revocation should be set aside.

F I N D I N G S

After careful consideration of the records and the files, the Commission is of the opinion, and finds, that our Decision No. 47347-Ins., should be cancelled and set aside and said Permit No. C-22445 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 47347-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-22445 restored to its former status as of July 9, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hinton
John R. Barry
Joseph W. Hawley

Commissioners

DATED at Denver, Colorado,
this 5th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WALTER I. NELSON, 1215 EAST 1st,)
LOVELAND, COLORADO.)
-----)

CASE NO. 48153-R
(Permit C-14751)

October 5, 1949

S T A T E M E N T

By the Commission:

On the 26th day of August, 1949, the Commission entered an order revoking the above-numbered permit for failure of respondent to file monthly road tax reports for the period from April 1949 to date.

The Commission is now in receipt of said delinquent reports, with a request that Permit No. C-14751 be reinstated.

F I N D I N G S

After careful consideration of the record and the request, the Commission is of the opinion, and finds, that Permit No. C-14751 should be reinstated.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-14751 of Walter I. Nelson, 1215 East 1st, Loveland, should be, and the same hereby is, reinstated, as of August 26, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

Charles R. Barry

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BOYD RICHMOND, 1620 SOUTH)
COLLEGE, FORT COLLINS, COLORADO.)
-----)

CASE NO. 48217-R
(Permit No. C-15465)

October 5, 1949

S T A T E M E N T

By the Commission:

On August 26, 1949, the Commission entered an order revoking the above-numbered permit for failure of respondent to file monthly tax reports for the period of December 1, 1948 to June 30, 1949.

The Commission is now in receipt of said delinquent reports, with a request that Permit No. C-15465 be reinstated.

F I N D I N G S

After careful consideration of the record and the request, the Commission is of the opinion, and finds, that Permit No. C-15465 should be reinstated.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-15465, of Boyd Richmond, 1620 South College, Fort Collins, Colorado, should be, and the same hereby is, reinstated as of August 26, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John C. Barry
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
H. E. HARDMAN AND BRUCE HARDMAN,
CO-PARTNERS, DOING BUSINESS AS
"HARDMAN BROTHERS," TELLURIDE,
COLORADO.

APPLICATION NO. 9774-PP
SUPPLEMENTAL ORDER

October 5, 1949

Appearances: Bruce Hardman, Telluride,
Colorado, pro se;
Marion F. Jones, Esq., Denver,
Colorado, for Telluride
Transfer Company;
Eakes and Eakes, Esqs., Dur-
ango, Colorado, for C. H. Cole;
Franklin McKelvey, Esq., Dur-
ango, Colorado, for Montezuma
Truck Line.

STATEMENT

By the Commission:

By Decision No. 33311, of date August 23, 1949, applicants
herein were authorized to operate as Class "B" private carriers by motor
vehicle for hire for the transportation of:

carnotite ore and mine supplies, excluding
heavy machinery, from point to point within
a sixty-mile radius of Dove Creek, Colorado,
and iron pyrites from Silverton, Colorado,
to Naturita, Colorado, with no service in
the following described area, to-wit:

an area bounded on the north by State Highway
No. 62, on the east by U. S. Highway No. 550,
on the west by the San Miguel County Line, and
on the south by a line drawn east and west through
Lizard Head.

The Commission is now in receipt of a communication from Hardman
Brothers, requesting that said authority be restricted by eliminating there-
from the right to transport mine supplies.

FINDINGS

THE COMMISSION FINDS:

That said authority should be amended and restricted, as
requested by the owners thereof.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 33311, of date August 23, 1949, be, and the same hereby is, amended, nunc pro tunc, as of said 23rd day of August, 1949, by striking therefrom the words "and mine supplies, excluding heavy machinery," appearing in the fifth line of the first paragraph of the Order contained in said decision, so that said first paragraph of said Order, appearing on Page 2 of said Decision No. 33311, as amended, shall read as follows:

"THE COMMISSION ORDERS:

"That H. E. Hardman and Bruce Hardman, doing business as 'Hardman Brothers,' Telluride, Colorado, be, and they hereby are, authorized to operate as a Class 'B' private carrier by motor vehicle for hire for the transportation of carnotite ore from point to point within a sixty-mile radius of Dove Creek, Colorado, and iron pyrites from Silverton, Colorado, to Naturita, Colorado, with no service in the following described area, to-wit:

"An area bounded on the north by State Highway No. 62, on the east by U. S. Highway No. 550, on the west by the San Miguel County Line, and on the south by a line drawn east and west through Lizard Head."

That, except as herein amended, said Decision No. 33311 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Harkin

John R. Barry

Joseph C. Hawley
Commissioner

Dated at Denver, Colorado,
this 5th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
TIBBETTS & BOWLING, MANCOS, COLO-
RADO, FOR AUTHORITY TO TRANSFER PUC
NO. 1038 TO R. T. SMITH, CORTEZ,
COLORADO.

APPLICATION NO. 10257-Transfer.

October 5, 1949

Appearances: James B. Garrison, Esq.,
Cortez, Colorado, for
applicants.

S T A T E M E N T

By the Commission:

By the instant application, it is requested that PUC No.
1038 be transferred to R. T. Smith, Cortez, Colorado, which certificate,
as restricted and clarified by Decision No. 30256, authorizes:

transportation of general freight and livestock,
farm machinery, farm products, and farm supplies,
used household furniture, household goods, (es-
pecially excluding merchandise) between points in
Montezuma County, and to and from points in
Montezuma County, to and from points within a
fifty-mile radius of Mancos, Colorado, without
the right to transport commodities ordinarily
handled by line-haul carriers' services in com-
petition with the line-haul services of motor
vehicle common carriers operating on schedule
between points in Montezuma County, or from and
to points in Montezuma County, to and from points
within a fifty-mile radius of Mancos, Colorado.

Inasmuch as the files of the Commission and the application
herein show that said certificate is in good standing; that ton-mile tax
deposit is to be transferred to account of transferee; that transferee,
pecuniarily and otherwise, is qualified, able, and willing to carry on the
operation, and it does not appear that any useful purpose would be served by
setting said matter for formal hearing, there being no one, insofar as the
files disclose, who would desire to be heard in opposition to transfer of said
operating rights, the Commission determined to hear, and has heard, said
matter, forthwith, without formal notice, upon the records and files herein.

FINDINGS

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

ORDER

THE COMMISSION ORDERS:

That Tibbetts & Bowling, Mancos, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 1036 -- being the operating rights set forth in Decision No. 30256 -- to R. T. Smith, Cortez, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The tariff of rates, rules and regulations of transferors shall become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering their operations under said certificate up to the time of the transfer of said certificate, and the payment by them or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit be transferred and credited to account of transferee.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Holm

John R. Barry

Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DEAN RESLER, DOING BUSINESS AS)
"PLATTE VALLEY TRUCK COMPANY,")
STERLING, COLORADO, FOR AUTHORITY)
TO EXTEND OPERATIONS UNDER PERMIT)
NO. A-505.)
-----)

APPLICATION NO. 10116-PP-Amended
SUPPLEMENTAL ORDER

October 6, 1949

Appearances: Marion F. Jones, Esq.,
Denver, Colorado, for
applicant;
Myron H. Burnett, Esq., Denver,
Colorado, for Common Carrier
Division of The Colorado
Motor Carriers' Association,
Yuma County Transportation,
William Blankenbeckler;
J. R. Arnold, Denver, Colorado,
for Northeastern Motor Freight.

S T A T E M E N T

By the Commission:

On February 24, 1949, applicant herein, owner of Private Permit No. A-505, filed application to extend operations under said Permit No. A-505, to include the right to transport freight between Fort Morgan, Brush, and Sterling, Colorado, on the one hand, and points on U. S. Highway No. 34 east of Brush, on the other hand, and also to include the right to transport sugar beet samples for Great Western Sugar Company, only, from points within a twenty-mile radius of Sterling, to Sterling, Colorado.

Said application was regularly set for hearing at the Court House, Sterling, Colorado, on July 22, 1949, at ten o'clock A. M., at which time and place the above-styled matter was heard and taken under advisement.

On August 6, 1949, the Commission, by Decision No. 33159, denied the above application.

On August 13, 1949, Petition was filed by applicant herein, for rehearing, wherein it is alleged:

1. That the decision is contrary to the law.
2. That the decision is contrary to the evidence.

The Commission has carefully gone over the motion and arguments of counsel for applicant, as submitted in motion and brief.

The Commission has reviewed the evidence adduced at the hearing on said application, and has carefully considered Petition for Rehearing filed herein, and each and every alleged assignment of error therein contained, and is of the opinion, and finds, that said petition should be denied.

F I N D I N G S

THE COMMISSION FINDS:

That Petition for Rehearing should be denied.

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing filed on August 13, 1949, in the above-styled matter, should be, and hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Anton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 6th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD T. TUCKER, ROUTT, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 10260-PP.
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)
-----)

October 7, 1949

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of lumber from Hiway Lumber Company Saw Mill, located ten miles northeast of Columbine, Colorado, to its retail yard at Steamboat Springs, Colorado, over Highway No. 129.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Harold T. Tucker, Routt, Colorado, should be, and hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of lumber from Hiway Lumber Company Saw Mill, located ten miles northeast of Columbine, Colorado, to its retail yard at Steamboat Springs, Colorado, over Highway No. 129.


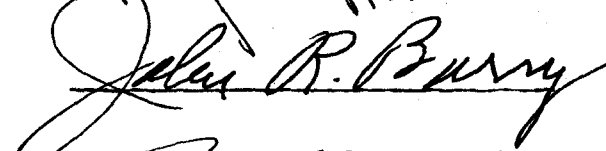

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 7th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HENRY WEITZEL, 1326 LA PORTE AVENUE,)
FORT COLLINS, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A PRIVATE)) APPLICATION NO. 10237-PP.
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

October 7, 1949

Appearances: Marion F. Jones, Esq., Denver,
Colorado, and
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for Britt
Truck Service;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B"
private carrier by motor vehicle for hire for the transportation of telephone
poles, only, from forests in Grand and Jackson Counties, to any point within
a radius of fifty miles of Fort Collins, Colorado.

Said application was regularly set for hearing at 330 State
Office Building, Denver, Colorado, October 4, 1949, at ten o'clock A. M.,
after appropriate notice to all parties in interest.

Notwithstanding said notice, applicant failed to appear, either
in person or by counsel, at the time and place designated for hearing.

Thereupon, protestants moved that said application be dismissed
for lack of prosecution.

The matter was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed for lack of prosecution.

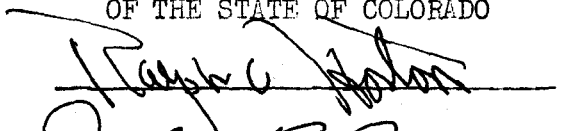
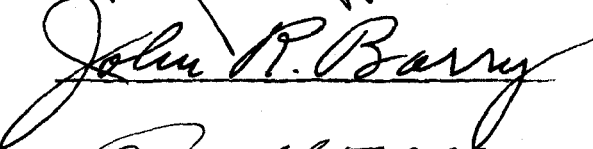

O R D E R

THE COMMISSION ORDERS:

That the above-styled application should be, and the same hereby is, dismissed for lack of prosecution.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners. 2

Dated at Denver, Colorado,
this 7th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RALPH FLESCHE, WALDEN, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 10236-PP.
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

October 7, 1949

S T A T E M E N T

By the Commission:

By the instant application, applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of logs from points within a radius of ten miles of Rabbit Ears Pass, to Kremmling, Colorado; hay between points within a radius of twenty miles of Walden, Colorado.

Said application was regularly set for hearing at 330 State Office Building, Denver, Colorado, October 4, 1949, at ten o'clock A. M.

At the time and place designated for hearing, applicant failed to appear, either in person or by counsel.

Thereupon, the files were made a part of the record, and the matter taken under advisement.

No one appeared in opposition to the granting of the authority sought, and it did not appear that the granting of said permit, and the operations by applicant thereunder, would tend to impair the efficiency of any common carrier motor vehicle service with which he will compete.

F I N D I N G S

THE COMMISSION FINDS:

That permit should issue.

O R D E R

THE COMMISSION ORDERS:

That Ralph Flesch, Walden, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for

hire for the transportation of logs from points within a radius of ten miles of Rabbit Ears Pass, to Kremmling, Colorado; hay between points within a radius of twenty miles of Walden, Colorado.

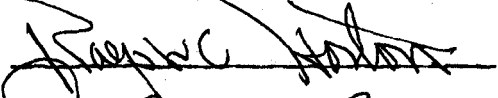
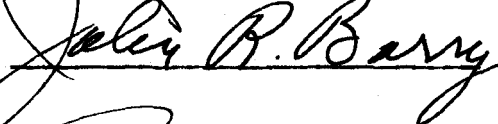
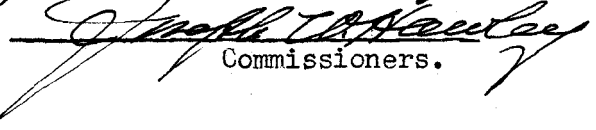
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this **order** is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 7th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LYNN G. SWAN AND JOHN G. SWAN, CO-)
PARTNERS, DOING BUSINESS AS "SWAN)
AND SON," CASTLE ROCK, COLORADO, FOR) APPLICATION NO. 10031.
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)
-----)

October 7, 1949

Appearances: Cecil E. Ditsch, Esq.,
Littleton, Colorado,
for applicant;
T. A. White, Esq., Denver,
Colorado, for The Denver &
Rio Grande Western Railroad
Company.

S T A T E M E N T

By the Commission:

The Commission has been requested by attorney for applicant
herein to dismiss the above-styled application.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

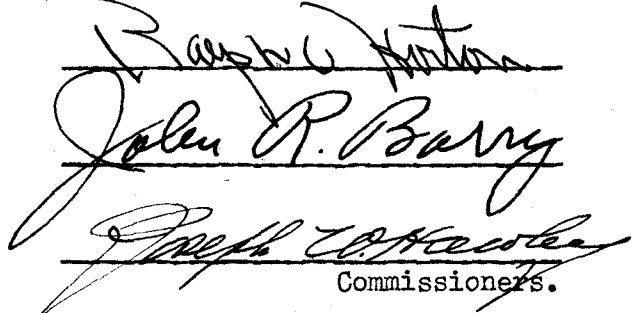
O R D E R

THE COMMISSION ORDERS:

That the above-styled application should be, and the same
hereby is, dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 7th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGIE L. MONK AND HARRY B. MONK,)
CO-PARTNERS, DOING BUSINESS AS)
"FARMERS LUMBER AND SUPPLY COMPANY,") APPLICATION NO. 10135-PP-Extension.
1530 VAN GORDEN STREET, BOX 164,)
ROUTE 4, GOLDEN, COLORADO, FOR AUTH-)
ORITY TO EXTEND OPERATIONS UNDER)
PERMIT NO. B-3702.)
-----)

October 7, 1949

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing at 330 State Office Building, Denver, Colorado, October 4, 1949, at ten o'clock A. M.

Attorney for applicant requested that said hearing be continued to some future date to be determined by the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application shall be reset for hearing at some future date to be determined by the Commission, with notice to all parties in interest.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph C. Macoley
Commissioners.

Dated at Denver, Colorado,
this 7th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN J. TISONE, DON T. TISONE, ANTHONY)
F. TISONE AND WILLIAM T. BULLARD, DOING)
BUSINESS AS "PIONEER TRUCKING COMPANY,")
BOULDER, COLORADO: FRED H. AUSTIN,)
BOULDER, COLORADO, AND L. C. AUSTIN,)
BOULDER, COLORADO, FOR MODIFICATION,)
SUSPENSION OR CANCELLATION OF CERTAIN)
PORTIONS OF CERTIFICATES NOS. 616, 375)
AND 1632; AND TO TRANSFER A PORTION OF)
CERTIFICATE NO. 616 TO FRED H. AUSTIN.)
-----)

APPLICATION NO. 10021
CLARIFICATION
TRANSFER

October 8, 1949

Appearances: Marion F. Jones, Esq.,
Denver, Colorado, for
Pioneer Trucking Company,
Fred H. Austin and
L. C. Austin;
Louis J. Carter, Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On April 19, 1949, John J. Tisone, Don T. Tisone, Anthony F. Tisone and William T. Bullard, doing business as "Pioneer Trucking Company," Boulder, Colorado, and Fred H. Austin and L. C. Austin, both of Boulder, Colorado, filed their joint application for authority to modify, suspend, cancel or transfer certain portions of Certificates Nos. PUC-616, PUC-375 and PUC-1632, for the purposes as shown in the application, and as hereinafter more fully set forth.

The above application, after due notice to interested parties, was set for hearing, and heard, on June 17th, 1949, at 330 State Office Building, Denver, Colorado, at which time the matter was taken under advisement.

At the hearing, the evidence disclosed that L. C. Austin is the owner of Certificate No. 1632, which authorizes the transportation of milk, which authority is set forth in Exhibit "A" hereto attached. Mr. Austin testified that the purpose of the application was to enable the giving of better service to the public and to decrease the costs of doing business through the elimination of duplicating operations in the same territory. That the three applicants had, as an experiment, commenced operating under the plan

proposed in the application about the 15th of April, 1949. That by virtue of the plan, he was able to deliver milk at Denver and adjacent territory approximately an hour earlier than theretofore. That the milk accordingly arrived in Denver in better condition. That some shippers were able to obtain a bonus for higher quality milk, which they had not theretofore been able to obtain. That he was eliminating service to nine shippers and was giving service to nine shippers formerly served by Pioneer. That he had contacted all of his shippers prior to commencing the plan and that there was no serious objection from any of them. That his shippers were now very well satisfied with the present service under the proposed plan, and that he had had no complaint, either from present shippers or former shippers. That his costs were reduced by virtue of this plan. That at the present time, the plan was to affect only the destination point of Denver and the metropolitan area thereof located within 5 miles of Denver. That he expected the applicants might in the future be able to present a similar plan affecting other authorized destinations. That his desire was, that in the event at some future time, the convenience and necessity of the public might require additional service in the area affected, that he be placed in status quo rather than the authority be given to other carriers to commence a new operation in the territory. That part of his territory is also served by Swens Transfer of Golden, Colorado.

That he is a brother of Fred H. Austin, one of the applicants; that Fred H. Austin was unable to attend the hearing but had authorized the witness to testify in his behalf; that the position of Fred H. Austin is the same as his with regard to the proposed plan. That Fred H. Austin is the owner of Certificate No. 375, which authority is set forth in Exhibit "B" hereto attached. That the authority remaining in Certificate No. 1632, as to Denver and metropolitan area thereof destinations, after giving effect to the proposed transaction, is set forth in Exhibit "D" hereto attached. That the authority of Fred H. Austin under Certificate No. 375, as to Denver and metropolitan area thereof destinations, after giving effect to the proposed transaction, is set forth in Exhibit "E" hereto attached.

That William T. Bullard testified that he is one of the partners doing business as "Pioneer Trucking Company," -- that the other partners are as hereinabove set forth. That they are all agreeable to the proposed plan suggested in the application. That all subscribe to the testimony given by L. C. Austin. That he had contacted part but not all of his shippers prior to inaugurating the suggested service on or about April 15, 1949. That two or three shippers had at first raised some minor objections but that they were now all apparently well satisfied. That his delivery time is the same as previously but that he had been able to eliminate the use of one truck on the highway, which he felt was in the public interest. That he concurred with Mr. L. C. Austin in the desire to be placed in status quo, should at some future time the need develop for additional service in the territory, which he would cease to service under the proposed plan.

That Pioneer Trucking Company is the owner of Certificate No. 616; that the authority thereunder is as shown on Exhibit "C" hereto attached. That the authority under said certificate, as to Denver and metropolitan area thereof destinations, after giving effect to the proposed transaction, would be as shown in Exhibit "F" hereto attached. That he was relinquishing about thirty shippers to Fred H. Austin, but was serving about nineteen shippers formerly served by Fred H. Austin, and that however the trade involved substantially the same tonnage of milk. The Commission presiding, at the conclusion of the testimony, requested applicants through their attorney to revamp the description of the three certificates involved, in a concise manner, and to furnish a map showing the exact authority under each certificate and to further furnish a concise description of the authorities giving effect to the proposed transaction together with a map, which map is hereto attached and marked Exhibit "G". The requested items have accordingly been furnished to the Commission, reflected in Exhibits "A", "B", "C", "D", "E", "F", and "G", hereto attached and hereinabove identified. These exhibits, including the map, have been checked by each of the applicants and their attorney and by the personnel of the Commission, and they have been submitted to the Commission with the agreement that they correctly set forth the various authorities affected.

FINDINGS

THE COMMISSION FINDS:

- (1) That the applicants and each of them are fit, willing and able to operate under the plan proposed in the application.
- (2) That the transaction proposed is in the public interest for the reason that it will eliminate unnecessary and uneconomical duplication of service in the same territory and has resulted in better service to the milk shippers, and that apparently such benefits will continue. For the further reason that the transaction has resulted in lower costs to the applicants. This Commission has had before it many requests for increases in hauling rates by milk haulers and haulers of various other types of freight, many of which have been granted upon a showing being made that on account of drastic increased operating costs, the rate increase has been required to enable the carriers to stay in business. It is the opinion of the Commission that any plan, which will reduce the operating costs, will tend to reduce the rates or at least may eliminate the necessity of further rate increases.
- (3) That the application should be granted.

ORDER

THE COMMISSION ORDERS:

That L. C. Austin be, and he hereby is, authorized to transfer to John J. Tisone, Don T. Tisone, Anthony F. Tisone and William T. Bullard, doing business as "Pioneer Trucking Company," such portion of Certificate No. 1632 on shipments destined to Denver, Colorado, and points within a 5-mile radius thereof as is not included in Exhibit "D" attached to this order.

That John J. Tisone, Don T. Tisone, Anthony F. Tisone and William T. Bullard, doing business as "Pioneer Trucking Company," be, and they hereby are authorized to transfer to L. C. Austin such portion of Certificate No. 616 on shipments destined to Denver and points within a 5-mile radius thereof as may be included in Exhibit "D" hereto attached, and to transfer to Fred H. Austin such portion of Certificate No. 616 as to Denver, Colorado, and points within 5 miles thereof as may be included in Exhibit "E" hereto attached.

That Fred H. Austin be, and he hereby is, authorized to transfer to John J. Tisone, Don T. Tisone, Anthony F. Tisone and William T. Bullard, doing business as "Pioneer Trucking Company," as to shipments destined to Denver, Colorado, and points in a 5-mile radius thereof such portion of Certificate No. 375 as is not included in Exhibit "E" hereto attached.

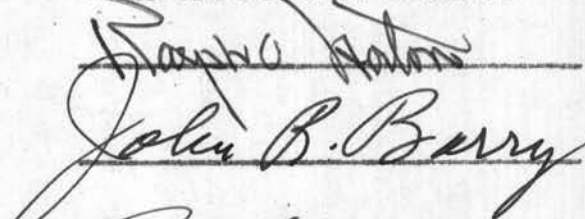

That Exhibits "A", "B", "C", "D", "E", "F", and "G" are incorporated herein and made a part of this order.

That applicants shall file and maintain on file with this Commission all necessary tariffs, required insurance, and their right to operate under the authority herein bestowed shall depend upon their compliance with all present and future laws and rules and regulations of the Commission.

The Commission retains jurisdiction of this matter to make such changes or amendments as may be deemed advisable, or to set the order aside in its entirety or in part, should future evidence deem it advisable.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 8th day of October, 1949.

ea

EXHIBIT "A"

L. C. AUSTIN - - CERTIFICATE 1632

PRESENT AUTHORITY

Transportation of milk and cream between points within the following described area:

Beginning at Broomfield, Colorado, thence south 5 miles on Colorado State Highway 121, thence east one mile to Sheridan Boulevard, thence south along Sheridan Boulevard to West Colfax Avenue, thence west to a point two miles due west of Golden, thence north along line paralleling Highway 121 to a point due west of point of beginning, thence east to point of beginning; and from points within above described area and from points within a radius of nine miles of Arvada to Denver and points within five miles thereof and to Golden, with return of empty cans; and restricted against serving the Stearns Dairy Ranch located in Sections 22 and 27, Township 1 South, Range 69 west to the Stearns Dairy in Denver.

EXHIBIT "B"

FRED H. AUSTIN - - CERTIFICATE 375

PRESENT AUTHORITY

Transportation of milk, cream and dairy products to Denver and points within five miles thereof, Boulder, Loveland, Longmont, Lafayette, Johnstown, Marshall and Golden, from the following described area: Commencing at the SW Cor. of Sec. 33, Twp. 2 N., Range 68 W., thence east 2 miles, thence north 3 miles, thence west 4 miles, thence north 9 miles, thence west 11 miles, thence south 3 miles, thence west 2 miles, thence south 6 miles, thence east 1 mile, thence south 9 miles, thence east to the SW Cor. of Sec. 31, Twp. 1 N., Range 70 W., thence south 1 mile, thence east 6 miles, thence north 1 mile, thence west to the SW Cor. of Sec. 31, Twp. 1 N., Range 69 W., thence north 1 mile, thence east $3\frac{1}{2}$ miles to U. S. Highway 87, thence north on that highway 3 miles, thence west $1\frac{1}{2}$ mile, thence north 3 miles, thence east 1 mile, thence north 1 mile, thence east 4 miles, thence south 2 miles to the point of beginning, together with service to the Stearns Dairy Ranch located in Sections 22 and 27, Twp. 1 S., Range 69 W., and with authority to transport the commodities between Boulder and Loveland via State Highways 1 and 7 and from farms and ranches along said highways to center of said cities, including return of empty cans. Also including the right to transport butter, cream and dairy supplies to farmers residing in above described area from points authorized to be served under this authority; no local town-to-town service between Johnstown and Denver and intermediate points nor between Loveland and Denver and intermediate points; restricted against transportation of cheese and canned milk. Also restricted against transportation to Longmont and Johnstown from that part of the area described as follows: The E $\frac{1}{2}$ of Sec. 22, 27 and 34 and all of sections 23, 24, 25, 26, 35 and 36, Twp. 3 N., Range 69 W., and E $\frac{1}{2}$ of Sec. 3, 10, and 15, the NE $\frac{1}{4}$ of Sec. 22, all of Sections 1, 2, 11, 12, 13, 14, and N $\frac{1}{2}$ of Sec. 23 and 24, Twp. 2 N., Range 69 W.; also restricted against transportation to Lafayette from that part of the territory not north and east of the following described line; Commencing at the NE Cor. of Sec. 1, Twp. 3 N., Range 69 W., thence south 4 miles, thence southwesterly to the W $\frac{1}{4}$ Cor. of Sec. 36, Twp. 3 N., Range 69 W., thence southwesterly to the SW Cor. of Sec. 33, Twp. 3 N., Range 69 W., thence southwesterly to the SW Cor. of Sec. 8, Twp. 2 N., Range 69 W., thence south 2 miles, thence southwesterly to the SW Cor. of Sec. 25, Twp. 2 N., Range 70 W., thence southwesterly to SW Cor. of Section 17, Twp. 2 S., Range 70 West; thence south along the section line to the SE Cor. of Sec. 6, Twp. 1 S., Range 70 W.

EXHIBIT "C"

PIONEER TRUCKING COMPANY - CERTIFICATE 616

PRESENT AUTHORITY

Transportation of milk and cream to Denver and points within 5 miles thereof, Boulder, Lafayette and Longmont, with return of empty cans, from the following described area:

Beginning at a point in the center of the west line of Sec. 12, Twp. 3 N., Range 71 W., thence due east to Highway U. S. 87, thence south along said highway to the north line of Section 34, Twp. 2 N., Range 69 W., thence east $2\frac{1}{2}$ miles, thence south 1 mile, thence east 1 mile to the NW Cor. of Sec. 5, Twp. 1 N., Range 68 W., thence south 2 miles, thence southwesterly to the SW Cor. of Sec. 18, Twp. 1 N., Range 68 W., thence south 3 miles thence west to Highway U. S. 87, thence south along said highway to the south Boulder County line; thence east to "Roomfield, thence south along State Highway 121 to the NW Cor. of the SE $\frac{1}{4}$ of Sec. 26, Twp. 3 S., Range 69 W., thence west to the center of the west line of Sec. 30, Twp. 3 S., Range 69 W.; thence south $\frac{1}{2}$ mile; thence east to the State Highway 121; thence south 2 miles; thence west to the SW Cor. of Sec. 2, Twp. 4 S., Range 70 W.; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north $1\frac{1}{2}$ miles; thence west $\frac{1}{2}$ mile; thence north 1 mile; thence east 1 mile; thence north $1\frac{1}{2}$ miles; thence east 2 miles; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north 6 miles; thence west 1 mile; thence north 1 mile; thence west 1 mile; thence north 1 mile to the south Boulder County line; thence west along said line to the SW Cor. of Sec. 31, Twp. 1 S., Range 70 W., thence north $\frac{1}{2}$ mile; thence west $1\frac{1}{2}$ miles; thence north to the center of the west line of Sec. 24, Twp. 1 S., Range 71 W.; thence east 1 mile; thence north through Boulder and along State Highway 121 to the point of beginning, including service from such places or farms as abut upon or are adjacent to the highways abounding said described area or may be reached therefrom by private roads; excluding service in the N $\frac{1}{2}$ of N $\frac{1}{2}$ of Sec. 12, Twp. 1 N., Range 69 W., and in Sec. 6, Twp. 2 N., Range 68 W. Also including transportation to Boulder only from points within a 15-mile radius of Berthoud, Colorado; and also transportation of milk from dairies in Boulder to Golden via Colorado Highway 93.

Also transportation of milk to Denver from the following area: Beginning at the intersection of Pecos Street and north city limits, thence north to the N E Cor. of Sec. 9, Twp. 1 S., Range 68 W.; thence west 4 miles; thence south 3 miles; thence west to the Highway U. S. 87; thence south along Highway U. S. 87 and State Highway No. 121 to the N $\frac{1}{2}$ line of Section 35, Twp. 2 S., Range 69 W.; thence east $1\frac{1}{2}$ miles; thence south to the north Denver city limits; thence along the north Denver city limits to the point of beginning.

EXHIBIT "D"

L. C. AUSTIN - - CERTIFICATE 1632

Transportation of milk and cream to Denver and points within five mile radius thereof, from the following described area: That portion of the area described in Exhibit "A" lying west of Colorado State Highway 121 with the additional points of Zang Ranch in Section 35, Township 1 South, Range 69 West, the L. Brunner Ranch in the SE $\frac{1}{4}$ of Section 36, Twp. 1 S., Range 69 W., and Tegamyere Ranch located in Section 23, Twp. 2 S., Range 69 W.

EXHIBIT "E"

FRED H. AUSTIN - - CERTIFICATE 375

Transportation of milk, cream and dairy products to Denver and points within a 5-mile radius thereof from the following described area: That portion of Exhibit "B" lying north of the following described line:

Commencing at the center of the west line of Sec. 18, Twp. 1 N., Range 70 W., thence east 2 miles, thence south about $\frac{3}{4}$ mile to the Boulder Airport road, thence east about $1\frac{1}{2}$ miles and north about $\frac{3}{4}$ mile along said road to junction of County Road 119, thence east about 2 miles to the dead end of said road at center of Sec. 13, Twp. 1 N., Range 70 W., thence north to the center of the south line of Sec. 1, Twp. 2 N., Range 70 W., thence along south section lines of said section 1 and sections 6, 5, 4, and 3, Twp. 1 N., Range 69 W. to Highway U. S. 87, thence south on U. S. Highway 87 $2\frac{1}{2}$ miles, thence east about $\frac{1}{2}$ mile to the county road, thence north on said county road $2\frac{1}{2}$ miles; thence east to Boulder-Weld county line including all points on said highway as well as north thereof, thence north to the NW $\frac{1}{4}$ of Sec. 30, Twp. 2 N., Range 68 W., thence east 2 miles, thence south 2 miles, thence east 2 miles, including also service from the Bob Abercrombie Ranch located in Sec. 14, Twp. 1 W., Range 70 W.; the Ralph Foote Ranch located in Sec. 13, Twp. 1 N., Range 70 W.; and restricted against service from points abutting State Highway No. 7 from the west center line of Sec. 18, Twp. 1 N., Range 70 W. for a distance of $1\frac{1}{2}$ miles north thereof, retaining authority to transport fluid milk from dairies in Boulder to all authorized destinations, including Denver.

EXHIBIT "F"

PIONEER TRUCKING COMPANY - - CERTIFICATE 616

Transportation of milk and cream to Denver and a 5-mile radius thereof from the following described territory:

That portion of a 9-mile radius of Arvada lying east of State Highway 121 exclusive of the Zang Ranch in Sec. 35, Twp. 1 S., Range 69 W., and the L. Brunner Ranch located in SE $\frac{1}{4}$ of Sec. 36, Twp. 1 N., Range 69 W., and the Tegamyere Ranch located in Sec. 23, Twp. 2 S., Range 69 W.; also that portion of the authority described in Exhibit "C" in Boulder and Weld Counties, lying south of the lines described as follows:

Commencing at the center of the west line of Sec. 18, Twp. 1 N., Range 70 W., thence east 2 miles, thence south about $\frac{3}{4}$ mile from Boulder Airport Road, thence east about $1\frac{1}{2}$ miles and north about 2 mile on said road to junction of County Road 119; thence east on said road to the dead end thereof at the center of Sec. 13, Twp. 1 N., Range 70 W.; thence north to the south line of Sec. 1 Twp. 2 N., Range 70 W.; thence along south line of that section and sections 6, 5, 4, and 3, Twp. 2 N., Range 69 W. to Highway U. S. 87; thence south on U. S. Highway 87 $2\frac{1}{2}$ miles; thence east about $\frac{1}{2}$ mile to the County Road; thence north $2\frac{1}{2}$ miles; thence east to the NW Cor. of Sec. 8, Twp. 1 N., Range 68 W.

Also including that territory commencing at the SE Cor. of Sec. 23, Twp. 1 S., Range 68 W.; thence north 5 miles; thence west 4 miles; thence south 3 miles; thence west 1 mile, where it connects with heretofore described areas; also including service from points abutting State Highway No. 7 from the west center line of Sec. 18, T. 1 N., R. 70 W., for a distance of $1\frac{1}{2}$ miles north thereof.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT C. STAMPFEL, RICO,) CASE NO. 48677-R
COLORADO.) (PUC No. 1483)
-----)

October 7, 1949

S T A T E M E N T

By the Commission:

On September 15, 1949, the Commission entered an order revoking the above-numbered certificate for failure of respondent to file monthly road tax reports for March, April, May and June, 1949.

The Commission is now in receipt of said delinquent reports, with a request that PUC-1483 be reinstated.

F I N D I N G S

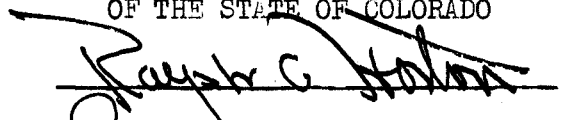
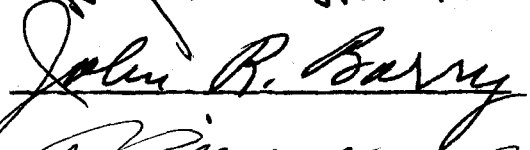

After careful consideration of the record and the request, the Commission is of the opinion, and finds, that Certificate No. 1483 should be reinstated and Case No. 48677-R dismissed.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 1483 of Albert C. Stampfel, Rico, Colorado, should be, and the same hereby is, reinstated as of September 15, 1949, and Case No. 48677-R dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 7th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
TROY LANE, ROUTE 2, DELTA,)
COLORADO.)
-----)

CASE NO. 48113-R
(Permit C-14265)

October 7, 1949

S T A T E M E N T

By the Commission:

On August 26, 1949, the Commission entered an order revoking the above-numbered permit for failure of respondent to file monthly road tax reports for the months of June through September 1947, and December 1947 to date.

The Commission is now in receipt of said delinquent reports, with a request that Permit No. C-14265 be reinstated.

F I N D I N G S

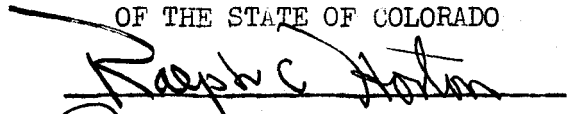
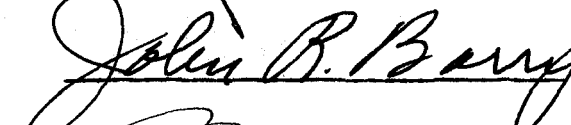

After careful consideration of the record and the request, the Commission is of the opinion, and finds, that Permit No. C-14265 should be reinstated and Case No. 48113-R dismissed.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-14265, of Troy Lane, Route No. 2, Delta, Colorado, should be, and the same hereby is, reinstated as of August 26, 1949, and Case No. 48113-R dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 7th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ORVAL L. SEBRING, 305 HARLAN STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
EXTEND OPERATIONS UNDER PERMIT NO.)
B-3903.)
-----)

APPLICATION NO. 10262-PP-Extension.

October 7, 1949

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations under Permit No. B-3903 to include the right to transport forest and sawmill products, from forest and sawmills in Jackson County, to Denver, Colorado.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of authority, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

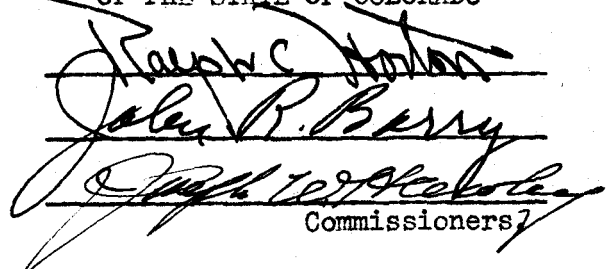
O R D E R

THE COMMISSION ORDERS:

That Orval L. Sebring, Denver, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-3903 to include the right to transport forest and sawmill products from forests and sawmills in Jackson County, to Denver, Colorado.

That this order is made part of the permit granted to applicant, and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 7th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE REDUCED RATES ON PETROLEUM)
AND PETROLEUM PRODUCTS IN TANK)
CARS BY RAILROAD.)

Investigation and Suspension
Docket No. 292

October 6, 1949

Appearances: John C. Street, Esq., 615 C. A. Johnson
Bldg., 17th & Glenarm Sts., Denver 2,
Colo.; and
Otis J. Gibson, 1531 Stout St., Denver 2,
Colo., for Respondent Rail Carriers;
Albert L. Vogl, Esq., 709 Kittridge Bldg.,
Denver 2, Colo.;
Marion F. Jones, Esq., Denham Bldg.,
Denver 2, Colo., for R. B. Wilson,
M & M Truck Co., Nelson Bros.,
Carroll Line and Kendall Transport;
A. J. Fregeau, 1700 15th St., Denver 2,
Colo., for Weicker Transfer & Storage Co;
Paul M. Hupp, Esq., 322 State Office Bldg.,
Denver 2, Colo., for the Public Utilities
Commission of the State of Colorado.

S T A T E M E N T

By the Commission:

By schedules filed to become effective June 10, 1949, Chicago, Burlington & Quincy Railroad Company, A. S. Ahlstrom, Agent, Western States Tariff No. 12, and The Denver and Rio Grande Western Railroad Company, hereinafter referred to as respondents, propose to establish numerous reductions and a few increases in cents per 100 pounds on petroleum and its products in tank carloads from Denver and Dupont, Colorado, to destinations in Colorado, located as follows:

Atchison, Topeka and Santa Fe Railway Co.:
Between Ormea and Jansen and intermediate points.
Between Pueblo and Denver and intermediate points;
also Portland, Florence and Canon City.
Chicago, Burlington & Quincy Railroad Co.:
All points in Colorado.
Chicago, Rock Island & Pacific Railway Co.:
Limon, Roswell and Colorado Springs, Colorado.
Colorado and Southern Railway Co.:
All points in Colorado.
Colorado and Wyoming Railway Co.:
Valdez to Tercio and intermediate points,
including Minnequa.
Denver and Rio Grande Western Railroad Co.:
Trinidad to Denver and intermediate points includ-
ing Ft. Logan and Colorado City branch line points;
also Portland, Florence and Canon City.

Great Western Railway Co.:
Longmont, Mead, Johnstown, Loveland and
Eaton and intermediate points.
Union Pacific Railroad Co.:
All points in Colorado.

Upon protest of the Colorado Motor Carriers' Association, a corporation organized under the laws of the State of Colorado, representing, among other things, its members who are engaged in the transportation of petroleum products in tank trucks, hereinafter referred to as protestant, and upon our own motion, we suspended the proposed rates until October 7, 1949, and assigned same for hearing June 29, 1949, in the hearing room of the Commission, 330 State Office Building, Denver, Colorado. Due to the illness of Mr. Vogl, attorney for the protestant, the matter was reassigned for hearing on July 11, 1949. After hearing on July 11 and 12 the matter was continued to July 23 for filing of simultaneous briefs on behalf of the respective parties.

In regard to the suspension by the Commission on its own motion, there were rates to some of the destinations involved in the protest in tariffs other than those tariffs designated in the protest and we did not want a situation created which would leave rates in effect in one tariff and suspend the same rates in another tariff.

The protestant in its petition for suspension alleges:

"That each of items protested in Paragraph 2 of said petition is a reduction from the base rate presently and previously in effect, with the authorized ex parte increases added thereto; that the proposed rates are, and each of them is unreasonably low and in violation of the Colorado Public Utilities Act, particularly Section 14 thereof; that there is a considerable movement of petroleum products by motor trucks from Denver and Dupont, which are refining points and terminals of important pipe lines, to the destinations in Colorado to which rates are set forth in the items hereinbefore protested; on August 14, 1948 in Case No. 1585, Decision No. 31060, this Commission prescribed a mileage scale of rates on petroleum products for transportation by motor truck. In consideration of that case, the Commission had before it the rail rates for hauls in Colorado and the schedule prescribed by this Commission resulted in rates generally approximating the rates of the rail carriers. Motor truck rates prescribed by this Commission were in fractions of cents per gallon, rail rates are published in cents per 100 pounds, so there necessarily was no exact relationship between the rail and motor truck rates.

"The effect of the proposed rates will be to reduce the delivered prices on these petroleum products, when shipped by rail on the protested rates, below the delivered prices of similar products by motor truck. The result will necessarily be that rates for delivery by motor trucks will have to be reduced or the movement by motor truck will be largely destroyed and a rate war between rail and motor trucks will naturally follow; the proposed rates will materially disturb the relationship between rail rates and motor truck rates

from that which resulted from previous orders of this Commission in Decision No. 31060. In ex parte 168 now pending before the Interstate Commerce Commission, the carriers who are parties to the rates herein protested are petitioning for general increases in rates, including the rates for the transportation of petroleum products herein involved, from points outside the State of Colorado, to destinations in Colorado, and if that petition is granted and the rates protested herein are also allowed to become effective, it will create undue preferences in favor of the territory and destinations to which the protested rates are applicable and undue prejudice and disadvantage against the territory to which the ex parte 168 increases will be charged. A comparison of the protested rates and the rates filed with this Commission by motor truck carriers will show that these rates are evidently designed by the rail carriers to destroy the competitive business of the motor truck carriers. An examination of these protested rates will show that the obvious purpose of the decrease is to so reduce the rail rates that the delivered rate per gallon will, in practically every case, be below the truck line rates. The consistency of this result makes the conclusion obvious that this is a planned attack upon the motor carrier rates, and it is to be assumed the motor carriers will meet the attack and that a rate war is beginning and will spread, unless prevented by action of this Commission. That this change in the relationship of rail versus motor truck rates is too serious and wide-spread to be allowed to become effective without being first examined by this Commission."

In addition to the proposed adjustment in rates from Denver and Dupont, Colorado, the respondent filed tariffs with the I.C.C. lowering rates from to destinations in Colorado and Wyoming Cheyenne and Wyco, Wyoming/ which interstate rates were also protested by the motor carriers to the Interstate Commerce Commission.

The respondent's answer to the allegations contained in the protest is in substance as follows: That the assailed rates are not unlawful, nor unreasonably low; that they will not reduce the delivered price of petroleum products by rail to the destinations involved below those of petroleum products shipped by truck from the same origin points to the same destinations; that they will not disturb the relationship between rail and motor truck rates from that resulting from previous orders of the Commission; that they will not create undue preference in favor of the territory to which they apply nor undue prejudice to the territory to which they do not apply; that they do not constitute a planned attack upon the motor carrier rates; that they are not designed to destroy the competitive business of the motor carriers. On the contrary, the rail carriers by the proposed schedules are endeavoring to correct a maladjustment between their rates and the rates of the motor carriers which has effectively prevented the rail movement of any appreciable amount of petroleum products from and to the points here involved.

At the beginning of the hearing, Counsel for respondents in his opening statement, moved that, inasmuch as the rates under suspension are reduced rates, the burden of proof that such rates are unlawful is on the protestant and therefore protestant should be required to assume the burden of proving the unlawfulness of the proposed rates.

The Commission did not decide the question at that time. We ruled that the point was not material at that stage of the case, and held that the burden of going forward with the proof would be placed on respondent. Consequently, the respondent presented their evidence first. As to the burden of proof in a case where a carrier proposes a lower rate, we believe the authorities cited in respondent's brief are controlling, and that "the burden should be upon those who oppose the reduction to show that it should not be granted, and not upon those who offer it to show that it should be." Anchor Coal Co. vs. U.S., 25 F (2d) 462.

In any event, the impact of burden of proof would not change our ruling herein, since the respondent's case was sufficient to sustain the burden, even if it were placed on them.

RESPONDENT'S EVIDENCE AND TESTIMONY

The witnesses introduced on behalf of the respondent in support of the proposed rates were, Mr. W. C. Wortz, Assistant General Freight Agent, Colorado and Southern Railway Company, Mr. A. G. Winters, Assistant General Freight Agent, Denver and Rio Grande Western Railroad Company, Mr. Henry Christianson, Assistant General Freight Agent, Chicago, Burlington and Quincy Railroad Company, and Mr. Clyde E. Lynch, Chief Rate Clerk, Union Pacific Railroad Company.

Witness Wortz introduced exhibits identified as numbers 1, 2, 3 and 4, and Witness Christianson introduced one exhibit identified as number 5.

Exhibit No. 1 is a copy of a telegram from W. P. Bartel, Secretary, Interstate Commerce Commission, Washington, D. C., to A. S. Ahlstrom, Denver, Colorado, dated June 10, 1949, advising him (Ahlstrom), that the Commission declined to suspend petroleum reductions between Wyoming and Colorado in supplement 90 to his tariff I.C.C. No. 40, effective June 10, 1949.

Exhibit No. 2 is a statement consisting of two pages, showing short tariff route distances; the rail rates suspended in this proceeding; and car-mile and ton-mile earnings based on an 8,000 gallon tank car (52,800 pounds), to 19 representative destinations on the A.T. & S.F., C. & S., C. B. & Q., D. & R.G.W., and U.P., from Denver and Dupont, Colorado.

Exhibit No. 3 is a one page statement showing the average car-mile and ton-mile earnings on all traffic for the year 1948 for the A.T. & S.F. Ry., C. B. & Q. R.R., C. R.I. & P. Ry., C. & S. Ry., D. & R.G.W. R.R. and U.P. R.R.

Exhibit No. 4 is a one page statement showing the present truck rates also present and proposed rail rates per gallon per gallon/and the difference in revenue in dollars per 5,000 gallon shipment from Denver and Dupont to the same 19 destinations shown in Exhibit No. 2. The rail rates have been converted into cents per gallon on the basis of 15.15 gallons per 100 pounds (6.6 lbs. per gallon).

Exhibit No. 5 is a one page statement showing carload shipments of gasoline and other light petroleum products transported from Denver, Colorado to 22 destinations on the C. B. & Q. by months for the year 1939 and for the first five (5) months of 1949.

The car-mile earnings shown on exhibit No. 2 vary from a high of 130.6 cents for 19 miles to a low of 46.0 cents for 155 miles on hauls from Denver, and a high of 312.0 cents for 11 miles and a low of 43.7 cents for 163 miles on hauls from Dupont. The ton-mile earnings show a high of 63.4 mills for 19 miles and a low of 17.4 mills on hauls from Denver, and a high of 118.1 mills for 11 miles and a low of 16.6 mills for 163 miles on hauls from Dupont.

The average car-mile and ton-mile earnings to the 19 destinations from Denver are 75 cents and 28.4 mills respectively, for an average distance of 113.8 miles, and 77.9 cents and 29.5 mills, respectively, for an average distance of 113 miles.

The average haul and ton-mile revenue on all Colorado intrastate traffic for the year 1943 compiled from the annual reports of the respondent and shown in protestant's brief are as follows:

<u>Carrier</u>	<u>Average Haul (Miles)</u>	<u>Ton-mile Revenue (Mills)</u>
A.T. & S.F.	165.33	13.97
C.B. & Q.	148.47	10.94
C. R.I. & P.	162.99	9.32
C. & S.	137.66	11.72
D. & R.G.W.	253.70	12.78
Un. Pac.	36.97	15.37

The arithmetical average haul for the six carriers on all Colorado traffic is 150.85 miles, and the average ton-mile earnings are 12.35 mills, as against an average petroleum haul of 116 miles and average ton-mile earnings of 23.95 mills based upon the proposed rates as shown in Exhibit No. 2. The average haul under the annual reports is 30 per cent greater than the average petroleum haul, calculated from Exhibit No. 2, yet the average ton-mile earnings on petroleum (based upon the proposed rates), exceed the average ton-mile earnings on all traffic by approximately 134 per cent. While it is true that a comparison of the ton-mile earnings on a single commodity with earnings on all traffic is not the best criteria, yet, where as here, the difference is so great, it must be considered as an important factor in the determination of the question whether the proposed rates are compensatory and not unreasonably low.

Exhibit No. 5 shows that in the year 1939, there was shipped from Denver, Colorado, to 22 destinations on the C.B. & Q., 327 carload shipments of gasoline and for the first five (5) months of 1949 there were no shipments at all to any of the destinations shown on said exhibit.

Witness Wortz of the C. & S. testified that in 1939, 500 cars moved from Denver to Colorado and Southern destinations; in 1943 only 31 cars moved from Denver and two from Dupont, and that in the first six months of 1949, 32 cars moved from Denver and none from Dupont.

Witness Winters of the D. & R.G. testified that in 1939 his company handled 477 cars from Denver to Colorado destinations; in 1943, 12 cars and for part of the year 1949, 2 cars; that in 1948 for the last ten months, they handled 44 cars from Dupont and during part of the year 1949, 40 cars from Dupont; from Denver to Colorado Springs in 1939, 140 cars were hauled and in 1943, 6 cars; Minnequa, 1939, 108 cars, and none in 1943; Florence, 1939, 32 cars, and none in 1943, and none to these three destinations in 1949 up to the date of the hearing.

Witness Lynch of the U.P. testified that in 1939 his company hauled 438 cars from Denver and Dupont to the destinations on the Union Pacific involved herein; in 1940, 552 cars; in 1948, 33 cars; and up to the time of the hearing, in 1949, 41 cars.

Witness Wortz further testified that during the war period there was a shortage of tank cars, and an O.D.T. order prohibited the carriers from using tank cars for hauls of less than 200 miles, with the result the rail carriers were practically prohibited from transporting petroleum products in tank cars from Denver or Dupont to the destinations involved in this proceeding; that in 1947 tank cars became more plentiful, but the efforts of the railroads to attract business under the existing rates were unproductive; that after due deliberations the interested carriers decided to publish the rates now under suspension in this proceeding.

Witness Lynch testified that his recommendations were for a lower level of rates than those decided upon by the other carriers.

PROTESTANT'S EVIDENCE AND TESTIMONY

The witnesses introduced on behalf of protestant in opposition of the proposed rates were, Mr. D. S. Eno, Traffic Manager of R. B. Wilson Truck Line and Mr. Harold R. Kendall, co-partner, Kendall Transportation Company, both of Denver, Colorado.

Witness Eno introduced two exhibits identified as numbers 6 and 7.

Exhibit No. 6 is a statement consisting of 16 pages showing the present and proposed rail rates and the amount of reduction from Denver and Dupont to 44 points of destination on the A.T. & S.F., 33 points of destination on the C.B. & Q., 23 points of destination on the C. & S., 17 points of destination on the D. & R.G.W., and 145 points of destination on the Union Pacific.

A compilation of all the rates shown on Exhibit No. 6 results in a reduction of approximately 16 per cent in the present rail rates.

Exhibit No. 7 is a statement consisting of 16 pages showing the present rail rates, present truck rates, proposed rail rates and the amount of increase or decrease of rail rates over or under the present truck rates from Denver and Dupont to 13 points of destination on the A.T. & S.F., 40 points of destination on the C.B. & Q., 21 points of destination on the C. & S., 14 points of

destination on the D. & R.G.W., and 60 points of destination on the Union Pacific.

Witness Eno testified relative to the history of the truck rates since they were first prescribed by this Commission; that on June 16, 1948, the rail carriers increased their rates 10% over the truck rates under what is known as Ex Parte 166; that the motor carriers felt the need of additional revenue, but they did not feel that they could present sufficient evidence before this Commission to support an increase of 10%; that the motor carriers were now fearful that any attempt on their part to meet the proposed reduction in rail rates would be the beginning of a rate war; that his company has lost movements from Wyco, Wyoming to 15 Colorado destinations since June 10, 1949, the date the reduced interstate rates became effective but that the truck rates have been reduced to meet rail rates; that approximately 5% of the total of Wilson's business goes to customers not capable of using rail service; that the average capacity of Wilson's trucks is 6,000 gallons; that the freight rate is the determining factor as to the mode of transportation.

Witness Kendall testified that his company has eight (8) complete units with an average capacity of 5,970 gallons; that approximately 95% of his hauling is out of Denver; that all of his customers have facilities whereby they could handle rail tank carload shipments.

SUMMARIZING THE TESTIMONY

The witnesses for respondent testified that the proposed rates are within the zone of reasonableness and that they are compensatory. They have shown in exhibit form the car-mile and ton-mile earnings which would accrue under the application of said rates on the basis of 8,000 gallon shipments, the average tank carload by rail and such earnings are greatly in excess of total system averages. They have testified that shipments by rail have alarmingly fallen off, and if they expect to secure a "fair share" of this traffic a reduction in their rates is essential.

The witnesses for protestants have shown in exhibit forms comparisons of the rail rates and the truck rates and the differences between the two sets of rates. They have testified that the proposed rates will be on an average,

0.48 cents lower than the truck rates, and that this difference will have the effect of changing the transportation from truck to rail. They feel that a rate war is beginning and that the railroads are attempting to put them out of business.

CONCLUSIONS

The record does not establish that the suspended rates are unreasonably low or otherwise unlawful. The exhibits indicate on the contrary, that the earnings will be compensatory.

The argument of the motor carriers that the Commission cannot break up the "established relationship" between the truck and rail rates on this type of traffic is without foundation. There is no reason for the existence of any such "established relationship" on commodities of this type which move in bulk, and this Commission has never created one. Natural advantages of one type of transportation over another, if any exist, must not be denied to the public. At any rate, there is nothing in the record to indicate that the present truck rate should be the standard on which any relationship should rest. Protestant's arguments that the railroads are combining in restraint of trade to destroy the trucking industry is not in point here, but is nevertheless met, we believe, by the foregoing remarks. The competition which led to the publication of the new rail rates is shown to be real and compelling. Under the circumstances, notwithstanding the potential effect of the proposed rates upon the business of the motor carriers, findings are not warranted herein which would have the effect of denying respondent the right to meet that competition by the establishment of rates which are not shown to be in violation of the Public Utilities Law. Protestant's fear of a rate war is not warranted. So long as rates are compensatory, the public is entitled to receive the benefits of competition, and this Commission has and will exercise the power to prevent any abuses.

FINDINGS

The Commission Finds:

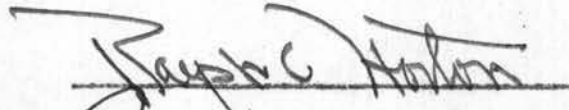
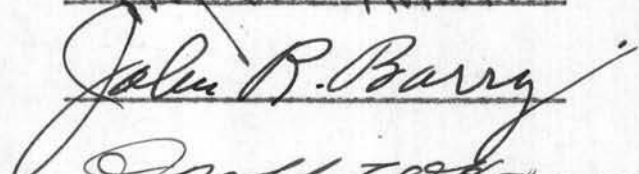

That the suspended schedules have not been shown to be unjust or unreasonable but have been justified by the rail carriers as compensatory and lawful; that an order should be issued vacating our original order of suspension herein and discontinuing these proceedings.

ORDER

THE COMMISSION ORDERS:

That the order heretofore entered in this proceeding suspending the operation of said schedules described in the foregoing statement be and it is hereby vacated and set aside as of October 7, 1949, and that this proceeding be discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado
this 6th day of October, 1949.

hn

Original

(Decision No. 33554)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
HARRY H. HARBISON FOR AN EXTENSION
OF CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY NO. 910.

APPLICATION NO. 9813
EXTENSION

October 7, 1949

Appearances: Worth Allen, Esq., Denver, Colorado,
for applicant;
E. B. Evans, Esq., Denver, Colorado,
for Gray Truck Line, Claude
A. Baker, DBA Valley Transfer,
Harry E. Jesmer, DBA Southern
Wyoming Lines, Hayden Transfer;
T. A. White, Esq., Denver, Colorado,
for The Denver & Rio Grande
Western Railroad Company and
Larson Transportation Company;
Walter Utzinger, Craig, Colorado,
for J. J. Stanton Transpor-
tation Company.

S T A T E M E N T

By the Commission:

Applicant, Harry H. Harbison, is the owner of Certificate of
Public Convenience and Necessity No. PUC-910, authorizing the transpor-
tation of:

"Farm products, including livestock, as a common
carrier by motor vehicle in irregular service
and upon call and demand, from point to point
in all of Larimer County and Weld County north
of a line drawn east and west nine miles south
of Fort Collins and west of Range Line 67 West,
to and from other points in the State of Colo-
rado, with the right to transport all commodities
except household goods from farms in said area
to and from Fort Collins, Colorado, specifically
eliminating, however, the transportation of
farm products (exclusive of livestock) into
Denver, and any competition with common carrier
line haul operators between towns."

By the instant application, he seeks an extension of authority
under said PUC-910 to include the transportation of farm products, in-
cluding livestock and wool, between points in the Counties of Routt and

Moffat, in the State of Colorado, and between points in those counties and all other points in the State of Colorado.

The application was set for hearing at the Court House in Craig, Colorado, for March 4, 1949, and after appropriate notice to all parties in interest was there heard and taken under advisement.

Harry H. Harbison, the applicant, identified Exhibit 3 - his financial statement as of date December 30, 1948 - showing his net worth as \$32,750.00, and stated that there had been no substantial change up to date of hearing. He has interstate authority under PUC-910-I, and some sort of private carrier authority in the State of Wyoming, for the transportation of livestock, feed, etc. He had been requested to file the instant application by George Voelzel, former lessee of Harry E. Jesmer, doing business as "Southern Wyoming Lines," and had worked for Voelzel since the Spring of 1947. In that year, he had handled about one-third of Voelzel's business, and in 1948, about half of the business, all under the direction of Voelzel. The lease of the latter had expired on January 1, 1949, the authority reverting to Jesmer, who had not operated since that date. He was willing to limit his operation to, from, and from point to point within, a strip of land 20 miles wide along the north side of Routt County, in which strip there is presently no other operator. The other operators with whom he would compete if the extension applied for were granted he listed as follows: Jones Truck Line; Kelly, PUC No. 1210; Southern Wyoming Lines, Permits No. B-988 and 988-I; Valley Transfer, PUC No. 1232; Elgin, Permit No. B-1801; Watts, Permit No. B-2692; Larson Transportation Co., PUC-331; Brown, Permit A-545; Mack, Permit A-84; Stanton, Permit B-225; Burt, Permit B-1710; Gray, PUC-880; Janes Bros., PUC-1613; City Transfer, PUC-1699; Harper, PUC-152; Hunt, PUC-1947. He had seen the trucks of Kelley, Gray, and one Doherty operating, and had done some work for Gray, hauling 2400 head of stock in 1947 and 1300 head in 1948. In 1949, he had hauled for Gray on three occasions, the loads being 1600 head of sheep, a carload of cake, and 500 sheep, respectively. When not hauling under another's authority, he was busy buying and selling

hay and other farm products. In 1947, he had operated with but one truck, and with two trucks in 1948. His present equipment consists of a 1946 K-10 International Truck, with 36-foot semi-trailer, and a 1947 K-10 International Truck, with 34-foot trailer. His slack season is in February and March, July and August, of each year, but he had been hauling even during the slack seasons, had made a good living and kept his equipment in good shape since he has worked in his present location. If the authority is granted, he would need other equipment, particularly a 42-foot trailer, and is able to purchase the same.

Requests for applicant's service have come from two-thirds of the ranchers in the territory applied for, for the transportation of wool, feed, and livestock, and from the Producers Livestock Company of Denver.

The experience of applicant in the transportation business has been varied. He started operations at Fort Collins in 1939, under Permit B-2440, conducted the same for six years, sold the permit to one George Digney, and farmed near Greeley in 1946. He obtained permit with statewide authority in Wyoming, which he has operated for twelve years. PUC-910 and 910-I were transferred to him on May 17, 1943, covering part of the same territory authorized by his former Permit B-2440. When he worked for Voelzel, it was under letter of authority with his own equipment, on business obtained by Voelzel. In 1947 and 1948, he handled some livestock under PUC-910 and 910-I, by leasing equipment from Digney, or sometimes using his own - his own equipment being used in Wyoming the greater part of the time. His Wyoming permit has not been used for the past two or three years. He could keep three units busy under PUC-910 and 910-I, his Wyoming permit, and the extension presently applied for.

David R. Sealey, in the sheep business 31 miles south of Craig since 1923, runs an average of 3500 head, and is of the opinion that there are not sufficient trucking facilities for livestock, due to the fact that all stockmen want to ship at the same time. He had experienced delays of from two days to two weeks. He ships by truck if trucks are available, but had called Gray once a year but always found him "booked up." Appli-

cant had handled sheep for witness on two occasions, and his work is satisfactory.

Carl F. Jevins, of Baggs, Wyoming, runs 2400 head of ewes and 300 head of cattle, one of his ranches being four miles southwest of Craig, with a range at Black Mountain, thirty miles northeast of Craig. Applicant had done a lot of hauling for him, lambs from points in Colorado to the Denver market, sheep to Craig, Denver, and Wyoming points, and cake and hay, under the Jesmer authority. Most of his stock had been handled under that authority, and service was never refused. Gray and Kelley Truck Line had done part of his hauling. Sometimes there are enough trucks available, but when the sheep come off the range the available trucks cannot handle all of them, resulting in delay of a week or two, and shrinkage. In his opinion, the public needs more trucking facilities, especially during the wool season and when all the livestock is being moved in the Fall.

Roy M. Spicer runs 6500 sheep on his ranch two miles from Baggs, Wyoming, and during the past two years most of his hauling has been done under the Jesmer authority. If Jesmer did not have the equipment, he would obtain same from others if available. Witness was delayed two weeks last Fall and will trail his sheep if there is another such delay. He thought applicant was a good operator and his services are needed in the area applied for.

Alex Urie ranges from 6000 to 10,000 sheep and 200 head of cattle eighteen miles south of Craig in the summer, and from thirty to seventy-five miles west in the winter. His trucking of lambs was always handled by Gray, whose service is expeditious and satisfactory. At times it would be more convenient to have more trucks available. For emergencies he has purchased trucks of his own.

Lloyd Cook, of Craig, runs 2400 head of sheep, on White River in summer and near Rangely in the winter. Ordinarily, he does not ship in feed; his lambs are trucked from White River to a railroad and his wool from Meeker to Craig. All sheep ranging in the National Forest have

to come off at the same time and the fat lambs shipped at once to avoid shrinkage. Janes Bros. had handled practically all the sheep and wool from his territory, but shipments must be booked for a long time in advance. Applicant had hauled 1600 head of sheep for him in the Spring of 1948. There is a definite need for more trucks during two months in the Spring and two months in the Fall.

James W. Crawford, of Craig, runs 3000 head of sheep, in the summer at North Park and in the winter in Utah. In the Fall he trucks the lambs to Craig and replaces same with ewes. More trucks are needed during the rush seasons and lambs are being trailed that would be shipped by trucks, if available.

Harry Temple, in the sheep and cattle business south of Hayden, has had difficulty in obtaining trucking transportation at shipping time, especially in shipping pairs which must be moved at the same time, and also in the Fall when lambs must be shipped promptly to avoid shrinkage and feed must be brought in. At times he has waited three weeks for service and had to trail to market last Fall because the equipment of the Hayden Truck Line was broken down and Baker and Gray were booked up. He hauls in very little feed, but it requires ten trucks to move his band of 1000 to 1200 ewes and lambs. The services of Southern Wyoming Lines, Gray, and Baker, have been satisfactory, but there is need for more trucking facilities at the time of sheep movements.

Walter Davis, of Craig, Ranges his sheep thirty miles south of Craig in the summer and north of Craig in the winter. He has used the services of Janes Bros. and Gray, which have been satisfactory, but they do not have enough trucks to care for the public needs.

Ray Smith, of Craig, ranges his sheep from Baggs, Wyoming, to 70 miles West and south of the State Line in the winter, and in the summer, 30 to 50 miles northeast of Craig. He moves 3000 head of ewes and lambs from range to range and has used Gray's service, which has been satisfactory, except that, usually, he cannot get transportation from Colorado to Wyoming.

It was stipulated by counsel that Bob Brown and Lowery Seeley of Craig, and Earl Salton of Slaton, Colorado, if called, would testify to substantially the same effect as the previous witnesses.

Several certificated carriers testified in protest to the granting of the extension. N. B. Kelley, a rancher and trucker, and handling a mail contract, operates under PUC-1210 and 1210-I, with authority to transport general commodities in the territory applied for. He testified that the territory is now being adequately served, and there is no need for an additional carrier. His two trucks are busy and on the road all the time except for the four months slack season, when he uses only one, which satisfies the needs of his customers. He trades work with Gray Truck Line, PUC-880, Southern Wyoming Lines, B-988 and 988-I, and Valley Transfer, PUC-1232. One W. L. Jones, of Dixon, Wyoming, operates in the area, hauling livestock and wool, using a cab-over truck and a straight truck, with 22-foot semi-trailer and 13½-foot rack. With his own present equipment, witness had handled entire bands of sheep in three or four days, and a winter band in a day. On a semi-trailer, he can handle 250 lambs, and from 95 to 115 on the rack. He has recently purchased a two-ton Studebaker truck, 1949 model, with capacity of 112 head of sheep. One Doherty is moving into the territory with five trucks. Witness has interstate authority, and hauls much wool from ranches to Craig and Rawlins, Wyoming. He gave his net worth as \$12,000.

Harry Jesmer, of Baggs, Wyoming, a farmer and livestock dealer, is the owner of Permit B-988 and B-988-I, and state-wide Wyoming authority which he has leased to George Voelzel for the past two years. He operated the line personally until same was leased to Voelzel, and when the lease expired on January 1, 1949, gave the lessee the first chance to buy, but the latter could not handle it. His equipment was sold to Voelzel and one George Blair. Edgar Doherty purchased his interstate operating rights, and application for transfer is now pending before the I. C. C. Doherty's equipment consists of two trucks of his own and two leased trucks, and these four trucks are used in the territory applied for. Voelzel is still

operating one truck under Permit B-988 of witness. Time and again witness has moved an entire band of sheep in one day in the Craig area. The farmers and stockmen of the area have always been well taken care of and witness did not feel that there was need for additional carriers.

Claude A. Baker, doing business as "Valley Transfer," Steamboat Springs, Colorado, PUC-1232, testified that there was no need for additional service, as he and N. B. Kelley, PUC-1210, could take care of all the business in the 20-mile strip described by applicant, and had done so for the past five years, without complaint. He has three semi outfits, an inventory of \$30,000, and net worth of \$22,000. He handles on an average of 30,000 sheep and between 2000 and 3000 cattle per annum, of which about 6000 sheep and a few cattle are shipped to and from the 20-mile strip. The ranchers and farmers have been acquiring their own trucks, on the excuse that they could handle their own stock more cheaply than by the authorized motor carriers. In his opinion, the granting of additional authority would necessity taking some of his equipment out of service.

Dale Brewer, local agent of Larson Transportation Company, PUC-331 and 331-I, testified that his company had four trucks with stake bodies, based at Craig and Steamboat Springs, available for lease to other carriers. His company had authority to haul feed and wool in the area, but few calls for such service. The company had racks for hauling feed and wool, but none for livestock.

Leonard Gray, owner of PUC-880, testified that he had been in the transportation business since 1934, and, with the exception of the years 1944 and 1945, had engaged largely in the hauling of livestock and farm produce. His equipment consists of four International trucks, 1940, with three 18-foot racks and one 24-foot semi-trailer; also one Rec Truck, 1937, with straight body, and he had purchased a 30-foot stock trailer and planned to purchase another. In his opinion, the motor carriers now engaged in serving the territory sufficiently and adequately supplied the needs of the shipping public. He emphasized the decrease in business during the past three years, identifying Exhibit No. 1, showing the de-

crease. From 1946 to 1948, the number of sheep shipped from the area had decreased from 104,633 to 83,589; the number of cattle from 6826 to 5645, and the weight of the wool from 964,283 pounds to 584,088 pounds, with a slight increase in the number of horses and hogs and in the feed moved. He also identified Exhibit No. 2, being a statement of the number of motor vehicles registered in Routt and Moffat Counties for the three-year period. In Routt County, the number of trucks had increased from 363 to 474; tractors from 15 to 18; semi-trailers from 7 to 13. In Moffat County, the number of trucks had increased from 387 to 446, while there had been a decrease in the number of tractors, trailers, and semi-trailers. Witness explained the exhibit by stating that farmers and stockmen had been buying equipment to haul their own produce and stock, leaving less business for the carriers. Since 1946, he had sold two trucks and purchased one, taking a GMC truck out of service in September, 1948, because it was standing idle. Witness named fifteen carriers, with certificates or permits authorizing transportation service, including livestock, in the area. Among them it is the practice to rent or lease equipment in case of emergency. In the transportation of livestock there is a slack season in July and August, and another in February and March, of each year. From July 15 to September 1, 1948, he had no trucks moving for 21 days, and the same condition existed for 33 days during February and March, 1948. His principal business is transportation from points in Moffat County to the railhead at Craig. He handles many sheep in transit and can load and transport an average of 25 miles, an average of 8 carloads per day, and has handled as many as 10 carloads per day. His longest haul is 120 miles from Douglas Creek, and he handles both large and small shipments. Many shippers have purchased their own trucks, which has resulted in a decrease in the business of wool transportation for the truckers. The wool is carried in bags of from 250 to 325 pounds, and is usually hauled to Craig for shipment by rail.

Walt Myers, County Commissioner of Moffat County, testified that he represented two ranch companies operating in the area. He used

Gray for the transportation of wool and lambs from the ranches to Craig, and feed on the return haul, lambs to Hayden, and on one occasion 200 head of cattle from Maybelle to Steamboat Springs, and the Gray service had always been very satisfactory. He had also used Stanton and Watson. He had been able to obtain prompt transportation service at all times except in the two-month period prior to hearing, when all shippers wanted trucks at the same time due to the record storm and resultant bad condition of the roads, which required the hauling of large quantities of feed to the ranches. This was the only period during the past 26 years that he could not obtain prompt service, and the transportation facilities are adequate in normal times.

Elton Gent, in the sheep business both southwest and northwest of Craig, running about 1700 head, used the Gray service, which had been satisfactory. He had shipped from 1750 to 2000 lambs per season to Craig, sheared about 35 miles southwest of Craig, and shipped the wool to Craig. Gray had handled the transportation and hauled his feed back from Craig to the ranches. Witness could not see any need for additional truck service.

It was stipulated by counsel that John Zato, residing 14 miles northeast of Craig, and George Wilson, residing four miles southwest of Craig, would testify, if called, that both use Gray's service - Zato for sheep and Wilson for cattle - and haul their own feed. Neither sees any need for additional trucking facilities.

Louis Visintaines, of Craig, has been in the sheep business for twenty years, ranging about 6500 head in the vicinity of Craig. For the past twenty years, Gray has done his trucking of wool and sheep in a satisfactory manner, moving 4000 lambs in the Fall. There is no need for additional trucks except for a few occasions in the Fall.

Charles Miller ranges from 700 to 800 head of sheep eleven miles north of Craig, and trucks his lambs to Craig. He has used Gray's service, which is excellent, and Gray has handled two shipments to Denver. He now ships to market from Craig to Denver as the insurance rates are too

high to justify shipment by trucks. His wool is hauled either by Gray or himself. There is an increase in the number of trucks owned by ranchers. While there is a definite bottle-neck in the Fall when all the livestock is being moved at once all over the State, otherwise there is no need for additional trucking facilities.

Guy Hansen, County Commissioner, runs 50 head of cattle fourteen miles north of Craig. Gray handles his annual one truckload shipment into Craig satisfactorily, and there is no need for additional trucks in the area.

Ham Terrill, a livestock dealer of Craig, ships about 1000 head per annum. His shipments are from range to Craig, and some from Craig to Denver, all handled satisfactorily by Gray, and there is no need for additional trucks in the area except possibly in the rush season.

George E. Emerson conducts a cattle and hay ranch eighteen miles northwest of Steamboat Springs. He has 400 breeding cows, and brings in about 600 head annually for feeding. Valley Transfer does his trucking, the service being good. He never called Valley without getting prompt service, and additional authority in the area would be a disadvantage because two truckers could not make a living. Additional trucks could possibly be used during the Spring and Fall rush. Valley has expanded its service in the past two years; its equipment never breaks down; yet it is a paying operation only in the Fall.

William Ross is in the purebred cattle business fourteen miles north of Steamboat Springs, running about 100 head and shipping to the stock show at Denver every year. His trucking is handled by Valley in a satisfactory manner, and there is no need for additional trucks in his territory.

H. J. Summers, a former County Commissioner, has handled cattle for the past thirty years, about a mile and a half east of Hayden, his trucking being handled by Gray very satisfactorily. Additional trucks could be used in the area during the rush season in Spring and Fall, but

at other times the business available would not justify their use.

Dave Livingston runs from 2500 to 3500 ewes, partly in Utah and partly south of Craig. In 1948, he moved his ewes and 2600 lambs, Gray handling the lambs and Gray, Valley, and Utah operators the ewes. He shears in Utah, hauls his hay from Vernal, Utah, and feed from other points. The services of above carriers have been adequate, and there is no need for additional trucks except in the rush seasons referred to.

Grant Southam testified that he hauled livestock and wool under interstate authority.

Charles McIlvane, of Hayden, testified that his ranch is located 20 miles south of Hayden, and he handles about 2000 purebred Hereford cattle commercially, and runs about 10,000 ewes. He operates five large trucks of his own and hauls most of his own wool. His cattle are moved from the ranch to Hayden or Denver, but his sheep are usually trailed to the railhead. Valley and Gray have handled his trucking satisfactorily, moving about 20 truckloads of cattle yearly. He has found their service adequate and there is no present need for additional service.

It was stipulated by counsel that if the following witnesses were called, they would testify substantially the same as the last shipper witnesses quoted, to-wit:

Earl Van Tassel, running 1000 head of cattle, shipping four carloads annually.

Max Williams, residing eight and a half miles east of Craig, in the cattle and sheep business, shipping about 25 head of cattle and 50 lambs per year.

Crawford Gore, residing seven miles east of Craig, shipping about 85 head of cattle per year.

Kenneth Whiteman, residing eight miles east of Craig, shipping two truckloads of cattle per year.

Francis Johnson, of Craig, shipping 1500 lambs per year.

Ray Lyons and Pat Sweeney, of Craig.

Robert Van Horn, residing four miles northeast of Craig, shipping 30 to 35 head of cattle per year.

Mr. Brookshire, shipping 80 head of cattle per year.

George D. Cook, Steamboat Springs, shipping one truckload of cattle, and Mr. Metzgar, of the same place, shipping from one to three truckloads.

Mr. Squires, of Steamboat Springs, brand inspector and rancher, stated that the greater part of the hauling around Steamboat Springs was done by Valley, and there is no need for additional service in that territory.

Andrew McDermott, a sheep rancher and president of the local Cooperative at Steamboat Springs, runs 2000 ewes, uses Valley for the transportation of feed and wool generally, and Gray for transportation of his wool from the range, where the sheep are sheared in Moffat County, to Craig. He uses 12 to 14 truckloads of feed. The services of Gray and Valley have been very satisfactory and no additional truckers are needed, except possibly for a period of two weeks in the Fall.

Leonard Gray (FUC-880) being recalled, explained the complaint of Witness Seeley by stating that Seeley had been given booking for the transportation of his sheep two weeks in advance, both by himself and Janes Bros., but during the waiting period saw Gray and demanded service on the following day, saying that he could have Janes Bros. pick up his sheep on that day if Gray could not do so. Janes did the hauling, although Gray was ready on the day booked. In the hauling of sheep, pairs are always hauled by truck, and witness can always get trucks to haul entire bands when they move in the Spring. If additional authority is granted for the Fall haul, the equipment of the new carrier would be idle the balance of the year if he did not take business from the already certificated carriers. One operator with five or six trucks can render better service than two operators, each with less equipment. The commercial carriers have been rapidly cutting into the business of the common carriers. Witness gave his own net worth as between \$12,000. and \$14,000.

B. F. Moore, formerly Livestock Agent for The Denver and Salt Lake Railroad, and presently District Freight and Passenger Agent for The Denver and Rio Grande Western Railroad at Craig, testified that he was thoroughly familiar with livestock conditions in the area. To properly handle stock, the shipments should be booked in advance, so that the truckers can keep their equipment busy. Shippers by rail order cars as far as sixty days in advance. Gray had operated in the territory for many years and has been able to adequately handle all business offered him except for a short period in Spring and Fall. Gray has adequate equipment. Wool shipping has decreased materially since 1946 - over a million pounds from the Craig area. There was a material decrease in 1947 over 1946, and in 1948 over 1947, with prospects of a further decrease in 1949. The sheep population in the area has decreased ten per cent in the past five years, and the number of cattle grazed has materially decreased, so there is no need for the certification of additional carriers.

Harry Jesmer, recalled, stated that the sheep allotment on the National Forest had been decreased from 945 to 275 head, resulting in a material decrease in the livestock in his territory.

We have carefully reviewed all the evidence in this case. Applicant's present Colorado authority, PUC-910, coupled with his operations under his Wyoming permit and under PUC-910-I, should be sufficient to keep his trucks busy the year round, and he testifies that when there are no seasonal hauls he keeps the trucks busy under a "C" permit. True, his revenue in 1946 and 1947 came largely from his trucking for George Voelzel, lessee of Harry E. Jesmer, doing business as "Southern Wyoming Lines." The lease from Jesmer to Voelzel expired on January 1, 1949, and applicant now seeks to obtain authority for himself in the same territory, and naturally Jesmer wishes to protect his operating rights as against a former employee of his former lessee. Moreover, the evidence shows persuasively that there are presently a sufficient number of certificated carriers in the area to adequately handle all transportation problems.

There was evidence to the effect that more trucks could be used in the area for the peak periods of a few weeks in the Spring and a few weeks in the Fall, but the demand is seasonal only, and such evidence does not justify the Commission in granting a certificate which cannot be limited to two short periods, and which would seriously affect the business of the other certificated carriers in the area during the remainder of the year.

F I N D I N G S

The Commission finds from the evidence as set forth in the above and foregoing statement, which by reference is made a part hereof, that public convenience and necessity do not require the granting of the instant application for an extension of PUC-910.


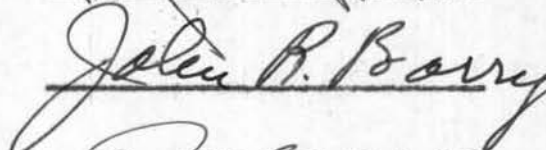
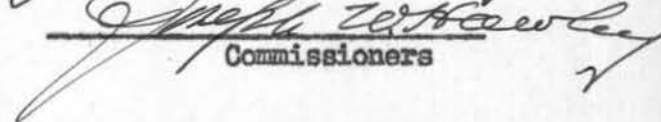
O R D E R

THE COMMISSION ORDERS:

That the instant application of Harry H. Harbison for an extension of Certificate of Public Convenience and Necessity No. PUC-910, be, and the same hereby is, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 7th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. A. GREEN, 811 GRANT AVENUE,)
FOWLER, COLORADO.)
-----)

CASE NO. 48698-R.
(PUC NO. 1655)

October 8, 1949

S T A T E M E N T

By the Commission:

On September 15, 1949, the Commission entered an order revoking the above-numbered certificate for failure of respondent to file monthly road tax reports for the period February, March, April, May and June, 1949.

The Commission is now in receipt of said delinquent reports with a request that PUC No. 1655 be reinstated and Case No. 48698-R cancelled.

F I N D I N G S

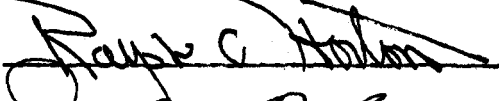
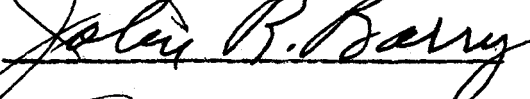

After careful consideration of the record and the request, the Commission is of the opinion, and finds, that Certificate No. 1655 should be reinstated, and Case No. 48698-R dismissed.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 1655 of F. A. Green, 811 Grant Avenue, Fowler, Colorado, should be, and the same hereby is, reinstated as of September 15, 1949, and Case No. 48698-R dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 8th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE DISCONTINUANCE
OF THE AGENCY STATION OF THE ATCHISON,
TOPEKA AND SANTA FE RAILWAY COMPANY
AT TIMPAS, OTERO COUNTY, COLORADO.

APPLICATION NO. 10224.

At a General Session of the
Public Utilities Commission
of the State of Colorado, held
at its office in Denver, Colo-
rado, on October 8, 1949.

INVESTIGATION AND SUSPENSION DOCKET NO. 301.

IT APPEARING, That on September 8, 1949, The Atchison,
Topeka and Santa Fe Railway Company, by its attorneys Grant, Shafroth &
Toll, filed its petition under the Commission's General Order No. 34,
proposing to discontinue, effective October 11, 1949, the agency station
of said railroad at Timpas, Otero County, Colorado; and

IT FURTHER APPEARING, As stated by petition, that the revenue
received from the operation of the station is inadequate to take care of
the actual cost and the cash outlay required in the maintenance of the
station and that the total revenues at said station for the 2½ year period
from January 1, 1947, to June 30, 1949, were \$8,342.00, whereas the expense
to the Railway Company from the operation and maintenance of said station
and agency was \$19,043.95; and during the first six months of 1949 no
freight whatever was forwarded from this station and freight received
during this period consisted of two carloads of asphalt and approximately
8,000 pounds of less-than-carload freight and passenger ticket sales during
this period totaled \$3.00; and there is no indication at this time of a
future increase of business at this point; and the freight shipments in
recent years to and from Timpas having consisted principally of occasional
and infrequent carload movements of livestock and if the station is closed
as an agency station, livestock can continue to be loaded or unloaded through
the railroad stockyard at that point, the billing of outgoing shipments to be

handled at the nearest agency station in the direction of movement and incoming carload shipments to be sent out freight prepaid as a non-agency prepay station and the continued maintenance of said agent and agency station is no longer necessary for public convenience and necessity and imposes an economic burden on the Railway Company; and

IT FURTHER APPEARING, That the intention of applicant having become known to parties in interest, viz. the people living in and around Timpas, the Commission has received complaints from said interested parties stating in effect that they are in opposition to the closing of the agency station in Timpas, Colorado; and

IT FURTHER APPEARING, That the effective date of the proposed discontinuance of the agency station at Timpas might injuriously affect their rights and interests and of the community and the parties involved; and

IT FURTHER APPEARING, That the instant petition having been assigned Application No. 10224 on the Commission's records, and it now becoming necessary to suspend the effective date of the discontinuance of said agency station, the instant petition assigned Application No. 10224, together with all the records and files therewith, should be transferred on the Commission's Docket to Investigation and Suspension Docket No. 301.

F I N D I N G S

THE COMMISSION FINDS:

That the discontinuance of the agency station of The Atchison, Topeka and Santa Fe Railway Company at Timpas, Colorado, should be suspended and an investigation had in the matter.

O R D E R

THE COMMISSION ORDERS:

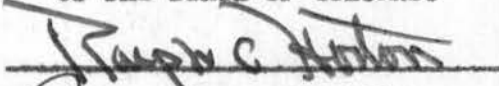
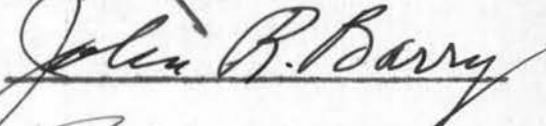

That the effective date of the proposed discontinuance of The Atchison, Topeka and Santa Fe Railway Company's station at Timpas, Colorado, Otero County, Colorado, be, and hereby is, suspended for a period of one hundred and twenty (120) days from October 11, 1949, or until February 8, 1950, unless otherwise ordered.

That the matter of the proposed closing of the Timpas Station be made a subject of investigation by this Commission within said period of suspension, or within such further time as the same may be lawfully suspended.

That Application No. 10224, originally assigned to the instant proceedings, be, and hereby is, closed, and all records and files in said Application be transferred to Investigation and Suspension Docket No. 301.

That a copy of this order be filed with Application No. 10224, and with Investigation and Suspension Docket No. 301; and a copy hereof be forthwith served on Grant, Shafroth and Toll, attorneys for The Atchison, Topeka and Santa Fe Railway Company, 730 Equitable Building, Denver 2, Colorado; C. C. Case, Superintendent, Railway Express Agency, Express Annex, Denver Union Terminal, Denver 2, Colorado; Mr. F. D. Shoemaker, Timpas, Colorado; Mr. Pierre Aguerre, P. O. Box 16, Timpas, Colorado; Pearl H. McCoy, Postmaster, Timpas, Colorado; Mr. Ward Watkins, Timpas, Colorado; and J. F. Anderson, General Chairman, Order of Railroad Telegraphers, 208 Columbian Building, 112 West 6th Street, Topeka, Kansas.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 8th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PAUL J. ADAMS, PITKIN, COLORADO)
PERMIT NO. C-18832.

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Paul J. Adams,
requesting that Permit No. C-18832 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-18832, heretofore issued to.....
Paul J. Adams, be,
and the same is hereby, declared cancelled effective August 19, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MARY JENKINS AND C. G. LOVELAND)
2915 CURTIS STREET, DENVER 5,)
COLORADO.)
-----)

PERMIT NO. C-22879.

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Mary Jenkins and C. G. Loveland,.....
requesting that Permit No. C-22879.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22879....., heretofore issued to.....
Mary Jenkins and C. G. Loveland,.....be,
and the same is hereby, declared cancelled effective September 9, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Winters

John F. Baker

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 13th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT J. KLINGENSMITH, RT 5,)
BOX 270, DENVER 11, COLORADO.)
PERMIT NO. C-20682.
)
)
)

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Robert J. Klingensmith,.....
requesting that Permit No. C-20682 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20682, heretofore issued to.....
Robert J. Klingensmith,..... be,
and the same is hereby, declared cancelled effective September 23, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. F. JOHNSON, BOX 221, ROCKY)
FORD, COLORADO.) PERMIT NO. C-4805.
)
)
)

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
W. F. Johnson,.....
requesting that Permit No. C-4805.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-4805....., heretofore issued to.....
W. F. Johnson,.....be,
and the same is hereby, declared cancelled effective September 8, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 13th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN PLOZZA, FIRESTONE, COLORADO.)
) PERMIT NO. C-10823.
)
)
)

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
John Plozza,-----
requesting that Permit No. C-10823 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-10823, heretofore issued to-----
John Plozza,-----be,
and the same is hereby, declared cancelled effective October 1, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Westcott

John S. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 13th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES D. COCHRAN, 6735 NORTH)
FEDERAL, DENVER 11, COLORADO.) PERMIT NO. C-21632.
)
)
)

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Charles D. Cochran,.....
requesting that Permit No. C-21632.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21632....., heretofore issued to.....
Charles D. Cochran,.....be,
and the same is hereby, declared cancelled effective October 1, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this.....13th day of.....Oct....., 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
SAM L. LEVINE & LOUIS LITVIN,)
1464 WINONA COURT, DENVER 4,) PERMIT NO. C-22883.
COLORADO.)
)
)
-----)

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Sam L. Levine & Louis Litvin,.....
requesting that Permit No. C-22883.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22883....., heretofore issued to.....
Sam L. Levine & Louis Litvin,.....be,
and the same is hereby, declared cancelled effective August 16, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

Charles H. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 13th.....day of.....Oct....., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK AUSEC, DOING BUSINESS AS)
"BUSY BEE COAL MINE," ROUTE 1,) PERMIT NO. C-5323.
BOX 129-A, COLORADO SPRINGS,)
COLORADO.)

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Frank Ausec, d/b/a Busy Bee Coal Mine,.....
requesting that Permit No. C-5323..... be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-5323....., heretofore issued to.....
Frank Ausec, d/b/a Busy Bee Coal Mine,..... be,
and the same is hereby, declared cancelled effective September 28, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Heston

John B. Boring

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 13th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
OLIN MOORE, ROUTE 1 BOX 363,)
BOULDER, COLORADO.)
PERMIT NO. C-23338.
)

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Olin Moore,.....
requesting that Permit No. C-23338..... be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-23338....., heretofore issued to.....
Olin Moore,..... be,
and the same is hereby, declared cancelled effective September 26, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 13th day of Oct., 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
SEISS TRANSPORT CO. INC.,)
115 CHOCTAW, CLINTON, OKLAHOMA,) PERMIT NO. C-23273.
)
)
-----)

_ October 13, 1949 _

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Seiss Transport Co. Inc.,.....
requesting that Permit No. C-23273.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-23273....., heretofore issued to.....
Seiss Transport Co. Inc.,.....be,
and the same is hereby, declared cancelled effective September 17, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Brown

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 13th day of Oct., 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
BUREN A. LINSON, 930 MARIPOSA)
STREET, DENVER 4, COLORADO.) PERMIT NO. C-22655.
)
)
)

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Buren A. Linson,.....
requesting that Permit No. C-22655..... be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22655....., heretofore issued to.....
Buren A. Linson,..... be,
and the same is hereby, declared cancelled effective September 17, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John H. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 13th day of Oct., 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
VICTOR GALLEGOS, 515 SOUTH 5TH,)
LARAMIE, WYOMING.) PERMIT NO. C-22308
)
)
)

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Victor Gallegos,.....
requesting that Permit No. C-22308.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22308....., heretofore issued to.....
Victor Gallegos,.....be,
and the same is hereby, declared cancelled effective September 30, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Wadsworth

John R. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 13th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
KING, JOHN, BILL AND BEN THOMPSON,)
DOING BUSINESS AS "THOMPSON)
BROTHERS," 312 EAST PINE, ENID,) PERMIT NO. C-21702.
OKLAHOMA.)

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
King, John, Bill and Ben Thompson, d/b/a Thompson Brothers,.....
requesting that Permit No. C-21702..... be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21702....., heretofore issued to.....
King, John, Bill and Ben Thompson, d/b/a Thompson Brothers,..... be,
and the same is hereby, declared cancelled effective September 24, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hart

John R. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 13th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
VERNON E. SCHMIDT, 403 FRANKLIN,)
MONTE VISTA, COLORADO.) PERMIT NO. C-21670
)
)
)

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
Vernon E. Schmidt,

requesting that Permit No. C-21670 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21670, heretofore issued to-----
Vernon E. Schmidt,-----be,
and the same is hereby, declared cancelled effective September 6, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASED RATES)
ON LIVESTOCK.)

CASE NO. 1585

October 11, 1949

Appearances: Truman A. Stockton, Jr., Esq., 1650
Grant St., Denver, Colo.;
Marion F. Jones, Esq., Denham Bldg.,
Denver, Colo.;
John H. Lewis, Esq., 1650 Grant St.,
Denver, Colo.
(For the Applicants)
J. R. Smith, Chief of Tariff Bureau,
Motor Truck Common Carriers' Assoc-
iation., Denham Bldg., Denver, Colo.;
Shirley Avery, Eveready Truck Service,
Buena Vista, Colo.;
Paul M. Hupp, Esq., & William M.
Brayden, for the Commission.

S T A T E M E N T

By the Commission:

Under date of April 2, 1949, by Application No. 153, The Motor Truck Common Carriers' Association, as Agent, for and on behalf of livestock carriers, parties to its tariff Colorado P.U.C. No. 6, petitioned this Commission for authority to publish the following tariff changes:

"Refer to Item No. 4460, page 252 of tariff, and add the following exception:

Less-than-truckload shipments of calves, horses, mules, or sheep subject to a minimum charge as provided in paragraph (b) or (c) of Item No. 4500 will not be subject to the additional charges of 2¢ or 2½¢ per 100 pounds, as the case may be.

Refer to Item No. 4470, page 252 of tariff, and increase the estimated weight on calves to 400 pounds each.

Refer to page 255 of tariff and make the following changes in the distance scales of rates:

DISTANCE	PLAINS				DIFFERENTIAL				MOUNTAIN			
	Min. Wt. Pounds				Min. Wt. Pounds				Min. Wt. Pounds			
	L.T.L.	6M	10M	16M	L.T.L.	6M	10M	16M	L.T.L.	6M	10M	16M
20	17	13	12	10	7	4	4	3	24	17	16	13
25	20	15	14	12	6	5	4	3	26	20	18	15
30	22	17	16	13	7	6	6	4	29	23	22	17
35	23	18	17	14	8	6	6	4	31	24	23	18
40	24	20	18	15	8	6	6	4	32	26	24	19
45	25	21	18	16	8	7	6	6	33	28	24	22
50	27	23	19	17	9	7	6	6	36	30	25	23
55	29	24	20	18	10	8	6	6	39	32	26	24
60	30	25	21	19	10	9	7	6	40	34	28	25
65	31	26	22	20	10	9	8	6	41	35	30	26
70	31	27	23	21	11	8	8	7	42	35	31	28
75	32	28	24	22	11	8	8	8	43	36	32	30
80	34	30	26	23	11	10	8	8	45	40	34	31
85	35	31	28	24	12	10	8	8	47	41	36	32
90	35	31	28	24	12	10	8	8	47	41	36	32
95	36	32	29	25	12	11	10	9	48	43	39	34
100	37	33	30	26	13	11	10	9	50	44	40	35
110	38	33	30	27	13	11	10	9	51	44	40	36

No change is proposed in the rates for distances 15 miles or under.

After due notice to all concerned (Decision No. 32412, dated April 22, 1949), the matters and things hereinbefore set forth were heard by the Commission in its hearing room in Denver, Colorado on May 26, 1949.

In order to clarify the issues, the following explanations will be helpful.

Item No. 4460, page 252 makes the following provisions, viz:

"Except as otherwise provided for herein, the rates named shall apply on cattle and hogs.

"The rates on calves, horses, mules and asses shall be 2¢ per 100 pounds greater than those provided herein to apply on cattle and hogs.

"The rates on sheep and goats shall be 2½¢ per 100 pounds greater than those provided herein to apply on cattle and hogs."

Item No. 4470, page 252, provides the following, viz:

"Where the actual weight of stock cannot be obtained, the following estimated weights per head shall be used in computing the charges; cattle, 800 pounds; calves, 300 pounds; hogs, 200 pounds; sheep (rams or bucks, 125 pounds), (ewes, 100 pounds), (lambs, 70 pounds); goats, 125 pounds; horses or mules, 1200 pounds; tourist ponies or polo ponies, 1000 pounds; colts, 500 pounds; asses, 300 pounds."

Paragraphs (B) and (C) in Item No. 4500 provides the following minimum charge per truck movement:

"(B) - For distances over 25 miles and not exceeding 50 miles, the minimum charge per truck movement will be on the basis of 6,000 pounds at the 6,000 rate.

"(C) - For distances over 50 miles, the minimum charge per truck movement will be on the basis of 10,000 pounds at the 10,000 pound rate. Provided, however, that, on return movements where the carrier has received in the opposite direction revenue amounting to not less than would accrue on the basis of 10,000 pounds at the 10,000 pound rate, the minimum charge provided in paragraph (C) will not apply."

By Decision No. 32296, dated March 8, 1949, the Commission prescribed an increase in the livestock rates in Plains Territory for distances 20 miles to 50 miles, inclusive, as an interim emergency, pending the filing and disposition of the petition under the instant proceeding. The so-called interim increases were ordered to become effective on March 15, 1949, and represented approximately a 10 per cent increase.

A comparison of the rates in effect prior to the interim increase with the interim increased rates and with the proposed rates; also a comparison of the proposed rates with the interim increased rates shows the following percentage increases:

The interim increased rates over the rates in effect prior to March 15, 1949.

	Plains Territory				
	<u>L.T.L.</u>	<u>6,000 lbs.</u>	<u>10,000 lbs.</u>	<u>16,000 lbs.</u>	<u>Total</u>
20 to 50 miles	9.26%	9.51%	10.44%	10.14%	9.73%
55 to 110 miles	No change				
	No change in the rates in Mountain Territory				

The proposed rates over the rates in effect prior to the interim increases.

	Plains Territory				
	9.81%	10.88%	12.04%	13.04%	11.18%
20 to 50 miles	9.81%	10.88%	12.04%	13.04%	11.18%
55 to 110 miles	9.20%	9.59%	10.19%	9.21%	9.53%
Total miles	9.41%	9.99%	10.80%	10.40%	10.07%

	Mountain Territory				
	13.44%	12.75%	12.59%	13.39%	13.05%
20 to 50 miles	13.44%	12.75%	12.59%	13.39%	13.05%
55 to 110 miles	9.79%	9.25%	9.41%	9.53%	9.51%
Total miles	10.86%	10.22%	10.31%	10.57%	10.51%

The proposed rates over the interim increased rates, which are the present rates.

	Plains Territory				
	L.T.L.	6,000 lbs.	10,000 lbs.	16,000 lbs.	Total
20 to 50 miles	$\frac{1}{2}$ of 1%	1.32%	1.45%	2.63%	1.32%
55 to 110 miles	9.20%	9.59%	10.19%	9.21%	9.53%
Total miles	5.95%	6.76%	7.13%	7.01%	6.64%

There was no interim increase in the rates in Mountain Territory, or for distances over 50 miles in Plains Territory.

By Decision No. 30861, dated July 6, 1943, the Commission assigned for hearing on July 15, 1943, a similar application from the Motor Truck Common Carriers' Association, Agent, for and on behalf of the Livestock Division of the said Association. At the July 15, 1943 hearing, the following carriers introduced exhibits and testified in support of the request:

Guy Hart, d/b/a Farm Hauling Service - Longmont, Colorado;
W. E. & E. A. Schattinger, d/b/a Schattinger & Son, Jefferson, Colorado;
Homer M. Jessup, d/b/a Elbert Transfer Company, Elbert, Colorado.

By Decision No. 31404 dated October 23, 1943, the Commission denied the sought changes without prejudice to any subsequent proceedings covering the same or similar matters.

In the proceeding under the instant application, the following carriers introduced exhibits and testified in support of the request:

Guy Hart, d/b/a Farm Hauling Service, Longmont, Colorado;
Chris Sorenson for and on behalf of Ethel Sorenson, d/b/a Sorenson Truck Service, Longmont, Colorado;
E. A. Schattinger, for and on behalf of W. E. and E. A. Schattinger, d/b/a Schattinger & Son, Jefferson, Colorado;
Homer M. Jessup, d/b/a Elbert Transfer Company, Elbert, Colorado.

Another exhibit was distributed for account of John Hartway, Peetz, Colorado, but no testimony was offered in support of same and it cannot be considered in this proceeding.

Shirley Avery, for and on behalf of the Eveready Freight Service, Buena Vista, Colorado, testified in opposition to the proposed increase in the rates.

In Decision No. 31404, supra, where the increase was denied, various statistics covering the operations of the Farm Hauling Service, W. E. & E. A. Schattinger and Elbert Transfer Company, for the years 1943 to 1947, inclusive, are shown, which will not be reproduced here. However, some comparisons of

said statistics with the exhibits submitted herein for the year 1943 will be made.

For purposes of convenience, the exhibits and testimony of the witnesses will be discussed separately below.

Schattinger & Son

The following data covering the year 1943 was introduced as exhibit No. 1 by witness E. A. Schattinger for account of this carrier:

Operating Revenue	\$ 27,870.33
Operating Expenses	24,144.31
Operating Ratio	86.63
Profit	3,726.02
Total Tonnage in Pounds	9,711,461
Revenue per 100 Pounds (Average)	28.7¢
Cost per 100 Pounds (Average)	24.9¢
Truck Miles	102,663
Revenue per Truck Mile	27.1¢
Cost per Truck Mile	23.4¢
Number of Shipments	383
Number of Minimum Charge Shipments	5
Number of Shipments Moving Under L.T.L. Rates	0
Number of Shipments Moving Under 6,000 Pound Rates	5
Number of Shipments Moving Under 10,000 Pound Rates	16
Number of Shipments Moving Under 16,000 Pound Rates	357
Average Weight per Shipment (Pounds)	25,356
Average Length of Haul (Miles)	93

BALANCE SHEET

December 31, 1943

(In the absence of regular books, prepared from information furnished without audit.)

ASSETS

Cost of Motor Equipment	\$ 23,493.78
Cash in Bank	256.79
Accounts Receivable	27.60
Total Assets	\$ 23,783.17

LIABILITIES

Accounts Payable	\$ 1,200.00
Reserve for Depreciation	5,400.87
Capital	17,182.30
Total Liabilities	\$ 23,783.17

STATEMENT OF INCOME

Year Ended December 31, 1948

(In the absence of regular books, prepared from information furnished without audit.)

INCOME:

Revenue from Trucking

\$ 27,870.33

OPERATING EXPENSES:

Gasoline and Oil	\$ 5,942.80
Hired Labor	3,961.00
Repairs and Maintenance	2,490.15
Tires and Tubes	1,972.53
Partner's Wages (Driving)	1,470.00
Depreciation Allocated to the Year	3,122.01
Travel Expense	754.85
Ton Mile Taxes	703.80
Insurance -- P.D. and P.L.	669.72
Rentals Paid	622.21
Property Taxes	330.61
Supplies	289.99
Licenses	202.75
Dues and Subscriptions	114.20
State Compensation Insurance	100.30
Advertising	91.78
Telephone and Telegraph	82.61
Claims Expense	70.66
Sales Taxes	71.00
Insurance -- Cargo	50.00

23,112.97

NET INCOME FROM TRUCKING

\$ 4,757.36

OTHER EXPENSE:

Net Loss on Sale of Capital Assets	\$ 966.01
Interest Expense	65.33

1,031.34

NET INCOME FOR THE YEAR 1948

\$ 3,726.02

DETAIL OF OPERATION AND MAINTENANCE EXPENSES -- YEAR 1948

EQUIPMENT MAINTENANCE AND GARAGE EXPENSE

Repairs to Revenue Equipment	\$ 2,490.15
Tires and Tubes -- Revenue Equipment	1,972.53
Depreciation	3,122.01
Total	<u>\$ 7,534.69</u>

TRANSPORTATION EXPENSE

Supervision of Transportation -- Partner's Wages Driving	\$ 1,470.00
Drivers' & Helpers' Wages and Bonuses	3,961.00
Fuel for Revenue Equipment	5,942.80
Travel Expense	754.85
Other Transportation Expense	622.21
Total	<u>\$12,750.86</u>

TERMINAL EXPENSE

Supplies and Expenses	\$ 289.99
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SALES, TARIFF AND ADVERTISING EXPENSE

Tariff and Schedules	\$ 114.20
Advertising	91.78
Total	<u>\$ 205.98</u>

DETAIL OF OPERATION AND MAINTENANCE EXPENSES - YEAR 1948
(Continued)

INSURANCE AND SAFETY EXPENSE

Public Liability and Property Damage Insurance	\$ 669.72
Workmen's Compensation Insurance	100.30
Cargo Insurance	50.00
Cargo Loss and Damage	70.66
Total	\$ 890.68

ADMINISTRATION AND GENERAL EXPENSE

Interest	\$ 65.33
Loss on Sale of Capital Assets	966.01
Communication Service	82.61
Total	\$ 1,113.95

TAXES

State Real and Personal Tax	\$ 330.61
State Highway Ton-Mile Tax	703.80
State Licenses	202.75
Other Taxes	71.00
Total	\$ 1,308.16

TYPE AND VALUE OF EQUIPMENT

<u>VEHICLE TYPE</u>	<u>NUMBER OF VEHICLES</u>	<u>PURCHASE PRICE</u>	<u>RATE OF DEPRECIATION %</u>
Straight Trucks	1	\$ 3,000.00	20%
Tractors	3	11,280.87	20%
Semi-Trailers	3	8,417.91	1 at 12½% 2 at 20 %

Should the requested increase be granted, it will give an additional annual revenue of approximately \$600.00 and, if expense items remain the same, the anticipated profit for the year will be \$4,326.02.

The operation of Schattinger and Son is conducted as a partnership between W. E. and E. A. Schattinger. In addition to a certificate of public convenience and necessity assigned Number 1518, they also own a private carrier permit, assigned Number B-2268, and a commercial carrier permit assigned Number C-10978.

It will be noted in the statement of income for the year ended December 31, 1948, under operating expenses, an expense item of \$1,470.00 as "partner's wages (driving)". This is not a proper charge to operating expenses, as any profit realized from a partnership agreement is divided between the partners on whatever basis has been agreed upon. Any work done by one partner in excess of that done by the other partner should be reflected in his share of the profits, but can not be deducted as an operating expense for rate purposes. Another questionable item is the "net loss on sale of capital assets, \$966.01."

On the statement of income, it is shown as "other expense", and in the "detail of operation and maintenance expenses", it is entered under the heading of "administration and general expense". While the loss on the sale of equipment is a loss sustained by the business, it is not a loss chargeable to operations and cannot properly be considered in a determination of just and reasonable rates as required by the Act. The Commission allows all operators to recover the full cost of equipment by proper charges for depreciation over its estimated life of the equipment. Premature sales resulting in a net loss on a particular piece of equipment cannot be charged to operating expenses, just as profits arising from sales of equipment are not properly included in the operating revenue.

By deducting the \$1,470.00 and \$966.01 from the operating expenses and adding the "interest expense of \$65.33", the operating expenses would be \$20,742.29, instead of \$24,144.31, or a profit of \$7,128.04, as against \$3,726.02. This in turn would produce an operating ratio of 74.42 per cent instead of 86.63 per cent, as shown in the exhibit.

The revenue and expenses for this carrier in 1947, as shown in Decision No. 31404, supra, were \$18,539.76 and \$14,705.03, respectively. In 1948, the revenue increased to \$27,870.33, or approximately 50 per cent, and the expenses increased to \$20,742.29, or approximately 41 per cent. These figures speak for themselves.

The annual report for the year 1948, for this carrier shows the following:

	<u>P.U.C. 1518</u>	<u>B-2268</u>	<u>C-10978</u>	<u>Total</u>
Tons	4,856			4,856
Ton Miles	242,293	1,300	14,260	257,853

A compilation of the monthly road tax reports for the year 1948 shows the following:

	<u>P.U.C. 1518</u>	<u>B-2268</u>	<u>C-10978</u>	<u>Total</u>
Pounds	6,911,804	178,900	379,010	7,469,714
Tons	3455.9	89.5	189.5	3,734.9
Ton Miles	299,000	1,744	14,270	315,015

The 4,856 tons shown on the annual report represents approximately the 9,711,461 pounds shown on exhibit No. 1. However, it is approximately 1,120 tons more than the tonnage reported on the monthly road tax reports. Different tonnages for road tax and rate-making purposes are not acceptable.

Witness Schattinger testified that he preferred the retention of the 2¢ differential over the cattle rate on calves, horses, mules and asses and that he was in favor of the proposed change in the estimated weight on calves from 300 to 400 pounds; and in support of his position he testified that in the spring of the year, calves in his territory would average around 175 pounds per head, and in the fall of the year the average would be between 350 and 375 pounds; that he was not using the estimated weight provided for in the tariff on unweighed shipments; that in lieu thereof, he made his own estimates and if the calves (in his estimation) weighed over 300 pounds, he would apply the cattle rate, and if less than 300 pounds, he would apply the 2¢ differential.

He offered no statistics to show the number of straight shipments of calves transported, nor a segregation of the tonnage or revenue received in connection with shipments of calves; therefore, it is not possible to determine whether or not his practice has been beneficial or detrimental to himself or the shippers.

Guy Hart, d/b/a Farm Hauling Service

The following data covering the year 1948 was introduced as exhibit No. 2 by witness Guy Hart for account of this carrier:

Operating Revenue	\$ 20,934.72
Operating Expenses	20,589.47
Profit	345.25
Operating Ratio	98.35
Total tonnage in pounds	13,740,934
Revenue per 100 pounds	15¢
Costs per 100 pounds	14.6¢
Truck miles	62,885
Revenue miles	20,183
Revenue per truck mile	33.20
Cost per truck mile	32.74
Ton miles	234,626.448
Revenue per ton mile	8.9¢
Cost per ton mile	8.55¢
Number of shipments	591
Number of minimum charge shipments	175
Number of shipments moving under L.T.L. rates	137
Number of shipments moving under 6,000 lbs. rates	59
Number of shipments moving under 10,000 lbs. rates	29
Number of shipments moving under 16,000 lbs. rates	366
Average weight per shipment	23,250.3113
Average length of haul	34.15
Average number of truck miles per shipment	106.40
REVENUE MILES TRAVELED	20,183

BALANCE SHEET
December 31, 1948

ASSETS

1. Cost of motor equipment	\$ 14,675.00
2. Cost of land and buildings, if owned	16,280.00
3. Cost of shop equipment (estimate)	1,000.00
5. Cash on hand and in bank (Overdraft \$186.43)	-----
6. Material and Supplies on hand	350.00
7. Accounts receivable	450.00
8. Other Assets - Pick-up truck, chute, horse trailer and equipment	600.00
9. Estimated value of certificate	2,000.00
11. TOTAL ASSETS	<u>\$35,355.00</u>

LIABILITIES

12. Notes Outstanding	\$ 8,203.46
14. Accounts Payable	850.00
15. Interest Accrued	250.00
16. Reserve for depreciation (depreciation)	527.50
17. Other liabilities (bank overdraft)	186.43
20. Cash invested in property, if not incorporated	24,992.36
22. Earnings (Same as line 12 under statement of expenses and revenues)	345.25
23. TOTAL LIABILITIES	<u>\$35,355.00</u>

STATEMENT - EXPENSES AND REVENUES - YEAR 1948

REVENUES

1. Revenue from freight business	\$20,934.72
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OPERATION AND MAINTENANCE EXPENSES
(See details on following pages)

4. Equipment maintenance and garage expenses	\$ 4,416.18
5. Transportation expense	11,656.14
6. Terminal expense	813.35
7. Sales, tariff and advertising expense	322.52
8. Insurance and safety expense	1,111.79
9. Administrative and general expense	838.85
10. Taxes	1,430.64
11. TOTAL	<u>\$20,589.47</u>
12. NET PROFIT	345.25

Note: Money borrowed and used in operation of business but not included as a revenue item - - - - - \$ 3,203.46

DETAILS OF OPERATION AND MAINTENANCE EXPENSES
YEAR 1948

<u>Line 4 - Equipment maintenance and garage expense:</u>	
Lights and water	\$ 130.00
Other shop and garage expenses	98.37
Repairs to revenue equipment	2,398.86
Tires and Tubes - revenue equipment	1,261.45
Depreciation	527.50
Total	<u>\$ 4,416.18</u>

DETAILS OF OPERATION AND MAINTENANCE EXPENSES
(YEAR 1943 - Continued)

Line 5 - Transportation Expense:

Travel and supervision of transportation	\$ 945.40
Drivers' & helpers' wages and bonuses (See Note 1)	5,492.38
Fuel and oil for revenue equipment	4,112.83
Truck bedding and hubed trucks	1,105.53
Total	\$ 11,656.14

Line 6 - Terminal Expense:

Supplies and expenses	\$ 813.35
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Line 7 - Sales, Tariff and Advertising Expense:

Tariffs and schedules	\$ 125.30
Advertising	197.22
Total	\$ 322.52

Line 8 - Insurance and Safety Expense:

Public liability and property damage insurance	\$ 428.50
Workmen's compensation insurance	78.80
Cargo insurance	400.10
Fire and theft insurance	80.77
Other insurance	124.62
Total	\$ 1,111.79

Line 9 - Administration and General Expense:

General office supplies and expenses (bank charges)	\$ 66.63
Communication service (telephone)	415.00
Other general expenses (See Note 2)	357.22
Total	\$ 838.85

Line 10 - Taxes:

Federal social security tax (employer share)	\$ 48.16
Real and personal tax (state)	135.73
State highway ton mile tax	491.76
State licenses	164.55
Other taxes (Federal)	590.44
Total	\$ 1,430.64

Note 1 - Regular labor	\$4,823.07
Extra labor	328.20
Federal withholding and	
1/2 Social Security	341.11
Total	\$5,492.38

Note 2 - Interest on building note	\$ 268.32
Interest on bank note	18.90
Interest on private note	60.00
P.H.C. bond	10.00
Total	\$ 357.32

Comparison of 277 invoices taken from the first six months of operation in 1943, using the rate as is, compared to the proposed increase:

277 invoices - proposed rates - - - -	\$9,794.50
277 invoices - present rates - - - -	8,554.13
Increase	\$1,240.37

<u>TYPE AND VALUE OF EQUIPMENT</u>				
<u>VEHICLE TYPE</u>	<u>NUMBER OF VEHICLES</u>	<u>PURCHASE PRICE</u>	<u>PRESENT BOOK VALUE</u>	<u>RATE OF DEPRECIATION %</u>
Straight truck	One	\$ 1,225.00	\$ 550.00	20
Tractors	Four	12,325.00	6,450.00	20
Semi-trailers	Four	7,385.00	3,750.00	10
<u>TOTALS</u>		<u>\$20,935.00</u>	<u>\$10,750.00</u>	<u>\$10,185.00</u>

BREAK-DOWN OF EQUIPMENT COST

<u>PURCHASE PRICE</u>		<u>PRESENT BOOK VALUE</u>	
<u>TRACTORS</u>	<u>SEMI-TRAILERS</u>	<u>TRACTORS</u>	<u>SEMI-TRAILERS</u>
\$ 4,100.00	\$ 2,600.00	\$ 1,800.00	\$ 1,200.00
3,100.00	2,050.00	450.00	1,000.00
2,250.00	1,560.00	1,000.00	800.00
<u>2,875.00</u>	<u>1,175.00</u>	<u>3,200.00</u>	<u>750.00</u>
<u>\$12,325.00</u>	<u>\$ 7,385.00</u>	<u>\$ 6,450.00</u>	<u>\$ 3,750.00</u>

"The conditions of the roads leading north out of Denver on highways 87 - 287 and 185 ~~are~~ ^{are} very much the same as operating in mountain territory due to the numerous short hills; also in the summer time highway 185 pulls especially heavy because of the oil softening which creates a very spongy road.

"By actual count, it is not unusual to change gears 60 times from Denver to Longmont when loaded heavily.

"When operating between Denver and Longmont on 87 - 287, the traffic conditions and hills combined tend very greatly to slow down truck movement. These conditions should be considered when trying to construct rates.

"I don't know of any roads leading out of Denver except those leading straight west that are as hard to pull a load as 87 - 287 and 185."

A compilation of Hart's monthly road tax reports for the year 1948 shows a total of 15,218,968 pounds or approximately 7,609 tons transported and a total of 240,731 ton miles.

In decision No. 31404, supra, the following statistics for the year 1947 are set forth for Hart:

<u>REVENUE</u>	<u>EXPENSES</u>	<u>TONS HAULED</u>	<u>TON MILES</u>
\$20,008.35	\$18,071.17	4,565	143,278

A comparison of the year 1948 with the year 1947, shows that the 1948 revenue increased 4.63% over 1947, and the 1948 expenses increased 13.93% over 1947. The 1948 tonnage increased 66.7% over 1947 and the 1948 ton-miles traveled increased 62.4% over 1947.

The annual reports and the monthly road tax reports were by reference made a part of the record in this proceeding.

It will be noted that the total tonnage compiled from the monthly road-tax reports (15,213,963 pounds), exceeds the tonnage shown on exhibit No. 2, (13,740,934 pounds) by 1,478,034 pounds, or 739 tons. Obviously, the conclusion in the exhibit as to average costs and revenue need further analysis. Exhibit No. 2 shows, "Reserve for depreciation - \$527.50", which figure is impossible to reconcile with the figures shown on the exhibit under the heading of "Purchase Price" and "Present Book Value" of equipment.

The purchase price of the truck, tractors and semi-trailers combined is \$20,935.00 and the present book value is shown as \$10,750.00, which should leave a figure of \$10,185.00 to be carried in the accounts as a reserve for depreciation.

The exhibit shows the rate of depreciation on the straight truck and 4 tractors is on the basis of 20% and on the 4 trailers as 10%, which for one year would amount to \$3,443.50. How the amount of \$527.50, shown on the balance sheet, as the total depreciation reserve was arrived at, is not explained. For his own information for future proceedings and reports to this Commission, witness should correct his depreciation record.

Most of the shipments transported by this carrier are weighed so that a change in the estimated weight on calves would have very little effect on his revenues. The record discloses that only about 5% of his hauls moves in Mountain Territory.

Witness Hart testified that he was satisfied with the interim increase granted under decision No. 32296, supra, except that the rates should be graduated in accordance with the proposal, rather than the adjustment authorized in said decision.

Ethel E. Sorenson, d/b/a
Sorenson Truck Service, Longmont, Colo.

The following data covering the year 1943 was introduced as exhibit

No. 3 by Witness Chris Sorenson for account of this carrier:

Operating Revenue	\$ 82,530.01
Operating Expenses	82,234.60
Profit	295.41
Operating Ratio	99.78%
Total Tonnage in Pounds	43,520,637
Revenue per 100 Pounds (Average)	17.00¢
Cost per 100 Pounds (Average)	16.94¢
Truck Miles	214,421
Revenue per Truck Mile	38.43¢
Cost per Truck Mile	38.35¢
Ton Miles	892,596
Revenue per Ton Mile	.0924
Cost per Ton Mile	.0921
Number of Shipments	2,203
Number of Minimum Charge Shipments	1,129
Number of Shipments Moving under 6,000 Pound Rates	128
Number of Shipments Moving under 10,000 Pound Rates	69
Number of Shipments Moving under 16,000 Pound Rates	877
Average Weight per Shipment (Pounds)	22,025
Average Length of Haul (Miles)	30-35

	Pounds	Miles	Revenue	Cost	Net
Intrastate Live-stock Hauling	43,902,792	163,043	55,614.41	62,526.99	- 6,912.58
Interstate Live-stock Hauling & Intrastate and Interstate Freight Hauling	4,617,845	51,378	26,915.60	19,707.61	+ 7,207.99
				Profit	295.41

BALANCE SHEET
December 31, 1949

(Prepared from books and records without audit or confirmation)

ASSETS

CURRENT ASSETS:

Cash on hand and in Bank	\$ 393.40
Accounts receivable (Current & Considered Collectible)	
Trade Accounts	\$ 777.25
Advances to employees	59.34
Total Current Assets	\$ 1,229.99

FIXED ASSETS:

	Cost	Depreciation To Date	Net Book Value
Residence	\$ 3,479.22	\$ ———	\$ 3,479.22
Land (Mortgaged to Secure Note Payable-Contr)	1,140.00	———	1,140.00
Equipment & Improvements	46,667.91	19,906.99	26,760.92
Garage Bldg. (Mortgaged to secure note payable-contr)	7,500.00	687.50	6,812.50
Garage Improvements & Equipment	2,783.00	517.81	2,270.19
Office Furn. & Fixtures	1,575.50	647.01	928.49
	\$63,150.63	\$21,759.31	41,391.32

ASSETS (Continued)

OTHER ASSETS:

Deposits:

Public Utilities Commission	\$ 222.00	
In escrow for permits	500.00	
City of Longmont	15.00	
Other	<u>130.00</u>	\$ 367.00
		<u>\$43,438.31</u>

LIABILITIES

CURRENT LIABILITIES:

Accounts Payable - Trade		4,102.68
Notes Payable - Longmont National Bank (Unsecured)		3,000.00
Notes Payable:-		
Longmont Nat'l Bank (Secured by Mortgage on Garage Bldg. - Contra)	\$ 5,500.00	
Less: Payable subsequent to December 31, 1949	<u>4,500.00</u>	\$ 1,000.00
Nellie Rogers (Secured by Mortgage on Land-Contra)	<u>355.00</u>	1,355.00
Accrued Expenses:-		
Payroll Taxes	\$ 309.10	
Transportation Tax	117.98	
Insurance	16.16	
Interest	<u>6.25</u>	<u>449.49</u>
Total Current Liabilities		<u>\$ 8,907.17</u>

LONG TERM INDEBTEDNESS:

Note payable, Longmont National Bank (Secured by mortgage on garage building-Contra), Deferred payments-supra	4,500.00
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CAPITAL:

M. C. Sorenson	\$30,031.14	
Ethel E. Sorenson (Note)	<u> </u>	<u>30,031.14</u>
		<u>\$43,438.31</u>

NOTE: Under the terms of the partnership agreement, Ethel E. Sorenson is a copartner by virtue of her prior ownership of the Public Utilities Commission Certificate, which she contributed. The Certificate is issued by the partnership without cost or any credit to her capital account. The agreement provides that her share of the income shall be \$645.00 per year, plus upkeep on her residence.

STATEMENT OF INCOME

Year Ended December 31, 1948

(Prepared from books and records without audit or confirmation)

INCOME:

Services Rendered	\$32,530.01
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OPERATING EXPENSES:

Total Operating Expenses	<u>82,234.60</u>
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NET INCOME FROM OPERATIONS	\$ 295.41
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OTHER CHARGES AND CREDITS:

Net Income from Sale of Equipment	\$ 1,423.44	
Miscellaneous Income	<u>20.00</u>	
	\$ 1,443.44	
Deduct: Interest Expense	<u>436.42</u>	<u>957.02</u>

NET INCOME FOR THE YEAR	\$ 1,252.43
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STATEMENT OF OPERATING EXPENSES

Year Ended December 31, 1948

(Prepared from books and records without audit or confirmation.)

Salaries and Wages:		
Drivers Wages	\$19,021.16	
Partners Salaries	4,535.03	
Office Salaries	2,255.00	
Casual Labor	<u>10.00</u>	\$25,821.19
Repairs and Replacements - Equipment		13,502.18
Repairs - General		375.86
Gasoline, oil, and grease		13,297.55
Depreciation Allocated to the Year		8,614.05
Hired Truck Expense		4,060.37
Taxes and Licenses:		
Road Tax - Colorado	1,706.27	
Road Tax - Other States	100.52	
Property Taxes	467.51	
Ownership and Sales Taxes	124.61	
Payroll Taxes	212.76	
Licenses	<u>811.19</u>	3,422.86
Telephone and Telegraph		2,141.83
Drivers Expenses		2,008.10
Insurance		1,770.25
Truck Expense - Miscellaneous		1,679.21
Travel and Entertainment		1,151.90
Trip Expense		712.28
Professional Services		589.64
Clerical and Office Expense		505.53
Shop Supplies		478.55
Fuel, Lights, and Water		367.79
Miscellaneous Sundry Expenses		310.26
Advertising		289.71
Rentals Paid		276.00
Dues and Subscriptions		264.05
Trailer Bedding		184.46
Storage Charges		133.16
Bank Charges		83.56
Group Insurance		59.24
Donations		44.00
Night Watchman Fees		33.00
Tariffs		27.24
Bad Debts		17.43
Laundering Expense		<u>13.35</u>
TOTAL OPERATING EXPENSES		\$32,234.60

DETAIL OF OPERATION AND MAINTENANCE EXPENSES - YEAR 1948

Equipment Maintenance and Garage Expense

Operation and Maintenance of Service Equipment	\$ 1,679.21
Repairs to Shop and Garage Buildings	375.86
Rent, Light, Heat, Power and Water	367.79
Other Shop and Garage Expenses	478.55
Repairs to Revenue Equipment	13,502.18
Depreciation	<u>8,614.05</u>
Total	\$25,017.64

Transportation Expense

Drivers' and Helpers' wages and bonuses	\$19,021.16
Casual Labor	10.00
Fuel for Revenue Equipment	13,297.55
Truck Hire	4,060.37
Other Transportation Expense	<u>2,925.33</u>
Total	\$39,314.41

DETAIL OF OPERATION AND MAINTENANCE EXPENSES - YEAR 1948
(Continued)

Sales, Tariff and Advertising Expense

Tariff and Schedules	\$ 27.24
Advertising	289.71
Total	\$ 316.95

Insurance and Safety Expense

Public Liability & Property Damage Insurance	\$ 863.37
Workmen's Compensation Insurance	285.20
Cargo Loss and Damage	142.50
Fire and Theft Insurance	479.18
Other Insurance	59.24
Total	\$ 1,829.49

Administration and General Expense

Salaries of General Officers	\$ 4,535.03
Expenses of General Officers	1,864.18
Salaries of General Office Employees	2,255.00
Law Expenses	589.64
General Office Supplies and Expenses	589.09
Communication Service	2,141.83
Interest	486.42
Other General Expenses	77.00
Other Regulatory Commission Expense	211.92
Uncollectible Revenues	17.43
Total	\$12,767.54

Taxes

Federal Social Security Tax (Employer Share)	\$ 212.76
State Real and Personal Tax	592.12
State Highway Ton-Mile Tax	1,706.27
State Licenses	811.19
State Income Tax	52.13
Other Taxes	100.52
Total	\$ 3,474.99

TYPE AND VALUE OF EQUIPMENT

<u>VEHICLE TYPE</u>	<u>NUMBER OF VEHICLES</u>	<u>PURCHASE PRICE</u>	<u>PRESENT BOOK VALUE</u>	<u>RATE OF DEPRECIATION %</u>
Straight Trucks	1	\$ 2,724.82	\$ 1,952.61	20
Tractors	5	21,583.12	12,630.67	20
Semi-Trailers	7	18,696.03	9,530.81	20
2-Wheel Trailers	3	1,913.29	1,012.86	20
Pickup	1	1,750.65	1,633.97	20

Should the requested increase be granted, it will give an additional annual revenue of \$3,700.00 and, if expense items remain the same, the anticipated profit for the year will be \$9,900.00.

A compilation of the monthly road tax reports for the year 1948 results in a total tonnage of 44,455,743 pounds and a total ton miles of 393,741, which produces an average haul of 40.2 miles as compared with 30-35 as shown on Exhibit No. 2. On the basis of the monthly tonnage reports and

the revenue and expenses shown on Exhibit No. 3, the revenue and costs per 100 pounds would be 13.56 and 13.49 cents, respectively, as compared with 17.00 and 16.94 cents shown on his exhibit. The revenue and cost per ton mile would be 9.23 and 9.20 cents, respectively, if the monthly reports were used as compared with 9.24 and 9.21 cents shown on the exhibit.

It seems obvious to the Commission that monthly road-tax reports, annual reports and exhibits presented in rate hearings should coincide. It is extremely difficult to reach intelligent conclusions as to proper rates when we are presented with conflicting statistics from the same carrier.

Sorenson's exhibit shows a purported break-down between his intrastate livestock hauls and his other business. Computations with the figures on this exhibit show that the costs attributed to intrastate livestock are not actual costs, but are constructed by using the average cost for all operations. Operating results based on such a calculation obviously are not conclusive, and it cannot be said that the livestock haul in Colorado is the sole cause of the low profit shown on the exhibit.

The statement of operating expenses is subject to the same criticism as hereinbefore pointed out in connection with Schattinger's operating expenses, viz: including partners wages or salaries as an operating expense. Reducing the operating expense by \$4,535.03, the profit from operations would be \$4,830.44, which in turn results in an operating ratio of 94.14% instead of 99.73%.

The minimum charge shipments represent approximately 51% of the total shipments; 6000 pounds, approximately 6%; 10,000 pounds approximately 3%, and 16,000 pounds approximately 40%.

The estimated additional annual revenue under the proposed increases is shown in exhibit number 3 as \$3,700.00. On the basis of the 1943 operating expenses shown on exhibit number 3 less the item of partners salaries, an increase of \$3,700.00 in revenue would produce an operating ratio of 85.2%. Witness Sorenson testified a satisfactory operation should not exceed an operating ratio of 90%, and the interim increase, if continued, should be adequate as to his operation.

H. M. Jessup, d/b/a
Elbert Transfer, Elbert, Colo.

The following data covering the year 1943 was introduced as Exhibit

No. 4 by Witness H. M. Jessup for account of this carrier:

Operating Revenue	\$43,829.40
Operating Expenses	39,909.23
Profit or Loss	3,920.17
Operating Ratio	91.05%
Total Tonnage in Pounds	43,358,001
Revenue per 100 Pounds (Average)	10.1¢
Cost per 100 Pounds (Average)	9.2¢
Truck Miles	169,475
Revenue per Truck Mile	25.86¢
Cost per Truck Mile	23.55¢
Ton Miles	497,074
Revenue per Ton Mile	8.9¢
Cost per Ton Mile	8.1¢
Number of Shipments	376
Number of Minimum Charge Shipments	27
Number of Shipments Moving Under L.T.L. Rates	100
Number of Shipments Moving under 6,000 Pound Rates	28
Number of Shipments Moving Under 10,000 Pound Rates	43
Number of Shipments Moving Under 16,000 pound rates	178
Average Weight per Shipment (Pounds)	25,604
Average Length of Haul (Miles)	66.2

BALANCE SHEET

December 31, 1948

(In the absence of regular books, prepared from information furnished without audit or verification.)

ASSETS

Cost of Motor Equipment	\$53,277.56
Cost of Land and Buildings	4,000.00
Cost of Shop Equipment	2,260.00
Other Capital Expenditures:	
Monroe Calculator	446.54
Cash on Hand and in Bank	846.50
Accounts Receivable	3,071.59
TOTAL ASSETS	<u>\$63,902.19</u>

LIABILITIES

Notes Outstanding	\$21,000.00
Balance due on Automobile Contracts	1,187.13
Reserve for Depreciation	27,188.10
Capital, H. M. Jessup:	
Balance, January 1, 1948	\$10,606.79
Net Income for 1948	<u>3,920.17</u>
TOTAL LIABILITIES	<u>14,526.96</u> \$63,902.19

STATEMENT OF INCOME

Year Ended December 31, 1948

(In the absence of regular books, prepared from information furnished without audit or verification.)

INCOME:

Revenue from Trucking

\$13,829.40

OPERATING EXPENSES:

Gasoline

\$ 9,266.71

Oil and Grease

425.98

Salaries and Wages

8,657.61

Repairs and Maintenance - Trucks

5,686.55

Tires and Tire Repairs

2,110.18

Depreciation Allocated to the Year

6,781.90

Insurance

1,363.91

Interest Expense

1,141.72

Wheel Tax

1,139.95

Travel and Entertainment

522.95

Property Taxes

512.93

Licenses

406.50

Telephone and Telegraph

419.60

Dock Rental

406.00

Light and Power

217.39

Stationery, Printing, and Postage

198.15

Advertising

182.27

Professional Services

155.74

Office Rental

120.00

Payroll Taxes

83.37

Dues and Subscriptions

73.28

Pick-Up Expense

26.34

Bank Charges

9.50

Miscellaneous Expense

.70

NET INCOME FOR THE YEAR

39,909.23

\$ 3,920.17

DETAIL OF OPERATION AND MAINTENANCE EXPENSES - YEAR 1948

Equipment Maintenance and Garage Expense:

Rent, Light, Heat, Power and Water

\$ 337.39

Repairs to Revenue Equipment and Servicing of

Revenue Equipment

5,686.55

Tires and Tubes - Revenue Equipment

2,110.18

Depreciation

6,781.90

Total

\$14,916.02

Transportation Expense:

Drivers' & Helpers' Wages and Bonuses

\$ 7,970.61

Fuel for Revenue Equipment

9,266.71

Oil for Revenue Equipment

425.98

Other Transportation Expense

523.65

Total

\$18,186.95

Terminal Expense:

Joint Terminal Facilities

\$ 440.11

Sales, Tariff and Advertising Expense:

Advertising

\$ 182.27

DETAIL OF OPERATION AND MAINTENANCE EXPENSES - YEAR 1948
(Continued)

Insurance and Safety Expense:

Public Liability and Property Damage Insurance	\$ 1,273.91
Cargo Insurance	90.00
Total	\$ 1,363.91

Administration and General Expense:

Salaries of General Office Employees	\$ 687.00
Law Expense	155.74
General Office Supplies and Expenses	198.15
Communication Service	411.83
Other General Expenses (Interest, Etc.)	1,224.50
Total	\$ 2,677.22

Taxes:

Federal Social Security Tax (Employer Share)	\$ 83.37
State Real and Personal Tax	93.73
State Highway Ton-Mile Tax	1,139.95
State Licenses	406.50
Other Taxes	419.20
Total	\$ 2,142.75

TYPE AND VALUE OF EQUIPMENT

<u>VEHICLE TYPE</u>	<u>NUMBER OF VEHICLES</u>	<u>PURCHASE PRICE</u>	<u>PRESENT BOOK VALUE</u>	<u>RATE OF DEPRECIATION %</u>
Straight Trucks	3	\$15,920.00	\$ 1,231.90	10%
3 Tractors & 3 Semi-Trailers	6	26,637.00	19,977.00	12 $\frac{1}{2}$ %
1 Tractor & 1 Semi-Trailer	2	8,560.56	7,490.56	12 $\frac{1}{2}$ %

In Dec. No. 31404, supra, the following data for account of this carrier for the years 1946 and 1947 are shown, viz: Revenue, 1946, \$30,369.28; 1947, \$33,340.81; Expenses, 1946, \$31,041.07; 1947, \$31,538.17; Tons hauled, 1946, 5,715; 1947, 5,246; Ton-Miles 1946, 341,336; 1947, 336,705.

On the basis of Exhibit No. 4, the 1948 revenue increased 44.3% over the 1946 revenue and 31.4% over 1947. The 1948 expenses increased 22.2% over the 1946 expenses and 26.5% over 1947. The 1948 tonnage increased 279.34% over the 1946 tonnage and 313.25% over 1947. The 1948 ton-miles increased 43.36% over the 1946 ton-miles and 45.34% over 1947.

This carrier owns a certificate of public convenience and necessity (No. 322) and a commercial carrier permit (No. C-943). A compilation of the monthly road tax reports for the year 1943 shows the following results:

	<u>Tonnage</u>	<u>Tons</u>	<u>Ton-Miles</u>
Certificate No. 322	13,262,343 lbs.	6,631	433,732
Commercial Permit No. C-943	<u>2,141,896 "</u>	<u>1,071</u>	<u>57,031</u>
Total	15,404,239 "	7,702	490,763

The tonnage reported to this Commission for tax purposes on the combined operations is 27,953,762 lbs. less than the tonnage shown on Exhibit No. 4. If this exhibit does not include the commercial operation, the discrepancy is even greater.

There may be some explanation for these differences, but it is hard to understand why only 32% (or less) of the total tonnage hauled is reported for road-tax purposes.

In Dec. No. 31404, supra, Jessup's reserve for depreciation for the year 1947 is shown as \$14,436.20. Exhibit No. 4 shows the reserve for depreciation as \$27,183.10 and depreciation on equipment for 1943, as \$6,781.90. If the reserve for depreciation in 1947 was \$14,436.20 and \$6,781.90 was added in 1948, the total should be \$21,218.10 instead of \$27,183.10. Again referring to Exhibit No. 4, the purchase price of 11 vehicles is shown as \$41,117.56, and the present book value as \$28,699.46, a difference of \$12,418.10, which is irreconcilable with either the \$21,218.10 or \$27,183.10. The purchase price of \$41,117.56 is also irreconcilable with \$53,277.56 shown on the balance sheet as the cost of motor equipment. These discrepancies render the exhibit of little value.

The average haul is shown on Exhibit No. 4 as 66.2 miles. However, reducing the "tonnage in pounds", as shown on the exhibit, to tons (21,679), and dividing the ton-miles (491,074) by the tons, results in an average haul of 22.65 miles. Computing the average haul under the monthly tax reports on Certificate No. 322, gives an average haul of 65.41 miles, and under the combination of 322 and C-943, an average haul of 63.72 miles. It is apparent that witness is in error either on his exhibit or on his monthly reports.

PROTESTANT

Witness Shirley Avery of the Eveready Truck Service, a motor vehicle common carrier, (Certificate No. 436), conducting a call and demand service in the town of Buena Vista and in Chaffee County and occasional service throughout the State, and in each of the counties thereof, subject to certain specified conditions, appeared in opposition to the proposed increases in the rates. He did not protest the proposed change in the estimated weight on calves, nor to the elimination of the 2 and 2 $\frac{1}{2}$ ¢ arbitraries on less than truckload shipments of calves, horses, mules or sheep, subject to a minimum charge as provided in paragraph (B) or (C) of tariff item number 4500.

This witness testified that approximately 20 per cent of his livestock movements were made without being weighed; that in addition to his common carrier trucking business, he was also buying and selling butane and propane gas; that approximately one-seventh of his total expense for trucking would be chargeable to his gas business; that, for the year 1943, his gross trucking revenue was approximately \$33,000.00, and his expenses approximately \$29,000.00; that approximately 25 per cent of his livestock shipments were destined to Denver; that, approximately 25 per cent of his livestock shipments were for distances under 50 miles, which he considered very remunerative; that, his preference was for the short haul traffic; that approximately 75 per cent of his hauling is in Mountain Territory.

On the basis of the approximated revenues and expenses, his operating ratio would be 37.83 per cent, which is much better than the operating ratio of most of the witnesses supporting the petition.

Witness J. R. Smith, Chief of the Tariff Bureau of the Motor Truck Common Carriers' Association, testified relative to functions of said Association. He stated that there are approximately 500 members in the Association, 250 of whom are common carriers, and that the Livestock Division of the Association has 84 members. A majority of these 84 were in favor of the instant application.

CONCLUSIONS

The operation of Schattinger & Son with the proper adjustments in their accounts as hereinbefore pointed out, reflects an operating ratio of 74.42 per cent and on the basis of Exhibit No. 1, 86.63 per cent, neither of which can be considered as reflecting an unfavorable operation. What percentage of the total revenue is derived from livestock is not shown in the record and the best we can do is to accept the operation as a whole and form our conclusion from the record as submitted. Mr. Schattinger was the only carrier operating generally in the Mountain Territory who testified in support of the proposed increase in the rates. On the other hand, Mr. Avery, who also operates principally in Mountain Territory, was very much opposed to any increase in the rates. On the basis of the evidence in the record, the proposed increase in rates in Mountain Territory is not justified.

The operation of Guy Hart, d/b/a Farm Hauling Service, shows an operating ratio of 93.35 per cent, which is not a healthy margin for a continuing operation. If correct depreciation were charged, his operations would show a substantial loss on the basis of his 1948 figures.

Hart testified that the continuance of the interim increase would take care of his present financial difficulties. Whether this is so, remains to be seen, since it is possible that the benefits of the increase will be more than offset by the depreciation charges on the corrected basis. It seems obvious that this carrier needs more revenue, and the interim increase will give him some relief. It must be borne in mind, however, that this Commission will not guarantee the continued operation of every carrier in the field, and further increases in rates must be based on proof that an efficient operation, with an adequate and proper system of accounting is being conducted.

The testimony and exhibit of Witness Chris Sorenson (who operates in the same general territory as Hart), subject to our observations hereinbefore set forth do not reflect the same financial difficulties as encountered by Hart. This may be accounted for by the fact he is transporting traffic other than livestock and such other traffic may be earning more than the intrastate livestock traffic. Assuming this to be so, the interim increases granted under Dec. No. 32296, supra, should be sufficient to give this carrier a reasonable return on the intrastate livestock hauls.

The record covering the testimony and exhibit of Homer Jessup does not indicate an unfavorable operation. However, there is no separation of the costs or revenue covering livestock as against other commodities such as farm products and his line haul operation.

At any rate, since Jessup's average haul is approximately 65 miles, the interim increase, applying only to hauls of 50 miles or less, will have no appreciable effect on his operation. His record does not justify any increases on hauls over 50 miles.

The testimony of Witness Smith of the Motor Truck Common Carriers' Association was that there are 84 members in the Livestock Division of the said Association, yet only three (3) carriers appeared and offered testimony in support of the petition for the proposed changes. The only obvious answer, as we view it, is that the other carriers are not overly concerned with the outcome of the petition.

Since 1941, the last pre-war year, the percentage of increase in rates on livestock hauls has been considerably less than the percentage of increase granted by this Commission on class rate traffic. In 1942, there was a 6% increase in the rates on livestock, other than the rates that were subject to a minimum weight of 12,000 pounds, on which the increase was 3%. In 1946, the entire rate structure on livestock was changed so that comparison is impossible, but in general, there was an estimated increase of approximately 12% overall.

On class rate traffic, the increases since 1941 have totalled between 45 and 50%. Although the comparisons are not conclusive, yet, when taken with the record in the case, it would seem that the rates in effect on livestock prior to the interim increases are somewhat low, at least as to hauls of 50 miles or less.

Considering the level of the rates on livestock as compared with other commodities, in Plains Territory, for distances 50 miles and under, and the small percentage of increases that have been granted on that traffic since 1941, it appears that a continuation of the interim increases on hauls of 50 miles and less will not result in unreasonable rates, and their continuance is necessary to enable the carriers to earn a fair return on short livestock hauls.

None of the witnesses who testified were in favor of the proposed elimination of the two (2) and two and one-half ($2\frac{1}{2}$) cents differentials on less-than-truckload shipments of calves, horses, mules or sheep subject to a minimum charge as provided in paragraphs (B) or (C) of Item No. 4500 as hereinbefore set forth. In fact, the record is very meager on this feature of the petition and does not warrant any change in the present differentials.

In regard to the proposed change in the estimated weight on calves from 300 to 400 pounds, witnesses Schattinger and Avery favored the change, and witnesses Hart, Sorenson and Jessup did not feel that the change would make much difference since the majority of their shipments were weighed, and they would have few occasions to use an estimated weight in the transportation of livestock.

The record does not justify the proposed change. Witness Avery testified that only 20% of his shipments of calves were unweighed and in any event, his operations, as pointed out above, are satisfactory on the present scale.

Witness Schattinger, on cross examination, disclosed that he was not following the present tariff which requires a charge on the basis of 300 pounds for calves which are not weighed. Instead, he was estimating the weight and charging on that estimate, which reduced his revenue below that prescribed by the Commission. Schattinger offered no breakdown on the number of calf shipments handled in this manner, and due to his misinterpretation of the tariff, his revenues do not include full charges under the existing rule.

FINDINGS

THE COMMISSION FINDS:


That, the above statement should be made a part hereof; that the record in this proceeding does not justify the proposed increases in the rates or the proposed changes in the rules as set forth in the statement; that the interim increase in rates prescribed in Dec. No. 32296, supra, should be continued in force and effect unless otherwise subsequently ordered; that an order should be issued denying the petition of the Motor Truck Common Carriers' Association, as Agent, dated April 2, 1949, designated as Application No. 153, and discontinuing the proceeding.

O R D E R

THE COMMISSION ORDERS:

- 1 - The petition of the Motor Truck Common Carriers' Association, as agent, dated April 2, 1949, designated Application No. 153, is denied.
- 2 - The increases on livestock prescribed in Dec. No. 32296, dated March 8, 1949, shall remain in full force and effect.
- 3 - The foregoing Statement and Findings are made a part hereof by reference.
- 4 - This order shall become effective forthwith, except that the applicants shall have twenty (20) days to file an application for rehearing, if they so desire.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Joseph C. Hutton
John R. Barry
Joseph L. Hawley
Commissioners

Dated at Denver, Colorado
this 11th day of October, 1949.

hm

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
H. C. HULL, DOING BUSINESS AS)
"HULL SALES AGENCY," 1219 20th)
STREET, GREELEY, COLORADO.) PERMIT NO. C-21653
-----)

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
H. C. Hull, d/b/a Hull Sales Agency,.....
requesting that Permit No. C-21653.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-21653....., heretofore issued to.....
H. C. Hull, d/b/a Hull Sales Agency,.....be,
and the same is hereby, declared cancelled effective September 23, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

Julius Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 13th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CENTRAL MINING AND DEVELOPMENT)
CORPORATION, BOX 731, CENTRAL) PERMIT NO. C-20813.
CITY, COLORADO.)
-----)

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Central Mining and Development Corporation,.....
requesting that Permit No. C-20813..... be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20813....., heretofore issued to.....
Central Mining and Development Corporation,..... be,
and the same is hereby, declared cancelled effective September 20, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

Clark R. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this.....13th.....day of.....Oct....., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
VERNON CARL FOX, 1811 CEDAR AVENUE,)
CANON CITY, COLORADO.) PERMIT NO. C-18283
)
)
)

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Vernon Carl Fox,.....
requesting that Permit No. C-18283.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-18283....., heretofore issued to.....
Vernon Carl Fox,.....be,
and the same is hereby, declared cancelled effective August 19, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Rae D. C. Norton

John R. Berry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 13th.....day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ALVIN ALEX QUINT, 1300 MAIN)
STREET, MONTROSE, COLORADO.) PERMIT NO. C-17944
)
)
)
-----)

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Alvin Alex Quint,.....
requesting that Permit No. C-17944.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-17944....., heretofore issued to.....
Alvin Alex Quint,.....be,
and the same is hereby, declared cancelled effective September 30, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
D. M. & BRUCE LANCE, DOING)
BUSINESS AS "LANCE TRANSPORT CO.")
124 ELLISON, GUYMON, OKLAHOMA.) PERMIT NO. C-15538.
)
)

October 13, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
D. M. & Bruce Lance, d/b/a Lance Transport Co.,.....
requesting that Permit No. C-15538.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-15538....., heretofore issued to.....
D. M. & Bruce Lance, d/b/a Lance Transport Co.,.....be,
and the same is hereby, declared cancelled effective September 26, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 13th day of Oct., 1949.

REPORT BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
W. L. LANG, DOING BUSINESS AS "LANG
TRANSIT LINE," LONGMONT, COLORADO,
FOR AN EXTENSION OF CERTIFICATE
NO. PUC-913.

APPLICATION NO. 9889
EXTENSION

October 11, 1949

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for applicant;
Worth Allen, Esq., Denver,
Colorado, for Martin Truck Lines;
Wm. T. Bullard, Boulder, Colorado,
for Pioneer Trucking Company.

S T A T E M E N T

By the Commission:

By Decision No. 7488, of date April 14, 1936, L. C. Austin and Fred Austin, co-partners, doing business as "Austin Brothers," were authorized to transfer to W. L. Lang all that part of the certificate of public convenience and necessity (and subject to the conditions thereof) theretofore issued in Application No. 1382, and supplements and amendments thereto, which authorized the transportation of milk, cream, and dairy products from and to points within the territory described as:

"Beginning at the northeast corner of Section 1, Township 3 North, Range 67 West; thence South to the southeast corner of Section 36, Township 2 North, Range 67 West; thence West to the southwest corner of Section 35, Township 2 North, Range 68 West; thence North $2\frac{1}{2}$ miles; thence west to the Section lines between Sections 22 and 23, in Township 2 North, Range 69 West; thence north to the northwest corner of Section 2, Township 3 North, Range 69 West; thence East to the northeast corner of Section 1, Township 3 North, Range 67 West, being the place of beginning,"

limiting Lang's service in Boulder County to his then customers, without the right to solicit new customers in said County. PUC No. 913 was assigned to the operation.

By the instant application, said W. L. Lang seeks an extension of said PUC-913 to include the transportation of milk and cream to Denver, Colorado, and to points within the metropolitan area of Denver, from farms and ranches within the area contained in a strip 10 miles wide east and west, lying immediately east of U. S. Highway 87 from the Boulder-Larimer County Line, to a point one mile north of Loveland, excluding any portion thereof within a radius of 10 miles of Platteville.

Said application was set for hearing at Denver, Colorado, March 31, 1949, where, after due notice to all parties in interest, it was heard and taken under advisement.

The records of the Commission show that Carl A. Borgmann and Walter H. Borgmann, doing business as "Borgmann Brothers," were the former owners of PUC-1323, authorizing the transportation of milk and dairy products to Denver from territory specifically described, and by Decision No. 15511, of date June 7, 1940, this Commission authorized the lease to Mary Ella Lang of that portion of said certificate authorizing the transportation of milk and dairy products to Denver from that portion of the Borgmann territory which lies north of a line extending east from the town of Berthoud, along State Highway No. 60, and any extension of said line (being the same territory applied for in the instant application.)

The lease referred to was dated May 24, 1940, for a term of one year, with the privilege of renewal from year to year, except that each party should have the right of cancellation at any time upon giving thirty days' notice in writing to the other, certain payments to be made by Borgmann Brothers to Lang in the event of cancellation by the former or by their successors in interest.

Mary Ella Lang, lessee referred to, is the wife of W. L. Lang, applicant herein, and by the instant application said W. L. Lang admits

that he served the leased territory from June 7, 1940, to the date of the filing of the application on February 23, 1949. In the meantime, Borgmann Brothers had sold all their operating rights, including those under lease, to Martin Truck Lines, and the latter, joined by Borgmann Brothers, notified Lang that the lease would be terminated as of March 15, 1949, and paid to Lang the amounts required by the lease in the event of such cancellation. Before the effective date of the cancellation, this application was filed.

Applicant testified that the additional territory applied for under his application for extension joins the territory he is presently authorized to serve, and he has been serving the leased property since June, 1940, giving the only service in such leased area. He has been hauling for 21 shippers; started operations by hauling from five to twenty-five cans of milk per day, and is now hauling an average of 92 cans per day. He stated that it required six years to develop a pay load. A statement as to his equipment, which is adequate, is on file with the Commission. He had obtained one of the additional shippers, while Carlson-Frink Dairy and Royal Crest Dairy had obtained the others. Martin Truck Lines, under the operating rights purchased from Borgmann Brothers, can serve all but one of the customers now being served by applicant, to-wit, Harold A. Geiss, and no one would be authorized to serve this shipper if the present application is not granted. He admitted that under our Decision No. 29427, his present authority was heretofore revoked for failure to serve customers in his own territory, but had been reinstated upon payment of penalty provided by the order. He charges the prescribed rates in all his operations.

Andrew Brehm testified that he resided about four and a half miles northwest of Johnstown, and during the past three years had shipped three to four cans of milk daily to Denver by Lang. Formerly, he shipped from Fort Lupton and Johnstown, Lang furnishing the transportation satisfactorily. He wants Lang to continue the service, which could not be

improved upon. Colorado Rapid Transit has handled his milk satisfactorily since March 15, 1949. He had heard complaints of Martin's service, but refused to give the names of the complainants.

August Leftak, of Loveland, has shipped an average of four or five cans of milk to Denver, by Lang and his predecessors, for the past twelve to fourteen years, and would like to have the service continued. Colorado Rapid Transit has hauled his milk since March 15, although Kenneth Martin had requested that he be allowed to serve.

Harold A. Geiss resides three miles east and four and a half miles north of Loveland, and no one would be authorized to serve him if the application is not granted. For the past eleven years, Lang has hauled from three to eight cans for him to Denver satisfactorily, and has served him when others refused.

Jacob Hirsch has lived in Loveland thirty-five years, and has shipped from two to four cans of milk to Denver by Lang from 1940 to March 15, 1949, and by Colorado Rapid Transit since that time.

Cecil Knox, of Johnstown, shipped an average of five cans to Denver by Lang until March 15, 1949, and by Martin since that date, but prefers Lang's service.

Howard Binder has shipped an average of seven cans of milk to Denver by Lang during the past four years and the service has been satisfactory. He now ships by Colorado Rapid Transit and would not use Martin's service under any circumstances because of an altercation when one of the Martins solicited his business.

For protestants, Kenneth Martin, representing Martin Truck Lines, explained the reason for the transportation by Colorado Rapid Transit since the Lang lease expired on March 15, 1949. Lang, with a representative of Colorado Rapid Transit, had visited the shippers to line them up and persuade them not to ship by the Martin Truck Line. Martin has a new Fruehauff trailer-truck, completely insulated and ventilated to handle this business, and in the last three years has received no complaint on

the service. Witness had called on all the shippers who testified and explained that the Lang lease had expired and Martin should retain the business developed under the lease. He had hired one Ralph Dudder, a former driver for Lang in the area, and very popular, to handle the business in the area. Naturally, he cannot serve Harold A. Geiss, who lives outside the territory covered by the Martin certificate.

Mr. Rourke, procurement officer of the Carlson-Frink Dairy, testified that he had worked up the additional customers for Lang since he obtained the lease. Fred Ruple, of Platteville, testified that he had shipped an average of five cans by Martin during the past three years; Mr. Straugh, that he had shipped an average of from five to eight cans by Martin for the past three years; Fred Simpson, of Platteville, that he had shipped an average of four cans by Martin to the Carlson-Frink Dairy for the past three years; and Jack Miller, of Platteville, that he had shipped an average of four cans by Martin for the past two years. All agreed that the Martin service had been good.

Henry Martin, of Martin Truck Lines, stated that he was willing to ask for an extension of his authority so that he might serve Geiss; that he had adequate equipment to serve the area, and that, in the area in question, there was not room for two operators.

The Commission does not look with favor upon an application by a party for authority to serve an area that he formerly served under lease, where the lessor is ready, willing, and able to serve that territory after the lease is cancelled. While Lang developed the territory, while operating under the lease, he profited by the development over a period of eight years, with the full knowledge that the lease could be cancelled upon thirty days' notice. Whether or not Borgmann Brothers would have extended the term of the lease, had they retained the original authority, is immaterial. The fact remains that the Martin Truck Lines purchased the Borgmann authority and had the legal right to cancel the Lang lease, and elected to do so. There is evidently insufficient busi-

ness in the area to make the operation in the area involved economically feasible for two operators, and the Martin Truck Lines has the original authority and is entitled to the business in preference to a former lessee of a former owner of the authority. And the service of the Martin Truck Lines has been satisfactory.

F I N D I N G S

For the reasons recited in the above and foregoing Statement, which by reference is made a part hereof, the Commission finds that the instant application of W. L. Lang for authority to extend his operations under Certificate PUC-913 should be denied.

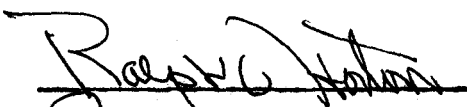
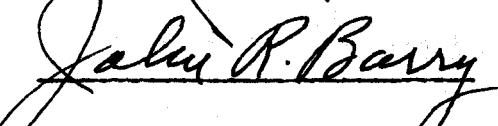
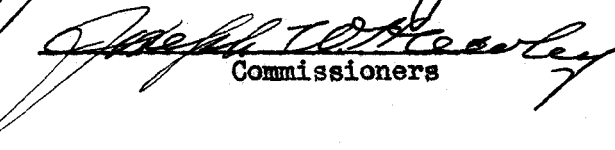
O R D E R

THE COMMISSION ORDERS:

That the instant application of W. L. Lang for authority to extend operations under Certificate PUC-913 be, and the same hereby is, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 11th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THE CENTENNIAL TURF CLUB, INCORPOR-
ATED, FOR THE CONSTRUCTION OF A
PUBLIC ROAD OVER THE COLORADO AND
SOUTHERN RAILWAY COMPANY'S TRACKS
IN ARAPAHOE COUNTY, COLORADO.

}
}
}
}
}
} APPLICATION NO. 10240.

October 11, 1949

Appearances: Richard H. Simon, Esq.,
Englewood, Colorado,
for applicant;
John L. Rice, Esq., Denver,
Colorado, for The Colorado
& Southern Railway Company;
J. M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On September 13, 1949, the Centennial Turf Club, Inc.,
by its attorney, Richard H. Simon, filed an application with the Commission
for authority to establish a new highway crossing at grade over The Colo-
rado & Southern Railway Company's right-of-way and tracks at a point where
the center line of the proposed new highway intersects the easterly boundary
line of The Colorado & Southern Railway Company's right-of-way, said point
being approximately 40 feet north of the quarter section line of Section
Eighteen (18), Township Five (5) South, Range Sixty-eight (68 West; thence
running west 50 feet more or less to a point that intersects the westerly
boundary line of said railway company's right-of-way. This intersection
being located at Mile Post 10.34 of The Colorado & Southern Branch Line,
Denver to Chatfield.

The matter was set for hearing for hearing, and heard, in
Denver, Colorado, October 6, 1949, after appropriate notice to interested
parties, and then taken under advisement.

Mr. Simon, attorney for applicant, stated at the hearing that his client, the Centennial Turf Club, and The Colorado & Southern Railway Company, had reached an agreement whereby The Colorado & Southern Railway Company would construct the crossing proper, including necessary planking, crossing signal protection, and the raising of the telegraph line on the east side of the Railway's right-of-way, and the Centennial Turf Club would reimburse them for the full amount of the construction including materials and labor. He further stated that if additional, or other type of crossing protection is needed at this location in the future, the said Turf Club will pay for the same without expense to the Railway Company.

Mr. John L. Rice, attorney for the Railway stated at the hearing that the Railway had no objection to the establishment of this crossing, provided the Centennial Turf Club paid for the construction and maintenance of the crossing and the roadway on either side of the tracks of the Railway Company, said cost to include all expenses incident to proper construction. Mr. Rice stated that while this branch of The Colorado & Southern Railway Company is seldom used at the present time, there is a possibility that at some time in the future more traffic might move over these tracks. He cited an instance where a track that formerly had been used three times a week, now had as many as 100 cars a day over it. The track mentioned in the instant application is being held by the Railway for future use, as it feels there is a good possibility that industrial sites may be located along it eventually.

The Engineer for the Commission stated that he had visited the location of the proposed crossing site, and that in his opinion the crossing is necessary for the public convenience and necessity, and that two standard crossbuck signs would be ample protection at the present time, considering the volume of railroad traffic.

The Board of County Commissioners of Arapahoe County in which County the said crossing is located, have filed their consent in writing to the granting of the instant application.

No one appeared at the hearing in opposition to the application.

FINDINGS

THE COMMISSION FINDS:

That the public convenience and necessity require the construction, establishment, maintenance and operation of a public highway crossing at grade over the right-of-way and tracks of The Colorado & Southern Railway Company at the location described in the foregoing Statement, which Statement, by reference, is made a part hereof.

ORDER

THE COMMISSION ORDERS:

1. That The Colorado & Southern Railway Company be, and it hereby is, authorized to construct and establish a highway crossing over its tracks at a point where the center line of the proposed new highway intersects the easterly boundary line of The Colorado & Southern right-of-way, said point being approximately 40 feet north of the quarter section line of Section Eighteen (18), Township Five (5) South, Range Sixty-eight (68) West; thence running west 50 feet, more or less, to a point that intersects the westerly boundary line of said Railway's right-of-way, this intersection being located at Mile Post 10.34 of The Colorado & Southern branch line, Denver to Chatfield.
2. That The Colorado & Southern Railway Company shall install the necessary crossing over its tracks and right-of-way, raise the telegraph line on the easterly side of the right-of-way to give the proper clearance over the highway, and shall also install two standard crossbuck signs in conformance with the Commission's Order in Case No. 4903.
3. That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hotta

John R. Barry

Joseph C. Newberry
Commissioners.

Dated at Denver, Colorado,
this 11th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLYDE WILLIAMS AND JACK WILLIAMS,)
1447 "I" STREET, SALIDA, COLORADO,) APPLICATION NO. 10227-PP-Ext.
FOR AUTHORITY TO EXTEND OPERATIONS)
UNDER PERMIT NO. B-2411.)
-----)

October 11, 1949

Appearances: Jack Williams, Salida,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

On May 10, 1949, applicants filed their application for authority to extend operations under Permit No. B-2411 to increase their radius from ten miles to twenty-five miles of Bonanza, Colorado, for the transportation of ore, coal, wood, and mining machinery between points within a radius of twenty-five miles of Bonanza, Colorado, and from said area to and from Villa Grove, or from mines within a radius of twenty-five miles of Bonanza, Colorado, to Leadville, Colorado.

The above matter was set for hearing, and heard, at the Court House, Alamosa, Colorado, September 27, 1949, at ten o'clock A. M., and at the conclusion of the hearing the matter was taken under advisement.

On May 6, 1948, the applicants herein, by Decision No. 30414, were granted authority, by transfer, to operate as Class "B" private carriers by motor vehicle for hire for the transportation of:

ore, coal, wood, and mining machinery between points within a radius of ten miles of Bonanza, Colorado, and from said area to and from Villa Grove; and ore from mines within a radius of ten miles of Bonanza, Colorado, to Leadville, Colorado.

At the hearing, the evidence disclosed that some of applicants' present customers have extended their mining operations -- that is, have opened up mining property in the Bonanza area beyond the ten-mile radius of Bonanza, Colorado -- and applicants are now asking for authority to serve a larger radius so as to take care of their customers.

Inasmuch as the common carriers authorized to serve in said territory did not appear to protest the extension of Permit No. B-2411, the Commission, from the record before it, cannot see where the granting of the instant application would tend to impair the efficiency of the operations of said common carriers now authorized to serve the area.

F I N D I N G S

THE COMMISSION FINDS:

That applicants are fit, willing, and able to perform the aforementioned transportation service properly, and to conform to the provisions of the Private Carrier Act, rules, and regulations, and requirements thereunder, and that the application for extension should be granted.

O R D E R

THE COMMISSION ORDERS:

That Clyde Williams and Jack Williams, Salida, Colorado, a co-partnership, be, and they hereby are, authorized to extend the territory served under Permit No. B-2411 from a radius of ten miles to a radius twenty-five miles of Bonanza, Colorado, so that they will be permitted to operate as Class "B" private carriers by motor vehicle for hire for the transportation of:

ore, coal, wood, and mining machinery between points within a radius of twenty-five miles of Bonanza, Colorado, and from said area to and from Villa Grove, Colorado; and ore from mines within a radius of twenty-five miles of Bonanza, Colorado, to Leadville, Colorado.

That this order is made part of the permit granted to applicants, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Nolan
John R. Barry
Joseph T. Hawley
Commissioners.

Dated at Denver, Colorado,
this 11th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES D. CONRADO, DOING BUSINESS)
AS "BROOKSIDE COAL COMPANY," 116)
WEST FRONT STREET, FLORENCE, COLO-)
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 10216-PP.

October 11, 1949

S T A T E M E N T

By the Commission:

Applicant herein requested that the instant application be dismissed at the time and place of hearing, viz., September 23, 1949, at Council Chambers, City Hall, Colorado Springs, Colorado.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

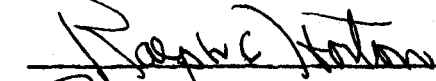
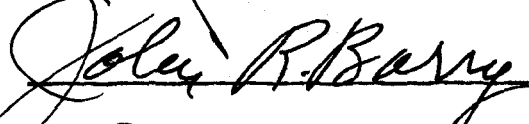
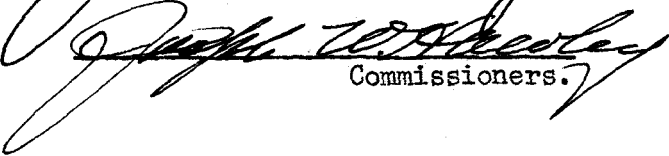
O R D E R

THE COMMISSION ORDERS:

That the above-styled application should be, and the same hereby is, dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 11th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARVIE MILLER, 1345 DOWNING STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. B-4054 TO ALBERT) APPLICATION NO. 10263-PP-Transfer.
CHARLES PUSCH, 685 SOUTH WILLIAMS)
STREET, DENVER, COLORADO.)
-----)

October 11, 1949

S T A T E M E N T

By the Commission:

By Decision No. 30922, of date July 29, 1948, Arvie Miller was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

peat moss from peat beds near Nederland, Colorado, and from peat beds near Jefferson, Colorado, to McCoy-Jensen Nursery, located near Denver, on Morrison Road; forest products from forests and sawmills within a radius of ten miles of Fraser, to Denver, Colorado,

said operating rights being designated "Permit No. B-4054."

By Decision No. 33271, of date August 19, 1949, said operating rights were extended to include the right to transport:

forest products from forests and sawmills within a radius of ten miles of Littleton, Colorado, to Denver, Colorado, and from forests and sawmills within a radius of fifteen miles of Dillon, Colorado, to Denver, Colorado.

By the instant application, said permit-holder seeks authority to transfer said Permit No. B-4054 to Albert Charles Pusch, Denver, Colorado.

Inasmuch as the files of the Commission and the application herein show that said permit is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said permit; that transferee, pecuniarily and otherwise, is able, willing, and qualified to carry on the operation, and it does not appear that any useful purpose would be served

by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said permit, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to payment of outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

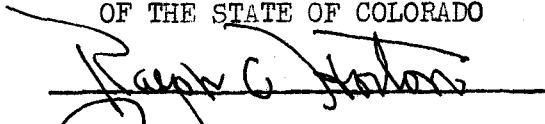
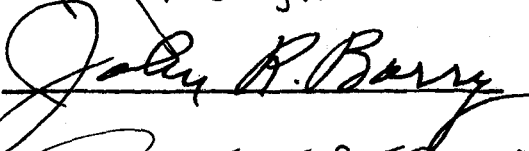

That **Argie Miller**, Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-4054 -- being the operating rights granted by Decision No. 30922 and extended by Decision No. 33271 -- to **Albert Charles Pusch**, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit of transferor shall be transferred and credited to account of transferee.

This order is made a part of the permit authorized to be transferred, and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 11th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEAMON RESLER, 1420 - 38TH)
STREET, DENVER 5, COLORADO.)
-----)

PERMIT NO. A-295.

October 14, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee, requesting that his Permit No. A-295 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Leamon Resler be, and he is hereby, authorized to suspend his operations under Permit No. A-295 until April 11, 1950.

That unless said Leamon Resler shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawk

Commissioners.

Dated at Denver, Colorado,
this 14th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. H. WARNER, 833 ELATI STREET,)
DENVER, COLORADO.)
-----)

PERMIT NO. B-2962.

October 14, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee, requesting that his Permit No. B-2962 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That W. H. Warner be, and he is hereby, authorized to suspend his operations under Permit No. B-2962 until March 18, 1950.

That unless said W. H. Warner shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry
Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 14th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
G. F. MULLEN, BOX 716, LONGMONT,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 10264-PP.
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

October 14, 1949

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points, in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from strip mine, located approximately six miles northeast of Erie, Colorado, to railroad loading point located one mile south of said strip mine.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That G. F. Mullen, Longmont, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in

making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from strip mine, located approximately six miles northeast of Erie, Colorado, to railroad loading point located one mile south of said strip mine.

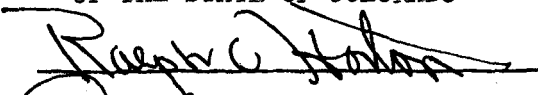
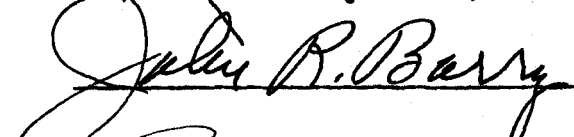

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners. ✓

Dated at Denver, Colorado,
this 14th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
F. MARION JOHNSON, ERIE, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS) APPLICATION NO. 10265-PP-Extension.
UNDER PERMIT NO. B-3876.)
-----)

October 14, 1949

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations under Permit No. B-3876 to include the right to transport coal from strip mine, located approximately six miles northeast of Erie, Colorado, to railroad loading point, located one mile south of said strip mine.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of authority, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That said extended operation should be authorized.

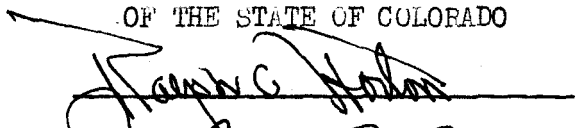
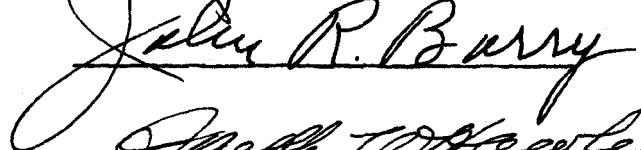
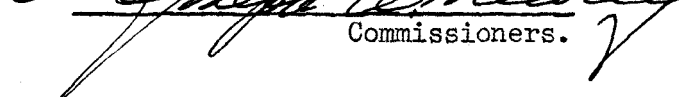
O R D E R

THE COMMISSION ORDERS:

That F. Marion Johnson, Erie, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-3876 to include the right to transport coal from strip mine, located approximately six miles northeast of Erie, Colorado, to railroad loading point, located one mile south of said strip mine.

That this order is made part of the permit granted to applicant, and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners. 2

Dated at Denver, Colorado,
this 14th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CONTINENTAL BUS SYSTEM, INC., BOX)
1949, DENVER, COLORADO, FOR AUTH-)
ORITY TO TRANSFER TO JOHN V. BOUCHARD,)
GUNNISON, COLORADO, THAT PORTION OF)
PUC NO. 1635 GRANTED BY DECISION NO.)
31344, FOR PASSENGER TRANSPORTATION)
SERVICE BETWEEN GUNNISON, COLORADO,)
AND CRESTED BUTTE, COLORADO.)
-----)

APPLICATION NO. 9877-Transfer.

IN THE MATTER OF THE APPLICATION OF)
RIO GRANDE MOTOR WAY, INC., BOX 2040,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER TO JOHN V. BOUCHARD, GUNNI-)
SON, COLORADO, THAT PORTION OF PUC)
NO. 149 GRANTED BY DECISION NO. 4744,)
FOR TRANSPORTATION OF FREIGHT BETWEEN)
GUNNISON AND CRESTED BUTTE, COLORADO.)
-----)

APPLICATION NO. 9886-Transfer.

October 14, 1949

SUPPLEMENTAL ORDER

Appearances: T. A. White, Esq., Denver,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

This Commission, on August 15, 1949, issued its Decision
No. 33240.

An examination of that decision discloses that the operating
authority was not clearly described, so the Commission, on its own motion,
is issuing this order, nunc pro tunc.

This Commission, by Decision No. 31344, in Application No.
9533, authorized Continental Bus System, Inc., to transport:

passengers, baggage, mail and express between
Gunnison and Crested Butte, Colorado, and all
intermediate points, over State Highway No. 135,

said operating rights having since been conducted as a portion of PUC No. 1635.

By Decision No. 4744, of date December 24, 1932, in Application
No. 2057, Rio Grande Motor Way, Inc., was granted a Certificate of Public

Convenience and Necessity by this Commission to operate as a common carrier by motor vehicle, in the transportation of:

General commodities between Gunnison, Colorado, and Crested Butte, Colorado, and intermediate points, over Colorado State Highway No. 135,

said operations having since been conducted as a portion of PUC-149.

By Application No. 9877, Continental Bus System, Inc., seeks authority to transfer that portion of PUC No. 1635 granted by Decision No. 31344, to John V. Bouchard, Gunnison, Colorado, and by Application No. 9886, Rio Grande Motor Way, Inc., seeks authority to transfer that portion of PUC No. 149 granted by said Decision No. 4744 to said John V. Bouchard, Gunnison, Colorado.

Said applications, pursuant to prior setting, after appropriate notice to all parties in interest, were heard at 330 State Office Building, Denver, Colorado, March 29, 1949, at ten o'clock A. M., and there taken under advisement.

At the hearing, it appeared that transferee is an experienced operator of motor trucks in public transportation service; that transferee's net worth is \$8,772.00; that road tax has been paid; that there are no outstanding unpaid operating obligations against PUC Nos. 149 and 1635.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission erred in Decision No. 33240, in failing to properly describe the operating authority, and that its said decision should be set aside, vacated, and held for naught.

That the proposed transfers are compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

That Rio Grande Motor Way, Inc., shall retain the number "PUC No. 149," and Continental Bus System shall retain the number "PUC No. 1635," a new number to issue to transferee covering authority herein transferred.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 33240 should be, and hereby is, set aside, vacated, and held for naught.

That Continental Bus System, Inc., Denver, Colorado, be, and it hereby is, authorized to transfer to John V. Bouchard, Gunnison, Colorado, all right, title, and interest in and to that portion of PUC No. 1635 granted by Decision No. 31344, authorizing transportation of:

passengers, baggage, mail and express between
Gunnison, Colorado, and Crested Butte, Colorado,
and all intermediate points, over State Highway
No. 135,

subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The tariff of rates, rules and regulations of transferor shall become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering its operations under said certificate up to the time of the transfer of said certificate, and the payment by it or transferee of all unpaid passenger-mile tax.

That Rio Grande Motor Way, Inc., Denver, Colorado, be, and it hereby is, authorized to transfer to John V. Bouchard, Gunnison, Colorado, all right, title, and interest in and to that portion of PUC No. 149 granted by Decision No. 4744, of date December 24, 1932, being the right to transport:

General commodities between Gunnison, Colorado,
and Crested Butte, Colorado, and intermediate
points, over Colorado Highway No. 135,

subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

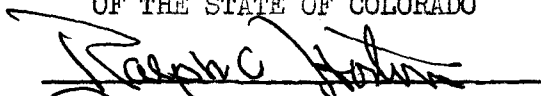
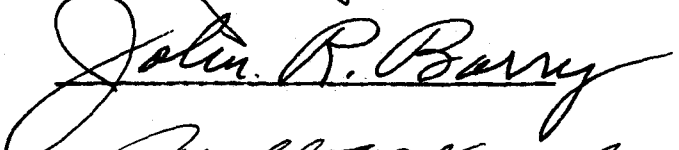
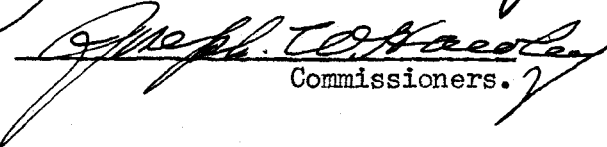
The tariff of rates, rules and regulations of transferor shall become and remain those of transferee until changed according to law and the rules and regulations of the Commission.

The right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering its operations under said certificate up to the time of the transfer of said certificate, and the payment by it or transferee of all unpaid ton-mile tax.

That the number "PUC 149" shall be retained by Rio Grande Motor Way, Inc., and the number "PUC 1635" shall be retained by Continental Bus System, Inc., a new number to issue to transferee covering operating rights herein authorized to be transferred.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners. 2

Dated at Denver, Colorado,
this 14th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CAROL R. PIGEON, 4801 GRANT)
STREET, DENVER, COLORADO.)
-----)

CASE NO. 48544-INS.
(Permit No. B-3886)

RE MOTOR VEHICLE OPERATIONS OF)
CAROL R. PIGEON, 4801 GRANT)
STREET, DENVER, COLORADO.)
-----)

CASE NO. 48544-INS.
(Permit No. C-21725)

October 14, 1949

S T A T E M E N T

By the Commission:

On September 24, 1949, in Case No. 48544-Ins., the Commission entered an order revoking Permits Nos. B-3886 and C-21725, for failure to keep on file effective insurance.

The assured had made arrangements for proper insurance prior to expiration of old policy, but through a misunderstanding with the agent, the insurance was filed with a lapsed period. Pending adjustment the permits were revoked. However, the insurance agent recitified the error and placed the insurance on file without lapse. Attention was given this matter within the five-day period of grace, but was not completed until October 8, 1949.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 48544-Ins., should be cancelled and set aside, and said Permits Nos. B-3886 and C-21725 restored to their former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 48544-Ins., should be, and it hereby is, cancelled and set aside, and said Permits Nos. B-3886 and C-21725 restored to their former status as of September 24, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Holman
John R. Barry
Joseph C. Holman
Commissioners.

Dated at Denver, Colorado,
this 14th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN BURBANK, 4690 PIERCE ST.,) PERMIT NO. B-2648.
WHEATRIDGE, COLORADO.)
-----)

October 17, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee, requesting that his Permit No. B-2648 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That John Burbank be, and he is hereby, authorized to suspend his operations under Permit No. B-2648 until April 13, 1950.

That unless said John Burbank shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 17th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FLOYD A. MOST, DELTA, COLORADO.) PERMIT NO. B-3690.
-----)

October 17, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee, requesting that his Permit No. B-3690 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That Floyd A. Most be, and he is hereby, authorized to suspend his operations under Permit No. B-3690 until March 30, 1950.

That unless said Floyd A. Most shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Baring
Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 17th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RAYMOND J. LEWIS, POST OFFICE) PERMIT NO. B-3841.
BOX 672, DERBY, COLORADO.)
-----}

October 17, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee, requesting that his Permit No. B-3841 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Raymond J. Lewis be, and he is hereby, authorized to suspend his operations under Permit No. B-3841 until April 2, 1950.

That unless said Raymond J. Lewis shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Berry
Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 17th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MRS. MARIE T. MOSCHETTI AND HELEN)
MOSCHETTI, CO-PARTNERS, DOING BUSI-)
NESS AS "CANON CHIEF COAL MINING)
CO.," FLORENCE, COLORADO, FOR AUTH-) APPLICATION NO. 10214-PP.
ORITY TO OPERATE AS A CLASS "B")
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

October 14, 1949

Appearances: Louis Moschetti, Florence,
Colorado, for applicants;
Thomas M. Burgess, Esq.,
Colorado Springs, Colorado,
for Colorado Trading and
Transfer Company.

S T A T E M E N T

By the Commission:

On July 27, 1949, Mrs. Marie T. Moschetti and Helen Moschetti, co-partners, doing business as "Canon Chief Coal Mining Co.," Florence, Colorado, filed application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of coal from a fifteen-mile radius of Florence, Colorado, to points within the area described as follows: Colorado Springs on the north, La Junta on the east, Salida on the west, and Greenhorn on the south.

The matter was set for hearing, and heard, at Council Chambers, City Hall, Colorado Springs, Colorado, on September 23, 1949, and there taken under advisement.

At the hearing, the evidence disclosed that applicants are the owners of two trucks, one being a 1948 GMC two-ton truck, and the other a 1944 one and one-half-ton Chevrolet truck. It also appears that applicants are financially able to operate the proposed operation, as the partnership has a net worth of approximately \$20,000.00.

Applicants stated that they desired to haul coal from a fifteen-mile radius of Florence to yards principally in Pueblo, Colorado Springs, La Junta, and Fountain, Colorado.

Applicants agreed to eliminate all service in Teller County, upon protest to such operation by Colorado Trading and Transfer Company.

F I N D I N G S

Upon the record as made, and after careful consideration thereof, the Commission is of the opinion, and finds, that it did not appear from the evidence that the granting of said permit will impair the efficiency of existing adequate common carrier motor vehicle services now operating in the area sought to be served by applicant; that said permit should be granted.

O R D E R

THE COMMISSION ORDERS:

That Mrs. Marie T. Moschetti and Helen Moschetti, co-partners, doing business as "Canon Chief Coal Mining Co.," Florence, Colorado, be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of coal from points within a radius of fifteen miles of Florence, Colorado, to points within the area described as: Colorado Springs on the north, La Junta on the east, Salida on the west, and Greenhorn on the south, excluding, however, from said radius, all service in Teller County.

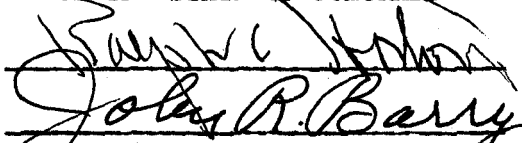
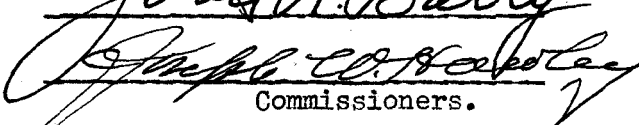
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

That the right of applicants to operate hereunder shall depend upon their compliance with all present and future laws and rules and regulations of the Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 14th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLBURN MOTOR TOURS, INC., A COR-)
PORATION, 115 NORTH CASCADE STREET,)
COLORADO SPRINGS, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)
-----)

APPLICATION NO. 9767.

October 14, 1949

Appearances: Allen and Lynch, Esqs.,
Denver, Colorado, for
applicant;
Strachan, Horn and Anderson,
Esqs., Colorado Springs,
Colorado, for Colorado Springs
Transit Company;
F. T. Henry, Esq., Colorado
Springs, Colorado, for City
of Colorado Springs;
Thomas M. Burgess, Esq., Colo-
rado Springs, Colorado, for
Colorado Trading and Transfer
Company;
John A. Carruthers, Esq., Colo-
rado Springs, Colorado, and
John A. Love, Esq., Colorado
Springs, Colorado, for Pikes
Peak Automobile Company and
Broadmoor Hotel, Inc.

S T A T E M E N T

By the Commission:

On December 29, 1948, Colburn Motor Tours, Inc., a corporation, filed its application for a certificate of public convenience and necessity for authority to operate as a common carrier by motor vehicle for hire for the operation of four passenger busses, of capacity of twenty-five passengers, between all points in the Pikes Peak Region.

The matter was originally set for hearing at the Council Chambers, City Hall, Colorado Springs, Colorado, February 17, 1949, at ten o'clock A. M.

Upon application of attorney for applicant, this hearing was vacated on February 2, 1949.

Again, on March 23, 1949, the matter was set for hearing, and again vacated at applicant's request.

The matter was further set for hearing September 23, 1949, at the City Hall, Colorado Springs, Colorado, and on September 20, 1949, the Commission received the following communication from K. B. Charlesworth, President of Colburn Motor Tours, Inc.:

"This will acknowledge receipt of your notice of hearing on this company's application to operate buses in sightseeing service in this territory, and that such hearing is to be in Colorado Springs on September 23rd.

"At the time that I requested my attorney to have this hearing set in September it was anticipated that the company furnishing the buses would have a demonstrator here that could be used to secure data for presentation to the commission at that time. Due to circumstances beyond my control this did not happen and it is felt that to go into the hearing at this time would be a mistake. I hope to secure the needed data during the next operating season and when it is available would like at that time to have a hearing on this application.

"The patience of the commission is appreciated in the number of times that this application has been set and reset, and the indulgence of the commission is again requested in postponing this hearing indefinitely until the applicant petitions for a hearing."

When the matter was called for hearing, several protestants entered appearances and moved that the application be dismissed for failure to prosecute.

Protestants also contended that they were at the hearing, ready for trial, had summoned witnesses, who were present in the hearing room, and this was the third time they had been called upon to prepare their protests.

The Commission has carefully examined the files in the instant matter, and it appears that the protestants' contention is meritorious. The Commission has at all times tried to accommodate parties appearing before it, but where the granting of continuances works a continued hardship on parties interested, the Commission cannot grant further continuances. It therefore appears to us that the motion of protestants to dismiss for failure to prosecute is good.

FINDINGS

THE COMMISSION FINDS:

That the instant application should be dismissed for the reasons heretofore set forth in our Statement, which by reference is made a part of these Findings.

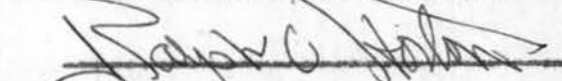
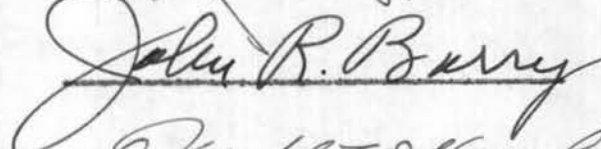
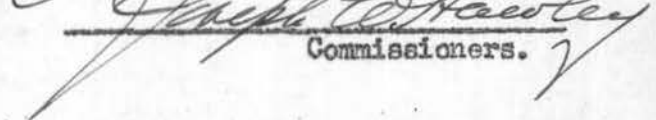
ORDER

THE COMMISSION ORDERS:

That the instant application be, and the same hereby is, dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners. 7

Dated at Denver, Colorado,
this 14th day of October, 1949.

ea

(Decision No. 33593)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PETITION OF
SOUTHERN COLORADO POWER COMPANY TO
ISSUE AND SELL 170,336 SHARES OF
COMMON STOCK, NO PAR VALUE.

APPLICATION NO. 10266-Securities

October 14, 1949

STATEMENT

By the Commission:

Upon consideration of the application filed October 14, 1949, by the Southern Colorado Power Company, a Colorado corporation, in the above-styled matter:

ORDER

THE COMMISSION ORDERS:

That a public hearing be held, commencing on October 24, 1949, at ten o'clock A. M., 330 State Office Building, Denver, Colorado, respecting the matters involved and the issues presented in this proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before October 20, 1949, and should set forth the grounds of the proposed intervention, and the position and interest of the petitioners in the proceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hahn
John R. Barry
Joseph C. Hahn
Commissioners

Dated at Denver, Colorado,
this 14th day of October, 1949

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
CLARENCE J. HELMERICKS, 237 MAIN }
STREET, MONTROSE, COLORADO, FOR AN } APPLICATION NO. 9949-PP-Extension.
EXTENSION OF PERMIT A-3912. }
----- }

October 17, 1949

Appearances: Strang and Loesch, Esqs.,
Montrose, Colorado, and
Brooks and Icke, Esqs.,
Montrose, Colorado, for
applicant;
T. A. White, Esq., Denver,
Colorado, for Rio Grande
Motor Way;
Joe King, Grand Junction,
Colorado, for King Trans-
portation Company.

S T A T E M E N T

By the Commission:

By Decision No. 30915, of date July 27, 1948, Clarence J. Helmericks, Montrose, Colorado, was authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

Milk and cream between Montrose, Colorado, and Salida, Colorado, over U. S. Highway No. 50, with the right to serve all points intermediate along said highway, with back-haul of empty cans,

and Permit No. A-3912 was assigned to the operation.

It is recited in above decision that prior to March 1, 1948, Rio Grande Motor Way, Inc., operated a Star Mail Route, under contract with the U. S. Postal Service, over said route. The mail service was handled by special truck, leaving Salida early in the morning, arriving in Montrose before noon; leaving Montrose after lunch and arriving Salida in the evening; also transporting milk and cream in the same truck with mail.

By underbidding Motor Way, Helmericks succeeded to its Star Route contract, for a term of twenty-seven months, whereupon Motor Way discontinued its milk and cream service to the people along said route by special truck, and thereafter it was necessary for the shippers to

make arrangements with Motor Way to have their milk and cream picked up by its freight trucks serving points intermediate between Salida and Montrose. This service was not satisfactory, and the permit granted by the decision was granted for the convenience of the shippers referred to. Helmericks proposed to furnish service on schedule, leaving Salida daily at 5:00 A. M., arriving at Montrose 10:30 A. M.; leaving Montrose daily at 2:45 P. M., arriving Salida 8:30 P. M. The Commission had prescribed no rates for the movement of milk and cream between Montrose and Salida and intermediate points.

By the instant application, said Clarence J. Helmericks seeks an extension of his authority under Permit No. A-3912, to include the transportation of perishable products (fruit, meat, eggs, ice cream, vegetables, and bakery products), and newspapers, between points authorized to be served under said permit.

The application was set for hearing at the Court House in Montrose, Colorado, for May 18, 1949, and, after proper notice to all parties in interest, was there heard and taken under advisement.

Rio Grande Motor Way, Inc., opposed the application upon the ground that the loss of business that would result from favorable action would tend to impair the efficiency of its common carrier service to the public.

At the outset of the hearing, applicant moved that his application be amended to include laundry, which request was opposed by Motor Way on the ground that it would constitute an undue enlargement of the authority originally requested. The motion was taken under advisement, but as evidence was introduced by both parties relative to laundry, without objection, the motion has been granted by the Commission.

Applicant testified that his equipment consists of one 1948 Ford Truck, 2-ton, with stake body (standby equipment), and one 1948 International Truck, 2-ton, with van type body, fully insulated, which he has operated 8,200 miles per month with but one breakdown. He gave his net worth as \$37,000. He has operated on schedule, always on time. He handles from one to four tons of mail, Salida to Gunnison; 1,000 pounds, Gunnison to Montrose; 40 to 100 pounds, Montrose to Gunnison; and 100 to 200 pounds, Gunnison to Salida.

Applicant has handled no express. He picks up his milk and cream shipments at Cimarron, Sapinero, and other points, averaging a can per day from each, but in the winter months there is no business house open between Montrose and Gunnison with the exception of Sapinero. As to meat shipments, he has handled the same, usually, by parcel post, but has also hauled for Burtis Brothers at Montrose to customers at Gunnison, issued freight bills and collected the charges, averaging two to four tons per week. He has also hauled laundry and baby chicks. He could pick up meat shipments from Burtis Brothers at Montrose at 2:00 P. M., and deliver same at Gunnison by 5:00 P. M., and had been requested to do so by every business house in Gunnison with two exceptions, and by the Sapinero Mercantile Company at Sapinero. He named several of the meat customers at Gunnison who had requested the service, as well as Allay Brothers at Sargents. As to laundry, he wishes to haul for the Ideal Laundry at Gunnison, most laundry being now shipped by parcel post. As to newspapers, the Denver Post and Rocky Mountain News have been shipped by rail, Denver to Salida, and delivered by mail. Joe King now hauls them from Denver and can give better service than applicant, but if conditions again change, applicant wants authority to haul them. He expects to haul no commodities that would contaminate meat shipments. He feels that the transportation of freight, as an adjunct to his mail and milk and cream service, would justify him in putting on an additional schedule and making him some money.

H. E. Burtis, of the firm of Burtis Brothers, operating a packing house and handling meat products and a general packing house line at Montrose since 1940, testified in support of the application. His firm serves nine counties in southwestern Colorado, and as far east as Sargents, ships from 2,000 to 5,000 pounds of meat per week to Gunnison -- not every day -- and ships some meat to Gunnison and Lake City by parcel post. It sells to 26 customers in the summer time -- less in the winter. The firm owns four trucks, and delivers to its own customers in part of its trade territory, at such points as Silverton, Cortez, and North Fork. Witness

was chiefly concerned in the transportation of meat from Montrose to Gunnison, part of which now moves by parcel post, part by Motor Way. He has been requested by Gunnison customers to ship by King Transportation Company, but could not get proper service. At present, Motor Way picks up the perishable merchandise at the packing plants at 4:00 P. M., moves it to a cooling plant over night, and delivers to Gunnison about noon the next day. For the pickup, Motor Way uses a large semi-trailer unit, and the cooling plant consists of a walk-in mechanical refrigerator with a capacity of 6,000 pounds. The movement, cooling plant to Gunnison, is by line-haul truck. Witness complains that it damages meat to have it refrigerated over night, and that customers at Gunnison complain that they cannot order their meat in the morning and have it delivered the same day by Motor Way. As to the laundry of his firm, it now leaves Montrose at night and is returned from Gunnison the second day by parcel post, the parcel post rates being higher than Motor Way's, but the latter's schedules being unsatisfactory. He prefers the service of applicant, who has good equipment, carries nothing that would contaminate meat, leaves Montrose at 2:30 P. M., and delivers at Gunnison by 5:00 P. M., serving also the business houses and lodges between said points at convenient times.

William D. Austin, a druggist at Montrose, purchases his ice cream at the Gunnison Creamery. Three years ago, the service by Motor Way was too slow, but he does not know present conditions as his wife has managed the drug store since that time. He thinks Helmericks could deliver the ice cream from Gunnison in good condition under his schedule.

Jack Moore, of the Gunnison Creamery, stated that he sold ice cream to both Austin drug stores at Montrose, but Motor Way will not pick it up and gives no service on perishables. He also sells at Sapinero in the summer time. At the present time, he delivers the ice cream to Sapinero and Montrose in his own trucks, but if authority is granted applicant, witness would use his service part of the time if it would result in less trips for himself.

F. J. Ritter, operator of the Rosemont Cafe, Gunnison, testified that formerly the meat shipments, when delivered by Motor Way, arrived in a dirty condition, with the boxes broken, but the service had improved since January, 1949. He knew nothing about applicant's service, but understood he could order meat from Montrose in the morning and have it delivered the same day. King leaves Montrose at 10:30 A. M., arriving at Gunnison at 12:30, which is good service. Motor Way gives good service on deliveries of bread and other goods.

Ed Bowen, manager of a creamery at Montrose, has shipped milk to points east, and ice cream to Gunnison, by applicant's truck, and wants his service for the ice cream haul. Witness operates his own trucks only in the Montrose territory, and uses Motor Way for shipments to Crested Butte and Lake City, the service being satisfactory. Some of his customers have requested shipments by applicant's trucks, and the customers should be satisfied as they pay the freight.

Mrs. Rocco Santarelli, wife of the owner of the store at Sapinero, resides at Sapinero from June to September of each year, the rest of the time in Montrose, and her husband attends to the transportation problems. Their ice cream was delivered during the past year by the Sally Ann Bakery of Grand Junction, and Burtis Brothers have delivered most of the meat, although some meat and some ice cream has been hauled by applicant without authority. Some meat has been transported by Motor Way, Montrose to Gunnison, and returned from Gunnison to Sapinero in bad condition. Some ice cream has been delivered by the creameries from Montrose and Gunnison. Their laundry has been picked up by Motor Way and hauled to Gunnison, but sometimes was not brought back, and witness had to go after it. This witness was very vague, did not know how much meat or ice cream was handled at the store, or whether her husband would use applicant's service, but she would do so if the transportation problem was in her hands.

Ed Foetherly testified that he worked in the drug store at Montrose operated by Mrs. Austin, who purchased ice cream from the Gunnison Creamery every other day. She has never used the Motor Way service and her

ice cream is now being delivered by the Sally Ann Bakery of Grand Junction, being picked up at Gunnison and delivered to Montrose without charge. The bakery does not have a refrigerated truck, but packs the ice cream in dry ice.

For protestants, Joe King, owner of Permit A-494, doing business as "King Transportation Company," testified that he had authority to transport general commodities, including ice cream, fresh meat, laundry, etc., between Denver, Salida, Gunnison, and Montrose. Prior to February 1, 1949, he made three trips per week, but during the six weeks prior to hearing had rendered daily service, leaving Montrose at 10:30 A. M., arriving Gunnison 12:30 P. M., leaving Gunnison 5:00 P. M., arriving Montrose 7:00 P. M. He has no refrigeration service except on meat shipped from Denver, but uses dry ice on local shipments. He serves practically all the business houses in Gunnison, is in position to handle meat shipments from Montrose, has contacted Burtis Brothers but was advised that his schedule did not meet their needs. He stated that there is no present demand for additional service. Mr. King, being a private carrier, was permitted to testify as a member of the public only, as to the transportation available in this locality.

Ralph E. Turang, traffic manager of Motor Way since 1945, identified Exhibit No. 2 as the schedule of Motor Way. One truck from Denver arrives at Gunnison 9:00 A. M., leaves Gunnison 11:30 A. M., on the return trip. Another truck leaves Pueblo 7:00 P. M., arrives Gunnison 1:30 A. M., and arrives at Montrose 5:30 A. M., going on to Grand Junction. On the return trip, a truck leaves Montrose at 5:15 A. M., arrives Gunnison 8:00 A. M., going on to Pueblo. On the last-named run, the company uses a 5-ton Mack truck with semi-trailer, capacity 38,000 pounds, insulated van type body, with automatic mechanical refrigeration. It maintains a dock at Montrose with a walk-in mechanical refrigerator, capacity, 6,000 pounds, employing six dock and pick-up men, an agent, and two clerks. Freight is picked up in the evening and the perishables placed in the refrigerator, and shipment to Gunnison made on the 5:15 A. M. truck. The pick-up service is provided by Motor Way. At Gunnison, it maintains a dock, two pick-up trucks, an agent, and a clerk, and, if necessary, perishables are stored temporarily in the

Gunnison locker plant. Upon arrival of a truck, the freight is transferred to the pick-up units and all delivered within not more than an hour and a half.

During the six months period, October, 1948, to March, 1949, Motor Way handled 136,333 pounds of freight, Montrose to Gunnison, of which 60 per cent was perishable. In December, 1948, it handled 20,324 pounds, of which 12,200 pounds was perishable, fruit, vegetables, meat, ice cream, etc., requiring extraordinary handling. For that month, the gross revenue on the freight was \$170.00, based on third-class l. c. l. rates, the gross revenue on perishables being \$102.00. The average load, Montrose to Gunnison, was 6,000 pounds daily over the six-months period, with no crowding of merchandise in the unit. The largest freight movement is from Denver to points west, and the movement Montrose to Gunnison is a back-haul, which is comparatively small, but with greater tonnage, however, than from Gunnison to Salida. Witness identified Exhibit 3, being an itemized statement of shipments by Motor Way from Montrose, between January 1 and May 6, 1949. It shows 160 shipments of meat from Burtis Brothers without complaint, of which 142 were consigned to Gunnison, one to Sapinero, four to Salida, five to Parlin, one to Powderhorn, four to Lake City, and three to Iola; 49 shipments of butter from Surface Creek Creamery, mostly to Gunnison; six shipments of meat from Englehard Processing Plant to Gunnison and Doyleville; ten shipments of vegetables from Owen Produce Company to Lake City; one shipment of ice cream from Arden Sunfreeze to Lake City; also sixteen shipments of eggs from the Mills Store at Olathe to Gunnison. The local shipments of perishables, Gunnison to Montrose, amounted to 7,574 pounds. Witness identified Exhibit 4, a balance sheet of Motor Way as of March 31, 1949, and freight income account for March showing net income before taxes of minus \$11,301.43. The grant of additional authority would impair the operations of Motor Way, resulting in the loss on its back haul of the business now handled as shown by the exhibits. There has been an increasing loss in the freight business during the past few months. When hauling ice cream from Gunnison it was packed in dry ice and left on the dock, to be picked up by the truck, but the Sally Ann Bakery of Grand Junction is presently handling all of this commodity except that delivered by the creameries themselves. The service of

Motor Way has been greatly improved since January, 1949, through a campaign to cut down claims, train personnel, putting on new equipment on this run, and employing more competent pick-up drivers at Montrose. Joe King is the main competitor in the area. Ringsby has similar authority, Montrose to Gunnison, but is not serving the territory.

Howard J. Nesbit, freight traffic manager of Motor Way at Grand Junction, testified that, in order to improve Motor Way's service and build up its business, he has been traveling through Montrose and Gunnison every six weeks. Recently, he spent a week in Montrose, contacting the business men, including Burtis Brothers, handling complaints, etc. Burtis had made no complaint on the service until the last trip, when he complained that the cooling unit in which the meat was kept over night was not adequate, not having sufficient air circulation. However, witness knows that this unit has never been filled to capacity nor more than half full, leaving plenty of air space. He had also contacted the shippers' customers in Gunnison and found Motor Way service generally satisfactory. None of the customers named on Exhibit 3 were dissatisfied except the Gunnison Mercantile Company, which thought there was business enough to justify another carrier. There has been a decided improvement in the Motor Way service during the past six months, mainly through the education of its personnel.

Evidently, Motor Way's service to its milk and cream shippers was satisfactory so long as it had the mail contract. A special schedule had been established for their convenience. When Helmericks underbid Motor Way on the mail contract, the special schedule was not financially feasible and was abandoned, and the shippers were forced to depend on Motor Way's regular schedules, which were not satisfactory. As a result, this Commission granted Helmericks authority to transport milk and cream in connection with his mail contract, so that these shippers could be better served. There is no such situation now confronting us. From the evidence, there has been very little complaint on Motor Way's service on the other commodities which Helmericks now seeks to take from the Motor Way operation. Applicant is presently handling some of these commodities, such as meat and laundry, by parcel post. In the opinion

of the Commission, he cannot serve two masters. His first and main loyalty should be to the United States Government, as it was through the Postal Service that he received his opportunity to enter the transportation field. Were we to grant the authority sought, he would not only impair the service of Motor Way, but would also take from the Government a substantial amount of the parcel post business now handled by him through his mail contract. The interest of applicant and the Government in the same traffic is irreconcilable. A basic conflict of interest between them is inevitable. His primary concern with his own traffic would militate against his ability to properly perform his duty under the mail contract, and result in a loss of revenue to the Government.

Referring specifically to the commodities he wishes to include in his present authority, we find no shipper witnesses supporting his application to haul fruit, eggs, vegetables, bakery products, or newspapers. And it appears to the Commission that the meat shipped from Montrose to Gunnison is well handled by Motor Way, although the schedule may not fully meet the approval of Burtis Brothers. Moreover, Joe King has a 10:30 A. M. schedule, which, together with the Motor Way and parcel post schedules, should well meet the situation. As to ice cream, the evidence shows no complaint on the deliveries to the customers by the Sally Ann Bakery, which seems to be handling all the business. Applicant does not want to handle newspapers at the present time. Laundry is easily handled by parcel post and Motor Way, with no complaint except from Burtis Brothers, who should require no emergency service on this commodity. The record is woefully lacking in shippers' testimony.

In conclusion, we may state here that this, and many other similar operations, come into being due to circumstances beyond our control, and then cause multitudinous difficulties in the transportation in the area in which they occur. This is what in reality happens:

A party bids on a United States Government mail contract. He submits a bid, not on knowledge of actual operating costs or experience, but rather in an attempt to "break into" the transportation field. Consequently, the bid is very low and the Government accepts it. Soon after he starts operating he finds he is losing money. At this juncture he starts hauling commodities

other than the U. S. mail, which haul is illegal (the record shows this applicant is guilty of illegal hauling). He then comes here seeking authority for hauling other commodities to save himself from financial ruin. This Commission has held, and the law is very clear on this point, that operating rights are to be granted by us based upon the needs of the public, and not upon the needs of some individual who finds himself in financial difficulties.

Here we have a rather sparsely settled portion of the state which can, and does, generate a certain amount of traffic. To give service to all these people, the Rio Grande Motor Way was given authority from this Commission. Other private authorities have also been issued. In order to operate and maintain schedules the line-haul common carrier must have some traffic. With the limited amount of traffic available here, the more that goes to other carriers, the more precarious becomes the position of the common carrier. It is the established rule that a common carrier who runs on schedule, rendering an integrated service, in fair weather or foul, in good and lean times, and renders such service to the locality or community, should be protected as against the convenience of a few individuals, or an operator who is in a precarious position because of lack of operating experience from the start.

The record discloses, and the applicant admitted, that from time to time he has done hauling of commodities other than those specified in the original authority which we granted him. This, in itself, is a violation of the law, and we cannot countenance it. As a matter of fact, it is indicative of his lack of understanding or appreciation for his duties and obligations. We are not inclined to grant rewards to people who violate the law and thereby create a demand for their service.

FINDINGS

Upon the record made, and after a careful consideration thereof, the Commission is of the opinion, and finds, that the granting of the additional authority sought under the instant application would impair the efficiency of existing adequate common carrier motor vehicle service now operating in the area now served by applicant, and that said application for extension of authority should be denied.

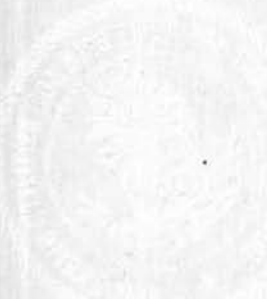
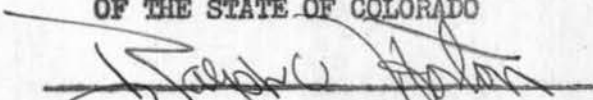
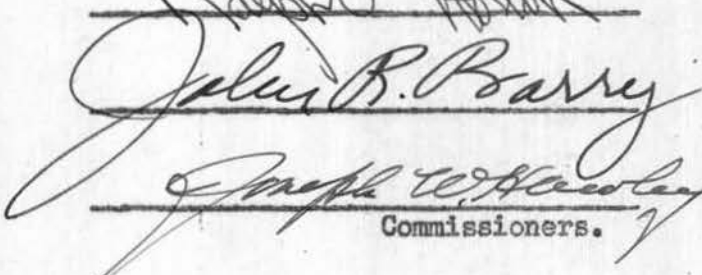
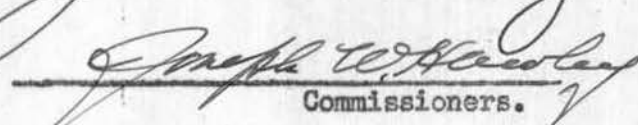
ORDER

THE COMMISSION ORDERS:

That the application of Clarence J. Helmericks, Montrose, Colorado, for an extension of Permit No. A-3912, be, and the same hereby is, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners.

Dated at Denver, Colorado,
this 17th day of October, 1949.

en

original

(Decision No. 33595)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
FREDERIC A. BETHKE, ROSINA A. BETHKE,
AND E. BONABEL BETHKE, DO-PARTNERS,
DOING BUSINESS AS "BETHKE MILK LINES,"
GILCREST, COLORADO, FOR AN EXTENSION
OF PUC NO. 557.

APPLICATION NO. 9890-Extension.

October 17, 1949

Appearances: Marion F. Jones, Esq.,
Denver, Colorado, for
applicants;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company;
Myron H. Burnett, Esq., Denver,
Colorado, for Colorado Motor
Carriers Association;
John L. Rice, Esq., Denver, Colo-
rado, for Chicago, Burlington &
Quincy Railroad Co., and The
Colorado and Southern Railway
Company;
T. A. White, Esq., Denver, Colo-
rado, for The Denver and Rio
Grande Western Railroad Co.;
E. B. Evans, Esq., Denver, Colo-
rado, for Rein Milk Transport
and Austin Brothers;
Wm. T. Bullard, Denver, Colorado,
for Pioneer Trucking Company;
Worth Allen, Esq., Denver, Colo-
rado, for Ed Mapes.

STATEMENT

By the Commission:

By Decision No. 33424, of date September 12, 1949, the Com-
mission denied the application of the above-named applicants for an extension
of their PUC No. 557, authorizing them to transport milk and cream in tank
trucks, over irregular routes, on call and demand, between certain points
designated in the application.

Under date of September 22, 1949, applicants filed petition
for rehearing or reconsideration, with supporting brief.

The Commission has considered all the allegations set forth in said petition, and has again considered the testimony given at the hearing on said application on March 31, 1949, and while this order will not be construed as an admission of any of the allegations of said petition, the Commission feels that a rehearing should be granted in order that the proper scope of the authority sought by applicants may be definitely determined.

FINDINGS

THE COMMISSION FINDS:

That the petition for rehearing or reconsideration filed herein on September 22, 1949, should be considered as a petition for rehearing, only; that Decision No. 33424, of date September 12, 1949, should be suspended; and that said application for extension should be re-set for hearing on some later date.

ORDER

THE COMMISSION ORDERS:

That the petition for rehearing or reconsideration, filed herein on September 22, 1949, be, and it is hereby, considered as a petition for rehearing, only, and is hereby granted.

Further, that Decision No. 33424, of date September 12, 1949, be, and the same is hereby, suspended, pending the further order of this Commission.

Further, that said application for extension be set down for rehearing at some later date that will suit the convenience of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Holton
John R. Barry
Joseph W. Hickey
Commissioners.

Dated at Denver, Colorado,
this 17th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
UNION PACIFIC RAILROAD COMPANY AND
UNION PACIFIC MOTOR FREIGHT COMPANY,
FOR TRANSFER OF CERTIFICATE OF PUB-
LIC CONVENIENCE AND NECESSITY GRANTED
BY DECISION NO. 33096 IN APPLICATION
NO. 9912 TO UNION PACIFIC MOTOR FREIGHT
COMPANY, WITH THE RIGHT TO USE LEASED,
FULLY MANNED, MOTOR VEHICLE EQUIPMENT.

APPLICATION NO. 10243-Transfer.

October 17, 1949

Appearances: E. G. Knowles, Esq.,
Denver, Colorado, for
applicants;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company;
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for Denver-
Laramie-Walden Truck Line;
Marion F. Jones, Esq., Denver,
Colorado, for Bethke Truck Lines.

STATEMENT

By the Commission:

On August 30, 1949, applicants filed their application asking for the assignment, conveyance, and transfer from Union Pacific Railroad Company to Union Pacific Motor Freight Company of all right, title, and interest of Union Pacific Railroad Company in and to the certificate of public convenience and necessity granted to it by Decision No. 33096 of the Commission, of date July 18, 1949.

No protests were filed to the application. The matter was set for hearing on October 5, 1949, in the Hearing Room of the Commission, Denver, Colorado, and after due notice to all parties in interest, was there heard and taken under advisement.

At the hearing, Messrs. Truman A. Stockton, Jr., and Marion F. Jones, for their clients, stated that there was no objection to the transfer as prayed for, but that they appeared to question the authority of the Commission in this proceeding to grant authority to Union Pacific Motor Freight Company to lease fully-manned equipment in accordance with a proposed contract between the Motor Freight Company and the provider of the equipment, because of the Commission's Rule No. 14 applicable to motor vehicle common carriers.

The application, and the allegations thereof, were confirmed by the witness for applicants, Mr. D. E. Ingman, of Omaha, Nebraska, District Freight Service Manager of Union Pacific Railroad Company. It appears that Union Pacific Motor Freight Company, a Nebraska corporation, is a wholly owned subsidiary of Union Pacific Railroad Company, which was organized for the purpose of having a separate and especially equipped and trained personnel that would devote its entire time and attention to performing highway motor trucking service in coordination with and supplemental to the rail freight service of the Railroad Company. The Motor Freight Company will function in the same way as the Rio Grande Motor Way and the Santa Fe Trails Transportation Company, which respectively handle the supplemental motor rail service for The Denver & Rio Grande Western Railroad Company and the Atchison, Topeka and Santa Fe Railway Company. Said Motor Freight Company is the company which will handle the highway motor vehicle operations for Union Pacific Railroad Company in the States of Kansas, Colorado, Wyoming, Nebraska, Utah and Idaho.

There will be no change in the method of handling the coordinated rail-motor service as authorized in our Decision No. 33096, dated July 18, 1949, and full carrier responsibility for all shipments will at all times remain with Union Pacific Railroad Company.

Both applicant companies are solvent and financially able to take care of any and all indebtedness, and there are no past due accounts of either company at this time. Union Pacific Motor Freight Company is assured of all necessary financing, without limitation, to enable it to perform the obligations to be required of it, the necessary funds to be secured through

Union Pacific Railroad Company, owner of all the capital stock of said Motor Freight Company.

The Motor Freight Company suggests authority of the Commission to file two surety bonds, to be considered as adequate and acceptable compliance with the laws of the State of Colorado, and with the rules and regulations of the Commission, relating to the public liability, property, and cargo insurance required of common carriers of property by motor vehicle; one to be a bond, unlimited in amount, covering public liability and property and cargo damage, in which Union Pacific Railroad Company shall be surety, and one to be a surety bond, in the penal amount of One Thousand Dollars (\$1,000.00), with the same coverages, to be issued by some company authorized to do a surety business in the State of Colorado.

The Motor Freight Company proposes to lease the necessary equipment, fully manned by drivers directly employed by the lessor of the equipment, under a contract that will provide for the furnishing and maintenance of equipment by the lessor and the furnishing of drivers for a specified sum per mile of operation of each vehicle, which contract, when executed, will be submitted to the Commission for its approval. The Company feels that this is the most efficient and economical way for it to handle the operation, as the motor vehicles so leased will be operated under its direct supervision.

Reference was made at the hearing to Interstate Commerce Commission proceeding entitled "Ex Parte No. MC-43," relating to the leasing of equipment by motor vehicle common carriers, in which the Examiner's report was issued August 26, 1949, a copy of which report is before the Commission, and in proposed Rule 11-G, on Sheet 3 of Appendix I of said report, there appears the following:

"g. Except where equipment operated under this rule * * * (2) is utilized in the transportation of railway express traffic, or in substitution of motor for rail transportation of railroad freight moving between railroad stations on railroad billing; the person assigned to drive such equipment shall be an employee of the lessee carrier, * * *."

There has been no final action upon this report by the Interstate Commerce Commission.

At the hearing, attention was also called to the Commission's Rule No. 14, which reads:

"* * * Leasing of equipment shall not include the service of a driver or operator. Employment of drivers or operators shall be made on the basis of a contract by which the driver or operator shall bear the relationship of an employee to the carrier * * *."

It was the contention of Messrs. Stockton and Jones that, having adopted this rule, the Commission could not make any exception thereto or approve the proposal of applicants for authority to lease fully-manned motor vehicle equipment.

The Commission is of the opinion that its decision on the proposal of the Motor Freight Company to lease fully-manned equipment should be held in abeyance, pending final action of the Interstate Commerce Commission upon the Examiner's Report in "Ex Parte No. MC-43" or the amendment of Rule 14 of this Commission, or both.

FINDINGS

THE COMMISSION FINDS:

1. That Union Pacific Motor Freight Company is qualified to be a common carrier by motor vehicle.
2. That the conveyance of Union Pacific Railroad Company to Union Pacific Motor Freight Company of all right, title, and interest of Union Pacific Railroad Company in and to the certificate of public convenience and necessity granted to it by Decision No. 33096, dated July 18, 1949, should be approved.
3. That decision on the proposal of Union Pacific Motor Freight Company to lease fully-manned equipment should be held in abeyance until the further order of this Commission.
4. That the proposal of Union Pacific Motor Freight Company to file two bonds covering public liability, property, and cargo damage, in lieu of the usual insurance policy, should be approved.

ORDER

THE COMMISSION ORDERS:

1. That Union Pacific Railroad Company, be, and it is hereby

authorized to assign, convey, and transfer to Union Pacific Motor Freight Company all right, title, and interest of Union Pacific Railroad Company in and to the certificate of public convenience and necessity, together with the authority thereby granted, by Decision No. 33096, dated July 18, 1949, entered by the Commission in Application No. 9912, and such assignment, conveyance, and transfer is hereby approved, and Union Pacific Motor Freight Company shall hereafter be recognized as the owner and holder of such rights as are specifically described in the Order appearing on pages 24, 25, 26, and 27 of said Decision No. 33096.

2. That said Union Pacific Motor Freight Company shall file tariffs of rates, rules, and regulations, as required by the rules of this Commission, within twenty days from the date hereof.

3. That said Union Pacific Motor Freight Company shall operate its carrier system in accordance with the order of this Commission, except when prevented by act of God, the public enemy, or extreme conditions.

4. That decision on the proposal of Union Pacific Freight Company to conduct operations under said certificate of public convenience and necessity by leasing fully-manned equipment be, and the same is hereby, held in abeyance until the further order of this Commission in the premises.

5. That said Union Pacific Freight Company be, and is hereby, authorized to file two surety bonds covering public liability, property, and cargo damages, as required of common carriers of property by motor vehicle; one to be a bond, unlimited in amount, on which Union Pacific Railroad Company shall be surety, and one to be a surety bond in the penal amount of One Thousand Dollars (\$1,000.00) to be issued by some company authorized to do a surety business in the State of Colorado, both of said bonds to be conditioned as required by the laws of the State of Colorado, and the rules and regulations of this Commission, to be approved by the Commission, and if and when so approved, the filing of said bonds shall be deemed and considered full compliance with said laws, rules, and regulations.

That this order shall be subject to compliance by applicants with all present and future laws and rules and regulations of this Commission,

and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hutton
John R. Barry
Joseph T. Hecox
Commissioners.

Dated at Denver, Colorado,
this 17th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE FAILURE)
OF VARIOUS CORPORATIONS AND)
PERSONS TO COMPLETE APPLICA-)
TION FOR CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO)
OPERATE AS COMMON CARRIERS BY)
MOTOR VEHICLE.)

October 18, 1949.

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have paid to this Commission a filing fee for a certificate to operate as a common carrier by motor vehicle over the highways of the State of Colorado, and that the Commission has held hearings and granted said certificates subject to the completion of the application and the filing of the required insurance, tariffs, and other documents specified by law and in the Commission's rules.

It further appears on the records, that said corporations and persons have failed to complete their said applications in that no tariffs have been filed with the Commission.

All of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to file a tariff and that all of said applications would be dismissed unless completed within twenty days.

It appearing that more than twenty days have expired since such notices were given, and it further appearing that the applications of the persons and corporations herein named have not been completed in the respects mentioned, the Commission is of the opinion and so finds that all of said applications heretofore made by the said corporations and persons, should be dismissed.

ORDER

IT IS ORDERED:

That each of the applications heretofore filed by:

20

<u>NAME</u>	<u>ADDRESS</u>	<u>DEC. NO.</u>	<u>DATE</u>
J. W. Clapp & Sons	1400 East A St., McCook,	28351	8/14/47
C. J. Jordan	Springfield, Colo. Nebr.	28080	4/14/47
Carl W. Martley	Monte Vista, Colo.	32614	5/16/49
Glenn Neal	Wiggins, Colo.	30274	4/17/48
Marion Lawrence, d/b/a Victor Cab Co.	Victor, Colo.	27306	1/11/47
Archie L. Levy, d/b/a Walsenburg-Gardner Bus Line	Walsenburg, Colo.	28275	5/31/47

to obtain a certificate of public convenience and necessity authorizing said corporations and persons to operate over the highways of the state as common carriers by motor vehicle bc, and the same hereby are dismissed on the Commission's own motion.

That this order shall become effective on the 23th day of October, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Holman

John R. Barry

Joseph C. Hensley

Commissioners

hn

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE FAILURE)
OF VARIOUS CORPORATIONS AND)
PERSONS TO COMPLETE APPLICA-)
TIONS FOR PERMITS TO OPERATE)
AS PRIVATE CARRIERS FOR HIRE)
BY MOTOR VEHICLE OVER THE)
HIGHWAYS OF THE STATE OF)
COLORADO.)

October 18, 1949.

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have paid to this Commission, a filing fee for a private carrier permit to operate as a private carrier for hire over the highways of the State of Colorado, and that the Commission has held hearings and granted said permits subject to the completion of the application and the filing of the required insurance, tariffs and other documents specified by law and in the Commission's rules.

All of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to file a tariff, and that all of said applications would be dismissed unless completed within twenty days. It appearing that more than twenty days have expired since such notices were given, and it further appearing that the applications of the persons and corporations herein named have not been completed in the respects mentioned, the Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

ORDER

IT IS ORDERED:

That, each of the application proceedings heretofore commenced by:

<u>NAME</u>	<u>Address</u>	<u>Dec. No.</u>	<u>DATE</u>
Edna Ambrose	Superior, Colo.	30638	6/15/48
Fred Archuleta	Center, "	32325	3/13/49
Thomas Arellano	Box 11, Alamosa, Colo.	30765	6/23/48
W. C. Eaton, Eva & Earl Tackett, d/b/a Artesia Rig Contractors	Box 195, Artesia, "	32923	6/20/49

NAME	ADDRESS	DEC. NO.	DATE
E. G. Aughinbaugh	Ft. Lupton, Colo.	30732	6/25/48
Wayne W. Barber	Rt. 1, Box 254, Keenesburg	30307	4/27/48
Carl R. Bauer	Amherst, Colo.	27577	2/15/47
Frank Beattie	Stratton, "	29872	2/9/48
Leo Black	Blanding, Utah	31443	10/30/48
Eugene E. Blickenstaff, d/b/a Blick's Transfer	Blanding, Utah	31443	10/30/48
Edgar E. Colburn	Drake, Colo.	30217	4/9/48
M. T. Compton	Naturita, "	31443	10/30/48
Neal Eddy	Mancos, "	31443	10/30/48
Silviano Garcia	Center, "	25213	12/1/45
Victor F. Garcia	Box 14, Antonito, Colo.	32326	3/18/49
H. K. Good	Rt. 1, Ft. Morgan, "	30464	5/11/48
Claude Gore	350 Vigil Ave., Las Animas	29697	1/8/48
Leontino Gurule	Center, Colo.	30772	6/29/48
Joseph C. Hastings	Box 284, Cortez, Colo.	28140	5/2/47
Axel A. Hasto	Rt. 3, Box 109, Delta, Colo.	29018	9/18/47
Scott Henline	Box 233, Trinidad, "	30756	6/23/48
Clyde Hessler	Box 2754, Lakewood, "	30261	4/16/48
Marvin R. Ihle	507 E. Chester, Lafayette, "	32492	4/29/49
Clarence Johnson	Bluff, Utah	31604	12/1/48
Vernon Johnson	1074 W. Dartmouth, Littleton	30559	5/29/48
S. D. King & Son	Box 102, Rangely, Colo.	30918	7/30/48
Bert F. LaCombe	San Luis, Colo.	29046	9/22/47
Marshall Trucking Co.	Box 629, Chadron, Nebr.	29578	12/13/47
Sterling P. Martin	Rt. 2, Mancos, Colo.	31732	12/23/48
Zupita Martinez	Box 11, Alamosa, "	30766	6/28/48
David McCoy	Ridgway, "	27738	3/3/47
W. C. McDonough	Stockyards Station, Denver	31092	8/24/48
Evelyn McMillan	Box 542, Cortez, Colo.	31092	8/24/48
Everett Milan & James Strader	Box 181, Naturita, "	31094	8/25/48
Gilbert Mosher	102 Cameron, Brush, "	24581	6/9/45
Marcos Ortega, Jr.	608 N. 13th St., Rocky Ford	29645	1/3/48
Walter A. Padgett	Kit Carson, Colo.	29722	1/13/48
Clyde Peterson	Delta, "	22325	5/22/48
W. Peterson & Co.	437 - 15th St., Greeley	31557	11/22/48
Wm. Reese	Wages Route, Holyoke, Colo.	29441	12/1/47
George Sandlin	Rt. 2, Brighton, Colo.	30422	5/7/48
Garland H. Sams	1533 N. 16th, Grand Jct.	31092	8/24/48
John Seib	Rt. 9, Box 305, Denver	31067	8/21/48
Richard Shaklee & Walter I. Shaklee, Jr.	Rt. 2, Ft. Lupton, Colo.	27285	1/7/47
Leman W. Shaufler	Rt. 2, Box 113, Pueblo	26191	6/25/46
Jesse Glen Shumway	Blanding, Utah	31479	11/8/48
A. R. Sprague	745 Vivian St., Longmont	23920	9/2/47
Jose Trujillo	Craig, Colo.	28135	5/19/47
Bernard Vahling	Box 384, Arwada, Colo.	32239	3/4/49
Ben Velarde	Box 251, Alamosa, "	30771	6/29/48
Lloyd P. Wall	1520 High St., Littleton	31069	3/21/48
Westminster Laundry, Inc.	1833 Welton St., Denver	33006	7/1/49
Leonard S. Willden	Blanding, Utah	31335	9/30/48
Dorsey A. Witt	2907 N. 9th St., Albuquerque	31092	8/24/48
Chester Wright	Naturita, Colo.	31311	9/24/48
Dick & Marilee Wright	Naturita, Colo.	31311	9/24/48

to obtain a permit authorizing said corporations and persons to operate over the highways of this state as private carriers for hire by motor vehicle, be and the same hereby are dismissed.

That this order shall become effective on the 23th day of October,

1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Holman
John R. Burry
Joseph C. Hensley
Commissioners

hn

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE REDUCED RATES ON PETROLEUM }
AND PETROLEUM PRODUCTS IN TANK }
TRUCKS BY MOTOR VEHICLE }

CASE NO. 1585

October 18, 1949.

S T A T E M E N T

By the Commission:

The Colorado Motor Carriers' Association, as Agent, for and on behalf of carriers parties to its tariff, Colorado P.U.C. No. 8, jointly with Arthur N. Barlow, doing business as Barlow's Service, and R. B. Wilson, petitioned the Commission that they be permitted to publish the reduced rates shown in Exhibit "A" attached to the application and by reference made a part thereof.

Exhibit "A" shows the following proposed rates:

Rates in cents per gallon on Petroleum and Petroleum Products from Denver, Colorado, to:

Station	Rate	Station	Rate
Agate	.627	El Moro	1.353
Akron	.891	Englewood	.363
Amherst	1.287	Erie	.429
Arapahoe	1.254	Evans	.561
Arriba	.858	Fleming	1.056
Arvada	.396	Florence	.891
Atwood	.924	Ft. Collins	.627
Ault	.627	Ft. Lupton	.462
Ayer	1.353	Ft. Morgan	.693
Barnesville	.627	Frederick	.462
Bennett	.462	Galeton	.627
Berthoud	.528	Genoa	.792
Bethune	1.089	Gilcrest	.528
Boulder	.495	Gill	.627
Bovina	.825	Glover	.660
Boycro	.924	Golden	.396
Branson	1.683	Goodrich	.693
Briggsdale	.726	Greeley	.561
Brighton	.429	Haxtum	1.089
Broomfield	.429	Henderson	.396
Brush	.759	Hereford	.957
Burlington	1.122	Hillrose	.792
Byers	.528	Hoehnes	1.353
Camp Carson	.660	Holyoke	1.188
Canon City	.891	Hudson	.528
CastleRock	.462	Hugo	.825
Cheyenne Wells	1.183	Hygiene	.528
Colorado Springs	.660	Iliff	.957
Crook	1.089	Johnstown	.561
Dailey	1.089	Julesburg	1.254
Deertrail	.561	Keenesburg	.528
Dorsey	1.122	Kersey	.627
East Lake	.396	Kit Carson	1.056
Eaton	.594	Lafayette	.429
Eckley	1.089	Laird	1.148

Station	Rate	Station	Rate
La Salle	.561	Pueblo	.858
Limon	.726	Ramah	.858
Littleton	.363	Red Lion	1.089
Longmont	.495	Roberts Spur (Ted's)	.660
Loveland	.561	Roggen	.561
Lyons	.561	Sedalia	.429
Lucerne	.594	Sedgwick	1.122
Matheson	.825	Seibert	.957
Mead	.495	Simla	.858
Merino	.858	Snyder	.792
Milliken	.561	Sterling	.924
Minnequa	.858	Strasburg	.495
Nunn	.660	Stratton	1.056
Orchard	.693	Thatcher	1.353
Otis	.957	Trinidad	1.353
Ovid	1.188	Vona	.957
Padroni	.990	Walsenburg	1.122
Paoli	1.122	Watkins	.429
Peckham	.528	Welby	.363
Poetz	1.056	Weldona	.693
Pierce	.627	Wellington	.693
Pikeview	.660	Wiggins	.627
Platner	.924	Wild Horse	.957
Platteville	.495	Willard	.957
Portland	.891	Wray	1.188
Proctor	1.023	Yuma	1.023

Petitioners based this application on the following facts:

"The railroads operating intrastate between points in Colorado published certain reduced rates in Supplement No. 90 to Western States Tariff No. 12, Colo. P.U.C. No. 37, and Supplements No. 72 and 73 to Chicago, Burlington & Quincy Railroad Company, G.F.O. No. 10799-Q, Colo. P.U.C. No. 666, to become effective on June 10, 1949.

"Upon protest of interested motor carriers, the Public Utilities Commission suspended the proposed reduced rates in Investigation and Suspension Docket No. 292, and assigned the matter for public hearing on June 29, 1949, in the Commission's hearing room, Denver.

"The Public Utilities Commission has now issued its decision in I & S Docket No. 292 advising that the reduced rates have been justified and ordering that they become effective October 7, 1949.

"This places the motor carriers in the untenable position of maintaining rates higher than those applicable via other means of transportation from and to the same points."

Comparing the present motor carrier rates with those proposed in the instant application at various points, particularly along the Colorado Common Points, we find the following proposed reduction in motor carrier rates.

	Miles from Denver	Rates In cents per gallon		Percent Decrease
		Present	Proposed	
Ft. Collins	66	.69	.627	9.13
Longmont	34	.54	.495	8.33
Loveland	53	.62	.561	9.51
Colorado Springs	71	.71	.660	7.04
Pueblo	115	.92	.858	6.74
Trinidad	204	1.41	1.353	4.04
Walsenburg	166	1.16	1.122	3.28
Sterling	125	.96	.924	3.75

The average decrease over the present rates at Ft. Collins, Longmont, Loveland and Colorado Springs is approximately 8.5%; at Pueblo and Sterling 5.2%; Walsenburg 3.28% and Trinidad 4.04%.

The average decrease considering all points shown above, and which we consider fairly representative is approximately 6.03%. This is further borne out in Decision No. 33553 (I & S Docket No. 292) Exhibit No. 6, introduced by Mr. Eno, traffic manager of R. B. Wilson Truck Line, same being a statement showing the present and proposed rail rates (October 6, 1949) and amount of reduction from Denver and Dupont to 44 points of destination on the A.T. & S.F., 83 points of destination on the C.B. & Q., 23 points of destination on the C. & S., 17 points of destination on the D. & R.G.W., and 145 points of destination on the Union Pacific. A compilation of all of the rates shown in the Exhibit No. 6 resulted in reductions of approximately 16 percent. Mr. Eno also testified that when the rail carriers increased their rates in June 1948 under Ex Parte 166, their rates were 10 percent over the truck rates. So that by deduction, we now find the motor rates 6%, approximately, over the rail rates.

The motor carriers have stated that if they are to obtain their fair share of this business their rates must meet the rates of other forms of transportation, and since the freight rate is an important factor as to the mode of transportation, we believe that under the circumstances the application of the Colorado Motor Carriers' Association, for and on behalf of carriers parties to its Tariff No. 7, Colo. P.U.C. No. 8, jointly with Arthur N. Barlow, doing business as Barlow's Service, and R. B. Wilson, should be approved.

FINDINGS

THE COMMISSION FINDS:

That, the application of the Colorado Motor Carriers' Association, for and on behalf of carriers parties to its Tariff No. 7, Colo. P.U.C. No. 8, jointly with Arthur N. Barlow, doing business as Barlow's Service, and R. B. Wilson, to publish rates in cents per gallon on Petroleum and Petroleum Products from Denver, Colorado to Stations hereinbefore set forth should be authorized.

ORDER

THE COMMISSION ORDERS:

1. That this order shall become effective forthwith;
2. That all motor vehicle common carriers, to the extent they are affected, shall publish new schedules, tariffs and rates reflecting the changes set forth in the Statement; which by reference is made a part hereof;
3. That all private carriers by motor vehicle, to the extent they are affected, shall not henceforth publish, charge or collect rates or charges less than those herein prescribed for motor vehicle common carriers, and shall publish new tariffs where necessary to comply with this order;
4. That the rates and provisions prescribed herein shall become effective on the 20th day of October, 1949, on notice to this Commission and the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act, and Section 10, Chapter 120, Session Laws of 1931, as amended;
5. That on and after October 20, 1949, all motor vehicle common carriers, to the extent they are affected, shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than the rates prescribed in said schedules on the traffic involved;
6. That on and after said date, all private carriers by motor vehicle, to the extent they are affected, shall cease and desist from demanding, charging, and collecting rates and charges which shall be less than the rates prescribed in said schedules;
7. That the order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force until the further order of the Commission;

8. That jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Holman
John R. Barry
Joseph C. Hawley
Commissioners

Dated at Denver, Colorado

this 13th day of October, 1949.

hn

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
HENRY E. WEINGARTEN, BOX 99, STOCK-
YARDS STATION, DENVER, COLORADO,
FOR A CLASS "B" PERMIT TO OPERATE
AS A PRIVATE CARRIER BY MOTOR
VEHICLE FOR HIRE.

APPLICATION NO. 10209-PP.

October 18, 1949

Appearances: Marion F. Jones, Esq.,
Denver, Colorado, and
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for Britt
Truck Service, Yockey Truck
Line, Sorenson Truck Service,
and Pioneer Trucking Company;
L. C. Austin, Boulder, Colorado,
for Austin Brothers;
Ed Tuxhorn, Byers, Colorado, for
Byers-Denver Truck Line.

STATEMENT

By the Commission:

Applicant herein seeks authority to operate as a Class "B"
private carrier by motor vehicle for hire, for the transportation of:

Farm produce from farms to markets, and from sales
rings to farms, all within the North Half of Jef-
ferson, all of Boulder and Adams, and the South
Half of Weld Counties, Colorado.

The application was set for hearing for September 13, 1949,
in the Hearing Room of the Commission, Denver, Colorado, where, after
proper notice to all parties in interest, it was called for hearing.

The applicant did not appear at the time set for hearing,
and the protestants joined in a motion to dismiss the application for lack
of prosecution, which motion was taken under advisement.

Under date of September 14, 1949, applicant wrote the Com-
mission that, due to a change of address, he did not receive notice of
hearing in time to appear, and asked for a later setting. By letter of
September 20, 1949, he advised the Commission that he would be willing to
exclude milk and cream from the commodities which he desired to haul under
the permit applied for.

FINDINGS

THE COMMISSION FINDS:

That the motion of protestants should be denied, and the application reset for later hearing.


ORDER

THE COMMISSION ORDERS:

That the motion of protestants be, and it hereby is, denied.

That Application No. 10209-PP, of Henry E. Weingarten (whose address now is Box 204, Westminster, Colorado), be reset for hearing at some later date convenient to the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ralph C. Holman
John R. Barry
Wm. C. McCoolley
Commissioners.

Dated at Denver, Colorado,
this 18th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
HUGH B. BROWN, DOING BUSINESS AS
"YAMPA TRUCK LINES," STEAMBOAT
SPRINGS, COLORADO, TO LEASE PERMITS
A-545 AND A-660 TO E. R. PRICE AND
RAY SELLS, JR., DOING BUSINESS AS
"DEPENDABLE FREIGHT LINE, 3434 WAL-
NUT STREET, DENVER, COLORADO

APPLICATION NO. 10212-PP-Lease.

October 18, 1949

Appearances: Marion F. Jones, Esq.,
Denver, Colorado, and
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for
applicants;
Benjamin E. Sweet, Esq., Denver,
Colorado, for Deer Creek
Transportation Company.

STATEMENT

By the Commission:

By the instant application, Hugh B. Brown, doing business as "Yampa Truck Lines," owner of Permits A-545 and A-660, asks authority to lease said permits to E. R. Price and Ray Sells, Jr., doing business as "Dependable Freight Line," the lease to contain an option to purchase.

Said application was set for hearing at Denver, Colorado, for September 21, 1949, and after due notice to all parties in interest was there heard and taken under advisement.

At the hearing, Hugh B. Brown identified the lease contract and option to purchase entered into between himself and E. R. Price and Ray Sells, Jr., on May 24, 1949. Under the terms of said contract and option, Brown proposes to lease the two permits for a period of three years from the date of the approval of the lease by this Commission, and E. R. Price and Ray Sells, Jr., agreed to pay the sum of \$100.00 per month, payable on or before the 15th day of each month, beginning in the month following the effective date of the approval of the contract and option by this Commission, said permits to be operated on the entire responsibility

of the lessees, and lessor not to be liable in any manner on account of any operations carried on under said lease, the lessees agreeing to hold lessor harmless against any claim or liability of any kind or nature whatsoever on account of any operations under said lease. Lessor sells to lessees equipment consisting of one 1945 K-8 International Truck, one 1936 Diamond T Truck, 1½-ton, and one 1941 Trailmobile Semi-trailer, all for the sum of \$4,200.00, payable in cash upon the effective date of the approval of the lease by this Commission, possession of said equipment to be given the lessees at said time, said equipment to be transferred free and clear of any liens, claims, or encumbrances of any kind or nature whatsoever. At the end of the three-year period, lessee shall have the option to purchase said permits.

The files of the Commission show that thirteen claims against the operation had been either filed with the Commission, or the Commission notified of their existence, prior to hearing. Since the date of the hearing, the Commission has received proof of payment of seven of said claims, leaving unpaid the following claims against said operation, to-wit:

Department of Revenue, State of Colorado,	\$429.88
E. B. Evans, Esq.	75.00
Stone Service,	310.64
Ora Brown,	600.00
Brown Agency,	921.00
Internal Revenue Department,	<u>223.00</u>

Total \$2,559.52

Inasmuch as the purchase price of the equipment, to-wit, the sum of \$4,200.00, is to be paid upon the effective date of the approval of the lease, the Commission feels that the above listed claims should be paid in full as a condition precedent to such approval.

Ray Sells, one of the proposed lessees, testified that he had been employed as a driver by the Yampa Truck Line between Denver and Steamboat Springs, and his partner, E. R. Price, expects to act as agent at Denver should the lease be approved, while witness will continue as an operator of one of the trucks. The said parties expect to do business as a co-partnership under the firm name and style of "Dependable Freight Line." Since the date of the hearing, there has been filed with the Commission a balance sheet of

said partnership, of date September 20, 1949, showing total assets of \$12,410.97, which includes their equity in the proposed lease at a sum of \$2,500.00, and equipment of a value of \$4,200.00. From this statement, the partners have sufficient assets in the way of cash on hand, cash in bank, and accounts receivable, to pay the agreed purchase price for the equipment of the lessor, and will be fit, able, and willing to properly perform their duties as lessees.

FINDINGS

THE COMMISSION FINDS:

That the approval of the lease-contract and option to purchase, attached to the application herein and identified at the hearing, would be in the public interest, provided, that the unpaid claims against the operation shall be first paid in full from the purchase price of the equipment, as provided in said contract, and the attorneys for applicants should handle the transfer of the equipment and the collection of the agreed purchase price thereof, pay said unpaid accounts, and furnish this Commission with proof of the payment of the same, as a condition precedent to the lease becoming effective.

ORDER

THE COMMISSION ORDERS:

That the lease-contract and option to purchase, attached to the application herein and identified at the hearing, be, and the same is hereby, approved, subject, only, to the payment of the outstanding claims against said operation, which payment shall be considered as a condition precedent to said lease becoming effective, said unpaid claims and demands being as follows:

Department of Revenue, State of Colorado,	\$429.88
E. B. Evans, Esq.,	75.00
Stone Service,	310.64
Ora Brown,	600.00
Brown Agency,	921.00
Internal Revenue Department,	223.00
Total	\$2,559.52


Further, that said lease shall be and become effective on the day and date that proper proof of payment of said above listed claims is filed with this Commission.

The tariff of rates, rules and regulations of lessor shall become and remain those of lessees until changed according to law and the rules and regulations of this Commission.

The right of lessees to operate under this order shall depend upon the prior filing by lessor of delinquent reports, if any, covering his operations under said permits up to the time of the lease of said permits, and the payment by him or lessees of all unpaid ton-mile tax.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Joseph C. [illegible]
John R. Barry
Joseph C. [illegible]
Commissioners. *J*

Dated at Denver, Colorado,
this 18th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY MARSH, 259 CHEROKEE ST.,)
DENVER 9, COLORADO.)
) PERMIT NO. C-23133.
)
)
)

October 25, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Harry Marsh,.....
requesting that Permit No. C-23133.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-23133....., heretofore issued to.....
Harry Marsh,.....be,
and the same is hereby, declared cancelled effective September 16, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ELDRID WIDUP, ROUTE 3,)
LA JUNTA, COLORADO.)
) PERMIT NO. C-20722.
)
)
)

October 25, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Eldrid Widup,.....
requesting that Permit No. C-20722..... be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-20722....., heretofore issued to.....
Eldrid Widup,..... be,
and the same is hereby, declared cancelled effective September 19, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 25th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DAVID W. HYND, 1005 GRAND ST.,)
DELTA, COLORADO.)
) PERMIT NO. C-17785.
)
)
)

October 25, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
David W. Hynd,.....
requesting that Permit No. C-17785.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-17785....., heretofore issued to.....
David W. Hynd,.....be,
and the same is hereby, declared cancelled effective September 19, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Heston

John R. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 25th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. O. PHILPOTT, SILT, COLORADO)
) PERMIT NO. C-15689
)
)
)

October 25, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
J. O. Philpott,.....
requesting that Permit No. C-15689.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-15689....., heretofore issued to.....
J. O. Philpott,.....be,
and the same is hereby, declared cancelled effective September 19, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Watson

John H. Brown

Joseph W. Smith

Commissioners

Dated at Denver, Colorado,
this 25th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
OPAL E. BURNETT, RIDGEROAD)
ROUTE #3, LITTLETON, COLORADO.)
) PERMIT NO. C-23584
)
)
)

October 25, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from
Opal E. Burnett,
requesting that Permit No. C-23584 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-23584, heretofore issued to
Opal E. Burnett, be,
and the same is hereby, declared cancelled effective August 28, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Raphael C. Horton
John H. ...
Joseph W. ...
Commissioners

Dated at Denver, Colorado,
this 25th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
H. F. SEYSTER, ARVADA, COLORADO)
)
) PERMIT NO. C-15396
)
)

October 25, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
H. F. Seyster,
.....
requesting that Permit No. C-15396..... be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-15396, heretofore issued to H. F. Seyster,
and the same is hereby, declared cancelled effective September 14, 1949.

~~THE PUBLIC UTILITIES COMMISSION~~
~~OF THE STATE OF COLORADO~~

Commissioners

Dated at Denver, Colorado,
this 25th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE RADOSEVICH, SO. RD. BOX 33)
RATON, NEW MEXICO)
)
)
)
)

PERMIT NO. C-13069

October 25, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Joe Radosevich,.....
requesting that Permit No. C-13069.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-13069....., heretofore issued to.....
Joe Radosevich,.....be,
and the same is hereby, declared cancelled effective September 19, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Ralph C. Johnston
John R. Berry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 25th day of Oct., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
TAYLOR SPECIALTY COMPANY, 920)
EAST DALE STREET, COLORADO)
SPRINGS, COLORADO.) PERMIT NO. C-19854
)
)
)
)
-----)

October 25, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
Taylor Specialty Company,-----
requesting that Permit No. C-19854-----be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-19854-----, heretofore issued to-----
Taylor Specialty Company,-----be,
and the same is hereby, declared cancelled effective September 19, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 25th day of Oct., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL E. HESS, 503 SO. 11th,)
ENID, OKLAHOMA) PERMIT NO. C-22121
)
)
)

-- October 25, 1949 --

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Carl E. Hess,.....
requesting that Permit No. C-22121 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22121, heretofore issued to.....
Carl E. Hess,..... be,
and the same is hereby, declared cancelled effective September 19, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Perry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 25th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
WESLEY J. HARLAN, 106 ROOD)
AVENUE, GRAND JUNCTION, COLORADO)
)
)

PERMIT NO. C-22891

October 25, 1949 -----

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
Wesley J. Harlan,-----
requesting that Permit No. C-22891-----be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22891-----, heretofore issued to-----
Wesley J. Harlan,-----be,
and the same is hereby, declared cancelled effective September 15, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 25th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. M. CONWAY, BLANDING, UTAH.) APPLICATION NO. 9634-PP.
-----)

October 25, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
C. M. Conway, requesting that his Class "B" permit, granted in Appli-
cation No. 9634-PP, Decision No. 31448, under date of October 30, 1948,
be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Class "B" permit, granted C. M. Conway, in the above-
numbered application, Decision No. 31448, under date of October 30, 1948,
be, and the same hereby is, declared cancelled, effective September 14, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. ...
John ...
Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RAPID TRANSIT COMPANY, SALINA,)
KANSAS.)
)
)
)

PERMIT NO. A-940-I.

October 25, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from
Rapid Transit Company,
requesting that Permit No. A-940-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. A-940-I, heretofore issued to
Rapid Transit Company, be,
and the same is hereby, declared cancelled effective September 14, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 25th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EDNA AMBROSE, SUPERIOR, COLORADO.) APPLICATION NO. 9337-PP.
-----)

October 25, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Edna Ambrose, requesting that her Class "B" permit, granted in Application No. 9337-PP, under date of June 15, 1948, be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Class "B" permit, granted Edna Ambrose, in the above-numbered application, Decision No. 30638, under date of June 15, 1948, be, and the same hereby is, declared cancelled, effective October 17, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Vinton

John H. Boring

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DALE AND CLYDE PREMIER, DOING)
BUSINESS AS "PREMIER BROS.") PUC NO. 1576.
JOHNSTOWN, COLORADO.)
-----)

October 28, 1949

S T A T E M E N T

By the Commission:

On May 4, 1949, the Commission entered an order authorizing Dale and Clyde Premier, doing business as "Premier Bros." to suspend their operations under their Certificate of Public Convenience and Necessity No. 1576 until October 19, 1949.

The Commission is now in receipt of a communication from the above-named certificate holders, requesting that their certificate be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate of Public Convenience and Necessity No. 1576 should be, and the same hereby is, reinstated as of October 19, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John B. Berry

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. H. DRAGERT COMPANY, INC.,)
P. O. BOX 5092, DALLAS, TEXAS) PERMIT NO. C-23697
)
)
)

October 28, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
C. H. Dragert Company, Inc.,.....
requesting that Permit No. C-23697.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-23697....., heretofore issued to.....
C. H. Dragert Company, Inc.,.....be,
and the same is hereby, declared cancelled effective October 11, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hooten

John R. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DURWOOD PARK, GENERAL DELIVERY,)
COMANCHE, TEXAS.)
)
)
)

PERMIT NO. C-23723.

October 28, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Durwood Park,.....
requesting that Permit No. C-23723.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-23723....., heretofore issued to.....
Durwood Park,.....be,
and the same is hereby, declared cancelled effective October 11, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

.....
.....
.....
Commissioners

Dated at Denver, Colorado,

this 28th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE I. KURACHI, WAYLAND)
COLLEGE, PLAINVIEW, TEXAS) PERMIT NO. C-22390
-----)

October 28, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
George I. Kurachi,.....
requesting that Permit No. C-22390.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-22390....., heretofore issued to.....
George I. Kurachi,.....be,
and the same is hereby, declared cancelled effective September 4, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
AL J. HALL, BONANZA ROUTE, VILLA)
GROVE, COLORADO.)
)
)
)

PERMIT NO. C-10598

October 28, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from
Al J. Hall,
requesting that Permit No. C-10598 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-10598, heretofore issued to
Al J. Hall,
be,
and the same is hereby, declared cancelled effective September 9, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

Charles H. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 28th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES R. HALL, 410 EMERALD)
STREET, KEMMERER, WYOMING) PERMIT NO. B-3923
)
)
)

October 28, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Charles R. Hall,.....
requesting that Permit No. B-3923.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. B-3923....., heretofore issued to.....
Charles R. Hall,.....be,
and the same is hereby, declared cancelled effective September 13, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this.....28th day of....Oct....., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLYDE HESSLER, P. O. BOX 2754,)
LAKEWOOD, COLORADO.) PERMIT NO. B-3823.
)
)
)

October 28, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Clyde Hessler,
.....
requesting that Permit No. B-3823.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. B-3823....., heretofore issued to.....
Clyde Hessler,
.....be,
and the same is hereby, declared cancelled effective October 13, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Berry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 28th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE CAVALIERI, 3935 KALAMATH,)
DENVER 11, COLORADO.) PERMIT NO. B-3696.
)
)
)

October 28, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from
Joe Cavalieri,
requesting that Permit No. B-3696 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. B-3696, heretofore issued to
Joe Cavalieri, be,
and the same is hereby, declared cancelled effective August 5, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John F. Carey
Joseph W. Kelly
Commissioners

Dated at Denver, Colorado,
this 28th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. W. SCHWERDFEGER, P. O. BOX)
212, SYRACUSE, KANSAS.) PERMIT NO. C-3260
)
)
)
-----)

October 28, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
C. W. Schwerdfeger,.....
requesting that Permit No. C-3260 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-3260, heretofore issued to.....
C. W. Schwerdfeger,..... be,
and the same is hereby, declared cancelled effective September 3, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of Oct., 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. W. SCHWERDFEGER, P. O. BOX) PUC-1443-I.
212, SYRACUSE, KANSAS.)
-----)

October 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
C. W. Schwerdfeger, requesting that Certificate of Public Convenience
and Necessity No. 1443-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 1443-I, heretofore issued to C. W.
Schwerdfeger, be, and the same is hereby, declared cancelled effective
September 3, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hinton

John H. Barry

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLIFF HALBROOK, 109 W. 4TH ST.,)
FLORENCE, COLORADO)
)
)
)
)

PERMIT NO. C-1406

October 28, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from-----
Cliff Halbrook,-----
requesting that Permit No. C-1406 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-1406, heretofore issued to-----
Cliff Halbrook,-----be,
and the same is hereby, declared cancelled effective September 20, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 28th day of Oct., 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLIFF HALBROOK, 109 WEST 4th)
STREET, FLORENCE, COLORADO.)
) PERMIT NO. B-2577
)
)
)

October 28, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from.....
Cliff Halbrook,.....
requesting that Permit No. B-2577.....be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. B-2577....., heretofore issued to.....
Cliff Halbrook,.....be,
and the same is hereby, declared cancelled effective September 20, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. D. & ROBERT, & MELVIN CAMP-)
BELL, DOING BUSINESS AS "C. D.) PUC 1908-I.
CAMPBELL & SONS," BOX 445,)
GUYMON, OKLAHOMA.))
-----)

October 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
C. D. & Robert, & Melvin Campbell, doing business as "C. D. Campbell,
& Sons," requesting that Certificate of Public Convenience and Necessity
No. 1908-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 1908-I, heretofore issued to C. D. &
Robert, & Melvin Campbell, doing business as "C. D. Campbell & Sons,"
be, and the same is hereby, declared cancelled effective October 11, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Harold C. Norton

John R. Barry

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST HACKEROTT, DOING)
BUSINESS AS "ATWOOD TRUCK)
LINES," ATWOOD, KANSAS) PERMIT NO. C-5324.
)

October 28, 1949

S T A T E M E N T

By the Commission:

The commission is in receipt of a communication from
Ernest Hackerott, d/b/a Atwood Truck Line,
requesting that Permit No. C-5324 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That permit No. C-5324, heretofore issued to
Ernest Hackerott, d/b/a Atwood Truck Line, be,
and the same is hereby, declared cancelled effective October 9, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of Oct., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST HACKEROTT, DOING BUSINESS)
AS "ATWOOD TRUCK LINE," ATWOOD,) PUC-983-I.
KANSAS.)
-----)

October 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ernest Hackerott, doing business as "Atwood Truck Line," requesting that Certificate of Public Convenience and Necessity No. 983-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 983-I, heretofore issued to Ernest Hackerott, doing business as "Atwood Truck Line," be, and the same is hereby, declared cancelled effective October 9, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1949.

ea

original

(Decision No. 33630)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE COLORADO AND
SOUTHERN RAILWAY COMPANY TO ABANDON
SPUR TRACK SERVING THE RAVENWOOD
MINE NEAR WALSENBURG, HUERFANO
COUNTY, COLORADO.

APPLICATION NO. 10244

At a General Session of the
Public Utilities Commission
of the State of Colorado, held
at its office in Denver, Colo-
rado, on October 21, 1949.

INVESTIGATION AND SUSPENSION DOCKET NO. 302

IT APPEARING, That on September 21, 1949, The Colorado & Southern Railway Company, by J. D. Walker, its Assistant Vice-President and General Manager, filed its petition under the Commission's General Order No. 15, proposing to dismantle and abandon, effective October 22, 1949, the spur track of said Railroad to the Ravenwood Mine near Walsenburg, Huerfano County, Colorado; and

IT FURTHER APPEARING, As stated by petition, that as far as the Railroad could determine, mining operations at said Ravenwood Mine had ceased, and that to its knowledge no further mining operations or shipping was planned on said trackage; and

IT FURTHER APPEARING, That the intention of applicant having become known to parties in interest, viz., The Victor American Fuel Company and The Giordano Coal Company, the Commission has received complaints from said interested parties, stating in effect that they protest the abandonment of said trackage to the Ravenwood Mine; and

IT FURTHER APPEARING, That the effective date of the proposed abandonment of said trackage to the Ravenwood Mine should be suspended, as otherwise the rights and interests of said protestants might be adversely affected; and

IT FURTHER APPEARING, That the instant petition has been assigned Application No. 10244 on the Commission's records, and it now becomes necessary to suspend the effective date of the proposed abandonment of said trackage, and the instant petition assigned Application No. 10244, together with all the records and files therewith, should be transferred on the Commission's Docket to Investigation and Suspension Docket No. 302,

FINDINGS

THE COMMISSION FINDS:

That the instant application should be suspended and a hearing had thereon.

ORDER

THE COMMISSION ORDERS:

That the effective date of the proposed dismantling and abandonment of the spur track of The Colorado & Southern Railway Company to the Ravenwood Mine near Walsenburg, Huerfano County, Colorado, be, and it hereby is, suspended for a period of one hundred and twenty (120) days from October 22, 1949, or until February 19, 1950, unless otherwise ordered.

That the matter of the proposed abandonment of the spur track to the Ravenwood Mine be made a subject of investigation by this Commission within said period of suspension, or within such further time as the same may be lawfully suspended.

That Application No. 10244, originally assigned to the instant proceedings, be, and hereby is, closed, and all records and files in said Application be transferred to Investigation and Suspension Docket No. 302.

That a copy of this Order be filed with Application No. 10244, and with Investigation and Suspension Docket No. 302; and a copy hereof served on J. D. Walker, Assistant Vice-President and General Manager of The Colorado and Southern Railway Company, Mr. John L. Rice, Esq., Attorney for petitioner, both at 615 C. A. Johnson Building, Denver 2, Colorado;

The Victor American Fuel Company, Ernest and Cranmer Building, Denver,
Colorado; and The Giordano Coal Company, 302 West 9th, Walsenburg, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hahn
John R. Barry
Joseph W. Hareley
Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1949.

ea

Original

(Decision No. 33631)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
EARL H. KEITH, DOING BUSINESS AS
"KEITH TRUCK LINE," THATCHER, COLO-
RADO, FOR AUTHORITY TO TRANSFER
PUC NO. 641 TO OLIVER WALKER AND
CHARLES SHEHORN, DOING BUSINESS
AS "WALKER-SHEHORN TRUCK LINE,"
TRINIDAD, COLORADO.

APPLICATION NO. 10272

October 24, 1949

S T A T E M E N T

By the Commission:

By Decision No. 4295, of date May 10, 1932, Walter Davidson, of Delhi, Colorado, was authorized to operate as a common carrier by motor vehicle, subject to certain terms and conditions outlined in said decision, for the transportation of:

Merchandise, freight, and express between La Junta and Trinidad, Colorado, and intermediate points, as well as a general transfer, moving, and cartage business, or "anywhere for hire service" within a radius of fifty miles of the town of Thatcher, Colorado;

and Certificate of Public Convenience and Necessity No. PUC-641 was assigned to said authority.

By mesme conveyances, Earl H. Keith, doing business as "Keith Truck Line", of Thatcher, Colorado, became the owner of said Certificate No. PUC-641, and now seeks authority to transfer same to Oliver Walker and Charles Shehorn, doing business as "Walker-Shehorn Truck Line," 726 West Kansas Avenue, Trinidad, Colorado.

Inasmuch as the files of the Commission and the verified application herein show that said certificate is in good standing; that road tax has been paid; that ton-mile tax deposit is to be refunded to transferor; that there are no outstanding unpaid operating obligations

against said certificate; that transferees, pecuniarily and otherwise, are qualified and able to carry on said operation; and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said certificate, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

FINDINGS

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

ORDER

THE COMMISSION ORDERS:

That Earl H. Keith, doing business as "Keith Truck Line," Thatcher, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to FUC No. 641 -- being the operating rights granted by Decision No. 4295, of date May 10, 1932, to Walter Davidson, and eventually acquired by said Earl H. Keith -- to Oliver Walker and Charles Shehorn, doing business as "Walker-Shehorn Truck Line," Trinidad, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.


That the tariff of rates, rules, and regulations of transferor shall become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

That the right of transferees to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering his operations under said certificate, and the payment by him, or by transferees, of all unpaid ton-mile tax.

That ton-mile tax deposit be refunded to transferor.

That this order shall become effective as of the day and
date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Samuel C. Hahn
John R. Barry
Joseph C. Hawley
Commissioners

DATED at Denver, Colorado,
this 24th day of October, 1949

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF A GENERAL)
INVESTIGATION OF THE RATES)
ON PETROLEUM AND PETROLEUM)
PRODUCTS MOVING INTRASTATE IN)
PLAINS TERRITORY IN COLORADO)
BY RAIL IN TANK CARS AND BY)
TRUCK IN TANK TRUCKS.)

CASE NO. 5007

October 20, 1949.

S T A T E M E N T

By the Commission:

On May 9, 1949, the rail carriers filed in the office of the Commission new schedules setting forth numerous reduced rates and a few increased rates on petroleum and petroleum products in tank cars, in carloads from Denver and Dupont, Colorado, to rail points located in Plains Territory, to become effective June 10, 1949.

Upon protest of the Colorado Motor Carriers' Association, a Colorado corporation, and on our own motion, on June 9, 1949, (Decision No. 32835), we suspended the proposed rates until October 7, 1949, and assigned same for hearing June 29, 1949. On that date, the matter was reassigned for hearing beginning July 11, 1949. This matter was docketed as Investigation and Suspension No. 292.

On October 6, 1949, Decision No. 33553, we found that the suspended rail rates had been justified and an order was entered vacating our suspension order and discontinuing the proceeding.

On October 10, 1949, we received a petition from The Colorado Motor Carriers' Association, as agent, for and on behalf of carriers parties to its Tariff Colo. P.U.C. No. 8, jointly with Arthur N. Barlow, doing business as Barlow's Service and R. B. Wilson, requesting authority to publish the same rates as those published by the rail carriers.

On October 13, 1949, Decision No. 33599, we entered our order prescribing the requested rates to become effective on October 20, 1949, on one day's notice.

On October 19, 1949, we received a petition from G. H. Rehm, chairman of the Colorado Lines Committee, for and on behalf of interested rail carriers, protesting the proposed reduced truck rates and requesting that the schedules containing the reduced rates be suspended pending an investigation as to the lawfulness of said rates.

This petition states in part as follows:

"That this Commission is well informed of the revenue requirements of the rail carriers and need not be repeated herein.

"That information was placed in the record in connection with the hearing in I & S Docket No. 292 showing that in order to produce equal transportation charges, rail versus truck, it is necessary to have rail rates published reflecting at least one-half cent per 100 pounds lower than the truck rates, all of which was given careful consideration by the rail carriers in establishing the rates now in effect and which were before your honorable Commission in I & S Docket 292.

"It is the contention of your petitioner that if the tariff schedules referred to above are allowed to become effective, it will necessitate a downward revision in the rail rates and at the same time jeopardize rates both by rail and by truck. That the traffic can and is permitted to move freely under the existing rate adjustment and that there is no compelling necessity for a reduction in the motor carrier rates such as now scheduled to become effective."

As the Commission stated in Decision No. 33599, supra, prescribing the present motor rates:

"The motor carriers have stated that if they are to obtain their fair share of this business, their rates must meet the rates of other forms of transportation, and since the freight rate is an important factor as to the mode of transportation, we believe that under the circumstances, the application * * * should be approved."

By schedules issued October 20, 1947, to become effective November 25, 1947, the rail carriers proposed ^{new} schedules of rates on petroleum and petroleum products from Cheyenne, Wyoming, Denver, Dupont and La Junta, Colorado, to destinations in Colorado located in what is known as Plains Territory. The 1947 adjustment (generally speaking) was on the basis of the rates prescribed by the Interstate Commerce Commission in Docket No. 23380, reported in 245 I.C.C. 627, plus the Ex Parte 162 series increases.

On December 4, 1947, Decision No. 29465, we prescribed (without a formal hearing) new rates and rules for the transportation of Petroleum and Petroleum Products by motor vehicle common carriers in tank trucks between points located in Plains Territory, to become effective December 29, 1947.

On December 22, 1947, Decision No. 29639, at the request of the motor carriers and the Skelly Oil Company of Kansas City, Missouri, the rates and rules prescribed under Decision No. 29465, supra, were ordered cancelled.

On March 6, 1948, Decision No. 30046, the matter was assigned for hearing on March 22, 1948.

At the hearing beginning March 22, 1948, the motor carriers submitted a proposed scale of rates in cents per gallon which were generally the same as the rail rates without the Ex Parte 166-A increases.

On October 6, 1947, in Ex Parte 166, the Interstate Commerce Commission authorized the rail carriers to put into effect an interim increase on their freight transportation charges amounting to ten (10%) per cent. This increase became effective on interstate traffic October 13, 1947. On November 13, 1947, we authorized the same increase on Colorado intrastate traffic as was authorized by the I.C.C., which became effective November 20, 1947.

On December 29, 1947, under the same docket, the I.C.C. authorized a twenty (20) per cent interim increase in lieu of the ten (10) per cent authorized in October 1947, with an expiration date of June 30, 1948. This increase was made effective on interstate traffic January 5, 1948.

On April 13, 1948, the I.C.C. issued a permanent order authorizing the rail carriers in western territory authority to increase their rates (instead of the freight charges) twenty (20) per cent. This adjustment became effective on interstate traffic May 6, 1948.

On May 28, 1948, Decision No. 30552, we authorized, with some exceptions, the same increases as those authorized by the I.C.C. in its order of April 13, 1948. These increases were made effective on Colorado intrastate traffic June 16, 1948.

On August 14, 1948, we entered our order (Decision No. 31060), based on the March hearing, wherein we prescribed for the motor carriers approximately the same rates as the rail rates prior to the rail increase on June 16, 1948.

Beginning with November 20, 1947, and adding the ten (10) per cent increase to the rail rate (instead of using the actual freight charges) the following are representative differences in the rates of the rail and motor carriers.

November 20, 1947 - From Denver
(Rates in cents per 100 pounds)

<u>To</u>	<u>Motor</u>	<u>Rail</u>
Boulder	6.5	6.60
Greeley	7.0	8.80
Colorado Springs	9.5	9.90
Limon	11.5	10.45
Pueblo	14.5	12.10
Sterling	14.5	13.20
Trinidad	23.0	28.60

November 25, 1947 - From Denver
(Rates in cents per 100 pounds)

<u>To</u>	<u>Motor</u>	<u>Rail</u>
Boulder	6.5	7.7
Greeley	7.0	9.9
Colorado Springs	9.5	11.0
Limon	11.5	12.1
Pueblo	14.5	14.3
Sterling	14.5	15.4
Trinidad	23.0	22.0

June 16, 1948 - From Denver
(Rates in cents per 100 pounds)

<u>To</u>	<u>Motor</u>	<u>Rail</u>
Boulder	6.5	8.5
Greeley	7.0	11.0
Colorado Springs	9.5	12.0
Limon	11.5	13.0
Pueblo	14.5	16.0
Sterling	14.5	17.0
Trinidad	23.0	24.0

September 6, 1948 - From Denver

<u>To</u>	<u>Motor</u>		<u>Rail per</u>
	<u>Per Gal.</u>	<u>100 lbs.</u>	<u>100 lbs.</u>
Boulder	.54	8.18	8.5
Greeley	.62	9.39	11.0
Colorado Springs	.71	10.76	12.0
Limon	.73	11.82	13.0
Pueblo	.92	13.94	16.0
Sterling	.96	14.54	17.0
Trinidad	1.41	21.36	24.0

October 7, 1949 - From Denver

<u>To</u>	<u>Motor</u>		<u>Rail per</u>
	<u>Per Gal.</u>	<u>100 lbs.</u>	<u>100 lbs.</u>
Boulder	.54	8.18	7.5
Greeley	.62	9.39	8.5
Colorado Springs	.71	10.76	10.0
Limon	.78	11.82	11.0
Pueblo	.92	13.94	13.0
Sterling	.96	14.54	14.0
Trinidad	1.41	21.36	20.5

October 20, 1949 - From Denver

<u>To</u>	<u>Motor</u>		<u>Rail per</u>
	<u>Per Gal.</u>	<u>100 lbs.</u>	<u>100 lbs.</u>
Boulder	.495	7.5	7.5
Greeley	.561	8.5	8.5
Colorado Springs	.660	10.0	10.0
Limon	.726	11.0	11.0
Pueblo	.858	13.0	13.0
Sterling	.924	14.0	14.0
Trinidad	1.353	20.5	20.5

It will be noted from the foregoing comparisons that no such relationship as claimed by the rail carriers or the motor carriers has existed. Neither the statement of the rail carriers, i.e., that in order to produce equal transportation charges rail versus truck, it is necessary to have rail rates at least one-half cent per 100 pounds lower than the truck rates, nor the statement of the motor carriers, i.e., that if they are to obtain their fair share of the business their rates must meet the rates of other forms of transportation, is supported by the pre-existing rate structure.


As stated by us in our Decision No. 33553, in I & S Docket No. 292, "There is no reason for the existence of any 'established relationship' on commodities of this type which move in bulk, and this Commission has never created one. Natural advantages of one type of transportation over another, if any exist, must not be denied to the public."

Under the present downward trend of the rail and truck rates and the further indicated trends, we are of the opinion, and so find, that we should enter into an investigation of the reasonableness of the rail and motor rates now in force, for tank cars and tank trucks on petroleum and petroleum products, from Denver, Dupont, and La Junta, Colorado, to points of destination located in the territory described in Case No. 1585 as Plains Territory, and an investigation as to whether there should be or need be any established relationship between rail and motor carrier rates on these products.

O R D E R

The Commission orders that an investigation of the reasonableness of the present rail and motor carrier rates on petroleum and petroleum products in tank cars and in tank trucks from Denver, Dupont and La Junta to points of destination located in the territory described in Case No. 1535 as Plains Territory on intrastate traffic in Colorado, and an investigation as to the advisability or necessity of establishing a relationship between rail and motor carrier rates on such traffic be, and the same is hereby instituted by the Commission on its own motion. It is further ordered that the matter will be assigned for public hearing at some subsequent time upon due notice to all concerned.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Joseph C. Tolson
John R. Barry
Joseph C. Kearney
Commissioners

Dated at Denver, Colorado
this 20th day of October, 1949.

hn

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

At a General Session of The
Public Utilities Commission
of the State of Colorado,
held at its office in Denver,
Colorado, on October 26, 1949.

INVESTIGATION AND SUSPENSION DOCKET NO. 295

IT APPEARING, That on May 27, 1949, The Pure Spring Water Supply Company, by Messrs. Foard and Foard, attorneys at law, filed a new schedule for water service rendered from its system, said schedule to become effective July 1, 1949; and that the Company complied with the Commission's General Order No. 33 in the matter of notifying all its users; and

IT FURTHER APPEARING, That the schedule as filed is an increase of 50 per cent over the existing rate, to all customers on the system except to those customers served on that part of the Company's system known as the Crowley-Ordway Line, said proposed rate for the Crowley-Ordway Line being an increase of 300 per cent over the present rate; and

IT FURTHER APPEARING, That after an examination of the annual reports of The Pure Spring Water Company, as filed with the Commission, the 50% increase in rates was permitted to go into effect for all customers of the water system including those on the Crowley-Ordway Line; and

IT FURTHER APPEARING, That the Commission suspended that portion of the proposed rate applicable to the Crowley-Ordway Line, being the difference between the increase in rates of 50% and an increase of 300% over the existing rate, that the interests of these customers might not be injuriously affected; and

IT FURTHER APPEARING, That the Commission ordered that an examination be made to determine whether or not any differential in rates

between the so-called Crowley-Ordway Line and the other parts of the system is necessary, justifiable or non-discriminatory; and

IT FURTHER APPEARING, That the time allotted for said examination will expire before the Commission can finish said examination, it becomes necessary for a further extension of time within which to complete said examination.

FINDINGS

THE COMMISSION FINDS:

That the examination cannot be completed prior to October 29, 1949, and that the effective date of the proposed rate schedule over and above the 50% already granted to that portion of the Crowley-Ordway Line should be further suspended.

ORDER

THE COMMISSION ORDERS:

That the effective date of the proposed increase of 300% pertaining to the Crowley-Ordway Line shall be, and it hereby is, further suspended, except as to the increase allowed by the Commission in Decision No. 33010 of June 30, 1949, for a period of one hundred and twenty (120) days from October 29, 1949, or until February 26, 1950, unless otherwise ordered.

That a copy of this Order be filed with the application herein and a copy hereof be forthwith served on Messrs. Foard and Foard, attorneys for the Company, Colorado Springs, Colorado; J. A. McClaren, President of the Company, Fowler, Colorado; M. C. Meyers, Chairman of the Protesting Committee, Ordway, Colorado; and Harry E. Mast, Esq., attorney for the Protesting Committee, Ordway, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Anton

John R. Barry

Joseph C. Hawley
Commissioners.

Dated at Denver, Colorado,
this 26th day of October, 1949.
ea

Original

(Decision No. 33634)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
EZRA FARROW, 2430 DEFEW STREET,
EDGEWATER, COLORADO, FOR A CERTIFI-
CATE OF PUBLIC CONVENIENCE AND
NECESSITY.

APPLICATION NO. 10207
ORDER DENYING REHEARING

October 28, 1949

Appearances: Truman A. Stockton, Jr., Esq.,
Denver, Colorado, and
John H. Lewis, Esq., Denver,
Colorado, for applicant;
D. B. Richardson, Lakewood,
Colorado, for D. M. Baker
and William L. Frame, and
Alex Foos;
Robert L. McDougal, Esq.,
Denver, Colorado, for
Denver Maintenance Corporation;
Louis C. Berend, Lakewood,
Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 33473, of date September 27, 1949, the above-named applicant was denied a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of rubbish between points and places in Jefferson and Denver Counties, Colorado.

On October 17, 1949, said applicant, by his attorneys, filed a petition for rehearing.

The Commission has reviewed the evidence adduced at the hearing on said application, and has carefully considered the Petition for Rehearing filed herein, and each and every alleged assignment of

error therein contained, and is of the opinion that said petition should be denied.

FINDINGS

THE COMMISSION FINDS:


That Petition for Rehearing should be denied.

ORDER

THE COMMISSION ORDERS:

That Petition for Rehearing filed on October 17, 1949, in the above-styled matter, should be, and hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph C. Hoken
John R. Barry
Joseph C. Hawley
Commissioners

DATED at Denver, Colorado,
this 28th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PACIFIC LUMBER COMPANY, 1670)
EAST 46TH AVENUE, DENVER,)
COLORADO.)

CASE NO. 48411-R
(Permit No. C-17217)

October 28, 1949

S T A T E M E N T

By the Commission:

On October 5, 1949, the Commission entered an order revoking the above-numbered permit for failure of respondent to file monthly road tax reports for the period August, 1947, through December, 1947; and January, 1949, to August 30, 1949.

We now find, upon examination of the records and files, that respondent made application for an average rate, which was granted through our Enforcement Department, but this was not recorded in our files in time to avoid the revocation of the permit. Therefore, the permit should be reinstated.

F I N D I N G S

After careful consideration of the records and files, the Commission is of the opinion, and finds, that Permit No. C-17217 should be reinstated.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-17217 of the Pacific Lumber Company, 1670 East 46th Avenue, Denver, Colorado, should be, and the same hereby is, reinstated as of October 5, 1949.

DATED at Denver, Colorado,
this 28th day of October, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

James C. Hutton
John R. Barry
Paul W. Hooten
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
A-ONE TRUCK LINE, INC., 19 WEST COLO-
RADO AVENUE, COLORADO SPRINGS, COLO-
RADO, FOR AUTHORITY TO TRANSFER PER-
MIT NO. A-404 TO GEORGE J. JACKSON,
DOING BUSINESS AS "A-ONE TRUCK LINE,"
109 WEST COLORADO AVENUE, COLORADO
SPRINGS, COLORADO.

APPLICATION NO. 10283-PF-Transfer

October 28, 1949

S T A T E M E N T

By the Commission:

On October 28, 1932, Palmer Refrigerator Company was granted authority to operate as a Class "A" private carrier by motor vehicle for hire:

between Denver and Pueblo and intermediate points,
said operating rights being designated "Permit No. A-404."

Pursuant to authority contained in Decision No. 7305, of date March 3, 1936, Palmer Refrigerator Company transfers said Permit No. A-404 to C. A. Johnson, who, subsequently (Decision No. 13398) transferred said permit to Charles E. Everitt, doing business as "A-One Truck Line."

Pursuant to authority contained in Decision No. 18339, of date February 10, 1942, said Charles E. Everitt, doing business as "A-One Truck Line," transferred said operating rights to A-One Truck Line, Inc.

By the instant application, A-One Truck Line, Inc., seeks authority to transfer Permit A-404 to George F. Jackson, doing business as "A-One Truck Line," Colorado Springs, Colorado.

Inasmuch as the files of the Commission and the application herein show that said permit is in good standing; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said permit; that transferee, pecuniarily

and otherwise, is able, willing, and qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

FINDINGS

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to payment of outstanding indebtedness.

ORDER

THE COMMISSION ORDERS:


That A-One Truck Line, Inc., Colorado Springs, Colorado, be, and it hereby is, authorized to transfer all its right, title, and interest in and to Permit No. A-404--being the operating rights acquired by it pursuant to authority contained in Decision No. 18339 -- to George J. Jackson, doing business as "A-One Truck Line," Colorado Springs, Colorado, subject to payment of outstanding indebtedness against said operation, whether secured or unsecured, and provided that transferee shall assume and pay ton-mile tax due and owing from transferor to the Commission on account of operations under said permit, in the amount of \$40.91.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit of transferor shall be credited and transferred to account of transferee.

This order is made a part of the permit authorized to be transferred, and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph C. Hutton
John R. Barry
Joseph C. Hawley
Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1949.

ea

original

(Decision No. 33637)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
HAROLD GRIESE AND HOWARD GRIESE, CO-
PARTNERS, DOING BUSINESS AS "GRIESE
BROTHERS," WOODROW, COLORADO, FOR
AUTHORITY TO TRANSFER PERMIT NO.
B-3773 TO W. G. GILCHRIST, GENOA,
COLORADO.

APPLICATION NO. 10282-PP-Transfer.

October 28, 1949

STATEMENT

By the Commission:

By Decision No. 29428, of date November 28, 1947, Harold Griese and Howard Griese, co-partners, doing business as "Griese Brothers," Woodrow, Colorado, were authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of:

livestock and grain between points in the following described territory surrounding Woodrow, Colorado: Washington-Morgan County Line on the north, Lincoln County Line on the south, Adams and Arapahoe County Lines on the west, and an imaginary line running ten miles east of Colorado Highway No. 71 on the east, and from said area to Akron, Brush, Fort Morgan, Byers, Strasburg, and Denver, with back-haul of coal, new and used building materials, farm supplies and farm equipment from Denver to the above-described territory,

said operating rights being designated "Permit No. B-3773."

On May 4, 1949, by Decision No. 32502, said permit-holders were authorized to suspend operations under said Permit No. B-3773 until October 15, 1949.

On October 4, 1949, Harold Griese and Howard Griese, doing business as "Griese Brothers," filed application with the Commission for authority to transfer Permit No. B-3773 to W. G. Gilchrist, Genoa, Colorado, and said transferee requests that in the event transfer is authorized, transferred operating rights be consolidated with Permit No. B-1701, of which he is the owner.

Inasmuch as the files of the Commission and the application herein show that road tax covering operations under Permit No. B-3773 has been paid; that ton-mile tax deposit is to be refunded to transferors; that there are no outstanding unpaid operating obligations against said permit; that transferee, pecuniarily and otherwise, is able, willing, and qualified to carry on said operation, and it does not appear that any useful purpose would be served by setting said application for formal hearing, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

FINDINGS

THE COMMISSION FINDS:

That Permit No. B-3773 should be reinstated.

That transfer of said operating rights is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-3773 is hereby reinstated.

That Harold Griesse and Howard Griesse, co-partners, doing business as "Griesse Brothers," Woodrow, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to Permit No. B-3773 -- being the operating rights granted by Decision No. 29428 -- to W. G. Gilchrist, Genoa, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That operating rights herein authorized to be transferred shall be consolidated with, become a part of, and be operated under Permit No. B-1701.


That ton-mile tax deposit of transferors shall be refunded to them.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferors of delinquent reports,

if any, covering their operations under said permit up to the time of transfer of said permit, and the payment by them or transferee of all unpaid ton-mile tax.

This order is made a part of the permit authorized to be transferred, and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ray C. Holton
John R. Barry
Joseph W. Hecoley
Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
E. H. TUXHORN AND L. G. OVERLY, CO-
PARTNERS, BYERS, COLORADO, FOR AUTH-
ORITY TO TRANSFER PUC NO. 2030 TO
E. H. TUXHORN, BYERS, COLORADO.

APPLICATION NO. 10281-Transfer.

October 28, 1949

STATEMENT

By the Commission:

By Decision No. 31049, of date August 14, 1948, Theodore H. Armmecht, doing business as "Airline Express," Idalia, Colorado, was authorized to transfer, and thereafter did transfer to E. H. Tuxhorn and L. G. Overly, Byers, Colorado:

authority to serve that part of the territory which he is authorized to serve under PUC No. 847 which lies between a point ten miles east of Byers, Colorado, and Last Chance, Colorado, provided that said transferees shall not, directly or indirectly, combine their operations or service under the authority to be acquired from Armmecht with operations under PUC No. 272 and Private Carrier Permit No. B-2655,

said operating rights so transferred being designated "PUC No. 2030."

By the instant application, said partnership requests authority to transfer said PUC No. 2030 to E. H. Tuxhorn, said L. G. Overly being desirous of withdrawing from said partnership.

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said certificate; that transferee, pecuniarily and otherwise, is able, willing, and qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being

no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said application, forthwith, without formal notice, upon the records and files herein.

FINDINGS

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

ORDER

THE COMMISSION ORDERS:

That L. G. Overly be, and he hereby is, authorized to withdraw from partnership of E. H. Tuxhorn and L. G. Overly in ownership of PUC No. 2030, and said E. H. Tuxhorn and L. G. Overly, Byers, Colorado, should be, and hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 2030 — being the operating rights acquired by said partnership pursuant to authority contained in Decision No. 31049 — to E. H. Tuxhorn, Byers, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The tariff of rates, rules and regulations of transferors shall become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering their operations under said certificate up to the time of the transfer of said certificate, and the payment by them or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit of transferors shall be transferred and credited to account of transferee.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank C. Holbert
John R. Barry
John C. Newby
Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
ROBERT M. ANGEL, 4959 BROADWAY,
DENVER, COLORADO, FOR AUTHORITY TO
TRANSFER PERMIT NO. B-3752 TO
CHARLEY F. ADAMS, 320 SWOPE STREET,
COLORADO SPRINGS, COLORADO.

APPLICATION NO. 10280-PP-Transfer.

October 28, 1949

STATEMENT

By the Commission:

By Decision No. 29348, of date November 10, 1947, Robert M. Angel, Denver, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, to Public Service Company Plant at Valmont (near Boulder, Colorado), to Great Western Sugar Factory Plants at Longmont, Loveland, Greeley, Brighton, Fort Lupton, and Johnstown, Colorado, and to Rocky Mountain Arsenal, located northeast of Denver, Colorado,

said operating rights being designated "Permit No. B-3752."

By the instant application, said permit-holder seeks authority to transfer Permit No. B-3752 to Charley F. Adams, Colorado Springs, Colorado.

Inasmuch as the files of the Commission and the application herein show that said permit is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said permit; that transferee, pecuniarily and otherwise, is able, willing, and qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one,

insofar as the files disclose, who would desire to be heard in opposition to transfer of said permit, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

FINDINGS

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

ORDER

THE COMMISSION ORDERS:


That Robert M. Angel, Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-3752 — being the operating rights granted by Decision No. 29348 -- to Charley F. Adams, Colorado Springs, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit of transferor shall be transferred and credited to account of transferee.

This order is made a part of the permit authorized to be transferred, and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Frederic C. Hutton
John R. Barry
Joseph W. Hewley
Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HERSHEL BROOKS AND EARL SHEPHERD,)
CO-PARTNERS, DOING BUSINESS AS)
"INTERCITY TRUCK LINE," WINDSOR,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 692 TO ED SCHLITT AND)
WILMA SCHLITT, CO-PARTNERS, DOING)
BUSINESS AS "INTERCITY TRUCK LINE,")
WINDSOR, COLORADO.)

APPLICATION NO. 10279
TRANSFER

October 28, 1949

S T A T E M E N T

By the Commission:

By Decision No. 5169, Elizabeth Morrison, doing business as
"Inter-City Truck Line," was authorized to operate as a common carrier
by motor vehicle for hire for the transportation of:

Freight between the City of Denver and the
Town of Windsor and Severence, Colorado,
but not to or from intermediate points,

said operating rights being designated "PUC No. 692."

By Decision No. 6542, of date July 6, 1935, said authority
was extended to include the right to transport:

Freight between Greeley, Bracewell, Farmers'
Spur, Windsor, Johnstown, and Severence,

and on July 28, 1936, by Decision No. 8170, said operating rights were
further extended to include the right to transport:

All commodities (no express) from Denver to
Timnath and Wellington, via Windsor (with no
intermediate service between Denver and
Greeley), only intermediate service between
Windsor and Wellington; between Loveland,
Greeley, Windsor, Timnath and Wellington;
from Wellington, Timnath and Windsor to
Greeley, Fort Collins, Loveland and Denver
(no intermediate service between Denver and
Greeley on U. S. Highway No. 85); and from
Fort Collins to Windsor, Timnath, Wellington

and Greeley (without authority to transport freight from Fort Collins to Loveland or Denver or any intermediate points on U. S. Highway No. 285, and no authority to transport freight from Greeley to Denver, Colorado.

By authority of the Commission (Decision No. 11135), said certificate of public convenience and necessity was transferred to Raymond Jackson and Fern Jackson, co-partners, Windsor, Colorado, doing business as "Inter-City Truck Line."

On March 20, 1944, by Decision No. 22067, said operating rights were further extended to include the right to transport:

Freight, on schedule, to and from the U. S. Army Internment Camp, located on U. S. Highway No. 34, approximately eight miles west of Greeley, from and to points presently authorized to be served.

Pursuant to authority contained in Decision No. 25868, Joe Seery, doing business as "Inter-City Truck Line," Severence, Colorado, acquired said PUC No. 692.

Pursuant to authority contained in Decision No. 27598, of date February 17, 1947, said Joe Seery transferred PUC No. 692 to Hershel Brooks and Earl Shepherd, co-partners, doing business as "Inter-City Truck Line," Windsor, Colorado, who, by the instant application, seek authority to transfer said PUC No. 692 to Ed Schlitt and Wilma Schlitt, co-partners, doing business as "Inter-City Truck Line," Windsor, Colorado.

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that ton-mile tax deposit is to be transferred to account of transferees; that there are no outstanding unpaid operating obligations against said certificate; that transferees, pecuniarily and otherwise, are qualified, able, and willing to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Hershel Brooks and Earl Shepherd, co-partners, doing business as "Inter-City Truck Line," Windsor, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 692 -- being the operating rights granted by Decisions Nos. 5169, 6542, 8170, and 22067 -- to Ed Schlitt and Wilma Schlitt, co-partners, doing business as "Inter-City Truck Line," Windsor, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and provided, that transferees shall assume and pay ton-mile tax due and owing from transferors to the Commission on account of operations under said certificate, in the amount of \$9.83.00.

That the tariff of rates, rules, and regulations of transferors shall become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

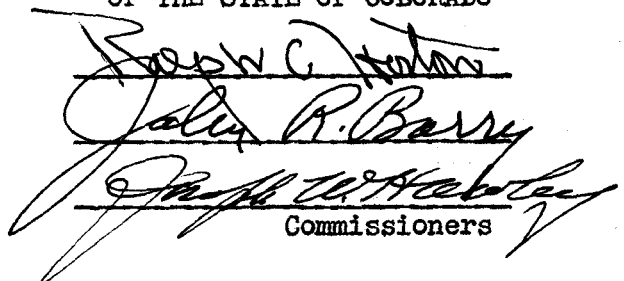
That the right of transferees to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering their operations under said certificate, and the payment by them, or by transferees, of all unpaid ton-mile tax.

That ton-mile tax deposit of transferors shall be transferred and credited to account of transferees.

This order shall become effective as of the day and date hereof.

DATED at Denver, Colorado,
this 28th day of October, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

(Decision No. 33641)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
O. J. LEPEL, 3620 WEST COLORADO,)
COLORADO SPRINGS, COLORADO.)

PUC NO. 167

October 28, 1949

S T A T E M E N T

By the Commission:

By Decision No. 1720, of date April 21, 1928, O. J. Lepel, Colorado Springs, Colorado, was granted a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, said decision carrying, among others, the following restriction:

"That the certificate herein granted shall not be transferable, and shall be revoked and cancelled when the applicant herein ceases to operate under the certificate granted,"

said operating rights being designated "PUC No. 167."

Due to restrictions imposed by The Office of Defense Transportation, operations under said PUC No. 167 were suspended after the year 1942, and in 1943, certificate-holder requested refund of road-tax deposit, which was thereafter refunded to him.

Operations have never been resumed by said O. J. Lepel under said PUC No. 167, and it now appears that said operating rights should be formally cancelled and revoked.

F I N D I N G S

THE COMMISSION FINDS:

That PUC No. 167 should be cancelled and revoked.

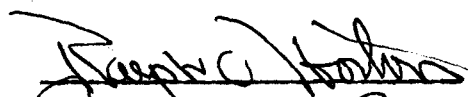
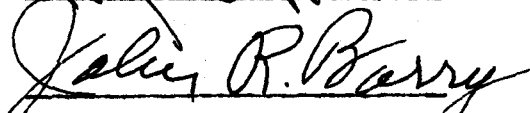

O R D E R

THE COMMISSION ORDERS:

That PUC No. 167, granted to O. J. Repel by Decision No. 1720, under date of April 21, 1928, should be, and the same hereby is, cancelled and revoked.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

DATED at Denver, Colorado,
this 28th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY FOR PERMISSION TO
CLOSE STATION AT MONUMENT, EL PASO
COUNTY, COLORADO, AS AN AGENCY
STATION.

APPLICATION NO. 10255.

At a General Session of The
Public Utilities Commission
of the State of Colorado,
held at its office in Denver,
Colorado, on October 28, 1949.

INVESTIGATION AND SUSPENSION DOCKET NO. 303

IT APPEARING, That on September 30, 1949, The Atchison, Topeka and Santa Fe Railway Company, by Grant, Shafroth and Toll, its attorneys, filed a petition under this Commission's General Order No. 34, proposing to close, as an agency station, its present station at Monument, El Paso County, Colorado, and to discontinue any agency and the maintenance of customary station and agency services at that point effective November 1, 1949; and

IT FURTHER APPEARING, As stated by petition, that the public convenience and necessity no longer require the operation of said station and the revenue received from the operation of the station is inadequate to take care of the actual cost and cash outlay required in the maintenance of said station; and that the total revenues at said station for the period of five years and eight months from January 1, 1944 to August 31, 1949, were \$9,483.89, whereas the expense to the Railway Company for the operation and maintenance of said station and agency during the same period was \$32,231.88, and during the first eight months of 1949, no freight whatever was forwarded from this station and the freight received during this period consisted of two carloads of construction materials and one carload of feed and 1,392 pounds of less-than-carload freight; and passenger ticket sales

during this period totaled \$7.00, and there is no indication of a future increase of business at this point; and

IT FURTHER APPEARING, That if the Monument station is closed as an agency station, the Railway Company proposes to bill outgoing freight shipments at either of the nearest stations which are Palmer Lake, situated 3.7 miles north, and Colorado Springs, situated 19.3 miles south, and that if the proposed closing of the station is permitted, incoming freight shipments may thereafter be sent with freight prepaid as to any non-agency prepay station; and

IT FURTHER APPEARING, That the intention of applicant having become known to parties in interest, the Commission has received complaints from said interested parties, stating, in effect, that they protest the closing of said agency station at Monument, Colorado; and

IT FURTHER APPEARING, That the effective date of the proposed closing of said station should be suspended, as otherwise the rights and interests of said protestants might be adversely affected; and

IT FURTHER APPEARING, That the instant petition has been assigned Application No. 10255 on the Commission's records and it now becomes necessary to suspend the effective date of the proposed closing of said station, and the instant petition assigned Application No. 10255, together with all the records and files therewith should be transferred on the Commission's Docket to Investigation and Suspension Docket No. 303.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be suspended and a hearing had therein.

O R D E R

THE COMMISSION ORDERS:

That the effective date of the proposed closing of The Atchison, Topeka and Santa Fe Railway Company's station at Monument, El Paso County, Colorado, as an agency station, be, and it hereby is, suspended for a

period of one hundred and twenty (120) days from November 1, 1949, or until March 1, 1950, unless otherwise ordered.

That the matter of the proposed closing of the station at Monument, Colorado, be made a subject of investigation by this Commission within said period of suspension, or within such further time as the same may be lawfully suspended.

That Application No. 10255, originally assigned to the proceedings be, and it hereby is, closed, and all files and records in said Application be transferred to Investigation and Suspension Docket No. 303.

That a copy of this Order be filed with Application No. 10255, and with Investigation and Suspension Docket No. 303, and a copy hereof be served on Grant, Shafroth and Toll, Esqs., 730 Equitable Building, Denver 2, Colorado, attorneys for The Atchison, Topeka and Santa Fe Railway Company; R. H. Kuhlmann, c/o Kuhlmann Cash Grocery, Monument, Colorado; and Anne R. Webb, Beaver Creek Stock Ranch, Monument, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Holton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1949.

ea

original

(Decision No. 33643)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
PHYL MAGEE (FORMERLY PHILLIPPA)
OLIVER MENAFEE), IDAHO SPRINGS,)
COLORADO, FOR AUTHORITY TO MORTGAGE)
OPERATING RIGHTS TO JOSEPH CAUNZA)
AND STELLA CAUNZA, IDAHO SPRINGS,)
COLORADO.)
-----)

PUC NO. 1167.

October 28, 1949

Appearances: B. F. Napheys, Jr., Esq.,
Denver, Colorado, for
applicants.

STATEMENT

By the Commission:

Phyl Magee (formerly Phillippa Oliver Menefee), is the
owner and holder of PUC No. 1167.

She seeks an order authorizing and approving the placing
of an encumbrance on her certificate of public convenience and necessity,
said mortgage being from Phyl Magee and Clyde L. Magee, to Joseph Caunza
and Stella Caunza.

It appears that mortgagors have executed their certain
promissory note, dated September 12, 1949, payable to Joseph Caunza and
Stella Caunza, for the principal sum of Three Thousand Forty Dollars
(\$3,040.00), with interest thereon from the date thereof until paid, at
the rate of six per cent (6%) per annum.

Mortgagors now desire the approval of this Commission of a
pledge of PUC No. 1167, and a further pledge and mortgage upon two auto-
mobiles and a further mortgage upon the interest of mortgagors in and to
certain real estate in Clear Creek County, Colorado.


It appears from said application and the exhibits attached
thereto that no useful purpose would be served by setting said matter for
formal hearing, and that said authority should be granted, and the Com-
mission so finds.

ORDER

THE COMMISSION ORDERS:

That Phyl Magee (formerly Phillippa Oliver Menefee), Idaho Springs, Colorado, be, and she hereby is, authorized to mortgage her operating rights under PUC No. 1167 to Joseph Caunza and Stella Caunza, Idaho Springs, Colorado, to secure payment of the sum of Three Thousand Forty Dollars (\$3,040.00), and interest, as provided in the promissory note and Indenture of Mortgage, copy of which has been filed herein and attached to the application as exhibits.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Ralph C. Johnston
John R. Barry
Joseph L. Hawley
Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1949.

ea

original

(Decision No. 33644)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
CHARLES D. CONRADO, DOING BUSINESS
AS "BROOKSIDE COAL COMPANY," 116
WEST FRONT STREET, FLORENCE, COLO-
RADO, FOR A CLASS "B" PERMIT TO OP-
ERATE AS A PRIVATE CARRIER BY MOTOR
VEHICLE FOR HIRE.

APPLICATION NO. 10216-PP
SUPPLEMENTAL ORDER

October 28, 1949

STATEMENT

By the Commission:

On October 11, 1949, by Decision No. 33580, the Commission dismissed the above-styled application.

It now appears that the Commission was in error, and that said application should not have been dismissed.

It therefore now appears that Application No. 10216-PP should be reinstated and reset for hearing, with notice to all parties in interest, at some future date convenient to the Commission.

FINDINGS

THE COMMISSION FINDS:

That the above-styled application should be reinstated and set for hearing.

ORDER

THE COMMISSION ORDERS:

That Application No. 10216-PP should be, and the same hereby is, reinstated, said application to be set for formal hearing at some future date convenient to the Commission.

This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank C. Hahn
John R. Barry
Joseph W. Hendley
Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JOHN M. MOORE, 1613 MOUNTAIN VIEW)	
LANE, FORT COLLINS, COLORADO, FOR)	APPLICATION NO. 10002-PP
A CLASS "B" PERMIT TO OPERATE AS A)	
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	

October 29, 1949

Appearances: John M. Moore, Fort Collins,
Colorado, pro se;
T. A. Stockton, Jr., Esq.,
Denver, Colorado, for
Denver-Laramie Express.

S T A T E M E N T

By the Commission:

By the instant application, John M. Moore, Fort Collins, Colorado, seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of merchandise or supplies used by or dealt in by wholesale and/or retail department stores, for Gamble-Skogmo, Inc., only, over any and all highways or roads within a thirty-mile radius of Fort Collins, Colorado.

Said application was originally set for hearing June 8, 1949, at the Court House in Fort Collins, Colorado, where applicant failed to appear, either in person or by counsel.

The Commission, on June 11, 1949, received a communication from applicant as follows:

"This is to advise you that I was out of town on business on June 8th, 1949, at which time I was supposed to appear at the Larimer County Court House in regard to my claim No. 10,002-PP for a PUC license."

On June 16, 1949, the Commission, by Decision No. 32871, ordered that Application No. 10002-PP be reset for hearing at some future date to be determined by the Commission.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on October 4, 1949, at ten o'clock A. M., and at the conclusion of the hearing the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant has a net worth of approximately \$25,000.00, and presently owns a 1947 Dodge 3/4-ton truck, equipped with a stake bed.

Applicant stated he is manager of Gamble-Skogmo-Inc., at Fort Collins, Colorado; that he desires to haul merchandise from this store to points within a thirty-mile radius of Fort Collins; that he particularly needs service for delivery of roofing and insulation, as well as merchandise and supplies sold and used by this store. He stated he would be willing to restrict his authority to the use of one truck, of capacity not to exceed one and one-half tons, and will limit his service to the one store, and does not object to the further condition that permit will not be transferable.

All objections were withdrawn by protestants if the authority is limited to the evidence as submitted by applicant.

It therefore appears that the granting of the instant application will not impair the efficiency of service of existing common carriers now authorized to render this service.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted, as hereinafter limited.

O R D E R

THE COMMISSION ORDERS:

That John M. Moore, Fort Collins, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of merchandise or supplies used in or dealt in by wholesale and/or retail department stores, for Gamble-Skogmo, Inc., only, located in Fort Collins, Colorado, from point to point within a radius of thirty miles of Fort Collins, Colorado, provided, however, that applicant shall be limited to the use of one truck, with capacity not to exceed one and one-half tons, and that said permit will not be transferable.

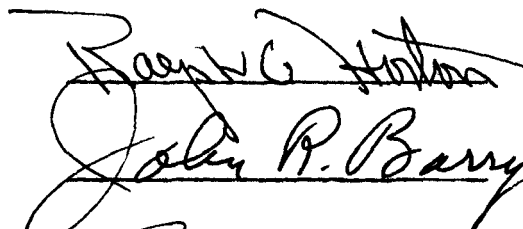
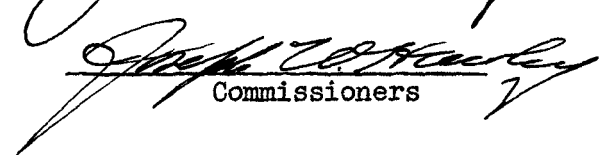
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


John P. Barry

Commissioners

DATED at Denver, Colorado,
this 29th day of October, 1949.

OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE FAILURE OF VARIOUS
CORPORATIONS AND PERSONS TO COMPLETE
APPLICATIONS FOR PERMITS TO OPERATE AS
COMMERCIAL CARRIERS OVER THE HIGHWAYS
OF THE STATE OF COLORADO.

Decision No. 33646

November 1, 1949

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of said Rules and Regulations.

(d) Failure to obtain and to keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the requirements hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

ORDERIT IS ORDERED

That each of the application proceedings heretofore commenced by:

Enerco Aguilera
L E Anderson
Ray R Ashley
Leslie Bailey
Glen Banguler
E L Barnes
Frank H Barum
Ronald A Baswell
Chas Bebout
W R Beck

San Antonio, Texas
Gunnison, Colorado
4200 Ft Worth Ave., Dallas, Texas
203 N Fairmont Amarillo, Texas
Salt Lake, Utah
Lyons, Kansas
Corpus Christi, Texas
Falfurrias, Texas
Rt 1, Box 348, Amarillo, Texas
Logan, Okla

Harry Becker
 W L Beeler
 J B Berndsen & H J Schoenborn
 W W Birens
 W W Bivins
 Black Hills Mdse
 K M Blakeslee
 K J Bluemer
 F L Bohanan
 Arnold D Boyd
 Jimmie G Breal
 Billie J Brooks
 Charles Broocks
 Brooks & Hennigan
 C C Brown
 J S Brown
 R Brown
 Glen Broyles & Albert Martin
 Burd Produce
 Don Burkdaal
 David C Burns
 J A Bustum
 Hobert Byars
 D Cloe Campbell
 Charles R Care
 Barney H Carver
 Ramon Casteneda
 Miguel Castro
 J V Caulette
 Bob Shaves Quality Market
 Chicago Trailer Mart
 Tom Chilton
 James Christian
 Dennis M Claiborne
 A L Clark
 V H Clark
 C L Cocchiari
 E H Cole
 Grady Conner
 Alfred Cort
 L B Covington & N B Ivery
 Paul B Cox
 B H Craven
 A E Crawford
 O S Croslin
 W W Cunningham
 Darby Bros
 C H Davis
 J A Davis
 M Davis
 Woodrow Dehart
 Abarrotera Del Norte
 Jim Devines
 Pat Dingman
 Dowell, Inc
 Ray Doyle
 W Drummond
 D R Duke
 J H Dunlap
 R A Durren

St Louis Mo
 Phoenix Arizona
 331 S Colorado, Colorado Springs, Colo
 2300 Perry, Ft Worth, Texas
 San Antonio, Texas
 Rapid City, So Dak
 Ft Morgan Colorado
 Chicago, Illinois
 Denver, Colorado
 Crowell, Texas
 Omaha, Nebraska
 Pender, Nebraska
 Artesia, New Mexico
 Brownsville, Texas
 San Angelo, Texas
 Ponca City, Okla
 Littlefield, Texas
 1703 Southwest Blvd., Kansas City, Kans
 Casper, Wyoming
 El Central, California
 Brownwood, Texas
 Taos, New Mexico
 Plainview, Texas
 Wichita, Kansas
 Gallup, New Mexico
 Rt 1, Haselton, Texas
 El Paso, Texas
 San Antonio, Texas
 Dallas Texas
 Albuquerque New Mexico
 Chicago Illinois
 1409 N W 5th Okla City Okla
 Pharr Texas
 Jacksboro Texas
 Alexandria La
 Guthrie Texas
 St Joseph Illinois
 1004 N 2nd Lamesa Texas
 Lawton Okla
 Albany New York
 El Paso Texas
 Rogers Ark
 Edinburg Texas
 San Antonio Tex
 Phoenix Ariz
 McAlester Okla
 Jacksonville Fla
 Roswell New Mex
 Omaha Nebr
 Hereford Texas
 Rt 1 Montgomery Ala
 Ensenada New Mex
 Kansas City Mo
 Tulsa Okla
 Alberta, Canada
 6536 Mingura Ave., Chicago Illinois
 Zanesville Ohio
 Beaumont Texas
 Stratford Colo
 Weatherford Texas

Thomas Eads
 Wm. R. Ellis
 E. J. Elred
 B. T. Erwin
 Julio Escobedo
 Ed Evans
 T. D. Evans
 V. D. Evans
 Charley Farries
 W. J. Farley
 Joe Ferrari
 Arnold Fiegel
 Charles A. Fields
 Files & Walker Motor Co
 Cox F. Finkles
 Flaming Farms
 A. D. Fletcher
 Paul L. Folks
 Errol Foote
 Clifford Fowler
 C. Frasier
 Freight & Fruit
 Wayne H. Frey
 Fulbright & Johnston
 E. B. Gagley
 F. D. Garry
 R. Garza
 Elmer Genett

Saiatook Okla
 Birmingham Ala
 1326 Virginia St Joplin Mo
 Plainview Texas
 Rt 1 Bx 75 Olney Springs Colo
 West Alameda Denver 9 Colo
 Memphis Texas
 706 W. 7th Plainview Texas
 Lawton Okla
 Abilene Texas
 Eaton New Mex
 Oswego Kans
 Midwest Hotel Kansas City Mo
 Lubbock Texas
 Shreveport La
 Fremont Texas
 Borger Texas
 Clinton Okla
 Lubbock Texas
 Corpus Christi Texas
 Clovis New Mex
 Chicago Ill
 Little River Kans
 Los Angeles Calif
 Phoenix Ariz
 504 Stratford Houston Texas
 San Benito Texas
 Calmont Texas

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective on the 1st day of November, 1949.

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

Dated at Denver, Colorado,
 this 1st day of November, 1949

hss

Ralph C. Holman
John R. Barry
Joseph W. Hecoley
 Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE FAILURE OF VARIOUS
CORPORATIONS AND PERSONS TO COMPLETE
APPLICATIONS FOR PERMITS TO OPERATE AS
COMMERCIAL CARRIERS OVER THE HIGHWAYS
OF THE STATE OF COLORADO.

Decision No. 33647

November 1, 1949

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers, by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of said Rules and Regulations.

(d) Failure to obtain and to keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the requirements hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

ORDER

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

T Aigaki
Leslie Judd Ake
J C Alderson
Alexander Market
Harold Allen
Howard Allen
Lloyd Allen
Alma Canning Co
Anderson Furniture
O T Anderson

4118 W Commerce San Antonio Texas
414 Las Griegas Rd Albuquerque N Mex
1047 Sunset Rd Albuquerque N Mex
904 W 7th St Clovis New Mex
625 E Main Eldorado Ark
Phoenix Ariz
Los Angeles Calif
Alma Ark
Dallas Texas
Burwell Nebr

Arkansas Louisian Gas Co
 Associated Grocers
 Robert J Aycock
 B Barnhill
 Chas Basse
 W Bassett
 Frank Beangrez
 Richard H Dehr
 Bruce Willis Billings
 Bloyd & Co
 Robert W Bornholdt
 Guy Bostick
 D M Bowen Mfg Co
 Ray F Brent
 Clarence W Brewer
 Brown Chevrolet Co
 Brules Trailer Sales
 Claude Buchanan
 Buckeye Mfg Coach Co
 Jerome F Budd
 Buell-Orin-Thompson
 Builder Inc
 John Burt
 Bush Motor Sales Inc
 M G Capps
 Gilbert J Albiston
 Chase Candy Co
 Chopping Motor Co
 Charles Cizek
 Clowe & Cowan Inc
 Commonwealth Chevrolet Co
 Commonwealth Trailer Sales
 Correct Craft Inc
 F O & Fred B Davis
 Davis & McCracken
 Dennison Tractor Co
 Dighton Ice Co
 Dixie Wholesale Produce
 Donaldson Floors Inc
 Jack Drilling
 W E Eilers
 Enid Distributing Co
 Farm Equipment & Parts
 Ted Fossett
 Robert O Ferris
 Robert S Fitch
 Folkens Motor Co
 Forbes Brothers
 Geo T Frost
 John W Gallagher
 Ben Fred Gandert
 Kirk O Goff
 Goff Motor Co
 Goff Wholesale Grocery Co
 Grain & Storage
 Leon G Hallett
 Harvest Queen Food Co
 Burney Henson
 Herried & Son
 Grant Holfelts

Shreveport La
 1310 E Jasper Tulsa Okla
 Bx 71 Rocky Ford Colo
 Bozeman Mont
 Omaha Nebr
 Casey Iowa
 Longmont Colo
 St Paul Minn
 Weldona Colo
 Alva Okla
 Kinsley Kans
 Barton Fla
 3024 Leavenworth Omaha Nebr
 413 W 62nd Chicago Ill
 1105 Agate Pl Pueblo Colo
 Bx 69 Spanish Forks Utah
 El Cerrito Ca if
 Manhattan Kans
 Rt 30 North Beaverdam Ohio
 Towner Colo
 Kansas City Kans
 Wichita Kans
 Grafton Nebr
 2506 8th Av Greeley Colo
 Cheyenne Wyo
 Rangely Colo
 4230 Gravois St St Louis Mo
 Casper Wyo
 Dix Nebr
 223 W 4th Amarillo Texas
 Jefferson City Mo
 1501 E 1st St Wichita Kans
 Pinecastle Fla
 Carlsbad New Mex
 Hereford Texas
 Reno Nev
 Dighton Kans
 Birmingham Ala
 712 S Main Rockford Ill
 117 Cypress No Little Rock Ark
 Sterling Colo
 111 E Oklahoma St Enid Okla
 Great Bend Kans
 Bx 1422 McAllen Tex
 Rt 2 Haswell Colo
 Gillette Wyo
 Longmont Colo
 301 W Norris Topeka Kans
 1950 Washington Blvd Ogden Utah
 Eagle Nest New Mex
 Bx 237 Mora N Mex
 Bucklin Kans
 Bucklin Kans
 200 N Washington Little Rock Ark
 Douglas Wyo
 Ott Hotel Canon City Colo
 Plainview Tex
 Maylor Hotel San Angelo Tex
 Hills Minn
 Vernal Utah

Hollywood Mfg Co
Hoover Feed & Tracing Co
Horowitz Bros & Marg Areton
Horton's Service Station
Houlton Furniture Service
J C Hudson
W J Hughes
Ideal Mercantile Co Inc
E M James
Jennings Furniture
Daval Johnston
S M Jones
Cover Jones
H P Jones
Kelly Jones
K & S Food Store Inc
B E Kelly
R R Kennedy
Charlie C Kimbro
F W Knute
Albert J Kochan
Vernon L Kruse
Carl Parks Produce
Gibson Bros
W L Glass Co
Seledonic Gomez
Ramon Gonzales
Roy Goode
E A Gosch
H W Gould

Dallas Texas
Rt 2 Bx 27A Roswell N Mex
New York N Y
Rt 1 Ft Lupton Colo
2264 North Ave Grd Junction Colo
Little Rock Ark
Torrington Wyo
Laporte Colo
Hickman Ky
Dorger Tex
Wheatland Wyo
Billinger Tex
Alliance Nebr
7318 Sanchez Houston Tex
216 Hub Homes Lubbock Tex
U S 666 Gallup N Mex
Elbert Colo
McGoney Tex
Georgetown Tex
Nashville Kans
Pueblo Colo
714 Delnone Neosho Mo
102 S 7th Wynmore Nebr
Tampa Fla
3 R St Baton Rouge La
Rocky Ford Colo
Albuquerque N Mex
Manitou Colo
Los Angeles Calif
Caldwell Idaho

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective on the 1st day of November, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado
this 1st day of November, 1949

hss

Ralph C. Horton
John R. Barry
Robert E. Hecoley
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO.)

Decision No. 33648

November 1, 1949

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of Said Rules and Regulations.

(d) Failure to obtain and to keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the requirements hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Beverly Gray
H H Groom
Guy Gunter Jr
Jerry Hagel
Ed Hall
Hamilton Bros
Hamilton Bros
B J Harmons
Fred Harbert
Kenneth Harfst

Edinburg Texas
Midland Texas
Channing Tex
2347 E Ros Phoenix Ariz
Star Route Brush Colo
Albuquerque N Mex
Denver Colo
203 E 15th St Odessa Colo
Ulysses Kans
Boulder Colo

H W Harper	115 W Douglas Nevada Mo
Frank Harris	Williamsport Pa
G V Hart	Wichita Falls Tex
Oscar Hart	Belgrade Nebr
Harvest Queen Mill	Plainville Tex
Hawkins Motor Co	Colorado Springs Colo
Lewis L Hawn	Pagosa Springs Colo
Art Hemes	Tulsa Okla
Earl Henderson	Eden Tex
D T Henthorn	Okla City Okla
Burton H Herpel	901 Charles St St Joseph Mo
R C Herrera	Santa Fe New Mex
L L Hill	Hobbs New Mex
Harry Hoffman	Phoenix Ariz
Jody Hogsett	Cortez Colo
I H Hollenbeck	Cedar Rapids Iowa
W L Holt	Big Spring Tex
Honze Distributing Co	Los Angeles Calif
Ncal Huckaby	Rt 5 Lubbock Tex
Harry Alex Huffman	Phoenix Ariz
J E Hunter	Phoenix Ariz
R E Hunter	Nogales Ariz
J M Hurrelson	1015 16th St Alomogordo N Mex
C L Hutchings	Rt 5 Bx 88 Wichita Falls Tex
Burton Ikard	Whealer Okla
International Highway Fruit Line	Chicago Ill
Charles Jackson	Amarillo Tex
L E Jackson	Houston Tex
C & Felix R Jenks	El Paso Tex
Erbie Lee Jessee	Sweetwater Nebr
K Johnson	Provo Utah
Johnson & Lindquist	Abilene Tex
E L Jones	Amarillo Texas
H L Jones	Plainview Texas
Harry Jones	Plainview Texas
J D Jones	Plainview Texas
R Jones	Johnson Kansas
S B Jones	Victoria Texas
Mark B Jordan & Son	Rt 7 Lubbock Texas
R O Jordan	403 N Jackson Henderson Tex
H J Kabler	Wichita Kans
J S Kelly	Miami Fla
J L King	Clarendon Tex
B Kingburg	Salt Lake City Utah
Charles S Kinser	Kingfisher Okla
Emil F Knorr	Bx 249 Centerville Iowa
G W Knox	Littleton Colo
Joseph Koch & Morris Baldinger	Los Angeles Calif
C C Laffoon	216 "A" St Wanslow Ariz
James Lamb	Tulsa Okla
C F Landon	Phoenix Ariz
Charles Lane Jr	306 N Lewis Tulsa O la
O P Lane	Box 175 Cottonwood Ariz
C E Lanier	Concordia Tex
Larson & Bennett	New Orleans La
E C Laughlin	Sopris Colo
Carl H Lewis	Greeley Colo
Dorothy Lewis	Jacksonville Tex
Ronald Lewis	North Platte Neb
C L Lewiss	Houston Tex

Louis D Long
 L L Lovitt
 Ted L Low
 James Lowell
 Walter Lowery
 Lee & Leslie Lyon
 M & M Auto Sales
 Mabrey Chevrolet Co
 Arthur Mack
 Bill Mackey
 Mac's Used Cars
 R M Mann
 R M Mann
 H I Maples
 R R Marchant
 C T Martin
 R H Martin
 R N Martin
 Cleto & Joe M Martinez
 Francisco Martinez
 Tony Martinez
 M H Masdix
 A F Masey
 T E Mason
 R B Mathews
 Edwin L Matteson
 Mayo & Sharp
 H W Masters
 Ma terson & Fawlings
 S & M McDonald

Chicago Ill
 Tulsa Okla
 Texarkana Ark
 132 Isleta Hiway Albuquerque N Mex
 4125 N Road Chicago Ill
 204 E 3rd St Kansas City Mo
 1200 W Alameda Denver Colo
 601 Denver Ft Lupton Colo
 920 N 2nd St Beatrice Nebr
 Perryville Tex
 Pittsburg Colo
 Kansas City Mo
 Omaha Neb
 Anthony New Mex
 Albuquerque N Mex
 2421 Jefferson Phoenix Ariz
 El Paso Tex
 El Paso Tex
 Trinidad Colo
 3400 Mansans El Paso Tex
 405 S Sannas San Antonio Tex
 Dumas Tex
 Dalhart Tex
 Burnet Tex
 Ft 2 Ex 244 Roswell N Mex
 Tulsa Okla
 Los Angeles Calif
 Norman Okla
 Muskogee O la
 Bowie Tex

before this Commission, to obtain permits authorizing said corporations and persons to op rate over the highways of this State as Commercial Carriers by motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective on the 1st day of November, 1949.

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

Dated at Denver, Colorado,
 this 1st day of November, 1949

hss

Joseph C. Johnson
John R. Barry
Joseph C. Johnson
 Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO.)

Decision No. 33649

November 1, 1949

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of said Rules and Regulations.

(d) Failure to obtain and to keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the requirements hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

ORDER

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Archie McFarland & Son
John Mc Farland
J F McGinnis
C H McCourley
Luna Lewis McDaniel
McLaren Produce
McNeill & Farrow
Lonnie McQueen
Mendenhall Insulation Co
Mendenhall, Ralph

2922 S Main Salt Lake City Utah
Atlanta Ga
Lubbock Tex
McClain Tex
Mt View Courts Ft Collins Colo
Yuma Ariz
Burlington Colo
Brady Tex
Ulysses Kans
Cortez Colo

M L Mercer
 Merchants Biscuit
 C V Metzger
 Orben B Millard
 Frank T Miller
 Harry Miller
 Miller Scraper Co
 Ted B Miller
 Mills Equipment Co
 J H Milton
 Robert Milton
 Minnres Valley Farmers Ass'n
 W F Mitchell
 Mohawk Wrecking Co
 Glenn Molloy
 Robert Montgomery
 Monus Bros
 Ray Moressette
 D O Moore
 John Morgan
 Moyer Bros Sawmill
 G J Mugarines
 M M Mullen
 Murrel Auto Sales
 H E Myrick
 Lloyd Morrison
 J T Moses
 J C Nail
 Nappanee Trailer Co
 National Amusement Co
 Nebraska Bag Co
 Carl Nelson
 Haggert Nelson
 Neon Engineering Co
 Duane Nichols
 Hans Nielson
 James Nielson
 B F Nipp
 Norfolk Flooring Co
 WE Norman
 S L Norris
 Northern Maple Co
 Olson & Fowler
 M C Onstott
 George Orser
 La Vern Ostendorf
 A R Oakley
 Albino Obogon
 H A Painter
 Dale Parker
 Parker Equipment Co
 H Parrott
 L H Patterson
 Carl Patton
 O O Pearse
 R M Pedd
 W C Pehy
 Frank L Person
 Deward John Peterson
 Kenneth V Petty

La Ford Tex
 Wichita Falls Tex
 Sabetha Kans
 Des Moines Iowa
 Gallup New Mex
 Wolcottville Ind
 Selma Calif
 Gearing Neb
 So Carbon Ave Price Utah
 Friend Neb
 Friend Neb
 Deming N Mex
 Las Vonnas N Mex
 Jonesburg Ark
 Des Moines Iowa
 Dallas Tex
 New York New York
 Hardin Mont
 Kansas City Mo
 Rye Star Rt Bx 137 Pueblo Colo
 New Castle Colo
 Austin Tex
 Chicago Ill
 Eaton Colo
 Dallas Tex
 Gypsum Kans
 Clayton N Mex
 303 N 25th St Birmingham Ala
 Bx 110 Nappanee Ind
 Hatfield St Dayton Ohio
 Omaha Neb
 Haxtum Colo
 Houston Tex
 501 Bares La Junta Colo
 So Star Rt Ft Morgan Colo
 St Joseph Mo
 St Joseph Mo
 Brady Tex
 San Jose Calif
 Houston Tex
 Amarillo Tex
 Vulcan Mich
 4530 W Colfax Denver 4 Colo
 San Saba Tex
 136 Modesto Calif
 Othenburg Neb
 Austin Tex
 San Antonio Tex
 Dodson Tex
 Vernon Tex
 E Tanica N Mex
 Indianapolis Ind
 157 King Ave San Antonio Tex
 Springfield Colo
 Junction City Okla
 Ft Worth Tex
 Lubbock Tex
 Omaha Neb
 2363 E 27th St Salt Lake City Utah
 Imperial Neb

Pfalztaff & Stelter
 Pat Phillips
 A K Pierce
 A J Piper
 E N Pippin
 Plains Pet. Co
 Ellis T Poole
 V B Portlock
 Poso Ranch Co
 Ray Possons
 Roy Pounds Jr
 Margaret A Power
 Power Service Co
 Albert D Pray
 Daniel Prentice
 Price Commission Co
 Produce Express Co Inc
 J C Pryor
 R E Pugh
 Juan Quintana
 Hugh Rabe
 Redman Trailer Co
 Reed Chevrolet Co
 S S Renegar
 Reynolds Auto Sales
 Bill Reynolds
 E M Rice & Sons
 L G Rice
 Harold Richardson
 Paul Riebold
 Alexis H Riggs
 W Riley
 J Riojas
 Chester Roach
 Roberts & Thompson
 Fred Robertson
 R E Rodgers
 Kenneth L Rose
 Frank L Roy
 Clifford Rupe
 John Rust
 Alex Sakalashy
 Sampson & Shaffer

Bx 12 Wildhorse Colo
 Texarkana Ark
 Guymon Okla
 Beaumont Tex
 Rawlins Wyo
 3921 Evans Cheyenne Wyo
 No Little Rock Ark
 Newton Kans
 Model Colo
 Higgins Tex
 Dallas Tex
 North Platte Neb
 2031 43th Av Denver 16 Colo
 Boston Mass
 Oak Creek Colo
 Price Utah
 314 S 11th St Omaha Neb
 117 E 15 Little Rock Ark
 Clovis N Mex
 Espanola N Mex
 Vernon Texas
 Alma Mich
 Pine Bluffs Wyo
 2347 E Roosevelt Phoenix Ariz
 Kansas City Mo
 541 Pacific Oxnard Calif
 Eckley Colo
 El Paso Tex
 Vernal Utah
 Ulysses Kans
 Hayden Colo
 Lawton Okla
 San Antonio Tex
 St Louis Mo
 Ft Smith Ark
 Del Norte Colo
 Houston Tex
 Potter Neb
 Jacksonville Fla
 Silverton Colo
 Lubbock Tex
 Okla City Okla
 400 S Topeka Wichita Kans

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective on the 1st day of November, 1949.

THE PUBLIC UTILITIES COMMISSION
 OF THE STATE OF COLORADO

Robert C. Arden
John R. Barry
Joseph W. Hawley
 Commissioners

Dated at Denver, Colorado,
 this 1st day of November, 1949

hss

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE FAILURE OF VARIOUS
CORPORATIONS AND PERSONS TO COMPLETE
APPLICATIONS FOR PERMITS TO OPERATE AS
COMMERCIAL CARRIERS OVER THE HIGHWAYS
OF THE STATE OF COLORADO.

Decision No. 33650

November 1, 1949

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said Corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of said Rules and Regulations.

(d) Failure to obtain and keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the requirements hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

ORDER

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

C P Sanders
Eura. Cleo Sanders
Garland Sanders
Thomas H Sandvick
F Santos
M E Satterlee
John H Saxman
Schell-Williams Inc
Schield Bantam Co
Walter Schutz Inc

Ft Worth Tex
Bx 224 Avenal Calif
Dimmit Tex
Houston Tex
Robstown Tex
Joplin Mo
Bx 93 Yampa Colo
Ft Wayne Ind
Park St Waverly Iowa
Casper Wyo

H S Scott
 J C Nudigate
 Harley Hugh Searcy
 Shanteau & Smith
 Leonatd B Shaw Grain & Storage Co
 Sheridan Store
 Fred Sherrod
 J A Shirely
 W T Shirley
 M P Shrimp Co
 John H Shultz
 Clifford Simmons
 George Slada
 Slagle Oil Co
 Grover W Slovans
 Smith Cess Pool & Septic Tank Cleaners
 Charles F Smith
 C A Smith
 Smith & Hardin
 J F Smith
 James C Smith
 Smith Motorsales
 T N Smith
 The Southwest Co
 Standard Axle Co
 Standard Transportation Co
 B M Stanley
 B M Stanton
 Star Canning Co
 A H Steele
 Steele City Auto Co
 J R Steele & B F Cochran
 W E Stellard
 Robert Steuwe
 Stewart Well Drilling
 G F Stone
 Veryl Storey
 Walter Storey
 Stratton Texaco Service
 L H Strickland
 Rex Stowe
 W H Sturges Co
 D D Sullivan
 Harvey Summerall
 James A Sundstrom
 Super Auto Sales
 Hampton Tack
 Robert Tallersall
 J U Tattan
 G H Tavitt
 E L Taylor
 Ralph Taylor
 Texas Fruit Growers Supply
 Lee Thompson
 C D Tidwell
 Robert F Tollie
 San Trew
 Tucson Poultry Co
 M B Tunenger
 T A Turpen

Ft Collins Colo
 Ft Laramie Wyo
 Gen Del Pharr Tex
 2018-9th Av Greeley Colo
 Douglas Wyo
 450103 E 15th St Kansas City Mo
 Texarkana Tex
 Fayetteville Ark
 Amherst Tex
 Los Angeles Calif
 Brownsville Tex
 Houston Tex
 Fremont Neb
 Silverton Wyo
 Kansas City Kans
 Lamar Colo
 Horse Creek Wyo
 Shawnee Okla
 Dallas Tex
 Littlefield Tex
 Coleman Tex
 Kalamazoo Mich
 LeRoyne Tex
 2122 Kirkwood Amarillo Tex
 Montgomery Ala
 Salt Lake City Utah
 Springville Ala
 Springville Ark
 Glendale Tex
 Kearney Neb
 E 5th St Steele City Ind
 Lufkin Tex
 Holbert Okla
 Dallas Hiway Austin Tex
 Cheyenne Wyo
 Lincoln Neb
 1400 Bellview La Junta Colo
 1050 Murphy Av Atlanta Ga
 Stratton Colo
 Atlanta Ga
 1201 E Chestnut Garden City Kans
 2630 N St Omaha Neb
 Roswell N Mex
 126 E 6th So Salt Lake City Utah
 Garden City Kans
 Houston Tex
 Tribune Kans
 5415 Maple Ave St Louis Mo
 St Louis Mo
 Tulsa Okla
 Vernon Tex
 No Address
 Weatherford Tex
 Austin Tex
 Minco Okla
 305 S 5th St Rocky Ford Colo
 Ex 413 Umatilla Fla
 547 E 24th St Tucson Okla
 Wichita Kans
 Gallup N Mex

M I Tweddle
Twin Falls Motor Co
J W Tyler
United Grocery Co
Van Weet Motors
T R Vaughn
A V Vaught
George Veneziale
Charles Wagner
Doc Wakeland
Walker & Coons
Washington Creamery
Alvin Wasserman
Waynes Feed Store
Weldon Dodson
W Werner
Vern Westbrook
Western Star Mills
H S Wharton
White & Kesinger
Robert Whitnack
Ernest A Wicks
Ray Williams
Roy Williams
L L Willis
C C Wilmeth
E C Wilneth
F L Wilson
H L Wilson
Harold F Wilson
John M Wilson
Raymond D Wines
Floyd Winett
Dan Winn
Wolf Music Co
Wolf Music Co
Willis C Worshan
C E Wright
Alvin Young
G T Young
Percy E Young
Richard T Zafarano

1174 N W 101st Miami Fla
Twin Falls Idaho
Norman Okla
Altus Okla
Van Weet Ohio
Albuquerque N Mex
1112 8th Lu Rock Tex
Sellersville Pa
Maryville Mo
Ft Worth Tex
Springdale Ark
Seattle Wash
Los Angeles Calif
Mountainair N Mex
Locknor Tex
St Louis Mo
Agra Kans
Las Animas Colo
Big Grove Tex
Elk Grove Calif
Los Angeles Calif
Mineral Wells Tex
Joplin Mo
Goodman Neb
Okla City Okla
Houston Tex
Houston Tex
30 Hillside Des Moines Iowa
Wheatland Wyo
Et 1 Loveland Colo
Hot Springs Ark
San Antonio Tex
Amarillo Tex
Winston Ariz
204 N Main Garden City Kans
Wichita Kans
401 Olive St Carlsbad N Mex
S V Murphy Av Atlanata Ga
Oklahoma City Okla
Amarillo Tex
Et 2 Lx 123 Ft Worth Tex
Bx 126 Roswell N Mex

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective on the 1st day of November, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Hutton
John R. Barry
Joseph T. Hootley
Commissioners

Dated at Denver, Colorado,
this 1st day of November, 1949

hss

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO Decision No. 33651

* * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO.)

November 1, 1949

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of said Rules and Regulations.

(d) Failure to obtain and to keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the requirements hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

O R D E R

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Dale Campbell dba A & A Truck Lines
William Abersold
Acme Glass Co
Herman Yanish dba Acme Motor Sales
Acme Mud Co
Nolan Adams
O F Adams
W W Adams
William Dee Adams
Robt C Adcox

402 E Pikes Peak Ave Colo Springs Colo
Leetom Ohio
Garden City Kan
176 S Broadway Denver Colo
Texhoma Okla
Brady Texas
600 S Priston Dallas Tex
Comanche Tex
223 S Victoria Pueblo Colo
Burnet Tex

Carl F Adfield	Bx 393 Ordway Colo
A W Adkins	3513 E 14th St Des Moines Ia
Jess Adkins	Clovis New Mex
Harold Agesan	Lester Iowa
Aircraft Parts & Salvage	Bx 2011 Corpus Christi Tex
C M Akin	Clarendon Tex
Bert Albo	Trinidad Colo
Albuquerque Comm. Auto Service	2225 N 4th St Albuquerque N Mex
Albuquerque Fruit & Vegetable Co	1301 S Walter St Albuquerque N Mex
Russell Aldredge	Oklahoma City Okla
Jack Alexander	Pearland Tex
M F Alexander	Roosevelt Utah
Marion Earl Alexander dba Alexander Truck Line	Roosevelt Utah
Guy Alford	Rt 1 Amarillo Tex
Eugene A Alfrey	Walsh Colo
D N Algiers	713 S Bdway St Louis Mo
H A Allen	Ennis Texas
Wm F Alley	East Point Ga
T E Allison	Bx 261 Montrose Colo
Pedro Alonzo	1106 E Fay Edinburg Tex
Jose Alvarez	5217 Commerce San Antonio Tex
Amarillo Junk Co	Bx 727 Amarillo Tex
Robert Ames	Price Utah
Nathan M Ammons	Littlefield Tex
F E & Donald Anderson dba Anderson's	Jaroso Colo
Cecil Anderson	Dunbar Neb
Deane Anderson	Wallace Nebr
Lloyd Anderson	Kit Carson Colo
Kenneth C Andreason	309 Lexington Av El Monte Calif
William Henry Andrews	RFD 1 Bx 116 Helper Utah
Andys Used Auto Parts	Pharr Texas
Zoilo Aragon	Ordway Colo
Louis L Arche	Rt 1 Cedar Hill Tex
E W Archer	4503 N 12th Albuquerque N Mex
Eusebio Arellano	Holman N Mex
Arizona Concrete & Pipe Co	Phoenix Ariz
Ark Valley Produce Inc	123 S Rock Island Wichita Kans
C F Armstrong	Seminole Texas
Glen Armstrong	1935 Allison St Des Moines Iowa
Arnold Motor Company	Blackwell Okla
Elmo Bassett dba Arriba Super Service	Arriba Colorado
Artistic Furniture	419 Gano St Louis Mo
Ashby Implement Co	Delta Utah
Ashby Jas L	El Paso Tex
Ashlock & Lewis	Dalhart Tex
Ashton-Richards Co	Kansas City Mo
Clarence Lively dba Atlasta Dairy	Arvada Colo
Clyde Austin	Geary Okla
Auston Produce Co	400 Vine St W Little Rock Ark
Auto Equip. Mfg Co	Pender Nebr

Auto Sales Co
Woodrow Avant
Frank Avery
Ralph Avery
B & C Trans Co
B & T Chemical Co
Bences Eaca
Arnel Backora
Paul J Baehr
I O Baggott
B O Baggell
Donald F Bailey
H V Bailey
G O Bain
E A Baker
R V Baker
Cecil Ballard
A J Ballersted
Bally Case & Cooler Co
Preston Banks
Mike Banovich
Mitchell Banovich
Banovich Produce
Bardensaw Fruit Co
Barker Brothers
E M & Z Y Barker
Emory Barker
Eugene H Barker
Harvey Barker
B J Barnes
Earl Barnes
Frederick L Barnes
J A Barnes
Everett Barry
W Barry dba W Barry Transportation
Budd Barton
C J Bartlett
Bates Motor Co
Brent Bauer
Lauman E Sosnoski
Pete Baumgartner
V L Baum

Hamberg So Carolina
314 Denton Hot Springs Ark
Haustol Wis
Covington Okla
1202 S 7th St Louis Mo
129 E Main Okla City Okla
Gen Del Farmington N Mex
St Michael Neb
Kansas Cit Kans
Bx 636 O'Donnell Tex
Tulsa Okla
4501 N 61st St Lincoln Neb
Lagonmound New Mex
Sunray Tex
Olney Springs Colorado
1108 S 3rd Ave Sioux Falls S Dak
3610 Kenilworth Dallas Tex
Seymour Tex
Bally Penn
Frederick Okla
Phoenix Ariz
Phoenix Ariz
1122 Willetta Phoenix Ariz
Des Moines Iowa
Taylor Tex
Taylor Tex
Taylor Tex
Red Feather Lakes Colo
123 W 10th Little Rock Ark
Neosho Mo
Comanche Tex
Bx 335 New Castle Colo
Arthur Neb
Lahoo Neb
Weston Neb
Bx 431 Espanola N Mex
3837 A St Omaha Neb
Hunt St Alamosa Colo
Cedar Cit Utah
124 N Whiteside Hutchinson Kan
317 E FR Ft Morgan Colo
Crist Fork Utah

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective ten days from this date.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Holton
John B. Barry
Jeff W. Hawley
Commissioners

Dated at Denver, Colorado, this
1st day of November, 1946

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Decision No. 33652

* * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO.)

November 1, 1949

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of said Rules and Regulations.

(d) Failure to obtain and to keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the requirements hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

ORDER

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

C L Baxter
Wilford L Beaslin
Bryan O Beatty
Forrest L Beaver
Harold Beck
Charles H Beckwith
James L Beers
E B Belcher
F P Bell
Bellair Log Cabin Mfg Co

Plainview Tex
11 W Stratford Av Salt Lake City Utah
Bx 1 Missouri City Mo
Oplin Tex
Mineral Wells Tex
Bx 183 Albion Neb
Cook Neb
Vernal Utah
2905 S McKinley Okla City Okla
Bellair Mich

J C Denge	104 Woodward San Antonio Tex
R C Bennett Jr	Kingsville Tex
S L Bennett	Gainsville Tex
Beams Motors Co Inc	1809 E 15th Kansas City Mo
W A Berry	Tulia Tex
A C Bertelson	Plainview Tex
C E Bertling	894 Sidney Barker St Kerrville Tex
Earnest Bess	Pt 3 Bx 961 Albuquerque New Mex
C O Bessent	San Saba Tex
W Beyer	Mott N Dak
Verdun Van Bezoooyen	1265 E 3rd So. Salt Lake City Utah
Lloyd Billingsley	4125 S Emerald Chicago Ill
A Bills	Stephenville Texas
Black Forest Store	Ft 3 Color do Springs Colo
G O Black	Idabel Okla
Black Hills Olds Co	Rapid City S Dak
Blackburn Syrup Works	Jefferson Tex
T L Blackburn Syrup Co	Jefferson Tex
L L Blackford	Coldwater Mich
C E Blackstock	Bx 51 Hartman Colo
J V Blackstock	La Mesa Tex
Bladt F	Joplin Mo
Bruce Blair Jr	Bx 233 Holliday Tex
Bill Bland dba Bill Bland Fuel & Feed	1095 S Federal Blvd Denver 9 Colo
Luane Bloomfield	Salt Lake City Utah
J Y Ploumt	Big Spring Tex
L P Blue Diamond Gas Co	Jackson Mo
Lawrence F Bock	Oakwood Mo
Trueman Boen	DeLeon Tex
Bollinger & Schaben	32 Adams Monte Vista Colo
Walter E Bonine	Eckert Colo
Ernest Bonvicin	2619 Greenwood P. e. lo Colo
I D Borges	Gran. Saline Tex
M U Borden	West Columbia Tex
Edgar L Bosinger	Meade Kans
W V Draper dba Boulder Feed Store & Hatchery	1002 Walnut St Boulder Colo
F E Beckman & Henry B Schramm dba Boulder	Plumbing & Htg Co 957 Arapahoe Boulder Co
Boulevard Dairy League Inc	506 S Colorado Blvd Denver 7 Colo
Sam Bouziden	1420 E 9th Enid Okla
John A Bower	312 Singleton Dallas Tex
Fred Bowie	Cyande Av Bx 369 Canon City Colo
Robert G Bowman	Diamond Mo
Charles Boyd	Lometa Tex
F D Boyd	404 S Hatti Terril Tex
Floyd A Boyd	Tule Lake Calif
Kenneth N Doyd	Farmington N Mex
Lester Gene Boyd	Lenora Okla
P E Brackeen dba P E Brackeen Grain Co	511 N High St Brady Tex
Brady (incomplete name)	Carthage Tex
Brady Garages	Ft Dodge Iowa
Brady Mills Inc	1407 S Magnolia Brad. Tex

Lyle H Brandon	Bx 752 Littlefield Tex
K E Brands	1240 Ashland Houston Tex
C M Branson	Hemingford Neb
Douglas Branstetter	Aurora Mo
George Brawnton	4301 Devon St El Paso Tex
J J Brant	Rodney Iowa
Lynn Brereton	Provo Utah
C A Bricano	313 S Tex Mercedez Tex
Loyd C Bridges	Ht 2 Holdings Okla
Elmer Bright	Hosita Colo
Bennie J Brito	720 Silver Delta Colo
August C Thale dba Broadway Motor Mart	3200 Broadway Quincy Ill
L F Brocke	4027 Main St Kansas City Mo
Virgil J Brokar	1704 L Gucharras Colo Springs Colo
L G Bromley	Bx 1140 Sweetwater Tex
Bob Bronson	1203 Jones Pt North Tex
Walter Brooks	Pond r Tex
L E Browder	Pensacola Fla
Dean brown	Box 502 Ogallala Neb
Fruitt D Brown	Blooming Grove Tex
Harvey Brown	Box 2502 Oklahoma City Okla
John A Brown	Laxtun Colo
Olin Brown	Whiteboro Tex
T L Brown	Brad Tex
T F Brown	1411 Seneca St St Joseph Mo
Xen Brown	1309 B 16th St Lubock Tex
Robert H Browne	2413 Taylor Ct Greeley Colo
L J Bruce	1308 Austin Wichita Falls Tex
W D Brunnett	1032 N Trenton Tulsa Okla
Bruning Motor Co	626 Main St Longmont Colo
Brush Motor Sales Inc	2506 8th Av Greeley Colo
J I Bryant	Portales Tex
Wayne Bryant	Summersville Mo
C K Buckner	Roscoe Tex
H C Buckner	Roscoe Tex
A W Buckner	Roscoe Tex
J E Buckner	Roscoe Tex
Murrel Budd	1311 Cass Hannibal Mo

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle, be, and the same hereby are, dismissed.

That this order shall become effective ten days from this date.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado, this
1st day of November, 1949.

Ralph C. Horton
John P. Barry
Joseph W. Acvoley
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Decision No. 39653

* * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO.)

November 1, 1949

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of said Rules and Regulations.

(d) Failure to obtain and to keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the requirements hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

ORDER

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

Geo & R R Buford
Orville Duman
Don Bumhardt
Bennell Garage
Edmon and Daisy Burk
G T Burke
Johnnie Burk
Burkhard & Martinson
Burlington Sales Co
Sykes Burnett

Dallas Tex
Steinauer Neb
La Salle Cole
Price Utah
1501 E Main St Enid Okla
Bx 305 Comanche Tex
Gen Del Artesia N Mex
Audubon Iowa
Burlington Colo
2218 Lee Granville Tex

Ray Burns
 Walter E Burris
 Glen H Busboom
 Kenneth K Busick
 J B Buster
 A C Butelson
 Jake Butler
 W J Butler
 Charlie Byers
 Noble Byers
 C & D Motor Co
 C & M Produce
 C & S Builders Supply
 Wayne Callin
 Pete Callvio
 Jack Calvert
 O L Campbell
 Walter B Campbell
 Earl W Hearst dba Canon City Feed Lot
 R L Cantwell
 Carlton Florey Grocery Co
 Donald Carpenter
 Carroll Sales Co
 Casady & Fowler
 C E Eubanks
 Vieth Brothers
 L C Ashley
 Eubanks Brokerage Co
 Ellen V Timm dba Hollywood Dairy
 Eli T Corey
 L B Heimsoth
 Raymond L Dickey
 Stalter Bros
 Leonard Rieken
 Cherny & Watson Lumber Co
 Casper Seed Co
 Joseph Castille
 Manuel Castillo
 Joe Catching
 J E Cavazos
 Central Produce
 Century Insulation Co
 Ronald W Chamberlain
 B Chalker
 Chambers Fruit Market
 E C Chapman
 Eligo Chavez
 Gregorio Chavez
 Dwight Cheek
 F R Cheney

La Moynie Cargos Harlingen Tex
 1720 E King Tulsa Okla
 Rt 2 Doniphan Neb
 1335 Belaire Amarillo Tex
 Amarillo Tex
 Plainview Tex
 41k Cit Okla
 Bx 742 Rocky Ford Colo
 Sioux City Iowa
 Plainview Tex
 Buffalo Okla
 2nd & Farris Lawton Okla
 Farmington N Mex
 New Castle Wyoming
 710 S Central Los Angeles Calif
 Thomas Okla
 Scottsbluff Neb
 228 1/2 N W 6th Okla City Okla
 419 N Reynolds Canon City Colo
 Palestine Texas
 Amarillo Tex
 New Castle Wyoming
 600 4th S W Mason City Iowa
 5447 Hohman Hammond Ind
 Seymour Tex
 413 N Main Kingfisher Okla
 Wells Point Tex
 108 Franklin St Waco Tex
 1153 Main Durango Colo
 Bx 1814 Rapid City S Dak
 Rt 5 Bx 283 Denver 11 Colo
 2219 31st Lubbock Tex
 1614 Main St Lubbock Tex
 Lodge Pole Neb
 North Bend Neb
 Casper Wyo
 Sunset La
 Ft Lupton Colo
 Lorenzo Tex
 McAllen Tex
 Albuquerque N Mex
 Okla City Okla
 Syracuse Kans
 Rock Springs Wyo
 Chadron Neb
 La Junta Colo
 Taos N Mex
 El Paso Tex
 105 S Filmore Amarillo Tex
 Webb City Mo

Julius Chenoweth
J C Cherry
Raymond Cherry
Elmer C Chestier
Harris B Chipman
Kenneth L Chism
George I Chitwood
Irwin L Christiansen
R P Christensen
Christianson Car Sales
Frank Chullino
Sim Cingoranelli
Ciruli Bros
Edward John Cisneros
James E Clancy
Geo Clark
Jim C Clark
Virgil L Clark
A V Clawson
Cleaners Hanger Co
Geo Clem
Marion Clemens
C E Clemons
Cline Paris
Clinton Industries
R L Cloyd
Edwin E Clymer
Jack-Coub
Coca-Cola Bottling Co
Robert Cochran
Robert F Coen
Cola-Moca Co
Deed Colbert
M K Cole
Ray Collins
Colonial Mfg Co Inc
A D Combs
Raymond E Condon
Roy Conklin

Artesia N Mex
2109 Cadiz Dallas Tex
Springfield Colo
Boswell Okla
129 E Center St Pleasant Grove Utah
1122 L Grand Clovis N Mex
13707 Cromshaw Av Los Angeles Calif
Bx 1400 Vernon Tex
Fullerton Neb
Hoc ester Mich
Omaha Neb
Bx 364 Canon City Colo
230 Wasee Mkt Denver Colo
Bx 1516 Taos N Mex
Imperial Neb
Scottsbluff Neb
San Eaba Tex
Rt 2 La Junta Colo
DeKalb Tex
151 Ewing Av Bx 431 Gadsden Ala
Guyton Okla
Wallace Neb
2305 E Main Gatesville Tex
Corning Iowa
Lawton Mich Michigan
Tabor Iowa
Rt 1 Bx 58 Laramie Wyo
316 E Ricketts Sherman Tex
Goodland Kans
113 W Elm Lamar Colo
1058-9th Av Boulder Colo
4301 Gaylord Denver 16 Colo
Bx 187 Lamar Colo
Lenora Okla
Bx 97 Edinburg Tex
2303 Western Okla City Okla
Delhart Tex
Rt 2 Platteville Colo
Oakford Ill

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle, be, and hereby are, dismissed.

That this order shall become effective ten days from this date.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado, this
1st day of November, 1949

Ralph C. Johnson
John R. Barry
Joseph C. McCool
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Decision No. 33654

* * *

IN THE MATTER OF THE FAILURE OF VARIOUS)
CORPORATIONS AND PERSONS TO COMPLETE)
APPLICATIONS FOR PERMITS TO OPERATE AS)
COMMERCIAL CARRIERS OVER THE HIGHWAYS)
OF THE STATE OF COLORADO.)

November 1, 1949

It appears from the records of the Commission that the corporations and persons listed in the order part of this decision have, upon demand of the Courtesy Patrol of the State of Colorado, paid to this Commission the sum of One Dollar as a filing fee for a Commercial Carrier Permit, pursuant to Chapter 167, Session Laws of 1935, as amended.

It further appears from the records of this Commission that said corporations and persons have failed to complete their said applications in one or more of the following particulars:

(a) Failure to file application as required by law and Rule 2 of the Rules and Regulations of this Commission Governing Commercial Carriers by Motor Vehicle.

(b) Failure to make to this Commission a deposit to insure the filing of monthly reports and the payment of highway compensation taxes due from said corporations or persons, as required by law and Rule 7 of said Rules and Regulations.

(c) Failure to file with this Commission a statement giving the description of each truck, trailer, or other vehicle used by said corporations or persons in their business, as required by law and Rule 12 of said Rules and Regulations.

(d) Failure to obtain and to keep in force at all times, public liability and property damage insurance or a surety bond providing similar coverage, or to file with this Commission a certificate of insurance, all as required by law and Rule 16 of said Rules and Regulations.

It further appears from the records of the Commission that all of the corporations and persons listed in the order part of this decision have been duly notified by this Commission of their failure to comply with the requirements hereinabove stated.

The Commission is of the opinion, and so finds, that all of said proceedings heretofore instituted by the corporations and persons listed in the order part of this decision should be dismissed.

ORDER

IT IS ORDERED:

That each of the application proceedings heretofore commenced by:

H M Connel
Connors & Cunningham
Continental Radiant Glass Heating Corp
E J Contrell
L D Cook
Therbert Cook
Warren Cook
W B Cooley
Cope-Edge Motor Co
Luther Cope

Glyde Tex
200 N Grand Amarillo Tex
1 E 35th St New York New York
Floydada Tex
Marlow Okla
Sloans New Mex
St Francis Kans
Moberly Mo
110 W Shadie Neosho Mo
Eola Tex

Gordon Copenhaver
 Wesley Coppins
 W O Corder
 C C Cordes
 Virgil Cordes
 Charles Core
 Bernice Cosper
 L C Cotner
 Floyd Counter
 C R Covert
 H D Covington
 C H Cox
 D O Cox
 Garland Cox
 John Cox
 Robert E Cox
 R L Cramer
 A B Cranford
 Audrey Crawford
 V W Crawford
 W R Crew
 Cromwell Bros Sawmill
 L M Cronin
 Edmond Crosby
 Isaac H Crowford
 Crupper Transport
 Fernando Crus
 Cuccherio Bros
 Cudahy Packing Co
 Floyd Cumble
 Eugene Cumley
 Thomas Jefferson Curmutte
 Curtis & Craig Co
 Wilbur Curtis
 Dahlsten Implement Co
 Loyd Dalano
 John R Dalton
 L E Dalton
 Richard B Daniel
 Curtis Daniels
 R A Dansi
 Nobile Danner
 R V Dannheim
 Harold Darter & O L Copenhaver
 Homer E Davis
 Carl Davis
 R C Davis
 F E Davis
 R M Davis
 Sam F Davis

Arkansas Tex
 Belton Tex
 Coleman Tex
 Springdale Ark
 Springdale Ark
 Bx 867 Gallup N Mex
 Bx 48 Killeen Tex
 Canadian Tex
 619 1/2 Court St Sioux City Iowa
 Ft Worth Tex
 Lamesa Tex
 Carmen Okla
 Belton Tex
 Hereford Tex
 Berthoud Colo
 Scottsbluff Neb
 Beaver City Okla
 501 S Cannal Carlshad N Mex
 Lexington Neb
 San Antonio Tex
 Brady Tex
 Marion Neb
 Kennewick Wash
 McAllister Okla
 Leakey Tex
 Hutchinson Kans
 Laredo Tex
 3413 Laurel St New Orleans La
 Wichita Kans
 812 S Main Floydada Tex
 1323 N Custer Wichita Kans
 Bx 349A Rt 1 Canon City Colo
 Jerome Idaho
 391 S 7th East Spanish Fork Utah
 Clay Center Neb
 Helena Okla
 Delhi Colo
 307 6th So State St Salt Lake City Utah
 2321 E St Vrain Colo Spgs Colo
 No Address
 Gainesville Tex
 Okla City Okla
 Lomeda Tex
 Winfield Kan
 Thompson Utah
 Worland Wyo
 405 Maple Duncan Okla
 Poteet Tex
 304 Forest St Amarillo Tex
 Harlingen Tex

A. E. Davis
J. H. Davison
W. W. Day
Beckle Bros
Deering's Store
DeLoss Motor Co
Dempster Furniture Co
E. E. Dennaheim
Royce Dent
C. L. Dentis
Paul Leon
Paul L. Dermody
De Sota Creamery Co
Detroit Display Cabinet Co
J. V. Dewbre
Everett Olin Dial
H. G. Dickens
Dickson Leatherproof Mail Co
Robert Dietz
John Paul Dillon
Di Natale & Giarle
Pat Lingman
Carmen C. DiSanti
Frank Dishman
F. H. Dismukes
L. Dobson
Geo. Irvin McCulloch dba Doc's Appliances
Palmer Loda
Roy Dood
Dodge City Lendering Co
Dolven Motor Supply
Juan Dominguez
G. F. Lowty
Thomas Drake
J. A. Lutas
E. A. Duffey
Xavier Dufur Sons
Dulaney's Furniture
Lennie Duncan
Kenneth E. Duncan

Altus Okla
Nogales Ariz
Floydada Tex
803 C. S. F. Childress Tex
Parlin Colo
Grand Junction Colo
Ne. Platte Neb
Lometa Tex
Panna Tex
McAllister Okla
Elsey Mo
Strasburg Colo
Rochester Minn
2620 W. Warren Detroit Mich
Okla City Okla
Aztec New Mex
Sherman Tex
320 Gregg Houston Tex
Orleans Neb
Ht. 2 La Junta Colo
54 Brock St Boston Miss
Tulsa Okla
P. O. Box 446 Pueblo Colo
Cushing Okla
2330 N. Parks Okla City Okla
Big Spring Neb
Maxton Colo
Cainby Iowa
Guthrie Okla
Dodge City Kans
327 Main Canon City Colo
220 W. Miss Mercedes Tex
Amarillo Tex
Haskell Okla
1117 S. 10th Omaha Neb
Ogallala Neb
Marvel (P. O. Kline) Colo
Okla City Okla
Kearney Neb
Texico Mex

before this Commission, to obtain permits authorizing said corporations and persons to operate over the highways of this State as Commercial Carriers by motor vehicle, be, and hereby are, dismissed.

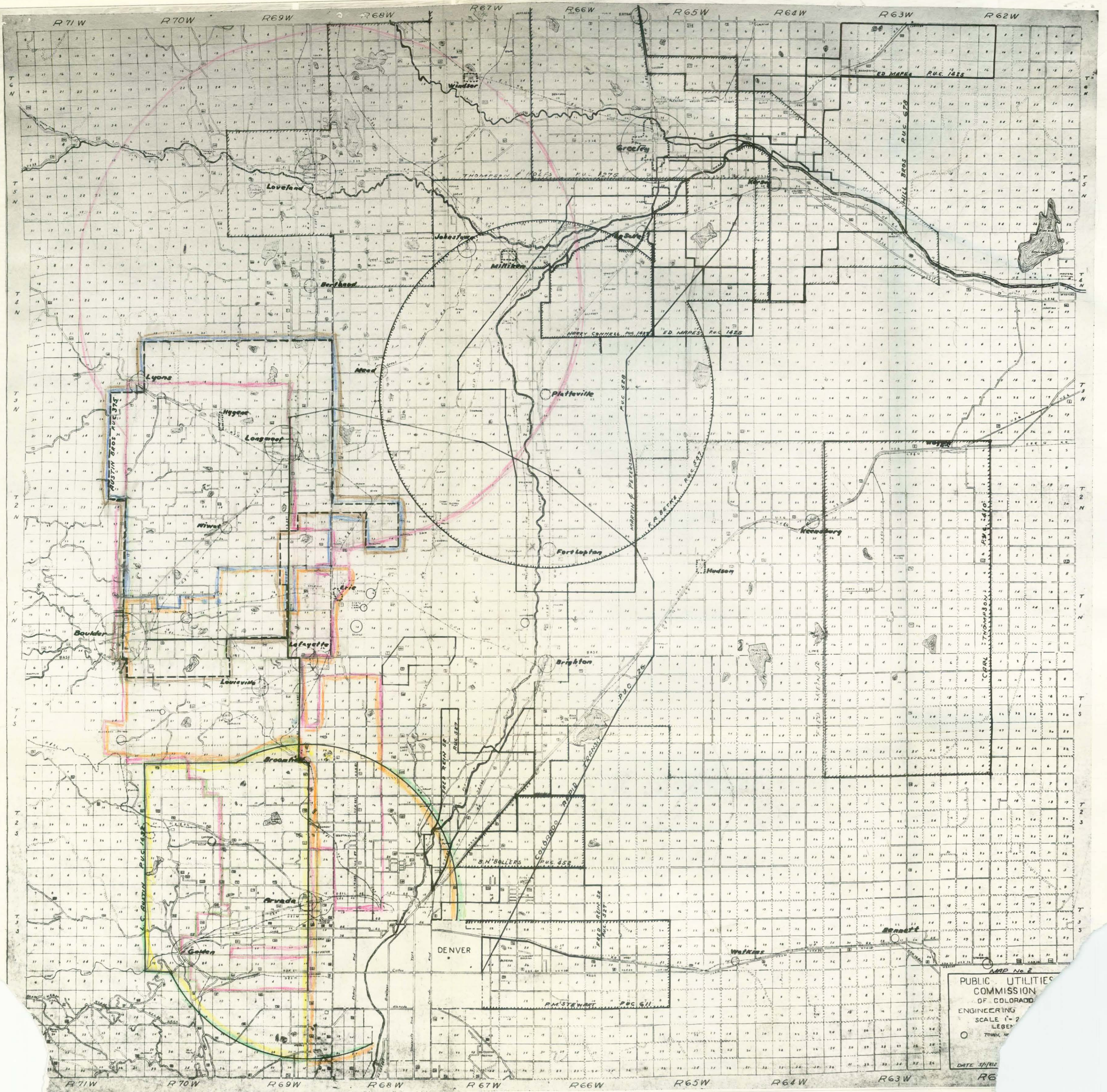
That this order shall become effective ten days from this date.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado, this
1st day of November, 1949

Ralph C. Johnson
John B. Barry
Joseph W. McCarty
COMMISSIONERS



MAP No. 2
PUBLIC UTILITIES
COMMISSION
OF COLORADO
ENGINEERING
SCALE 1" = 2
MILES
LEGEND
TOWNSHIP
DATE 5/1/12
R6

EXHIBIT "G"

— PUC 1632, present authority, L.C. Austin, boundary of authorized area, to Golden and Denver and points within 5 miles of Denver

— Boundary of area giving effect to proposal, service to Denver and 5 mile-radius thereof

• Service points not within area

— PUC 375, Fred H. Austin, authorized area, to Denver and 5 miles thereof and to Boulder, Loveland, Longmont, Johnstown, Lafayette, Marshall and Golden

— PUC 375, Fred H. Austin giving effect area, for service to Denver and 5 miles thereof

• Service points not in area

— Pioneer Certificate No. 616, outline of present authorized area

— Pioneer Cert. 616, outline of area to be served in movements to Denver and points within 5 miles thereof

Free
App 10021
Free Austin