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882. 8/19/29

(Decision No. 2415)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE MOTOR VEHICLE OPERATIONS)
OF BARNEY BAIRD.) CASE NO. 461

August 2, 1929.

Appearances: L. H. Drath, Esq., Denver, Colorado,
attorney for respondent;
A. T. Monson, Esq., Denver, Colorado,
attorney for H. L. Mikelson doing
business as Franktown Truck Line;
J. Q. Dier, Esq., Denver, Colorado,
attorney for The Colorado and
Southern Railway Company;
Colin A. Smith, Esq., Denver, Colorado,
amicus curiae.

S T A T E M E N T

By the Commission:

The Commission entered an order for an investigation and hearing for the purpose of determining whether or not the respondent, Barney Baird, is operating as a motor vehicle carrier and requiring him to file an answer to the Commission showing why an order should not be entered requiring him to cease and desist from such operations if he is engaged therein.

The evidence shows that the applicant is operating a general store in Parker; that he delivers many articles of merchandise to his customers without making charge for said service, either by making direct charge therefor or by increasing the price for the merchandise; that in some cases he buys the goods in Denver and delivers them direct to the customers. It is well known that not infrequently an operator who is really a common carrier, attempts to evade the law by claiming to selling merchandise or other freight which, as a matter of fact, he is merely transporting for others. However, in this case the evidence shows with reasonable satisfaction that the respondent is not evading or attempting

to evade the law in the conduct of his business. One commodity which the respondent is hauling lent some color to the charge that he is a common or motor vehicle carrier. He never carries ice in stock in his store. It is always transported from Denver. However, we have many cases in this State in which various people in good faith buy commodities such as potatoes, coal, etc. at the point of production or manufacture and then sell the same to various individual customers.

Viewing the respondent's operations as a whole we are of the opinion and so find that he has not been operating as a motor vehicle carrier.

O R D E R

IT IS THEREFORE ORDERED, That this proceeding be,
and the same is hereby, discontinued.

Commissioner Bock did not participate in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 2nd day of August, 1929.

Ray L Jones

H. H. Hall

Commissioner.

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CAS
J. H. D. 8/19/29

(Decision No. 2416)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE MOTOR VEHICLE OPERATIONS)
OF GEORGE H. KARSTENS AND FRED) CASE NO. 458
P. HEINTZ.)

August 2, 1929

Appearances: J. F. Meador, Esq., Craig, Colorado,
attorney for respondents.

S T A T E M E N T

By the Commission:

Complaint was filed by W. R. Housley, a certificate holder, operating between Great Divide and Craig, Colorado, against George H. Karstens and Fred P. Heintz. Pursuant thereto the Commission entered an order against the said respondents requiring them to show cause why an order should not be entered commanding them to cease and desist from conducting motor vehicle operations beyond the scope of the certificate heretofore issued to them.

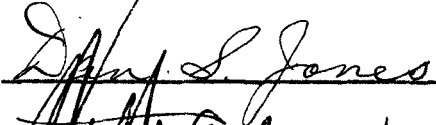

The said Housley did not appear at the hearing. The both respondents and two other witnesses testified that the respondents had not been engaged in operations other than those authorized by their certificate. The Commission is of the opinion, therefore, and so finds, that the respondents have not been guilty of violating the motor vehicle law.

ORDER

IT IS THEREFORE ORDERED, That this proceeding be, and the same is hereby discontinued.

Commissioner Bock did not participate in the
disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

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QAS
F. E. D., 8/19/29

(Decision No. 2417)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE MOTOR VEHICLE OPERATIONS)
OF F. E. DAVIS.) CASE NO. 447

August 2, 1929

Appearances: Mr. F. E. Davis, Stoneham, Colorado,
pro se;
Colin A. Smith, Esq., Denver, Colorado,
Assistant Attorney General,
amicus curiae.

S T A T E M E N T

By the Commission:

On July 2 the Commission held a hearing on its order providing for a hearing and investigation for the purpose of determining whether or not the respondent is operating as a motor vehicle carrier. The evidence introduced at the hearing shows that the applicant was so operating. However, as the applicant did not appear and as there was some question whether or not he had received notice in time to permit of his appearing, the matter was continued for further hearing on the 25th of July. At that time the respondent appeared and stated that he had ceased his operations but is willing for the Commission to enter an order requiring him to cease and desist.

O R D E R

IT IS THEREFORE ORDERED, That the respondent, F. E. Davis, be, and he is hereby, required to cease and desist from operating as a motor

vehicle carrier as defined by law, until and unless he shall have procured a certificate of public convenience and necessity.

Commissioner Bock did not participate in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

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File
8/19/29

(Decision No. 2418)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE MOTOR VEHICLE OPERATIONS)
OF HERBERT HENRIKSON.) CASE NO. 467

August 2, 1929

Appearances: A. P. Anderson, Esq., Denver, Colorado,
attorney for respondent;
Colin A. Smith, Esq., Denver, Colorado,
Assistant Attorney General,
amicus curiae.

S T A T E M E N T

By the Commission:

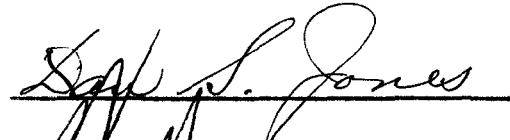
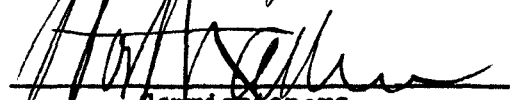
The Commission entered an order requiring an investigation and hearing for the purpose of determining whether or not the respondent, Herbert Henrikson, is operating as a motor vehicle carrier without a certificate of public convenience and necessity. At the hearing it developed that the respondent is engaged in transporting freight for three concerns only, being Skaggs Safeway Grocery Company, Snodgrass Food Company and Merchants Biscuit Company. It is obvious that the respondent in serving these three customers only is not a motor vehicle carrier as defined by our statute. Some of the certificate holders seem to be of the opinion that this Commission can and should stop all operations carried on for hire by persons who do not hold certificates of public convenience and necessity. The Legislature has seen fit to limit our jurisdiction to those carriers who transport freight for the general public or a sufficiently large part thereof so that they in fact are common carriers. It is not, therefore, every operation for hire that we may take steps to stop.

O R D E R

IT IS THEREFORE ORDERED, That this proceeding be,
and the same is hereby, discontinued.

Commissioner Bock did not participate in the disposition
of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

CO 2
PRA. 8/19/29

(Decision No. 2419)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

APPLICATION OF HARRY F. SATERO)
FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

APPLICATION NO. 819

August 2, 1929

Appearances: Riley R. Cloud, Esq., Pueblo, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

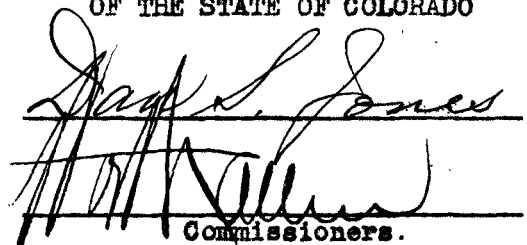
Harry F. Satero and his attorney, Riley R. Cloud, Esq.,
appeared before the Commission this day in its Hearing Room in Denver and
moved that the above entitled application be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That Application No. 819 be, and
the same is hereby, dismissed.

Commissioner Bock did not participate in the disposition of
this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

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618
G.A.D 8/19/29

(Decision No. 2420)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE MOTOR VEHICLE OPERATIONS)
OF H. A. DIXON.) CASE NO. 451

August 2, 1929

Appearances: H. A. Dixon, Grand Junction, Colorado,
pro se;
Colin A. Smith, Esq., Denver, Colorado,
Assistant Attorney General,
amicus curiae.

S T A T E M E N T

By the Commission:

An order was entered by the Commission providing for an investigation and hearing for the purpose of determining whether or not respondent is operating as a motor vehicle carrier. The evidence shows that the respondent is regularly engaged in transporting freight for three concerns, being Skaggs Safeway Grocery Company, Independent Lumber Company and Big Skirts, a wholesale house, situated in Grand Junction. The only other hauling which he has done has been of heavy oil well supplies to and from some two or three fields. This latter business was practically concluded some time ago.

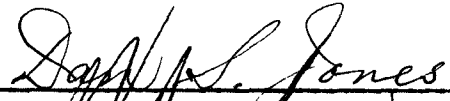
The transportation of freight for the three concerns mentioned obviously does not make the operator a common or motor vehicle carrier as defined by our statute. While a general transportation of oil well equipment for all who desire to employ the operator, would make him a carrier, in view of the fact that he is no longer engaged in such operations the Commission has concluded to discontinue the case.

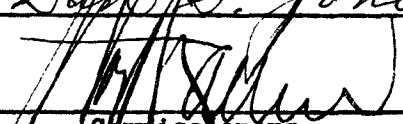
O R D E R

IT IS THEREFORE ORDERED, That this proceeding be,
and the same is hereby, discontinued.

Commissioner Bock did not participate in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 2nd day of August, 1929.

602
J.S. 8/19/29

389

(Decision No. 2421)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF SANFORD A. TAYLOR AND WAYNE)
TAYLOR, CO-PARTNERS, DOING BUSI-) APPLICATION NO. 1394
NESS AS MIDWAY CASH STORE, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

August 2, 1929

SUPPLEMENTAL ORDER

S T A T E M E N T

By the Commission:



An order was entered herein on July 20, granting a certificate of public convenience and necessity to the applicants, alleged to be "doing business as Midway Cash Store." At the hearing the application was amended so as to show that the applicants are doing business as Taylor Mercantile Company. The Commission overlooked this amendment in writing its order.

O R D E R

IT IS THEREFORE ORDERED, That the order of July 20, 1929, be amended by the substitution, in lieu of the name Midway Cash Store, the name Taylor Mercantile Company.

Commissioner Bock did not participate in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

(Decision No. 2422)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DAVID TROGLER, JR.)

CASE NO. 383.

August 2, 1929.

Appearances: Jos. K. Bozard, Esq., Steamboat Springs, Colo.,
attorney for respondent;
D. W. Oyler, Esq., Denver, Colorado,
attorney for The Denver and Salt Lake
Railway Company.

S T A T E M E N T

By the Commission:

The Commission entered an order citing David Tregler, Jr., of Steamboat Springs, Colorado, to appear before the Commission and show cause, if any, why an order should not be entered commanding and requiring him to cease and desist from operating as a motor vehicle carrier unless and until he shall have procured a certificate of public convenience and necessity therefor.

The hearing was held in Steamboat Springs on July 23. The evidence shows that the applicant had been transporting freight from Denver for only two merchants. This operation would not make him a common or motor vehicle carrier. However, the evidence further shows that the respondent has been doing a general miscellaneous transportation business by truck in the Steamboat Springs territory. Such operations are those of a common carrier. The Commission therefore finds that the respondent is and has been operating as a motor vehicle carrier contrary to law.

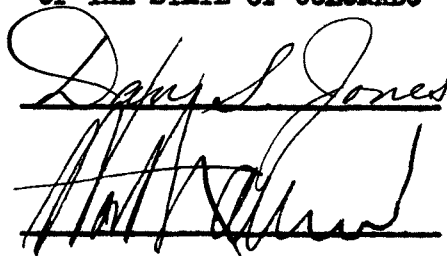
O R D E R

IT IS THEREFORE ORDERED, That the respondent, David Tregler, Jr.,

be, and he is hereby, required to cease and desist from operating as a motor vehicle carrier until and unless he shall have procured a certificate of public convenience and necessity therefor.

Chairman Bock did not participate in the hearing or disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Two handwritten signatures are written over two horizontal lines. The top signature is 'Lloyd S. Jones' and the bottom signature is 'H. H. [unclear]'.

Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

628
Wch
J.R.S. 8/19/29

(Decision No. 2423)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GEORGE KOEPKE, DOING BUSINESS)
UNDER THE NAME AND STYLE OF)
STEAMBOAT-DENVER TRUCK LINE, FOR)
A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 1321

IN THE MATTER OF THE APPLICATION)
OF C. M. DINIUS FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESS-)
ITY.)

APPLICATION NO. 1332

August 2, 1929.

Appearances: David F. How, Esq., Denver, Colorado,
attorney for applicant, George Koepke;
Clarence Werthan, Esq., Denver, Colorado,
attorney for applicant, C. M. Dinius;
Elmer L. Brock and D. W. Oyler, Esqs.,
Denver, Colorado, attorneys for The
Denver and Salt Lake Railway Company,
protestant;
J. S. Habenicht, Esq., Denver, Colorado,
attorney for Railway Express Agency, Inc.,
protestant;
J. K. Bozard, Esq., Steamboat Springs, Colorado,
and A. P. Anderson, Esq., Denver, Colorado,
attorneys for Steamboat Transfer and
Storage Company.

S T A T E M E N T

By the Commission:

George Koepke, doing business as Steamboat-Denver
Truck Line, filed his application for a certificate of public convenience
and necessity authorizing the transportation of freight and express between
Steamboat Springs, Colorado, and Denver, Colorado, and intermediate points
including Kremmling, Hot Sulphur Springs, Granby and Idaho Springs.

C. M. Dinius and A. C. Dinius, co-partners, doing
business as the C. M. Dinius Motor Company, filed their application for a

certificate of public convenience and necessity authorizing the transportation of freight between Craig, Colorado and Denver, Colorado, and the intermediate points, including Hayden, Steamboat Springs, Yampa and Oak Creek. This application was amended by A. C. Dinius withdrawing and leaving the application in the name of C. M. Dinius.

The Commission has heretofore granted a certificate of public convenience and necessity to Steamboat Transfer and Storage Company authorizing the transportation of freight between Denver and Steamboat Springs and points within a radius of fifty miles thereof which includes Craig, Hayden, Oak Creek and Yampa. No witnesses in support of Koepke's application appeared from Kremmling, Hot Sulphur Springs, Granby or Idaho Springs. Motor vehicle service is now being rendered on schedule between Craig and Steamboat Springs by Stanley Larson. No complaint was made as to the inadequacy of said service.

The Dinius application was a rather unusual one. While the details have not been worked out, it was stated at the hearing that the applicant if, and when, he procures a certificate, proposes to organize a corporation, the stock in which is to be taken by several men who are now operating trucks from various points on the proposed route. In addition, it was stated that the compensation of these men would be based on the volume of business each one would procure. This situation might lead to very serious and unsatisfactory results. While all of the men would work for the corporation to which Dinius would seek authority to transfer his certificate, there might be a tendency for each to be working somewhat against the interests of the other. Assuming, however, that Dinius should procure a certificate, and that the same should be transferred with the consent of this Commission to a corporation, and that said corporation should do business in a satisfactory manner, we are still of the opinion and so find that public convenience and necessity was not shown to require any operations in addition to those to be rendered by Steamboat Transfer and Storage Company.


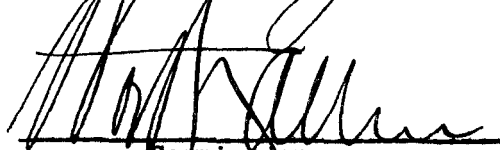
O R D E R

IT IS THEREFORE ORDERED, That the applications of George Koepke, doing business under the name of Steamboat-Denver Truck Line and C. M. Dinius be, and the same are hereby, denied.

Commissioner Bock did not participate in the hearing or disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 2nd day of August, 1929.



Commissioners.

(Decision No. 2425)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE HARRIS)

CASE NO. 471.

August 2, 1929.

S T A T E M E N T.

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within ten days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 305 State Office Building, Denver, Colorado, on the 16th day of August, 1929, at 2:00 P.M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

Chairman Bock did not participate in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Daphne L. Jones
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

*Vacated at request of D. A. Maloney,
complainant.*

628

(Decision No. 2426)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE L. FRANTZ.)

CASE NO. 472.

Aug. 2, 1929.

S T A T E M E N T.

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within ten days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby,
set down for hearing before the Commission in its Hearing Room, 305 State Office
Building, Denver, Colorado, on the 16th day of August, 1929, at 2:00 P.M.
thereof, at which time and place such evidence may be introduced and such
witnesses examined as may be proper.

Chairman Bock did not participate in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel Jones
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

*Vacated at request of D. A. Maloney,
complainant.*

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9 A.D. 8/19/29

(Decision No. 2427)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ISAAC L. REED FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND) APPLICATION NO. 1111.
NECESSITY.)

August 2, 1929.

S T A T E M E N T

By the Commission:

It appearing that applicant herein, by his
attorney, has asked that his application be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That this proceeding be,
and the same is hereby, dismissed.

Commissioner Bock did not participate
in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Sam L. Jones
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

(Decision No. 2428)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE GOULF.)

CASE NO. 473.

August 2, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.



IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within fifteen days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED That said matter be, and the same is hereby,

set down for hearing before the Commission in the Court House at Walden,
Colorado, on August 20, 1929, at 9:30 A.M. thereof, at which time and place such
evidence may be introduced and such witnesses examined as may be proper.

Chairman Bock did not participate in the
disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

662

(Decision No. 2422)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL ANDERSON.)

CASE NO. 474.

[Signature]
* * * * *
August 2, 1929.
* * * * *

S T A T E M E N T.

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.



IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within fifteen days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby,

set down for hearing before the Commission in the Court House in Walden, Colorado, on August 20, 1929, at 9:30 A.M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

Chairman Bock did not participate in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

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(Decision No. 2430)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM EDGAR.)

CASE NO. 475.

August 2, 1929.

S T A T E M E N T.

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

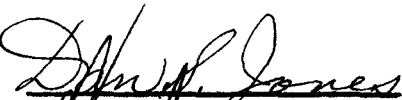

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within fifteen days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby,

set down for hearing before the Commission in the Court House at Walden, Colorado, on August 20, 1929, at 9:30 A.M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

Chairman Bock did not participate
in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

(Decision No. 2431)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK LOUCKS.)

CASE NO. 476.

Aug. 2, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

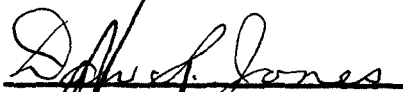

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within fifteen days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby,

set down for hearing before the Commission in the Court House at Walden, Colorado, on August 20, 1929, at 9:30 A.M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

Chairman Bock did not participate
in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

(Decision No. 2432)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY CROSBY.)

CASE NO. 477.

Aug. 2, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

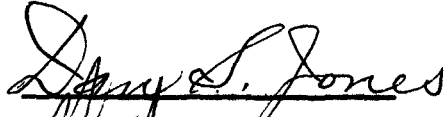

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within fifteen days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby,

set down for hearing before the Commission in the Court House at Walden, Colorado, on August 20, 1929, at 9:30 A.M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

Chairman Bock did not participate in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

618
(Decision No. 2435)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED WYATT.)

CASE NO. 478.

Aug. 2, 1929.

S T A T E M E N T.

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

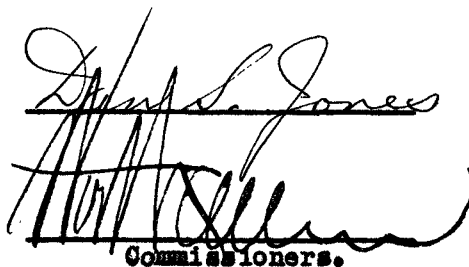
IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within fifteen days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby,

set down for hearing before the Commission in the Court House at Walden, Colorado, on August 21, 1929, at 9:30 A.M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

Chairman Bock did not participate in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

608
(Decision No. 2434)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED SUTTON.)

CASE NO. 479.

Aug. 2, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

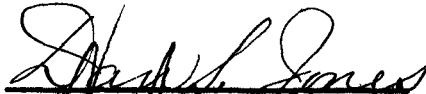

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within fifteen days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby,

set down for hearing before the Commission in the Court House at Walden, Colorado, on August 21, 1929, at 9:30 A.M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

Chairman Bock did not participate in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners,

Dated at Denver, Colorado,
this 2nd day of August, 1929.

(Decision No. 2435)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ANDY HARTMAN.)

CASE NO. 480

Aug. 2, 1929.

S T A T E M E N T.

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.


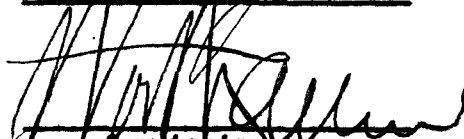
IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within fifteen days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby,

set down for hearing before the Commission in the Court House at Walden, Colorado, on August 21, 1929, at 9:30 A.M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

Chairman Bock did not participate in this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

(Decision No. 2456)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
IRVIN BRANDTS.)

CASE NO. 481.

Aug. 2, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

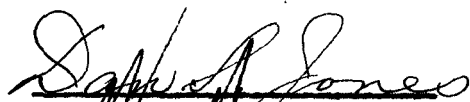

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within fifteen days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby,

set down for hearing before the Commission in the Court House at Walden, Colorado, on August 21, 1929, at 9:30 A.M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

Chairman Bock did not participate in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

CASE

(Decision No. 2437)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS SEARS.)

CASE NO. 482

August 2, 1929

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within fifteen days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in the Court House at Walden, Colorado, on August 21, 1929 at 9:30 A.M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

Chairman Bock did not participate in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

(Decision No. 2438)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BRYANT NEWBY.)

CASE NO. 485

Aug. 2, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

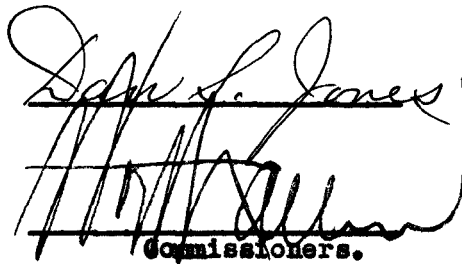
IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within fifteen days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby,

set down for hearing before the Commission in the Court House at Walden, Colorado, on August 21, 1929, at 9:30 A.M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

Chairman Bock did not participate in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

(Decision No. 2439)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED DONELSON.)

CASE NO. 484.

Aug. 2, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

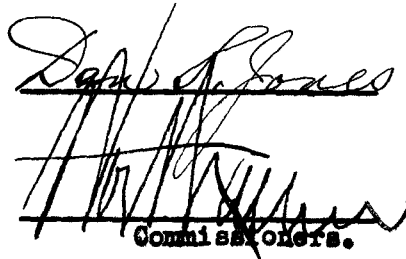
IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within fifteen days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby,

set down for hearing before the Commission in the Court House at Walden, Colorado, on August 21, 1929, at 9:30 A.M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

Chairman Bock did not participate in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

608

(Decision No. 2440)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM WILSON.)

CASE NO. 485

August 2, 1929

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, The Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

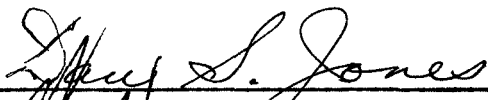
IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.


IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within 15 days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in the Court House at Walden, Colorado. on August 21, 1929, at 9:30 A.M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

Chairman Bock did not participate in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

622

(Decision No. 2441)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
AL SHOUPPE.)

CASE NO. 486.

Aug. 2, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

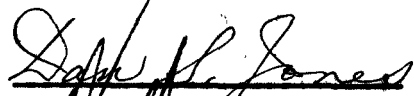
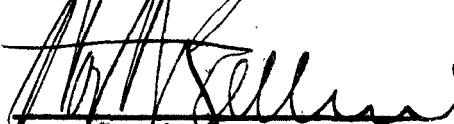
IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within fifteen days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby,

set down for hearing before the Commission in the Court House at Walden, Colorado, on August 21, 1929, at 9:30 A.M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

Chairman Bock did not participate in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

622
(Decision No. 2442)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GUY MILLER.)

CASE NO. 487.

Aug. 2, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

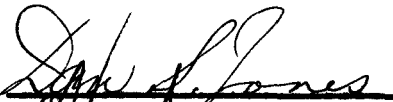

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within fifteen days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby,

set down for hearing before the Commission in the Court House at Walden, Colorado, on August 21, 1929, at 9:30 A.M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

Chairman Bock did not participate in the disposition of this case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 2nd day of August, 1929.

(Decision No. 2443)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED STIRES.)

CASE NO. 488

August 2, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within 15 days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in the Court House

at Walden, Colorado, on August 21, 1929, at 9:30 A. M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

Commissioner Bock did not participate in the disposition of this case.
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 2nd day of August, 1929.

David L. Jones
W. H. Bock
Commissioners.

✓

CP 2
J.S.A. 8/19/29

(Decision No. 2444)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED FERGUSON.)

CASE NO. 455

August 13, 1929

S T A T E M E N T

By the Commission:

On June 20, 1929, the Commission on its own motion entered an order in the above entitled matter calling for an investigation and hearing for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law. This matter was set down for hearing on July 2, 1929, but was subsequently continued to August 12, 1929, at which time counsel for respondent appeared and stated that respondent had no objection to an order requiring him to cease and desist as a motor vehicle carrier as defined in Chapter 134, Session Laws of Colorado, 1927.

O R D E R

IT IS THEREFORE ORDERED, That said respondent, Fred Ferguson, forthwith cease and desist from operating as a motor vehicle carrier as defined in Chapter 134, Session Laws of Colorado, 1927.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock
John A. Jones
H. A. Keller
Commissioners.

Dated at Denver, Colorado,
this 13th day of August, 1929.

(Decision No. 2445)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
PICKWICK STAGE LINES, INC., AND PIONEER
STAGE LINES, INC., FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO
OPERATE PASSENGER, BAGGAGE AND EXPRESS
SERVICE BETWEEN DENVER, COLORADO, AND
THE COLORADO-KANSAS STATE LINE AT KAN-
ORADO, KANSAS, AND INTERMEDIATE POINTS.

APPLICATION NO. 1415 ✓

IN THE MATTER OF THE APPLICATION OF THE
INTERSTATE TRANSIT LINES FOR A CERTIFI-
CATE OF PUBLIC CONVENIENCE AND NECESSITY
FOR THE OPERATION OF HIGHWAY MOTOR STAGE
SERVICE TRANSPORTATION OF PASSENGERS AND
EXPRESS BETWEEN DENVER, COLORADO, AND THE
COLORADO-KANSAS STATE LINE EAST OF ARAPA-
HOE, COLORADO, ALONG THE LINE OF THE
UNION PACIFIC RAILROAD AND FROM DENVER,
COLORADO, TO THE COLORADO-NEBRASKA STATE
LINE NORTHEAST OF JULESBURG, COLORADO,
ALONG THE LINE OF THE UNION PACIFIC
RAILROAD COMPANY.

APPLICATION NO. 1417

IN THE MATTER OF THE APPLICATION OF THE
PARADOX LAND AND TRANSPORT COMPANY, A
COLORADO CORPORATION, AND THE PICKWICK-
GREYHOUND LINES, INC., A DELAWARE COR-
PORATION, FOR TRANSFER OF CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 401-AA ✓

August 23, 1929.

Appearances: Jack Garrett Scott, Esq., Denver, Colorado, and
E. J. McCarty, Burlington, Colorado, representing
Pickwick-Grayhound Lines, Inc.;
E. G. Knowles, Esq., Denver, Colorado, Chas. H. Beeler,
Hugo, Colorado, and W. H. Johnson, Cheyenne Wells, Colo.
representing Interstate Transit Lines;
George H. Swerer, Esq., Denver, Colorado, representing
The Paradox Land and Transport Company;
Wm. P. Kavanaugh, Esq., Denver, Colorado, representing
certain creditors of The Paradox Land and Transport
Company;
D. Edgar Wilson, Esq., Denver, Colorado, representing
The Chicago, Rock Island and Pacific Railway Company.

S T A T E M E N T

By the Commission:

Application No. 1415 is a joint application of the Pickwick Stage Lines, Inc., and the Pioneer Stage Lines, Inc., for a certificate of public convenience and necessity to operate a motor vehicle system for the transportation of passengers, baggage and express service interstate between Denver, Colorado, and the Colorado-Kansas State Line at Kanorado, Kansas, and intermediate points. At the hearing the applicants substituted, as applicant, the Pickwick-Greyhound Lines, Inc., a Delaware corporation, which since the filing of the application has become the operating company over the routes involved herein. Protests were filed against this application by the Union Pacific Railroad Company, Paradox Land and Transport Company and The Chicago, Rock Island and Pacific Railway Company.

Application No. 1417 is an application of the Interstate Transit Lines for a certificate of public convenience and necessity to operate a motor vehicle system for the transportation of passengers, baggage and express intrastate and interstate between Denver, Colorado, and the Colorado-Kansas State Line east of Arapahoe, Colorado, along the line of the Union Pacific Railroad Company and also from Denver, Colorado, to the Colorado-Nebraska State Line northeast of Julesburg, Colorado, along the line of the Union Pacific Railroad Company. Protests were filed against this application by L. B. Willson, operating under the name of the Platte Valley Transportation Company, the Paradox Land and Transport Company, the Pickwick-Greyhound Stage Lines, Inc., and the Chicago, Burlington & Quincy Railroad Company.

Application No. 40L-AA is a petition by the Paradox Land and Transport Company and the Pickwick-Greyhound Lines, Inc., for authority to transfer a certificate of public convenience and necessity authorizing motor vehicle bus transportation between Limon and Denver, Colorado, and intermediate points. Protests were filed against this application by The Chicago, Rock Island and Pacific Railway Company. The Union Pacific Railroad Company and the Interstate

Transit Lines were granted permission to intervene therein.

Public hearings were held on a joint record in this matter at Burlington, Colorado, Hugo, Colorado, and Denver, Colorado. Taking up first the Application No. 1415 by the Pickwick-Greyhound Lines, Inc., the testimony shows that this applicant now operates, under certificate by this Commission, interstate between Denver and the Colorado-Kansas State Line. Between Denver and Limon they operate over the public highway adjoining or following the Union Pacific Railroad Company, and between Limon and the Colorado-Kansas State Line they operate over the public highway adjoining or following the Chicago, Rock Island and Pacific Railway. This operation has been conducted for the past few years. The Pickwick-Greyhound Lines conducts one of the largest interstate bus operations west of the Mississippi River. It now operates between Denver and Kansas City, via the route involved herein, three schedules per day each way. The transportation experience as well as the financial dependability of the applicant is satisfactory and is undisputed in this record. The equipment to be used in this proposed intrastate operation consists of¹⁴ busses valued at approximately \$ 136,000.00 . Between Limon and the Colorado-Kansas State Line there is now no motor vehicle passenger transportation service intrastate offered to the public, although the applicant operates over said routes interstate three times per day. The Chicago, Rock Island and Pacific Railway Company operates its passenger service in that territory. Its schedule of time, however, is so fixed and related so as to mainly take care of its interstate business and, therefore, so far as inter-city service in the territory involved is concerned, is not very satisfactory to the public. It perhaps is all the rail service that, under the circumstances, the carrier can be required to give. The applicant produced a large number of witnesses from all intermediate points between Limon and the Colorado-Kansas State Line who testified to the effect that the public convenience and necessity requires the proposed intrastate motor service by the applicant. In addition thereto the applicant introduced a large number of statements obtained by its agents along the route from prospective passengers who desired to use the service of the applicant intrastate but were denied such service for lack of authority from this Commission to render the same.

While this Commission has heretofore denied to other applicants a certificate authorizing such operation as is involved herein, mainly because the record in those applications did not sufficiently show a public convenience and necessity, however, in the instant application the evidence is far more voluminous as to this major issue. The County Commissioners of Kit Carson County, over which most of the route involved herein east of Limon extends, were unanimously in favor of granting this application. Moreover, the mayors of several of the cities and towns involved testified in favor of the applicant's position.

After a careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity requires the motor vehicle system of the applicant for the transportation of passengers, baggage and express intrastate between Limon and the Colorado-Kansas State Line and intermediate points on the United States Highway Forty North. Relative to the proposed motor vehicle operations intrastate by the applicant between Limon and Denver, the Commission will reserve its comments under the discussion as to Application No. 401-AA.

Application No. 1417 by the Interstate Transit Lines includes a proposed motor vehicle operation from Denver, Colorado, to the Colorado-Kansas State Line on the public highway adjoining or following the railroad of the Union Pacific Railroad Company. The Interstate Transit Lines is a subsidiary of the Union Pacific Railroad Company. The Interstate Transit Lines now operates motor vehicle transportation service in several states. Its transportation dependability and financial structure is undisputed. Relative to the proposed operation between the Colorado-Kansas State Line and Denver the testimony shows by a number of witnesses that the public convenience and necessity requires the same especially as it relates to the territory between the Colorado-Kansas State Line and Limon, Colorado. There is also some testimony as to the public convenience and necessity being served by operating from points intermediate east of Limon to points intermediate west of Limon, including Denver. Since the applicant is a subsidiary of the Union Pacific Railroad Company the testimony also shows that the public convenience and necessity would be better served if the applicant were permitted to conduct intrastate operations as well as interstate operations on

-4-

the public highway adjoining its railroad. The rail carrier would be permitted to make certain economies in its passenger service as well as in times of emergency use either the rail service or the motor vehicle service to transport passengers. The applicant expects to commence operation approximately October 1, 1929, on two schedules per day between Denver and the Colorado-Kansas State Line. The equipment that it proposes to use on all of its operations in the state consists of²¹ busses valued at approximately \$231,000.00.

Relative to the proposed operation by the applicant interstate as well as intrastate between Denver and the Colorado-Nebraska State Line, northeast of Julesburg, Colorado, counsel for applicant stated for record that it will not compete intrastate between Sterling and Denver, Colorado, and intermediate points; that the proposed intrastate operation asked for is between Sterling and Julesburg and intermediate points and from any intermediate point north of Sterling to any intermediate point south of Sterling, including Denver. Upon this statement in the record the Platte Valley Transportation Company and the Colorado Motor Way, Inc., who serve intrastate between Sterling and Denver, withdrew their objection to the application. The testimony also shows that there is not now any motor vehicle transportation service intrastate between Sterling and Julesburg and from points north of Sterling to points south of Sterling intermediate to Denver and that the public convenience and necessity would be served if authorization for such service were granted.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity requires the motor vehicle system of the applicant for the transportation of passengers, baggage and express interstate, as well as intrastate, between Limon and the Colorado-Kansas State Line on the United States Highway Forty South. Relative to the proposed motor vehicle operation interstate, as well as intrastate, by the applicant between Limon and Denver, Colorado, the Commission will reserve its comments herein under the discussion of Application No. 401-AA.

Coming now to Application No. 401-AA, which involves the territory between Limon and Denver, the Commission on September 1, 1925, issued a certificate of public convenience and necessity to W.B. Schaack, authorizing

motor vehicle transportation of passengers, parcels and small packages between Denver and Limon and intermediate points. This certificate was subsequently transferred to the Paradox Land and Transport Company and the purpose of this petition now is to transfer the said certificate to the Pickwick-Greyhound Lines, Inc. The testimony shows that while the Paradox Land and Transport Company had some negotiations with the Interstate Transit Lines and the Union Pacific Railroad Company for the purchase of this certificate, that subsequently the Pickwick-Greyhound Lines, Inc., succeeded in entering into an agreement with the Paradox Land and Transport Company, subject to the approval of this Commission, to purchase the going concern valued, under said certificate, at the sum of \$7500. The testimony shows that this agreement was entered into in good faith and that the Pickwick-Greyhound Line stands ready, subject to the approval of this Commission, to take over this operation. As already stated, Applications 1415 and 1417 also involve the public convenience and necessity to be served in this territory. The Paradox Land and Transport Company has done some considerable pioneering in bus transportation in this state and the testimony shows that it is somewhat financially depressed at this time. Protests were filed by certain individuals claiming indebtedness for labor services rendered and the testimony shows a very great indebtedness in addition to such claims. While the Pickwick-Greyhound Lines, Inc., succeeded in good faith to purchase such certificate, yet in view of all of the evidence as it relates to public convenience and necessity from points on the Union Pacific Railroad east of Limon to points west of Limon, the Commission felt that the public convenience would be better served if both operators received authority to operate intrastate between Limon and Denver, Colorado. This also applies from points on The Chicago, Rock Island and Pacific Railway east of Limon to points intermediate west of Limon. Under these circumstances the Commission suggested that each applicant assume the payment of one-half of the \$7500 purchase price to the Paradox Land and Transport Company and if that was agreed to that the Commission in Applications Nos. 1415 and 1417 would issue a certificate authorizing motor vehicle transportation of passengers, baggage and express between Limon and Denver, Colorado, and intermediate points. The applicants agreed to this suggestion by the Commission and the Application No. 401-AA will be disposed

of in that manner.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of the Plakwick-Greyhound Lines, Inc., for the transportation of Passengers, baggage and express intrastate between Denver and the Colorado-Kansas State Line and intermediate points on the United States Highway Forty and Forty North, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the public convenience and necessity requires the motor vehicle system of the Interstate Transit Lines, Inc., for the transportation of passengers, baggage and express interstate, as well as intrastate, between Denver and the Colorado-Kansas State Line and intermediate points on United States Highway Forty and Forty South, and between Denver and the Colorado-Nebraska State Line northeast of Julesburg interstate along the highway adjoining the Union Pacific Railroad and intrastate between Sterling and Julesburg and intermediate points ^{between} and ~~from~~ any intermediate points north of Sterling to any intermediate points south of Sterling, including Denver, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicants shall file tariffs of rates, rules and regulations and time schedules as required by the Rules and Regulations of the Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicants shall operate such motor vehicle carrier systems according to the schedules filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicants with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

IT IS FURTHER ORDERED, That the certificates hereinabove granted shall not become effective until said applicants, upon such terms and conditions as may be approved by this Commission, shall pay to the Paradox Land and Transport Company, or to anyone designated by it less any tax for use of the highways of the State of Colorado, the sum of \$7500 for sale and transfer of certificate under Application No. 401-AA.

IT IS FURTHER ORDERED, That upon completion of payment and receipt thereof by the Paradox Land and Transport Company, the certificate of public convenience and necessity issued in Application No. 401 be considered as cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock

Samuel S. Jones

W. H. Miller
Commissioners.

Dated at Denver, Colorado,
this 23rd day of August, 1929.

393

(Decision No. 2446)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF DALE RESSLER FOR A CERTIFICATE) APPLICATION NO. 844
OF PUBLIC CONVENIENCE AND NECESSITY.)

August 23, 1929

Appearances: Pelton & Chutkow, Esqs., Akron, Colorado,
attorneys for applicant;
J. Q. Dier, Esq., Denver, Colorado,
attorney for Chicago, Burlington &
Quincy Railroad Company.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing a motor vehicle system for the transportation of freight between Akron and Denver and Denver and Akron. Protests were filed against this application by the Chicago, Burlington & Quincy Railroad Company and the Railway Express Agency. At the time of the hearing it was stipulated that the motor vehicle operation for which authority is sought is from Akron to Denver and from Denver to Akron but not to and from any intermediate points between Akron and Denver.

The applicant, after hearing, to conform with the testimony, filed an amended application in which he asked also for authority to transport freight consisting solely of furniture, livestock and the products of agriculture from the country immediately tributary to Akron, extending as far south as thirty miles, as far east as ten miles, as far north as fifteen miles, and as far west as ten miles to and from the city of Akron and from such territory directly into Denver.

The testimony shows that the applicant owns a two-ton Reo truck of the approximate value of \$2700, that he is financially and morally

dependable and that he intends to operate a schedule bi-weekly between Denver and Akron. The applicant produced also a number of witnesses who testified to the public convenience and necessity that would be served by the proposed motor vehicle transportation system. The protestants aside from the officers and employees of the rail carrier furnished only two witnesses on this issue.

Akron is a city of about 1400 people and is the county seat of Washington County, Colorado. The territory tributary to the city of Akron is entirely agricultural. The merchants located in Akron depend mainly upon this agricultural territory which surrounds Akron which is quite extensive. Sterling, thirty miles north of Akron, is a city of approximately 7500 population. Brush is 30 miles west of Akron and Ft. Morgan is 40 miles west thereof. Competition is very keen to obtain the trade of the farmer.

Without further detailing the testimony, the Commission is of the opinion that the applicant has sufficiently sustained the burden of public convenience and necessity. The Commission in its opinion of July 1, 1929 in the application of Ft. Morgan-Brush Transportation Company, No. 8354, had before it a practically similar situation as the evidence indicates exists at Akron and believes that the same course in granting a certificate should be followed in the instant application.

After a careful consideration of all of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the motor vehicle system of the applicant for the transportation of freight from Akron to Denver, and Denver to Akron, but not between any intermediate points and the transportation of furniture and agricultural products, including livestock, from and to a certain territory described from Akron as follows:

South thirty miles, east ten miles, north fifteen miles, west ten miles and from said territory directly into Denver and return.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicant for the transportation of freight from Akron to Denver, and Denver to Akron, but not between any intermediate points and the transportation of furniture and agricultural products, including livestock, from and to a certain territory described from Akron as follows:


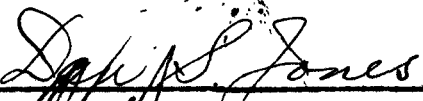

South thirty miles, east ten miles, north fifteen miles, west ten miles and from said territory directly into Denver and return,)

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

IT IS FURTHER ORDERED,, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of the Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 23d day of August, 1929.

(Decision No. 2447)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE SOUTHERN COLORADO POWER)
COMPANY FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY TO)
EXERCISE RIGHTS UNDER A FRANCHISE)
GRANTED BY THE BOARD OF TRUSTEES)
OF THE TOWN OF WESTCLIFFE, COLORADO.)

APPLICATION NO. 1442

August 16, 1929.

Appearances: Devine, Preston & Storer, Esqs., Pueblo, Colorado,
attorneys for applicant.

S T A T E M E N T

By the Commission:

On July 6, 1923, the Board of Trustees of the Town of Westcliffe, Custer County, Colorado, passed an ordinance granting a franchise to the Custer County Electric Company, its successors and assigns, authorizing the right to supply and furnish the town of Westcliffe and inhabitants thereof with electric energy for light, power and other purposes. Through ignorance as to the requirements of the law, the said Custer County Electric Company, which has since operated under said franchise, failed to secure authority from this Commission to exercise the rights and privileges granted therein. The said Custer County Electric Company has now sold its distribution system, subject to the issuance by this Commission of a certificate of public convenience and necessity authorizing the exercise by the applicant herein, the vendee of the franchise rights and privileges granted by said ordinance. The Commission has examined the said ordinance, the terms and privileges thereof and is of the opinion that the public convenience and necessity requires the exercise by the applicant of the rights and privileges therein.

The capital investment in the said distributing system is \$25,000. However, this amount should not be binding upon the Commission in any hearing held for the purpose of determining reasonable rates.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Southern Colorado Power Company, a corporation, to exercise the rights and privileges granted by an ordinance passed by the Board of Trustees of the town of Westcliffe, Colorado, on July 6, 1923, said ordinance being No. 83, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Bock

Sam S. Jones

W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 16th day of August, 1929.

313

(Decision No. 2448)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF CHARLES E. REED, CHANEY FOX)
AND FLOYD JONES FOR AUTHORITY TO)
TRANSFER CERTIFICATE OF PUBLIC) APPLICATION NO. 1217-A
CONVENIENCE AND NECESSITY.)

August 23, 1929.

Appearances: E. H. Houtchens, Esq., Greeley, Colorado,
attorney for all applicants.

S T A T E M E N T

By the Commission:

On November 26, 1928, the Commission made an order granting a certificate of public convenience and necessity to Charles E. Reed, authorizing the operation by him of a motor vehicle system for the transportation of passengers and express between Sterling, Colorado, and the Colorado-Nebraska state line on the route designated in the application therein, being the highway running from Sterling towards Scottsbluff, Nebraska.

An application has now been made by the said Reed and Chaney Fox and Floyd Jones for authority to said Reed to transfer said certificate of public convenience and necessity to said Fox and Jones.

The evidence shows that the proposed transferees are responsible, morally and financially. The Commission finds from the evidence that public convenience and necessity requires that authority be granted to said Charles E. Reed to transfer his certificate of public convenience and necessity No. 313 to Chaney Fox and Floyd Jones, doing business as Sterling-Scottsbluff Motor Line.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Charles E. Reed to transfer his certificate of public convenience and necessity No. 313 heretofore granted to him to Chaney Fox and Floyd Jones, doing

business as Sterling-Scottsbluff Motor Line.

IT IS FURTHER ORDERED, That the rules and regulations, tariffs and time schedules heretofore filed by Charles E. Reed be and become the rules and regulations, tariffs and time schedules of the said transferees until they are changed in accordance with the Rules and Regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock

Dave L. Jones

Wm. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 23rd day of August, 1929.

X
5

(Decision No. 2449)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF AN INVESTIGATION
BY THE COMMISSION UPON ITS OWN
MOTION INTO A COMPLAINT OF CHARLES
DAILEY, SR., AGAINST THE ROARING
FORK WATER, LIGHT AND POWER COMPANY.)

CASE NO. 349

August 24, 1929.

STATEMENT

By the Commission:

The respondent, the Roaring Fork Water, Light and Power Company, filed, prior to the effective date of the order made herein on August 2, 1929, a motion to amend its answer and amended answer. The Commission has considered the same carefully and is of the opinion that the motion should be denied. It is true, as we stated in the order dated January 8, 1929, that some of the language of the answer is "non-technical and inexpressive." However, we are of the opinion that the answer taken as a whole, together with the evidence, shows that the respondent clearly meant to state that the charges were made and bills rendered upon the basis of the maximum demand of the complainant. Instead of attempting to make such statement in more appropriate language, it seems to us that an attempt is now made to say something entirely different.

In Paragraph 5 of the motion it is sought to amend Paragraph 4 of its "further defense VII" so as to state that from June 1, 1909 until on or about the year 1915 bills were rendered "upon a flat charge" while those rendered after about the year 1915 were "upon the basis of an average demand of not less than ten horsepower." The Commission did rely, to a large extent, upon the pleadings of the respondent so far as the early period was concerned. In denying leave to amend so as to state that the bills were rendered during that period on a different basis than maximum demand, we are moved largely by the fact that such a basis would be wholly out of line and would make the rates in excess of what they might reasonably

be expected to be in view of the other rates that were being charged at that time.

ORDER

IT IS THEREFORE ORDERED, That the motion to amend the answer and amended answer be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

OTTO BOCK

(S E A L)

DAN S. JONES

Dated at Denver, Colorado,
this 24th day of August, 1929.

WORTH ALLEN

Commissioners.

ATTEST: A TRUE COPY.

SECRETARY.

(Decision No. 2450)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF AN INVESTIGATION)
BY THE COMMISSION, UPON ITS OWN)
MOTION, INTO A COMPLAINT OF CHARLES)
DAILEY, SR., AGAINST THE BOARING)
FORK WATER, LIGHT AND POWER COMPANY.)

CASE NO. 346

August 24, 1929

STATEMENT

By the Commission:

A motion was filed by the complainant and respondent for an order extending the effective date of the final order herein dated August 2, 1929. During the pendency of the motions for rehearing filed by both parties, the Commission has concluded, after reading the statute, that no useful purpose will be served by suspending the effective date. We do think it might be proper, and we are in another order herein, staying and postponing the enforcement of the order dated August 2, 1929, pursuant to the provisions of the statute.

ORDER

IT IS THEREFORE ORDERED, That both the motion of the complainant and that of the respondent for an extension of the effective date of the final order herein, dated August 2, 1929, be, and the same are hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(S E A L)

OTTO BOCK

DAN S. JONES

WORTH ALLEN

Commissioners.

Dated at Denver, Colorado,
this 24th day of August, 1929.

ATTEST: A TRUE COPY.

SECRETARY.

(Decision No. 2451.)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF AN INVESTIGATION
BY THE COMMISSION, UPON ITS OWN MOTION,
INTO A COMPLAINT OF CHARLES BAILLY, SR.,
AGAINST THE ROARING FORK WATER, LIGHT
AND POWER COMPANY.

CASE NO. 348

August 24, 1929

STATEMENT

By the Commission:

Applications for rehearing were filed herein by both the complainant and the respondent. After careful consideration of both thereof the Commission is of the opinion that the order or decision is not in any respect unjust or unwarranted and that the applications should be denied.

ORDER

IT IS THEREFORE ORDERED, That the applications of the complainant and respondent for rehearing be, and the same are hereby, denied.

IT IS FURTHER ORDERED, That pursuant to the applications for an extension of the effective date of the order dated August 2, 1929, and on the Commission's own motion, the enforcement of said order be, and the same is hereby, stayed and postponed for thirty days from this date, in order to give both parties adequate time in which to take such steps in the court for the review of said order as may be appropriate and necessary for the protection of their rights.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ATTEST: A TRUE COPY

SECRETARY.

Done at Denver, Colorado,
this 24th day of August, 1929.

OTTO BOCK

DAN S. JONES

WORTH ALLEN

(Decision No. 2452)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
W. J. CLARK.)

CASE NO. 489

September 4, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, the Commission is advised that the respondent has failed to pay the \$5.00 docket fee required for the issuance of a certificate of public convenience and necessity to him in Application No. 1204, and has failed to commence operations as required by the order of the Commission granting said certificate; and,

WHEREAS, the Commission finds that the public interest requires that an investigation and hearing be held for the purpose of determining whether or not the certificate of public convenience and necessity, P.U.C. No. 314, issued by it to respondent should, therefore, be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be instituted for the purpose of determining whether or not the certificate of public convenience and necessity heretofore granted to the respondent should be revoked and cancelled.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, in writing within ten days from the date hereof why the Commission should not enter an order revoking the certificate of public convenience and necessity heretofore granted to him.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in the Court House, Alamosa, Colorado, on the 17th day of September, 1929, at 10:00 A.M. thereof, at which time and

place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brick
Henry L. Jones
Harry Allen

Dated at Denver, Colorado,
this 4th day of September, 1929.

(Decision No. 2453)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD E. HULS.)

CASE NO. 490

September 5, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and,

WHEREAS, The Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission on its own motion that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within ten days from the date hereof, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall obtain a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 305 State Office Building, Denver, Colorado, on the 16th day of September, 1929, at 2:00 P.M. thereof, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock
John S. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado;
this 5th day of September, 1929.

(Decision No. 2454)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
M. E. WILLIAMS FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1371

September 5, 1929.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity to authorize the applicant to furnish electric light and power to various towns and cities on a proposed transmission line from Deertrail, Colorado.

Hearing was had on this matter on July 10, 1929 and the matter was then continued for further testimony.

The Commission is in receipt of a letter from the applicant to the effect that he is unable to agree on a satisfactory price with the operator at Byers, Colorado and, therefore, desires to withdraw the application. Under these circumstances an order will be entered dismissing the same.

O R D E R

IT IS THEREFORE ORDERED, That the application herein be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock
James L. Jones
Wm. Williams
Commissioners.

Dated at Denver, Colorado,
this 5th day of September.

(Decision No. 2455)

IN RE CHANGE OF STEAM TRAIN SERVICE TO)
GASOLINE MOTOR SERVICE FOR THE TRANSPOR-))
TATION OF PASSENGERS AND EXPRESS BY THE)
DENVER AND RIO GRANDE WESTERN RAILROAD)
COMPANY BETWEEN ALAMOSA AND CREEDE.)

CASE NO. 491

September 6, 1929.

S T A T E M E N T

By the Commission:

The Denver and Rio Grande Western Railroad Company has notified this Commission of its intention to change its present passenger train equipment operated by steam on the Creede Branch between Alamosa and Creede and substitute therefor a gasoline motor propelled car equipment with two 104 horse power gasoline motors. It is intended also to operate a trailer in connection with the motor car to transport baggage, mail and express. The Commission is in receipt of a telegram from the Monte Vista Commercial Club protesting the substitution of a gasoline motor car for the steam passenger service, and requests that the Commission refuse permission for such substitution until such time as a hearing may be held thereon. The Commission has been advised, also of other protests against this substitution.

Since this substitution involves a change of a facility and equipment of the rail carrier, the Commission is of the opinion that an order should issue upon the Commission's own motion requiring the rail carrier to show cause why it should be permitted to make such substitution.

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Rio Grande Western Railroad Company be, and it is hereby, required to show cause in writing within three days from the date hereof, why it should be authorized to substitute gasoline motor car service for steam passenger train service on its Creede Branch between Alamosa and Creede.

els

IT IS FURTHER ORDERED, That this matter be set down for hearing at the City Hall at Monte Vista, Colorado, on the 14th day of September, 1929, at 9:30 A. M., at which time all parties interested may appear and give such testimony as is material to the issue involved.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Wm. B. B. B.

Wm. S. Jones

Wm. S. Jones

Commissioners.

Dated at Denver, Colorado,
this 14th day of September, 1929.

331

(Decision No. 2456)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
STEAMBOAT TRANSFER AND STORAGE COMPANY,)
A CORPORATION, FOR A CERTIFICATE OF) APPLICATION NO. 1208.
PUBLIC CONVENIENCE AND NECESSITY.)

Sept. 6, 1929.

Appearances: Joseph K. Bozard, Esq., Steamboat Springs,
Colorado, and A. P. Anderson, Esq., Denver,
Colorado, attorneys for applicant;
Elmer L. Brock and D. W. Oyler, Esqs.,
Denver, Colorado, attorneys for The Denver
and Salt Lake Railway Company, protestant.

S T A T E M E N T

By the Commission:

On April 20 the Commission granted a certificate of public convenience and necessity to Steamboat Transfer and Storage Company, a corporation, having its place of business in Steamboat Springs, Colorado, authorizing the operation of a motor vehicle system for the transportation of freight between Denver and Steamboat Springs and the territory within a radius of fifty miles thereof and from point to point in said territory within said radius. One of the provisos contained in said order was "that on all commodities except household goods the rates of the applicant for transportation between points served by rail and authorized regular scheduled motor vehicle carriers shall be as much as 25% higher than those charged for less than carload railroad transportation." The applicant filed an application for rehearing. A rehearing was granted.

At the rehearing the applicant took the position that the proviso in question would prohibit the transportation of any freight from Denver to Steamboat Springs and the territory within said radius. He asked the Commission to substitute in lieu thereof a condition that he should charge

a rate 25% higher than pool car rates which are maintained by The Denver and Salt Lake Railway Company. The pool car rates referred to are in reality the 5th class rate of 96 cents per one hundred pounds. The tariff of the Denver and Salt Lake Railway Company provides exceptions to the classification on a number of commodities which under the classification would take the 4th class rating in carload and less than carload lots. These exceptions provide a 5th class rating on these commodities in straight carloads or in mixed carloads with other commodities taking 5th class rates or lower.

Considerable evidence was given both by the applicant and the protestant, following which exhaustive briefs were filed.

On the one hand we are confronted with the fact that The Denver and Salt Lake Railway Company during a large portion of the year when l.c.l. traffic is very light, renders the territory in question the only service available, as truck operations on the more direct route or routes are impossible because of snow on the mountain passes. During parts of the winter such transportation is occasionally afforded on very circuitous routes at rates that must be prohibitive. Moreover, the applicant has not offered to run on schedule. The Commission was inclined to the view that because of these facts a substantial differential should be imposed over the railroad's less than carload rates. On the other hand, the merchants in the territory in question are now being served by carriers purporting to be private carriers, at a rate of \$1.00 per hundred on practically all kinds of commodities. At least one merchant is hauling his own freight from Denver. The rail rates from Denver to Steamboat Springs are as follows:

1st Class	2nd Class	3rd Class	4th Class	5th Class
\$ 2.70	\$ 2.43	\$2.18	\$ 1.84 $\frac{1}{2}$	\$.96

Every day the Commission has new evidence of the fact that where truck transportation is desired and road conditions permit, it will be obtained. The jurisdiction of the Commission is limited to common carriers. In many cases the transportation is afforded by a carrier who limits himself

to a sufficiently small number of shippers so that his operations do not constitute those of a common carrier. In many cases where the hauling of merchandise one way will not warrant a private carrier operation, the carrier will purchase outright livestock and farm supplies of various kinds which he will bring to Denver and sell.

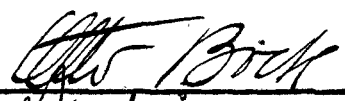
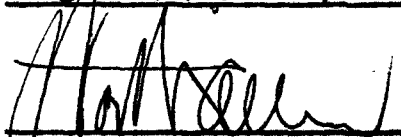
After very careful consideration of this case the Commission is of the opinion that if the proviso originally made herein is retained, the result will be that the applicant herein will have no freight to haul and that the freight will move by private carriers and by the merchants operating their own trucks. We are, therefore, of the opinion and so find, that in lieu of the proviso contained in said order, the public convenience and necessity requires that the Commission should substitute another requiring the applicant on all freight handled between rail points, to charge as much as 25% more than 5th class rail rates applicable between said points.

O R D E R

IT IS THEREFORE ORDERED, That in lieu of the proviso contained in its order of April 20, 1929, there shall be substituted the following:

"that on all commodities except household goods the rates of the applicant for transportation between points served by rail and authorized regular scheduled motor vehicle carriers shall be as much as 25% higher than 5th class rail rates applicable between said points."

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 6th day of September, 1929.

(Decision No. 2457)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DAVID TROGLER, JR.)

CASE NO. 383.

Sept. 6, 1929.

S T A T E M E N T

By the Commission:

An order was entered herein on August 2, 1929, following hearing held on July 23, 1929. On August 15, the respondent, David Trogler, Jr., filed his motion "that the order heretofore entered herein be vacated, and for naught held." Some seven grounds are stated in support of the motion. It is alleged, inter alia, that the order to show cause is based on alleged motor vehicle operations between Steamboat springs, Colorado, and Denver, Colorado. It is true that in what might be termed the recital portion of the order, reference is made only to the respondent's operation between Steamboat Springs and Denver. However, the order proper requires the respondent to show cause why an order should not be entered by the Commission "commanding and requiring you (the respondent) to cease and desist from operating as a motor vehicle carrier on the public highway between Steamboat Springs and Denver, Colorado, and intermediate points, or to any territory, unless and until," etc. In view of this language and the further fact that if the respondent is operating at all and in any manner as a common carrier, he is violating the law in the absence of any order by this Commission, we are of the opinion that the order, based on the evidence, did not go too far.

The Commission has never attempted to interfere with one's hauling in good faith his own commodities, whether coal or others, upon the public highways. Neither has it attempted to interfere with the operations of a

strictly private as distinguished from a public carrier. However, one making contracts promiscuously with the general public cannot be termed a private carrier or as sometimes called, a contract carrier. All freight is carried under some sort of contracts evidenced by bills of lading, etc. After careful consideration of the evidence, the Commission is of the opinion and so finds that the said motion should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the motion herein made to vacate and hold for naught the order of August 2, be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Book

David S. Jones

H. A. Kallen
Commissioners.

Dated at Denver, Colorado,
this 6th day of September, 1929.

(Decision No. 2458)

At a session of the Public Utilities
Commission of the State of Colorado,
held at its office in Denver, Colorado,
on the 5th day of September, 1929.

INVESTIGATION AND SUSPENSION DOCKET NO. 125

Re: Discontinuance of train service, both
freight and passenger between Eastonville,
Colorado and Falcon, Colorado.

IT APPEARING, That by an order dated the 14th day of May,
1929, the Public Utilities Commission of the State of Colorado entered on an
investigation concerning the lawfulness of the discontinuance of the service
stated in the petition referred to in said order;

IT FURTHER APPEARING, That pending such hearing and decision,
the Commission ordered that the discontinuance of said service be suspended and
that no change be made in said train service until the 16th day of September, 1929.

IT FURTHER APPEARING, That such investigation cannot be
concluded within the period of suspension above stated;

IT IS ORDERED, That the discontinuance of the said service
be further suspended until the 16th day of March, 1930, unless otherwise ordered
by the Commission, and no change shall be made in said train service during the
said period of suspension.

IT IS FURTHER ORDERED, That the service, regulations and
practices thereby sought to be altered shall not be changed by any subsequent
schedule until this investigation and suspension proceeding has been disposed of,
or until the period of suspension has expired.

IT IS FURTHER ORDERED, That a copy of this order be filed
with the said petition in the office of The Public Utilities Commission of the
State of Colorado, and that copies hereof be forthwith served on The Colorado and
Southern Railway Company and Foard Brothers, Colorado Springs, Colorado.

IT IS FURTHER ORDERED, That this proceeding be assigned for hearing at a future date to be determined by the Commission, due notice of such date and place of hearing being given all interested parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Brock

Samuel Jones

Arthur Allen

Commissioners.

Dated at Denver, Colorado, this
5th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF H. F. SATERO FOR ENLARGEMENT AND)	
EXTENSION OF HIS CERTIFICATE OF)	<u>APPLICATION NO. 1314.</u>
PUBLIC CONVENIENCE AND NECESSITY.)	

Sept. 6, 1929.

By the Commission:

H. F. Satero on March 18 of this year filed an application asking that the certificate of public convenience and necessity heretofore issued to him authorizing the operation by him of a motor vehicle system for the transportation of passengers between Pueblo and Vineland, Colorado, be extended so as to authorize the operation of said system to an oil field situated five miles southeast of Vineland. The applicant has since moved that the said application be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled application be dismissed and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Beck
Daph. L. Jones
Wm. A. Kallen
Commissioners.

Dated at Denver, Colorado,
this 6th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF)
STANLEY TALCOTT FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1369

September 6, 1929.

Appearances: Mr. H.W.Murray, Cortez, Colorado;
attorney for applicant;
B.B.Russell, Esq., Durango, Colorado;
attorney for William Craig.

S T A T E M E N T

By the Commission:

This is an application by Stanley Talcott of Cortez, Colorado, for a certificate of public convenience and necessity authorizing the transportation of freight from point to point within the County of Montezuma, Colorado. William Craig has a certificate of public convenience and necessity for the transportation of freight on schedule between Dolores and McElmo via Cortez. There is no contention that he is not rendering adequate service.

The applicant proposes to use in said service a one and one-half ton Graham truck of the value of \$800.00.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity required the motor vehicle system of the applicant limited to one truck for the transportation by him of freight from point to point within the County of Montezuma, Colorado, except as hereinafter limited.

O R D E R

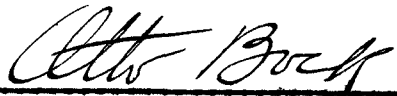
IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicant, limited to one truck only, for the transportation of freight from point to point within the County of Montezuma, Colorado, provided, however, no freight, except gravel, shall be

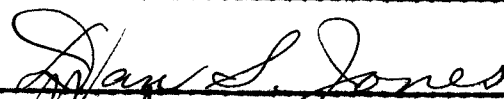
hauled by the applicant from one point to another on or within one mile of the route running from Dolores via Cortez to McElmo, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.


IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time schedules as required by the Rules and Regulations of the Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado;
this 6th day of September, 1929.

355

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
A. DALLAS, DOING BUSINESS AS DALLAS)
TRANSFER AND STORAGE COMPANY, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 1313

September 6, 1929.

S T A T E M E N T

By the Commission:

The Commission entered an order herein on May 3 granting a certificate of public convenience and necessity to the applicant. Thereafter the applicant filed a motion for rehearing, asking that the certificate be reformed and extended so as to authorize the conduct by the applicant of such business as other operators similarly situated are carrying on under certificates issued by this Commission. After careful consideration of the motion, the Commission is of the opinion that the matter should be reopened and set for further hearing.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled application of A. Dallas, doing business as Dallas Transfer and Storage Company, be, and the same is hereby, reopened and that the matter be set for further hearing at a time and place hereafter to be fixed by the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Oliver Brock
Edgar L. Jones
Arthur W. Allen
Commissioners.

Dated at Denver, Colorado,
this 6th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
JOHN C. VAUGHN, DOING BUSINESS UNDER)
THE FIRM NAME AND STYLE OF THE VAUGHN)
TRANSFER AND TRANSPORTATION COMPANY)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 956

September 6, 1929.

S T A T E M E N T

By the Commission:

The Commission entered an order herein on January 6, 1928, granting a certificate of public convenience and necessity to the applicant. Thereafter the applicant filed a motion for rehearing, asking that the certificate be reformed and extended so as to authorize the conduct by the applicant of such business as other operators similarly situated are carrying on under certificates issued by this Commission. After careful consideration of the motion, the Commission is of the opinion that the matter should be reopened and set for further hearing.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled application of John C. Vaughn, doing business under the firm name and style of The Vaughn Transfer and Transportation Company, be, and the same is hereby, reopened and that the matter be set for further hearing at a time and place hereafter to be fixed by the Commission.

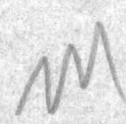
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock
Sam S. Jones
Harry Walker
Commissioners.

Dated at Denver, Colorado, this
6th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
RONALD M. JACKSON, DOING BUSINESS
UNDER THE FIRM NAME AND STYLE OF
JACKSON'S TRANSFER AND STORAGE COM-
PANY FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY.


APPLICATION NO. 959

September 6, 1929

STATEMENT

By the Commission:

The Commission entered an order herein on January 6, 1929, granting a certificate of public convenience and necessity to the applicant. Thereafter the applicant filed a motion for rehearing, asking that the certificate be reformed and extended so as to authorize the conduct by the applicant of such business as other operators similarly situated are carrying on under certificates issued by this Commission. After careful consideration of the motion, the Commission is of the opinion that the matter should be reopened and set for further hearing.

ORDER

IT IS THEREFORE ORDERED, That the above entitled application of Ronald Jackson, doing business under the firm name and style of Jackson's Transfer and Storage Company, be, and the same is hereby, reopened and that the matter be set for further hearing at a time and place hereafter to be fixed by the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

OTTO BOCK

DAN S. JONES

WORTH ALLEN

Commissioners.

(S E A L)

Dated at Denver, Colorado, this
6th day of September, 1929.

ATTEST: A true copy.

Secretary.

257

(Decision No. 2464)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
F. J. STRASBAUGH FOR A CERTIFICATE) APPLICATION NO. 1062.
OF PUBLIC CONVENIENCE AND NECESSITY.)

Sept. 6, 1929.

S T A T E M E N T.


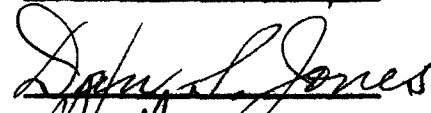

By the Commission:

The Commission entered an order herein on April 21, 1928, granting a certificate of public convenience and necessity to the applicant. Thereafter the applicant filed a motion for rehearing, asking that the certificate be reformed and extended so as to authorize the conduct by the applicant of such business as other operators similarly situated are carrying on under certificates issued by this Commission. After careful consideration of the motion, the Commission is of the opinion that the matter should be reopened and set for further hearing.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled application of F. J. Strasbaugh be, and the same is hereby, reopened and that the matter be set for further hearing at a time and place hereafter to be fixed by the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 6th day of September, 1929.

(Decision No. 2465)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF S. L. LEACH, DOING BUSINESS AS)
S. L. LEACH TRANSFER COMPANY, FOR) APPLICATION NO. 986.
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

Sept. 5, 1929.

S T A T E M E N T

By the Commission:

The Commission entered an order herein on January 28, 1928, granting a certificate of public convenience and necessity to the applicant. Thereafter the applicant filed a motion for rehearing, asking that the certificate be reformed and extended so as to authorize the conduct by the applicant of such business as other operators similarly situated are carrying on under certificates issued by this Commission. After careful consideration of the motion, the Commission is of the opinion that the matter should be reopened and set for further hearing.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled application of S. L. Leach, doing business as S. L. Leach Transfer Company, be, and the same is hereby, reopened, and that the matter be set for further hearing at a time and place hereafter to be fixed by the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 6th day of September, 1929.

W. B. Brock
James L. Jones
W. A. Sullivan
Commissioners.

(Decision No. 2466)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAY E. MOSMAN FOR A CERTIFICATE OF) APPLICATION NO. 961.
PUBLIC CONVENIENCE AND NECESSITY.)

Sept. 6, 1929.

S T A T E M E N T.

By the Commission:

When this application was called for hearing in Walden, Colorado,
the applicant, Ray E. Mosman, appeared and moved the Commission to dismiss
the application.

O R D E R

IT IS THEREFORE ORDERED, That this application be, and the same
is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock
Dan L. Jones
W. A. Kellum
Commissioners.

Dated at Denver, Colorado,
this 6th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF O.T.WEEDIN FOR AUTHORITY TO)
TRANSFER CERTIFICATE No. 27 FOR)
THE OPERATION OF AN AUTOMOBILE)
STATE LINE BETWEEN DOLORES AND)
CORTEZ TO M. B. STONE.)

APPLICATION NO. 547-AA

September 6, 1929.

S T A T E M E N T

By the Commission:

The Commission originally issued a certificate of public convenience and necessity to one Dick Wilson. It thereafter authorized the transfer of said certificate by said Wilson to O.T.Weedin. Said Weedin and M.B. Stone now seek authority by application duly filed with the Commission to transfer the said certificate by said Weedin to said Stone.

At the hearing on said application, it appeared that said Stone, who is engaged in other motor vehicle operations under authority of this Commission, is in a satisfactory financial condition and enjoys the reputation of being an efficient operator.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires that authority be granted to said O.T.Weedin to transfer to said M.B.Stone the certificate of public convenience and necessity heretofore originally issued by the Commission to Dick Wilson,

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to said O.T.Weedin to transfer to M.B.Stone the certificate of public convenience and necessity heretofore originally granted by this Commission to Dick Wilson.

IT IS FURTHER ORDERED, That the tariff of rates, time schedules and rules and regulations heretofore filed by O.T.Weedin, the transferor herein, be, and the same are hereby, made those of M.B.Stone, the transferee herein.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock
Edgar S. Jones
W. A. Nelson
Commissioners.

Dated at Denver, Colorado,
this 6th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE WESTERN COLORADO POWER COMPANY,)
A CORPORATION, FOR A CERTIFICATE OF) APPLICATION NO. 1337.
PUBLIC CONVENIENCE AND NECESSITY.)

Sept. 6, 1929.

Appearances: Moynihan, Hughes and Knous, Esqs., Montrose,
Colorado, attorneys for applicant;
Pershing, Nye, Tallmadge and Bosworth, Esqs.,
Denver, Colorado, attorneys for
Charles Viestenz, et al.

S T A T E M E N T.

By the Commission:

The Western Colorado Power Company, a corporation, under and by virtue of the laws of the State of Colorado, which for some years has been engaged in the distribution of electrical energy in Delta, Colorado, on April 25 of this year filed an application for authority to construct "a service line and distribution system for the purpose of carrying and distributing electrical energy from the City Limits of the City of Delta, Colorado, to and through the agricultural areas known as 'Garnet Mesa' and 'North Delta', and to furnish all available consumers residing in said territory and within reasonable connecting distances therefrom electricity for heat, light and power purposes." The Board of County Commissioners of Delta County filed their protest in which it is alleged among other things that the applicant has been denied a franchise in the city of Delta near which the two mesas are located and that the people of the city of Delta will soon vote upon a franchise to another party with the ultimate view of making the plant a city plant.

There was filed also an application by Charles Viestenz, the city of Delta and the Electric Light Committee of Delta for an order authorizing intervention

and for an order continuing the hearing on such application. They alleged in support thereof that the said Charles Viestenz in February of this year entered into a written contract with the city of Delta, wherein said Viestenz agreed to construct and maintain an electric lighting system in said city under a plan whereby the said city ultimately should become the owner of said system; that in April the city council of Delta introduced an ordinance No. 1-1929 granting to said Viestenz, his successors and assigns, an electric light, heat and power franchise; that in due course the city proposed to submit to the qualified electors of the city the question of granting the franchise to said Viestenz, and that the petitioners believed that a majority of the qualified electors voting on said question to be submitted, would vote in favor thereof, and that such a franchise would be granted to said Viestenz; that in the event of the granting of said franchise the said Viestenz proposes to apply to this Commission for a certificate of convenience and necessity under which he would extend electric light and power lines to the unincorporated territory known as North Delta and to other property contiguous and adjacent to said city not now served with electric light and power. They further alleged that they believed that public convenience and necessity would be promoted by such proposed extensions and that the residents of North Delta had petitioned the said Viestenz that in connection with the building of an electric plant and system in the city of Delta an extension of the lines be made into North Delta. The application concluded with a prayer that the application of the Power Company be continued and extended to a time subsequent to June 22, 1929, pending the proceedings hereinbefore mentioned.

The application of Viestenz, et al, was filed on the day on which the Commission had previously set the original application for hearing. The Power Company and Viestenz et al filed briefs in which the matter of the delay of a decision on the hearing held on May 9 was discussed and argued. The Commission concluded to and did postpone decision of the matter, and set the original application for further hearing on the 15th day of July in the court house in Delta. This setting was vacated and the matter was again set for hearing in the Hearing Room of the Commission in Denver on August 24. On the latter date, the

attorneys for Viestenz, et al, advised us that the municipal election had been held and that the electors of the city of Delta had voted in the negative on the question of granting the franchise to said Viestenz, but that it was proposed to submit the question, or a similar one, to the voters again in November, and that pending the outcome of that election no further action be taken herein. The Power Company resisted this motion claiming that it now has 57 contracts signed by residents of North Delta and submitted a petition signed by some 54 people claiming to be residents of North Delta, stating that they object to further delay and that they desire to get immediate service from the Power Company.

According to the evidence the capital expenditure for the construction of the transmission and distribution lines on the two mesas in question is \$4,000.00. However, this figure shall not be binding upon the Commission in any hearing held for the purpose of fixing or passing upon rates.

No objection was made to the granting of a certificate authorizing construction and operation of the distribution system on Garnet Mesa, it being admitted that the applicant is already either partially serving the residents of said mesa or in such close proximity to the mesa with its lines that it should proceed to render extensive service thereon.

The evidence showed fairly clearly, and we so find, that as to North Delta it is territory which is contiguous to that in which the applicant is already serving and that it is not now served by any other like utility.

Moreover, we are of the opinion under all the circumstances that further delay in rendering a decision on the application herein so far as it relates to North Delta would not be proper. The applicant has filed its application and made its proof. In spite of that we postponed final disposition of the case until after the first election was held. The granting of a franchise to Viestenz having been rejected by the electors of the city of Delta, and the residents of North Delta being desirous of early institution of service by the applicant, we are of the opinion that the only proper course to pursue is to grant the certificate without further delay.

After careful consideration of the evidence, the Commission is of the

opinion and so finds that the public convenience and necessity requires that The Western Colorado Power Company extend its transmission and distribution lines and system into and upon Garnet Mesa and North Delta for the purpose of selling and distributing thereon electrical energy for light, heat and power purposes.

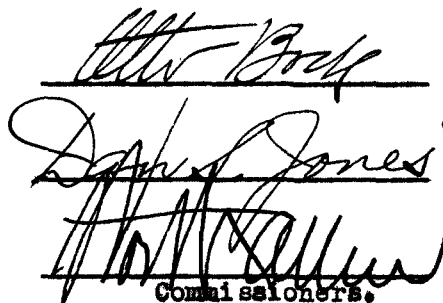
Chairman Bock concurring in part: I agree with the conclusions of the Commission reached herein except as to the finding that North Delta is territory which is contiguous to that in which the applicant is already serving, because this finding is unnecessary and not within the issues in the instant application.

O R D E R

IT IS THEREFORE ORDERED, That public convenience and necessity requires that The Western Colorado Power Company extend its transmission and distribution lines and system into and upon Garnet Mesa and North Delta for the purpose of selling and distributing electrical energy thereon for light, heat and power purposes, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file its tariffs, rate schedules and rules and regulations as required by this Commission within twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 6th day of September, 1929.

(Decision No. 2469)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
FRANK B. MARTIN FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1212

September 10, 1929.

Appearances: David F. How, Esq., Denver, Colorado,
attorney for applicant;
Geo. J. Bailey, Esq., Walden, Colorado,
and J. R. Sullivan, Esq., Laramie, Wyoming,
attorneys for the Laramie, North Park and
Western Railroad Company, protestant.

S T A T E M E N T

By the Commission:

This is an application by Frank B. Martin of Walden, Colorado, for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of freight and express within a radius of 150 miles of the town of Walden. The applicant does not propose and seeks no authority to operate on schedule. All freight and express which he proposes to transport will either originate or/and terminate in the county of Jackson, of which Walden is the county seat.

The equipment which he shall put into immediate use is one Chevrolet truck of the value of \$800.00. He contemplates securing other equipment.

The applicant was shown clearly to have a good reputation as a motor vehicle operator and to be thoroughly dependable, morally and financially.

The Laramie, North Park and Western Railway Company showed that because of its meager revenue from the rather small volume of business done by it, it needs all proper consideration and protection. For this reason it seriously protested. However, as we stated in the matter of the application of E.V. Morrison, application No. 1211, it has become increasingly clear to the Commission that when the public wants motor vehicle truck transportation, traffic will move in trucks even though a certificate of public convenience and necessity is not granted. We continued saying:

"A number of private carriers will divide up the business public and operate in such a manner that the State receives no revenue therefrom and the public is denied the benefit of regulation. We think there is much truth in a statement attributed to President Ralph Budd of the Great Northern Railway 'that traffic will always move where it can be handled with the most satisfaction to the public, and the railways must live on such traffic as is left to them after meeting this test.' The Commission, therefore, is dealing with an economic fact and condition which it cannot alter or control.

"Of course, this unyielding, irrepressible evolution in transportation 'will of necessity be attended with some economic disturbance and result for a time at least in financial losses' to the rail carriers. As the Utah Commission recently said in Re Ogden Gas Company, not yet fully reported, 'Such is always the price of progress.'"

Moreover, in the absence of reliable truck operators, various business and ranch men will buy and operate their own trucks.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the proposed motor vehicle operation of the applicant for the transportation of freight, not on schedule, within a radius of 150 miles of the town of Walden, Colorado, provided all freight and express either originates or/and terminates within the county of Jackson, Colorado.

O R D E R


IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle operation of the applicant for the transportation of freight, not on schedule, within a radius of 150 miles of the town of Walden, Colorado, provided all freight and express either originates or/and terminates within the county of Jackson, Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.


IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

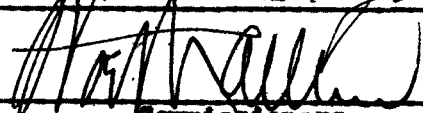
IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when

prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 10th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
W. R. HOUSLEY.)

CASE NO. 464

September 10, 1929.

Appearances: Mr. Fred P. Heints, complainant, pro se.

S T A T E M E N T

By the Commission:

F. P. Heints filed a written complaint against the respondent, W. R. Housley, operating between Craig and Great Divide, Colorado, under a certificate of this Commission charging inadequacy of service. At the hearing the respondent did not appear, although the Commission had set for hearing, and actually heard on that day, a complaint filed by Housley against the said Heints.

The evidence is to the effect that the equipment of the respondent is in such poor condition that it is out of service a considerable portion of the time, and that the service rendered is otherwise inadequate and inefficient. The respondent is carrying U. S. mail between the two points in question. Without doubt the operating difficulties are very serious. On the other hand, the respondent holding the certificate issued by this Commission should have appeared in Steamboat Springs on the day the case was heard as he received due notice thereof. Moreover the filing of a complaint by the respondent against Heints which was heard at the same time and place and the failure to appear and give evidence in support of the complaint seems as though he is ignoring the Commission.


But when the situation is viewed from all angles it appears that about all the Commission can do at the present time is to warn the respondent, Housley, that his service, particularly his personal relations with the public, should be made all that, under the circumstances, is possible and that if he fails properly


to preform his duty the Commission may later be compelled to issue a certificate to some other person authorizing operation over the route in question. At the present time there is no other application on file. Not only would it be unfortunate to take drastic action with respect to the respondent, when we have not heard his side of the case, but it would be a hardship on the public to deprive them of the services of a common carrier without being able to put another in his place immediately.

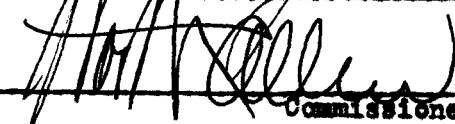
O R D E R

IT IS THEREFORE ORDERED, That this proceeding be, and the same is hereby, discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado, this
10th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
B. M. MORRIS.)

CASE NO. 428

September 10, 1929.

S T A T E M E N T

By the Commission:

An order was entered requiring the respondent, B. M. Morris, to show cause why his certificate of public convenience and necessity should not be revoked for failure to file schedule of tariffs and rates and time table in conformity with the rules and regulations of the Commission. At the hearing held at Durango, due notice of which the respondent was given, it appeared that the respondent had not been operating for some months and that he had left the state.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to said B.M. Morris, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado, this
10th day of September, 1929.

Chas. Brock
Dan L. Jones
W. H. Allen
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
BEN F. SCOTT AND JESSE A. SCOTT, CO-)
PARTNERS, DOING BUSINESS AS SCOTT)
BROTHERS, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1450

September 7, 1929.

Appearances: Ben F. Scott and Jesse A. Scott, applicants,
Fort Collins, Colorado, pro se.

S T A T E M E N T

By the Commission:

Ben F. Scott and Jesse Scott, co-partners, doing business as Scott Brothers, filed an application for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of passengers, baggage and freight between Fort Collins, Colorado, and Chambers Lake and Buckhorn Ranger Station and intermediate points. The applicants have contracts for the transportation of mail. Over a large part of their routes no other public carrier is rendering transportation service. The applicants propose to devote to the service one Chevrolet 1-ton truck, two Chevrolet $\frac{1}{2}$ -ton commercial cars, and one Dodge $\frac{1}{2}$ -ton commercial car. The value of their equipment is \$1,000.

The evidence shows them to be dependable operators and that they enjoy a good moral and financial reputation.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the proposed motor vehicle system of the applicant for the transportation of passengers, baggage and freight between Fort Collins, Colorado, Chambers Lake and Buckhorn Ranger Station and intermediate points.

O R D E R


IT IS THEREFORE ORDERED, That the public convenience and necessity


requires the proposed motor vehicle operation of the applicants for the transportation of passengers, baggage and freight between Fort Collins, Chambers Lake and Buckhorn Ranger Station and intermediate points, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

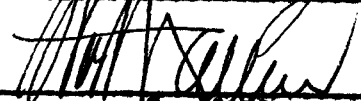
IT IS FURTHER ORDERED, That the applicants shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicants shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicants with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado, this
7th day of September, 1929.

398
Exhibit no. 1
(Decision No. 2473)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
ARTHUR COLLAMER AND FRANK B. COLLAMER)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 1364

September 10, 1929.

Appearances: Arthur Collamer and Frank B. Collamer, Ft. Collins,
Colorado, applicants, pro se;
George J. Bailey, Esq., Walden, Colorado, and
J.R. Sullivan, Esq., Laramie, Wyoming, attorneys
for the Laramie, North Park and Western Railroad
Company, protestant.

S T A T E M E N T

By the Commission:

This is an application by Arthur Collamer and Frank B. Collamer, co-partners, doing business as Collamer Brothers, for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of passengers and express between Fort Collins, Colorado, and Walden, Colorado, either by way of Laramie, Wyoming, or intrastate by the Poudre Canon and Cameron Pass route wholly within the State of Colorado.

The applicant requested authority also to carry passengers for hire in the winter season between Fort Collins and points in the immediate vicinity thereof. However, this portion of the application was waived at the hearing.

The applicants are men of experience and enjoy a good moral and financial reputation. They propose to devote to the service two 7-passenger sedans of the value of \$3,000. The operation will be daily except Sunday during that part of the year operation over the mountains is possible.

Of course, the Commission cannot deny an application for authority to operate interstate for lack of a showing of public convenience and necessity. As to the operation through Poudre Canon and over Cameron Pass, it is the only passenger transportation offered the public for direct trips between Fort Collins and Walden.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the proposed motor vehicle operation of Arthur Collamer and Frank B. Collamer, co-partners, doing business as Collamer Brothers, for the transportation of passengers and express between Fort Collins and Walden, Colorado, and points in the vicinity thereof.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle operation of Arthur Collamer and Frank B. Collamer, co-partners, doing business as Collamer Brothers, for the transportation of passengers and express between Fort Collins and Walden, Colorado; and points in the vicinity thereof, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock
James L. Jones
W. H. Miller
Commissioners.

Dated at Denver, Colorado, this
10th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
HAROLD DODGE, WALDEN, COLORADO, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 1218

September 10, 1929.

Appearances: Harold Dodge, Walden, Colorado, applicant, pro se;
George J. Bailey, Esq., Walden, Colorado and J.R. Sullivan,
Esq., Laramie, Wyoming, attorneys for the Laramie,
North Park and Western Railroad Company, protestant.

S T A T E M E N T

By the Commission:

This is an application by Harold Dodge of Walden, Colorado, for a certificate of public convenience and necessity for the transportation of freight between Denver, Colorado, and Walden, Colorado, and other points situated within Jackson County, Colorado. The applicant desires to operate on schedule. All freight which he proposes to transport will either originate or terminate within said Jackson County. The applicant was shown to be a man of considerable experience in the operation of trucks and to possess a good reputation both morally and financially. The equipment proposed to be devoted to applicant's service is two 3-ton Graham Brothers trucks and one 2-ton International, the three having a total value of \$5,200.

The said county of Jackson is served only by rail only by the Laramie, North Park and Western Railroad, operating between Laramie, Wyoming, and Walden, Colorado, three times a week. The railroad company renders very satisfactory service considering the difficult operating conditions, the light volume of traffic and the consequent meager revenues. However, the evidence shows an insistent demand on the part of the people in Walden and Jackson County for truck transportation between Denver and Jackson County. The service by truck is more expeditious than by rail. Moreover, freight destined to the various hay ranches in the county is delivered by the operator on the ranch, thus

saving the haul by truck from the railroad station. The railroad company has no platform in walden on which to load tractors and other heavy machinery.

It was admitted that the railroad is indispensable and that its revenues were being seriously lessened by truck operations. However, as we have pointed out before, where truck operations are considered by the public to be more desirable, the public will have such transportation. We quote as follows from our decision in the matter of the application of E.V.Morrison, Application No.1211:

"A number of private carriers will divide up the business public and operate in such a manner that the State receives no revenue therefrom and the public is denied the benefit of regulation. We think there is much truth in a statement attributed to President Ralph Budd of the Great Northern Railway 'that traffic will always move where it can be handled with the most satisfaction to the public; and the railways must live on such traffic as is left to them after meeting this test.' The Commission, therefore, is dealing with an economic fact and condition which it cannot alter or control.

"Of course, this unyielding, irrepressible evolution in transportation 'will of necessity be attended with some economic disturbances and result for a time at least in financial losses' to the rail carriers. As the Utah Commission recently said in Re Ogden Gas Company, not yet fully reported, 'Such is always the price of progress.'"

After careful consideration, the Commission is of the opinion and so finds that the public convenience and necessity requires the proposed motor vehicle system of the applicant, Harold Dodge, for the transportation of freight between Denver and Walden, Colorado, and other points in Jackson County, provided all freight either originates or terminates in said county.


ORDER

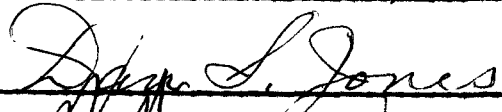
IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle system of the applicant, Harold Dodge, for the transportation of freight between Denver and Walden, Colorado, and other points in Jackson County, provided all freight either originates or terminates in said county, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.


IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado, this
10th day of September, 1929.

(Decision No. 2475)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF PUEBLO-SAN LUIS VALLEY TRANS-) CONSOLIDATED APPLICATIONS NOS. 1169 & 1183.
PORTATION COMPANY.)

September 11, 1929.

S T A T E M E N T

By the Commission:

On August 23, 1929, the applicant filed an application for an order reopening the above entitled matter for the purpose of receiving further proof to be offered with a view to securing an extension of the certificate granted herein.

After careful consideration of the matter the Commission is of the opinion and so finds that the matter should be reopened and set for further hearing.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled matter be, and the same is hereby, reopened and set for further hearing in the Court House in Alamosa, Colorado, on September 17, 1929, at 10 o'clock A.M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock
Harry L. Jones
W. H. Kellum
Commissioners.

Dated at Denver, Colorado,
this 11th day of September, 1929.

(Decision No. 2476)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF CHARLES BRUCE CARRON.)

APPLICATION NO. 1326

September 12, 1929.

Appearances: A. P. Anderson, Esq., Denver, Colorado, for
E. V. Morrison, protestant.

S T A T E M E N T

By the Commission:

This matter was set down for hearing on September 10, 1929. No appearance was made by the applicant. Counsel for protestant E. V. Morrison stated that the applicant agreed to dismiss this case providing E. V. Morrison would receive a certificate from this Commission to operate in the same territory in question. The Commission has issued a certificate to said Morrison.

O R D E R

IT IS THEREFORE ORDERED, That the application herein be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock
Edw. S. Jones
W. H. [Signature]
Commissioners.

Dated at Denver, Colorado, this
12th day of September, 1929.

[Decision No. 2477]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN RE MOTOR VEHICLE OPERATIONS)
OF CHARLES E. REED.)

CASE NO. 437.

September 12, 1929.

S T A T E M E N T

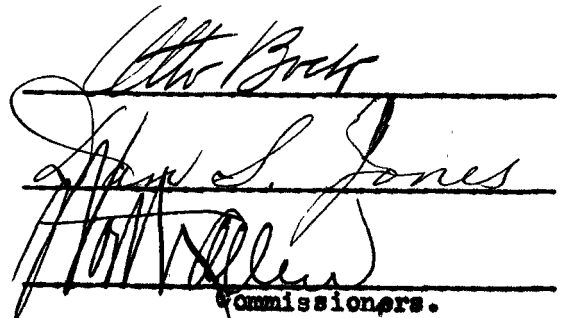
By the Commission:

The certificate of public convenience and necessity issued to the respondent having been transferred by this Commission to other parties, an order will be entered dismissing the within complaint.

O R D E R

IT IS THEREFORE ORDERED, That the complaint in Case No. 437 be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado, this
12th day of September, 1929.

(Decision No. 2478)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN RE UNLAWFUL MOTOR VEHICLE OPERATIONS)
OF PETE GOVICH.)

CASE NO. 360

September 12, 1929.

S T A T E M E N T

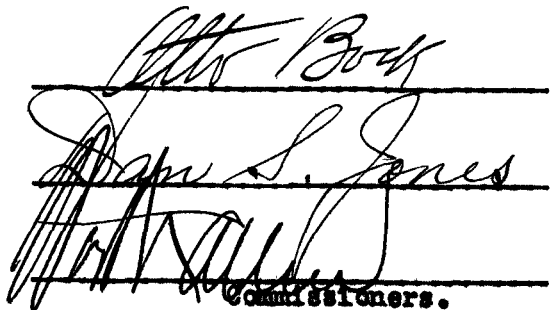
By the Commission:

On June 13, 1929 the Commission entered an order against the respondent herein revoking and cancelling his certificate. This complaint, therefore, will not serve any further purpose.

O R D E R

IT IS THEREFORE ORDERED, That the complaint, No. 360, be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado, this
12th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF BETHUNE TELEPHONE AND DEVELOP-
MENT COMPANY, A CORPORATION, FOR
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY.

APPLICATION NO. 1411

September 12, 1929.

Appearances: James J. Delaney, Bethune, Colorado, Atty. for applicant.

S T A T E M E N T

By the Commission:

This is an application by the Bethune Telephone and Development Company, a corporation, for authority to exercise franchise rights granted to it by the Board of Trustees of the Town of Bethune in Ordinance No. 12 passed on January 26, 1929. Bethune is a town with a population of some one hundred people. At the present time there are only three people in it using telephones although there is a prospect of adding new subscribers. The investment of the applicant is only some \$500 or \$600. The company is headed by James J. Delaney, who is engaged in banking and real estate. It appears that such service as shall be rendered will be efficient and adequate for the citizens of the town.

The franchise in question is to be effective for a term of twenty years beginning February 20, 1929. It authorizes the applicant to construct, erect, operate and maintain in, upon, along, across, above, over and under the streets, alleys, public ways and public places, etc. poles, wires, cables, underground conduits, manholes, etc. for the maintenance and operation in said town of a telephone exchange and lines connected therewith.

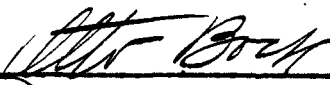
After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it on January 26, 1929, in Ordinance No. 12.


O R D E R

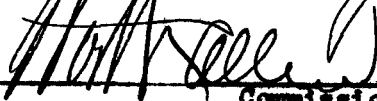
IT IS THEREFORE ORDERED, That the public convenience and necessity requires that the applicant, Bethune Telephone and Development Company, a corporation, exercise the franchise rights granted to it on January 26, 1929, in Ordinance No. 12, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant within twenty days from this date shall file with the Commission tariff of rates and its rules and regulations as required by the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado, this
12th day of September, 1929.

(Decision No. 2480)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
NOEL SITTON AND F. A. SITTON,)
CO-PARTNERS DOING BUSINESS AS)
SITTON BROS.)

CASE NO. 438

September 12, 1929.

S T A T E M E N T

By the Commission:

An order was entered requiring the respondents Noel Sitton and F. A. Sitton, doing business as Sitton Bros. to show cause why their certificate of convenience and necessity should not be revoked for failure to file schedule of tariffs and rates and a time table in conformity with the rules and regulations of the Commission. Since the order was entered the respondents have appeared and made satisfactory showing as to why they had not complied with said rules and regulations. Moreover, they have now made full compliance.

O R D E R

IT IS THEREFORE ORDERED, That this matter be, and the same is hereby, discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock
John S. Jones
Harry A. Nelson
Commissioners.

Dated at Denver, Colorado, this
12th day of September, 1929.

(Decision No. 2481)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN RE MOTOR VEHICLE OPERATIONS)
OF J. A. JOHNSON.)

CASE NO. 457

September 12, 1929.

Appearances: M. W. Spaulding and James H. Brown, Denver, Colorado,
for respondent, J.A. Johnson;
J. G. Scott, Denver, Colorado, for White Motor Express
Company;
Colin A. Smith, Assistant Attorney General, amicus curiae.

S T A T E M E N T

By the Commission:

On July 5, 1929, this Commission issued an order on its own motion, instituting an investigation for the purpose of determining whether or not J. A. Johnson, respondent herein, is operating as a motor vehicle carrier without a certificate of public convenience and necessity, as required by law.

Two hearings were held in this matter, one on July 25, 1929, and the other on August 12, 1929. Considerable testimony was taken. The testimony shows that some time previous to the hearing herein this Commission denied a certificate of public convenience and necessity to The Honeyman Transportation Company to operate as a motor vehicle carrier between Colorado Springs and Denver, whose depot at Colorado Springs was located at 22 South Nevada Avenue. The respondent herein has his depot at that place. The telephone directory issued for the fall of 1929 continues to carry the name of the Honeyman Transportation Company at that address. These circumstances indicate clearly that the respondent after the denial of a certificate to the Honeyman Transportation Company continued to conduct a motor vehicle transportation operation at that place and received freight for shipment to Denver. The respondent at Colorado Springs operated three trucks, the registration license of one of which was in the name of William J. Honeyman, formerly connected with the Honeyman Transportation Company.

Exhibit A consists of carbon copies of billings made by the said respondent. The heading of the billing reads as follows: "J.A. Johnson, General Trucking, Colorado Springs Office 32 South Nevada Avenue, Main 348." This "Main 348" is the same telephone number that appears in the telephone directory as the phone of the Honeyman Transportation Company.

Evidence was also introduced showing ten shipments by the State Highway Department by the respondent. The purpose of this testimony was to show that the respondent was not a private carrier, but was transporting freight for such as did not have any contract with him. Twenty-one shippers at Colorado Springs were using respondent's operation to transport goods to Denver, while the testimony of the Inspectors of this Commission indicates that approximately twenty shippers at Denver were transporting goods via the equipment of the respondent.

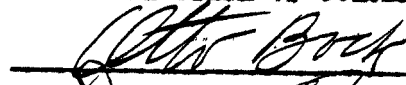
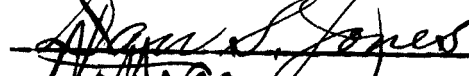

The respondent did not appear at the first hearing. At the second hearing he appeared, was sworn as a witness, but refused to answer practically all of the questions on the ground that his answers might incriminate him.

Without any further detailed statement of the testimony, it clearly indicates to us and we so find, that the respondent has been operating as a motor vehicle carrier between Denver and Colorado Springs without a certificate of public convenience and necessity authorizing the same, as required by law.

O R D E R

IT IS THEREFORE ORDERED, That J.A. Johnson, respondent herein, be, and he is hereby, commanded to forthwith cease and desist from operating as a motor vehicle carrier as defined in Chapter 134, Colorado Session Laws 1927.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado, this
12th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE H. WATSON FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE A MOTOR TRUCK FREIGHT)
SERVICE BETWEEN THE CITY AND COUNTY)
OF DENVER, THE TOWN OF LYONS AND THE)
TOWN OF ESTES PARK, COLORADO.)
-----)

APPLICATION NO. 1256

September 9, 1929.

S T A T E M E N T

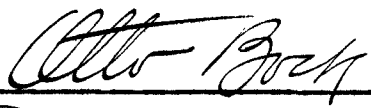
By the Commission:

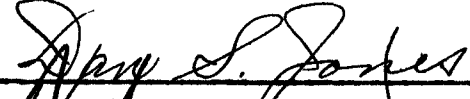
The attorney for the applicant telephoned a few minutes before application was called for hearing, and asked that the application be dismissed.


O R D E R

IT IS THEREFORE ORDERED, That the application of George H. Watson for a certificate of public convenience and necessity be, and the same is hereby dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado, this
9th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF)
BONNIE ROYAL, OPERATING UNDER THE)
NAME OF THE ROYAL BUS LINE, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE MOTOR VE-)
HICLE SERVICE FOR THE TRANSPORTATION)
OF PASSENGERS BETWEEN LORETTO HEIGHTS)
COLLEGE AND DENVER, COLORADO, AND)
INTERMEDIATE POINTS.)
-----)

APPLICATION NO. 1281

September 9, 1929.

S T A T E M E N T


By the Commission:

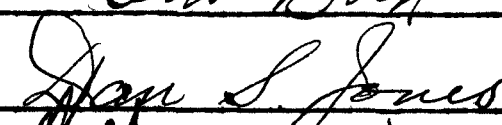
The applicant failed to appear when the case was regularly called.

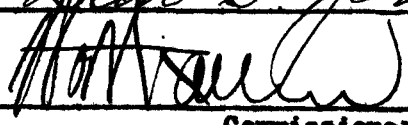
O R D E R

IT IS THEREFORE ORDERED, That the application of Bonnie Royal for
a certificate of public convenience and necessity be, and the same is hereby
dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado, this
9th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF W. L. COUZY DOING BUSINESS AS)
COUZY STORAGE AND TRANSFER COMPANY)
FOR CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 461

September 12, 1929.

S T A T E M E N T

By the Commission:

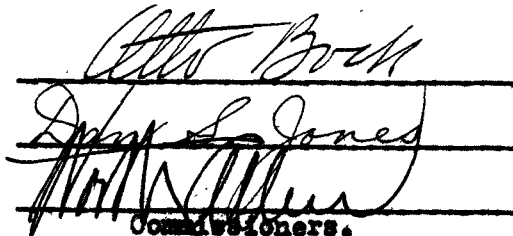
This application was filed on June 12, 1925. It was set for hearing several times, but hearings were vacated, and an oral motion to dismiss was taken under advisement on September 7, 1927. On October 5, 1928, the Commission advised counsel for applicant that it is the desire of the Commission to keep its docket cleaned up and dispose of all cases that have been on file for more than two years and requested to be advised as to the disposition of the within application. No reply was received to that letter.

The Commission on May 3, 1929, in Application 1305 issued a certificate of public convenience and necessity to the applicant herein and this is perhaps the reason why applicant has not been further interested in Application No. 461. An order will be entered dismissing the application within without prejudice.

O R D E R

IT IS THEREFORE ORDERED, That application No. 461 be, and the same is hereby, dismissed without prejudice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado, this
12th day of September, 1929.

403

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
W. W. CLARK, DOING BUSINESS AS THE)
CLARK TRANSPORTATION COMPANY, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 1214

September 12, 1929.

Appearances: Charles H. Beeler, Esq., Hugo, Colorado, for applicant;
D. Edgar Wilson, Esq., and James L. Gorse, Esq., Denver,
Colorado, for The Chicago, Rock Island and Pacific
Railway Company;
Robert H. Schaper, Esq., Limon, Colorado, for Genoa
Transportation Company.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity, authorizing the operation of a motor vehicle system for the transportation of freight between Genoa and Arriba and Denver, Colorado, and the immediate vicinity of said towns of Genoa and Arriba.

Protests were filed against this application by the Board of County Commissioners of Arapahoe County, The Chicago, Rock Island and Pacific Railway Company and The Genoa Transportation Company.

The applicant has two Graham trucks, valued at approximately \$4,000.

There being nothing unusual in this application as to facts, the Commission deems it unnecessary to make a detailed statement.

The Genoa Transportation Company filed an application with this Commission for a certificate to operate between Genoa and Denver, and the Commission feels that that particular territory should be granted to it.

After a careful consideration of the evidence, the Commission is of the opinion, and so finds, that the public convenience and necessity requires the motor vehicle system of the applicant for the transportation of freight from Arriba, Colorado, and within a radius of 35 miles north, 6 miles east and 7

miles west thereof, to Denver, Colorado. The application in all other respects will be denied.

O R D E R




IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of W. W. Clark doing business as the Clark Transportation Company for the transportation of freight between Arriba, Colorado and within a radius of 35 miles north, 6 miles east and 7 miles west thereof and Denver, Colorado, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor,

IT IS FURTHER ORDERED, That in all other respects the application be denied.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time schedules as required by the Rules and Regulations of the Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado, this
12th day of September, 1929.

402

(Decision No. 2486)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF MATZ AND HOOVER, CO-PARTNERS,)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)

APPLICATION NO. 1085

September 12, 1929.

Appearances: G.W.Klockenteger, Esq., Flagler, Colorado, for applicant;
D. Edgar Wilson and James L. Goree, Denver, Colorado;
for protestants.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity, authorizing the operation of a motor vehicle service for the transportation of freight between Flagler and Denver, Colorado, and intermediate points. Protests were filed against this application by the Union Pacific Railroad Company, The American Railway Express Company, The Chicago, Rock Island and Pacific Railway Company and F. G. Merrick of Strasburg, Colorado. A statement approving the application was filed by the Board of County Commissioners of Kit Carson County.

At the hearing on this matter the application was amended by substituting the name of Fred Matz for those of the co-partners, Matz and Hoover.

There being nothing unusual about the facts in this application, the Commission does not deem it necessary to make a detailed statement of the same. The applicant has a 2-ton Ree truck, valued at approximately \$2,000. At the hearing he stipulated to confine his operations between a certain territory around Flagler and Denver, Colorado.

After a careful consideration of all the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity requires the motor vehicle system of the applicant for the transportation of freight between Flagler, Colorado, and a radius of 20 miles south, 6 miles

east, 6 miles west and 30 miles north thereof and Denver, Colorado, but not between any intermediate points.


O R D E R

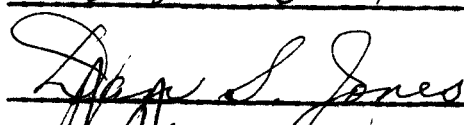
IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of Fred Mats, applicant herein, for the (transportation of freight between Flagler, Colorado, and a radius of 20 miles south, 6 miles east, 6 miles west and 30 miles north thereof and Denver, Colorado, but not between any intermediate points) and this order shall be deemed and held to be a certificate of public convenience and necessity therefor.


IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time schedules as required by the Rules and Regulations of the Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado, this
12th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

401

IN THE MATTER OF THE APPLICATION OF)
CLINTON HOWARD, S. E. TRAVIS AND)
HENRY ADAMS, DOING BUSINESS UNDER)
THE NAME OF THE HOWARD TRUCK LINE)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 1278

September 12, 1929.

Appearances: G.W. Klockenteger, Esq., Flagler, Colorado, and
E. J. McCarthy, Burlington, Colorado, for applicant;
D. Edgar Wilson, Esq., and James L. Gree, Esq., Denver,
Colorado, for The Chicago, Rock Island and Pacific
Railway Company.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity for a motor vehicle freight system between Burlington and the territory within a radius of 20 miles thereof, and the intermediate towns of Seibert, Vona, Stratton and Bethune, and Denver, Colorado.

Protests were filed against this application by the Board of County Commissioners of Arapahoe County and The Chicago, Rock Island and Pacific Railway Company. The Board of County Commissioners of Kit Carson County filed a statement approving the application.

At the time of the hearing it developed that Henry Adams did not bear the relation of co-partner to the business conducted under the name of the Howard Truck Line, and the Commission therefore required the applicants to file with this Commission a co-partnership agreement between Clinton Howard and S. E. Travis, which was done. The applicants have three trucks valued at approximately \$2600.

There being nothing unusual about the facts in this application, the Commission does not deem it necessary to make a detailed statement of the same.

After a careful consideration of all the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity requires the motor vehicle system of Clinton Howard and S.E.Travis, doing business under

the name of the Howard Truck Line, for the transportation of freight between Burlington and within a radius of 20 miles thereof, and the intermediate towns of Seibert, Vona, Stratton and Bethune and Denver, Colorado, but not between any other intermediate points.

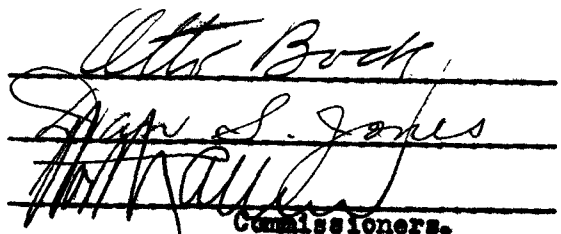
O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of Clinton Howard, and S. E. Travis doing business under the name of the Howard Truck Line, applicants herein, for the transportation of freight between Burlington and within a radius of 20 miles thereof and the intermediate towns of Seibert, Vona, Stratton and Bethune, and Denver, Colorado, but not between any other intermediate points, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time schedules as required by the Rules and Regulations of the Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado, this
12th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
ART SCHULTZ, GUY BLACK AND W. B.)
BURROWS, CO-PARTNERS, DOING BUSINESS)
UNDER THE NAME OF THE GENOA TRANS-)
PORTATION COMPANY FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1252

September 12, 1929.

Appearances: Robert H. Schaper, Esq., Limon, Colorado, for applicant;
D. Edgar Wilsch, Esq., and James L. Goree, Esq., Denver,
Colorado, for The Chicago, Rock Island and Pacific
Railway Company;
Chas. H. Beeler, Esq., Hugo, Colorado, for The Clark Trans-
portation Company.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the operation of a motor vehicle freight service from the town of Genoa and within a radius of said town extending 6 miles west, 6 miles south, 8 miles east and 35 miles north, and from said territory to the City and County of Denver. No intermediate points are involved.

Protests were filed by W. W. Clark, doing business as the Clark Transportation Company, and The Chicago, Rock Island and Pacific Railway Company.

At the hearing considerable doubt was raised whether the three applicants, Art Schultz, Guy Black and W.B. Burrows, were really co-partners or three individuals engaged in business independently. The Commission therefore required that they file a co-partnership agreement before it would take any further steps in the matter. Such a co-partnership agreement was filed. It shows that they now are co-partners.

The applicants have five trucks valued at approximately \$4500.

The record does not reflect any public convenience and necessity for the operation 6 miles south of Genoa.

There being nothing unusual about the facts in this application the Commission does not deem it necessary to make a further detailed statement of the same.

After a careful consideration of all of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity requires the motor vehicle system of Art Schultz, Guy Black and W.B.Burrows, co-partners, doing business under the name of The Genoa Transportation Company, for the transportation of freight between Genoa, Colorado, and within a radius of 8 miles east, 6 miles west and 35 miles north thereof and Denver, Colorado, but not between any intermediate points.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of Art Schultz, Guy Black and W. B. Burrows, co-partners, doing business under the name of The Genoa Transportation Company, applicants herein, for the transportation of freight between Genoa, Colorado, within a radius of 8 miles east, 6 miles west and 35 miles north thereof and Denver, Colorado, but not between any intermediate points and this order shall be deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time schedules as required by the Rules and Regulations of the Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be

hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Arthur Brock
Daniel Jones
William A. Jones
Commissioners.

Dated at Denver, Colorado, this
12th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE CHANGE OF STEAM TRAIN SERVICE)
FOR TRANSPORTATION OF PASSENGERS)
AND EXPRESS BY THE DENVER AND RIO)
GRANDE WESTERN RAILROAD COMPANY BE-)
TWEEN ALAMOSA AND CREEDE, COLORADO.)

CASE NO. 491.

September 14, 1929.

Appearances: Thomas R. Woodrow, Esq., Denver, Colorado,
attorney for The Denver and Rio Grande
Western Railroad Company;
H. W. Martin, Esq., Monte Vista, Colorado,
attorney for the Monte Vista Commercial Club.

S T A T E M E N T.

By the Commission:

This case involves authority of the Denver and Rio Grande Western Railroad Company to change its present passenger train equipment operated by steam on the Creede Branch, between Alamosa and Creede, to a gasoline motor propelled car equipment with two 104 horsepower gasoline motors. The Monte Vista Commercial Club of Monte Vista, Colorado, opposed this change.

Briefly, the exhibits introduced by the rail carrier show the cost of operating the steam train at 61.5 cents per train mile, and the total average operating expense per month amounts to approximately \$2,500. The earnings per train mile amount to approximately .1896 cents. The cost of operating motor cars on the Creede Branch has been estimated at approximately \$1,250 per month. In other words, if the carrier is authorized to make this change, it will amount to a saving of approximately \$1,250 per month.


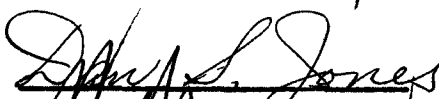

The testimony shows that motor cars are now in use by a good many railroads, also in the western part of this country. Because the passenger traffic has fallen off so greatly, rail carriers were forced wherever it was

possible and economically sound to substitute motor car service. The testimony in the instant case indicates that all the reasonable requirements of the traveling and shipping public will be met by the substitution of motor car service. However, since this is the first time that the motor car has been used on this particular branch, the Commission feels that there should be a test period of one year before the carrier is permitted to permanently put in this service.

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Rio Grande Western Railroad Company be, and it is hereby, authorized for a period of one year from the effective date of this order to substitute for its present passenger train equipment operated by steam, on the Creede Branch between Alamosa and Creede, Colorado, gasoline motor propelled car equipment, but during the test period granted herein this Commission will retain jurisdiction over this case. This order shall become effective September 17, 1929.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 14th day of September, 1929.

(Decision No. 2506)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 1457

September 12, 1929.

Appearances: Lee, Shaw and McCreery, Esqs., Denver, Colorado,
attorneys for applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the exercise by the applicant of certain rights and privileges granted to it by the Board of Trustees of the Town of Grand Valley, Colorado, in and by ordinance No. 45. Authority is sought also to construct a distribution system within the town of Grand Valley and a transmission line connecting said distribution system with the applicant's transmission line in or at Rifle, Colorado.

On August 5, 1929, there was passed by the Board of Trustees and approved by the Mayor of the Town of Grand Valley ordinance No. 45, granting to the applicant, its successors and assigns,-

"THE RIGHT, PRIVILEGE AND AUTHORITY TO ERECT, CONSTRUCT, MAINTAIN AND OPERATE A SUBSTATION OR SUBSTATIONS, ELECTRIC LIGHT AND POWER PLANTS, TRANSMISSION LINES, AND A DISTRIBUTION SYSTEM FOR THE DISTRIBUTION AND SALE OF ELECTRICITY WITHIN THE CORPORATE LIMITS OF THE TOWN OF GRAND VALLEY, GARFIELD COUNTY, COLORADO."

The term of said franchise is 25 years from and after its passage, approval and publication, and acceptance and approval by the applicant.

The value of the distribution system and the said transmission line used by the applicant in the exercise of said franchise is \$19,650.00. However, this figure shall not be binding upon the Commission in any hearing held for the purpose of fixing and determining fair rates.

No evidence was offered of any need at this time for the construction and operation of an electric light and power plant. Therefore, no action should now be taken with respect to that phase of the application.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it by the Board of Trustees of the Town of Grand Valley, Colorado, in and by ordinance No.45, passed on August 5,1929, except, however, that portion of the rights granted which relates to the construction of an electric light and power plant. The Commission also finds that the public convenience and necessity requires the construction by the applicant of a distribution system within the Town of Grand Valley and a transmission line connecting said distribution system with the applicant's transmission line in or at Rifle, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the applicant be authorized to construct and operate a distribution system within the Town of Grand Valley and a transmission line connecting said distribution system with the applicant's transmission line in or at Rifle, Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it by the Board of Trustees of the Town of Grand Valley, Colorado, in ordinance No. 45, passed on August 5,1929, except, however, that portion of the rights granted which relates to the construction and operation of an electric light and power plant, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file its tariffs, rate schedules and rules and regulations as required by this Commission within

twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Uto Book
Sam S. Jones
Commissioners.

Dated at Denver, Colorado, this
12th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE) APPLICATION NO. 1287.
AND NECESSITY.)

Sept. 12, 1929.

Appearances: Lee, Shaw and McCreery, Esqs., Denver, Colorado,
attorneys for applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the exercise by the applicant of certain rights and privileges granted to it by the Board of Trustees of the Town of Silt, Colorado, in and by Ordinance No. 4-A. On February 4, 1929, there was passed by the Board of Trustees, and approved by the Mayor, of the town of Silt, Colorado, Ordinance No. 4-A, granting to the applicant, its successors and assigns,-

"THE RIGHT, PRIVILEGE AND AUTHORITY TO ERECT, CONSTRUCT, MAINTAIN AND OPERATE A SUBSTATION OR SUBSTATIONS, ELECTRIC LIGHT AND POWER PLANTS, TRANSMISSION LINES, AND A DISTRIBUTION SYSTEM FOR THE DISTRIBUTION AND SALE OF ELECTRICITY WITHIN THE CORPORATE LIMITS OF THE TOWN OF SILT, GARFIELD COUNTY, COLORADO."

The application seeks authority also to construct and operate a distribution system within said town and a short transmission line connecting said distribution system with the applicant's transmission line running from Shoshone to Rifle. The term of said franchise is 25 years from and after its passage, approval and publication, and acceptance and approval by the applicant.

The value of the distribution system in said town and the transmission line leading thereto is \$8,300.00. However, this figure shall not be binding upon the Commission in any hearing held for the purpose of fixing and determining fair rates. No evidence was offered of any need at this time for the construction and operation of an electric light and power plant. Therefore, no action should now

be taken with respect to that phase of the application.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires that authority be granted the applicant for the construction and operation of a distribution system within the Town of Silt, Colorado, and a transmission line connecting said distribution system with the applicant's transmission line now running from Shoshone to Rifle. The Commission further finds that the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it by the Board of Trustees of the town of Silt, Colorado, in and by Ordinance No. 4-A, passed on February 4, 1929, except, however, that portion of the rights granted which relates to the construction and operation of an electric light and power plant.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires that the applicant be authorized to construct and operate a distribution system within the said town of Silt, Colorado, and a transmission line connecting said distribution system with the applicant's transmission line now running from Shoshone to Rifle, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it by the Board of Trustees of the town of Silt, Colorado, in and by Ordinance No. 4-A, passed on February 4, 1929, except, however, that portion of the rights granted which relates to the construction and operation of an electric light and power plant, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file its tariffs, rate schedules and rules and regulations as required by this Commission within

twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock
Stephen L. Jones
H. A. [illegible]
Commissioners.

Dated at Denver, Colorado,
this 12th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO)
FOR A CERTIFICATE OF PUBLIC CONVEN-) APPLICATION NO. 1216
IENCE AND NECESSITY.)

Sept. 12, 1929.

Appearances: Lee, Shaw and McCreery, Esqs., Denver, Colorado,
attorneys for applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the exercise by the applicant of certain rights and privileges granted to the applicant by the Board of Trustees of the town of Superior, Colorado, in and by Ordinance No. 56. On September 10, 1928, there was passed by the Board of Trustees and approved by the Mayor of the town of Superior Ordinance No. 56, granting to the applicant, its successors and assigns, a franchise,-

"TO CONSTRUCT, ACQUIRE, MAINTAIN AND OPERATE A PLANT OR PLANTS, AND WORKS, FOR THE GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, AND TO FURNISH, SELL AND DISTRIBUTE SAID PRODUCT TO THE SAID TOWN OF SUPERIOR AND THE INHABITANTS THEREOF FOR LIGHT, HEAT AND POWER, OR OTHER PURPOSES, BY MEANS OF CONDUITS, CABLES, POLES AND WIRES STRUNG THEREON, OR OTHERWISE, OVER, UNDER, ALONG, ACROSS AND THROUGH ALL STREETS, ALLEYS AND PUBLIC WAYS AND PLACES IN THE TOWN OF SUPERIOR, AND FIXING THE TERMS AND CONDITIONS THEREOF."

The term of said franchise is 25 years from and after its passage, approval and publication, and acceptance and approval by the applicant.

The value of the distribution system used by the applicant in the exercise of said franchise is \$2,500.00. However, this figure shall not be binding upon the Commission in any hearing held for the purpose of fixing and determining fair rates.

No evidence was offered of any need at this time for the construction

and operation of an electric light and power plant. Therefore, no action should now be taken with respect to that phase of the application.

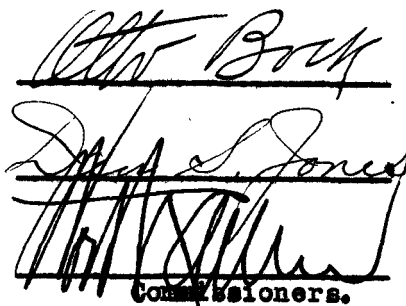
After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it by the Board of Trustees of the town of Superior, Colorado, in and by Ordinance No. 56, passed on September 10, 1928, except, however, that portion of the rights granted which relates to the construction and operation of an electric light and power plant.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it by the Board of Trustees of the town of Superior, Colorado, in Ordinance No. 56, passed on September 10, 1928, except, however, that portion of the rights granted which relates to the construction and operation of an electric light and power plant, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file its tariffs, rate schedules and rules and regulations as required by this Commission within twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 12th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
PUBLIC SERVICE COMPANY OF COLORADO
FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY.

APPLICATION NO. 1197

Sept. 12, 1929.

Appearances: Lee, Shaw and McCreery, Esqs., Denver, Colorado,
attorneys for applicant.

S T A T E M E N T

By the Commission:

This is an application originally for an order preliminary, now for a final certificate of public convenience and necessity authorizing the exercise by the applicant of certain rights and privileges granted to the applicant by the Board of Trustees of the Town of Peetz, Colorado, in and by ordinance No. 35. On October 1, 1928, there was passed by the Board of Trustees, and approved by the Mayor, of the Town of Peetz, ordinance No. 35 granting to the applicant, its successors and assigns,-

"THE RIGHT, PRIVILEGE AND AUTHORITY TO ERECT, CONSTRUCT, MAINTAIN AND OPERATE A SUBSTATION OR SUBSTATIONS, ELECTRIC LIGHT AND POWER PLANTS, TRANSMISSION LINES, AND A DISTRIBUTION SYSTEM FOR THE DISTRIBUTION AND SALE OF ELECTRICITY WITHIN THE CORPORATE LIMITS OF THE TOWN OF PEETZ, LOGAN COUNTY, COLORADO."

The term of said franchise is 25 years from and after its passage, approval and publication, and acceptance and approval by the applicant.

The value of the distribution system, including transmission line from Padroni and substation at Peetz, used by the applicant in the exercise of said franchise is \$19,875.00. However, this figure shall not be binding upon the Commission in any hearing held for the purpose of fixing and determining fair rates.

No evidence was offered of any need at this time for the construction and operation of an electric light and power plant. Therefore, no action should now be taken with respect to that phase of the application.

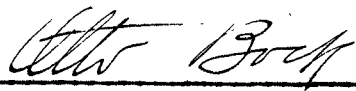


After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it by the Board of Trustees of the Town of Peetz, Colorado, in and by ordinance No. 35, passed on October 1, 1928, except, however, that portion of the rights granted which relates to the construction and operation of an electric light and power plant.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it by the Board of Trustees of the Town of Peetz, Colorado, in and by ordinance No. 35, passed on October 1, 1928, except, however, that portion of the rights granted which relates to the construction and operation of an electric light and power plant, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file its tariffs, rate schedule and rules and regulations as required by this Commission within twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF PUBLIC SERVICE COMPANY OF)
COLORADO FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1133.

Sept. 12, 1929.

Appearances: Lee, Shaw and McCreery, Esqs., Denver, Colorado,
attorneys for applicant.

S T A T E M E N T

By the Commission:

This is an application originally for an order preliminary, now for a final certificate of public convenience and necessity authorizing the exercise by the applicant of certain rights and privileges granted to the applicant by the Board of Trustees of the Town of La Jara, Colorado, in and by ordinance No. 46. On August 14, 1928, there was passed by the Board of Trustees and approved by the Mayor of the town of La Jara Ordinance No. 46, granting to the applicant, its successors and assigns, a franchise,-

"TO CONSTRUCT, ACQUIRE, MAINTAIN AND OPERATE A PLANT OR PLANTS, AND WORKS, FOR THE GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, AND TO FURNISH, SELL AND DISTRIBUTE SAID PRODUCT TO THE SAID TOWN OF LA JARA AND THE INHABITANTS THEREOF FOR LIGHT, HEAT AND POWER, OR OTHER PURPOSES, BY MEANS OF CONDUITS, CABLES, POLES AND WIRES STRUNG THEREON, OR OTHERWISE, OVER, UNDER, ALONG, ACROSS AND THROUGH ALL STREETS, ALLEYS AND PUBLIC WAYS AND PLACES IN THE TOWN OF LA JARA, AND FIXING THE TERMS AND CONDITIONS THEREOF."

The term of said franchise is 25 years from and after its passage, approval and publication, and acceptance and approval by the applicant.

The Commission made an order preliminary herein on June 23, 1928.

The value of the distribution system, including a transmission line from Alamosa, to be used by the applicant in the exercise of said franchise is

\$17,142.75. However, this figure shall not be binding upon the Commission in any hearing held for the purpose of fixing and determining fair rates.

No evidence was offered of any need at this time for the construction and operation of an electric light and power plant. Therefore, no action should now be taken with respect to that phase of the application.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it by the Board of Trustees of the town of La Jara, Colorado, in and by Ordinance No. 46, passed on August 14, 1928, except, however, that portion of the rights granted which relates to the construction and operation of an electric light and power plant.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it by the Board of Trustees of the town of La Jara, Colorado, in and by Ordinance No. 46, passed on August 14, 1928, except, however,, that portion of the rights granted which relates to the construction and operation of an electric light and power plant, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file its tariffs, rate schedules and rules and regulations as required by this Commission within twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock
Daphne L. Jones
H. H. Miller
Commissioners.

Dated at Denver, Colorado,
this 12th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - - - -

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)
- - - - -

APPLICATION NO. 993

- - - - -
September 12, 1929.
- - - - -

Appearances: Lee, Shaw and McCreery, Esqs., Denver, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

This is an application for an order preliminary, now for a final certificate of public convenience and necessity authorizing the exercise by the applicant of certain rights and privileges granted to the applicant by the Board of Trustees of the Town of Rifle, Colorado, in and by ordinance No. 98. On April 4, 1928, there was passed by the Board of Trustees, and approved by the Mayor, of the Town of Rifle Ordinance No. 98, granting to the applicant, its successors and assigns,-

"THE RIGHT, PRIVILEGE AND AUTHORITY TO ERECT, CONSTRUCT, MAINTAIN AND OPERATE A SUBSTATION OR SUBSTATIONS, ELECTRIC LIGHT AND POWER PLANTS, TRANSMISSION LINES, AND A DISTRIBUTION SYSTEM FOR THE DISTRIBUTION AND SALE OF ELECTRICITY WITHIN THE CORPORATE LIMITS OF THE TOWN OF RIFLE, GARFIELD COUNTY, COLORADO."

The term of said franchise is twenty years from and after its passage, approval and publication, and acceptance and approval by the applicant.

The Commission made an order preliminary herein on February 23, 1928.

The value of the distribution system used by the applicant in the exercise of said franchise is \$75,000.00. However, this figure shall not be binding upon the Commission in any hearing held for the purpose of fixing and determining fair rates.

No evidence was offered of any need at this time for the construction and operation of an electric light and power plant. Therefore, no action should now be taken with respect to that phase of the application.


After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it by the Board of Trustees of the town of Rifle, Colorado, in and by ordinance No. 98, passed on April 4, 1928, except, however, that portion of the rights granted which relates to the construction and operation of an electric light and power plant.

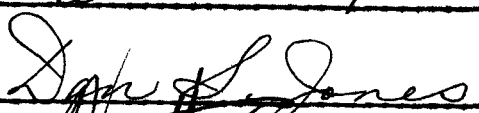
O R D E R


IT IS THEREFORE ORDERED, That the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it by the Board of Trustees of the Town of Rifle, Colorado, in and by ordinance No. 98, passed on April 4, 1928, except, however, that portion of the rights granted which relates to the construction and operation of an electric light and power plant, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file its tariffs, rate schedules and rules and regulations as required by this Commission within twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado, this
12th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 1439

September 12, 1929.

Appearances: Lee, Shaw and McCreery, Esqs., Denver, Colorado,
attorneys for applicant.

S T A T E M E N T

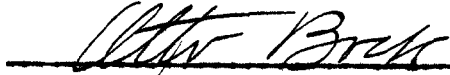
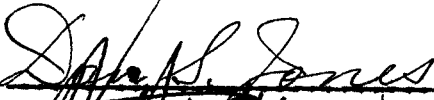

By the Commission:

This is an application filed by Public Service Company of Colorado.
It is a substantial duplicate of Application No. 1287. When the application
was called for hearing, the attorneys for applicant moved that this application
be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled application be, and
the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
12th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE) APPLICATION NO. 992.
AND NECESSITY.)

Sept. 12, 1929.

Appearances: Lee, Shaw and McGreery, Esqs., Denver, Colorado,
attorneys for applicant.

S T A T E M E N T

By the Commission:

This is an application originally for an order preliminary, now for a final certificate of public convenience and necessity authorizing the exercise by the applicant of certain rights and privileges granted to the applicant by the Board of Trustees of the town of New Castle, Colorado, in and by ordinance no. 126. On April 2, 1928, there was passed by the Board of Trustees, and approved by the Mayor, of the town of New Castle, Ordinance No. 126, granting to the applicant, its successors and assigns,-

"THE RIGHT, PRIVILEGE AND AUTHORITY TO ERECT, CONSTRUCT, MAINTAIN AND OPERATE A SUBSTATION OR SUBSTATIONS, ELECTRIC LIGHT AND POWER PLANTS, TRANSMISSION LINES, AND A DISTRIBUTION SYSTEM FOR THE DISTRIBUTION AND SALE OF ELECTRICITY WITHIN THE CORPORATE LIMITS OF THE TOWN OF NEW CASTLE, GARFIELD COUNTY, COLORADO."

The term of said franchise is 20 years from and after its passage, approval and publication, and acceptance and approval by the applicant.

The Commission made an order preliminary herein on April 23, 1928.

The value of the distribution system used by the applicant in the exercise of said franchise is \$8,900.00. However, this figure shall not be binding upon the Commission in any hearing held for the purpose of fixing and determining fair rates.

No evidence was offered of any need at this time for the construction

and operation of an electric light and power plant. Therefore, no action should now be taken with respect to that phase of the application.

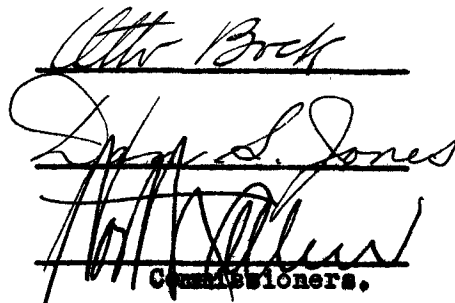
After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it by the Board of Trustees of the town of New Castle, Colorado, in and by ordinance No. 126, passed on April 2, 1928, except, however, that portion of the rights granted which relates to the construction and operation of an electric light and power plant.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it by the Board of Trustees of the town of New Castle, Colorado, in and by Ordinance No. 126, passed on April 2, 1928, except, however, that portion of the rights granted which relates to the construction and operation of an electric light and power plant, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file its tariffs, rate schedules and rules and regulations as required by this Commission within twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 12th day of September, 1929.

(Decision No. 2514)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE ILLEGAL MOTOR VEHICLE)
OPERATIONS OF EDWARD E. HULS.) CASE NO. 490

September 16, 1929.

Appearance: Colin A. Smith, Esq., Denver, Colorado,
Assistant Attorney General.

S T A T E M E N T

By the Commission:

This case is an investigation instituted on the Commission's own motion for the purpose of determining whether or not the respondent, Edward E. Huls, is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law. Respondent was required to file with this Commission an answer within ten days of the date hereof why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier. No answer was filed. This matter was set down for hearing at the hearing room of the Commission, Denver, Colorado, on September 16, 1929. Counsel for respondent filed with this Commission a motion to quash in which it is alleged that the attempted service through registered letter by U. S. mail to the respondent was not and is not authorized by any statute conferring jurisdiction in this Commission over the respondent in the premises and that, therefore, there is a lack of jurisdiction over respondent's person as well as over the subject matter herein. Counsel for the respondent did not appear personally to press this motion. The statute, however, authorizes serving by mail in a sealed envelope registered, postage prepaid. Under these circumstances the motion to quash will be denied.

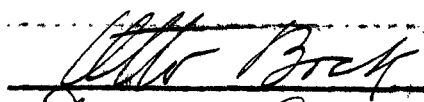
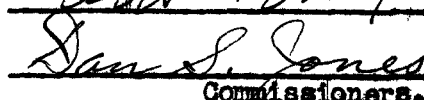
The testimony shows the respondent has been operating interstate between Denver, Colorado and Wheatland, Wyoming regularly twice a week; that he received his shipments at the Morgan docks in Denver and from most of the wholesale houses located there. On July 9 the respondent's truck was loading at the Morgan docks, 1925 Blake Street, Denver, at which time he had thereon for shipment freight from eleven Denver firms consigned to firms in Wheatland and Chugwater, Wyoming. The three-ton truck was loaded to capacity on this trip. Other shipments on different dates were also placed in evidence. Without a further recital of the testimony, the Commission is of the opinion that the same clearly indicates that the respondent is operating as a motor vehicle carrier in interstate commerce without first having received a certificate of public convenience and necessity therefor. The Commission understands, of course, that an operator in interstate commerce is not required to make a showing of public convenience and necessity in order to obtain a certificate for an operation as is conducted by the respondent. It is, however, necessary, according to the opinions of the Supreme Court of the United States that the respondent first receive a certificate from this Commission to operate and that the respondent pay the tax for the use of the highway as provided by Chapter 134, Session Laws of Colorado, of 1927.

O R D E R

IT IS THEREFORE ORDERED, That the respondent, Edward E. Huls, be, and he is hereby, commanded to cease and desist from operating as a motor vehicle carrier as defined in Chapter 134, Session Laws of Colorado, 1927, unless and until he shall obtain a certificate of public convenience and necessity therefor.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 16th day of September, 1929.



Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE EXHIBITORS FILM DELIVERY AND)
SERVICE COMPANY FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1493.

Sept. 19, 1929.

Appearances: D. W. Dunbar, Esq., Denver, Colorado,
for applicant;
D. Edgar Wilson, Esq., Denver, Colorado,
for The Colorado Motor Way, Inc.
Earl H. Ellis, Esq., Denver, Colorado,
for The Atchison, Topeka and Santa Fe
Railway Company, and Railway Express Agency, Inc.
W. W. Hatton, Esq., Denver, Colorado,
for The Denver and Rio Grande Western
Railroad Company.
J. Q. Dier, Esq., Denver, Colorado, for
The Colorado and Southern Railway Co.

S T A T E M E N T

By the Commission:

This is an application by an authorized motor vehicle carrier of motion picture films, advertising matter, etc., from exchanges to exhibitors, to authorize it to also carry newspapers over the same routes between Denver, Colorado, and Cheyenne, Wyoming, and Denver and Pueblo, Colorado, and intermediate points.

Protests were filed against this application by The Colorado and Southern Railway Company, The Atchison, Topeka and Santa Fe Railway Company, the Union Pacific Railroad Company, The Colorado Motor Way, Inc., Railway Express Agency and The Denver and Rio Grande Western Railroad Company.

The testimony shows that owing to the schedule of the applicant in distributing films in the territory involved, it was approached by representatives of The Rocky Mountain News, requesting service in distributing newspapers

along the route in question. The freight volume offered by the newspapers would not be sufficient to warrant any other carrier to put on an extra run for such purpose. The applicant's schedule is at a time when it is convenient for the newspaper to ship its morning edition. Moreover, two of the schedules being at 12:30 A.M., it also permits the applicant to distribute such films that have been used that very evening in Denver.

The applicant states that it is not its intention to go into the general distribution of newspapers, but only transport the newspapers at such times and to such places as will economically fit into its film delivery service. It therefore does not ask for a general certificate to transport newspapers. The important fact that speedy and accurate delivery is a necessary element in newspaper distribution, as well as the fact that the applicant receives the traffic at the newspaper plant and carries it directly to the distribution agency, in our opinion makes out a showing of public convenience and necessity.

After a careful consideration of the evidence, the Commission is of the opinion, and so finds, that the public convenience and necessity requires the applicant to transport newspapers, subject to certain conditions hereinafter stated.

O R D E R

IT IS ~~THEREFORE~~ ORDERED, That the public convenience and necessity requires that the applicant be permitted to transport newspapers, and this order shall be held and deemed to be a certificate of public convenience and necessity therefor, subject to the following conditions:

- (a) That the transportation of newspapers will be confined to its regular scheduled service only;
- (b) That the applicant will only transport newspapers in the specific territory authorized in Application No. 1009.
- (c) That the applicant will only transport newspapers in connection with its film delivery service, and not independent of said service.

IT IS FURTHER ORDERED, That the applicant file with this Commission

within twenty days from the date hereof, tariffs and rules and regulations covering the transportation of newspapers.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. H. Bock

David S. Jones
Commissioners.

Dated at Denver, Colorado,
this 19th day of September, 1929.

(Decision No. 2516)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
ROCKY MOUNTAIN UTILITIES COMPANY FOR
AN ORDER PRELIMINARY TO A CHARTER
OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 1402

September 19, 1929.

Appearances: Perching, Lye, Hallmadsge and Bonnerby, Eng'rs., (by
Mr. Hallmadsge) Denver, Colorado, attorneys for
applicant.

THE COMMISSION:

This is an application of Rocky Mountain Utilities Company, a corporation, for a preliminary order declaring that permission will be granted, upon application under such rules and regulations as the Commission may designate, after the applicant has obtained the contemplated franchise in the towns of Hugo, Arriba, Flagler and Gilbert, authorizing the exercise of such franchise rights and the construction and operation of a transmission line from Hugo to Borina and thence to Arriba "with the necessary distribution lines and equipment for the service of the inhabitants of the village of Borina and territory contiguous thereto", and for such other and further order as may be reasonable, necessary and appropriate in the premises.

When the case came on for hearing, it appeared that the applicant had not secured franchises from the towns of Flagler and Arriba, and that at the present time it wishes no order with respect to any franchises which it contemplates securing hereafter from those towns.

On July 31, 1929, there was passed by the Board of Trustees of the town of Hugo and approved by the Mayor thereof, franchise ordinance No. 76 granting the right, permission and authority to the applicant to construct, maintain and operate in the town of Hugo, Colorado, a system for the generation,

transmission, distribution and sale of electricity for lighting, heating and power purposes. This ordinance was finally published on August 2, 1929. Duration of the franchise granted in such ordinance is to be for a term of twenty-five years from and after its effective date. The value of the applicant's generating plant and distribution system located in the town of Hugo is \$61,500. However, this figure shall not be binding upon the Commission in any hearing held for the purpose of fixing or determining fair rates.

The Board of Trustees of the town of Seibert passed on first reading a franchise ordinance granting the right, permission and authority to the applicant to construct, maintain and operate in the town of Seibert a system for the generation, distribution and sale of electricity for lighting, heating and power purposes. Final passage is expected on September 17, 1929. The duration of the said franchise is to be for a period of twenty-five years from and after its effective date. The value of the applicant's system at Seibert, which does not include the generating plant but does include the transmission line between Seibert and Flagler where the applicant proposes for a time at least to procure its energy, is \$14,500.00. However, this figure shall not be binding upon the Commission in any hearing had for the purpose of determining or fixing fair rates.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it in and by ordinance No. 78 passed by the Board of Trustees and approved by the Mayor of the Town of Hugo, on July 31, 1929.

The Commission further finds that the public convenience and necessity requires that the Commission hereafter, upon application by the applicant under such rules and regulations as it may prescribe, issue a certificate upon such terms and conditions as it may designate after applicant has obtained the contemplated franchise from the Town of Seibert, authorizing the exercise of such franchise rights.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires that the applicant exercise the franchise rights granted to it in and by Ordinance No. 78 finally passed by the Board of Trustees and approved by the Mayor of the Town of Hugo on July 31, 1929, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the Commission hereafter, upon application by the applicant and under such rules and regulations as it may prescribe, issue a certificate of public convenience and necessity upon such terms and conditions as it may designate after the applicant has obtained the contemplated franchise from the Town of Seibert, authorizing the exercise by the applicant of the rights granted in said franchise.

IT IS FURTHER ORDERED, That the applicant shall file its tariffs, rate schedule and rules and regulations as required by this Commission within twenty days from the date hereof.

IT IS FURTHER ORDERED, That the Commission shall retain jurisdiction of that portion of the application herein relating to further rights and authority sought herein by the applicant.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock
Dwight L. Jones
Commissioners.

Dated at Denver, Colorado, this
19th day of September, 1929.

(Decision No. 2517)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
ALVA W. DORNON FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1360

Sept. 19, 1929.

Appearances: A. P. Anderson, Esq., Denver, Colorado,
attorney for applicant;
J. Q. Dier, Esq., Denver, Colorado,
attorney for the Chicago, Burlington
& Quincy Railroad Company, protestant;
Omar T. Mallory, Esq., Fort Morgan, Colorado,
attorney for the Fort Morgan-Brush
Transportation Company, protestant.

S T A T E M E N T

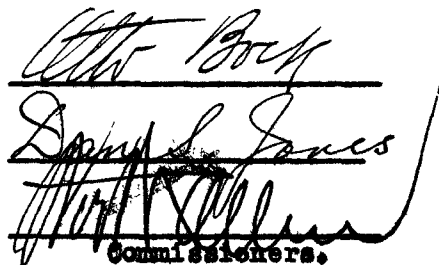
By the Commission:

This application was regularly set for hearing in the Hearing Room of the Commission on August 12, 1929. When the application was called, the attorney for the applicant stated that he desired to have the hearing vacated and the matter continued generally. This motion was resisted by the protestants, who had brought witnesses considerable distances to testify in opposition to the application. The Commission did not deem it fair to continue the matter without the protestants having had timely notice of a desire therefor. Inasmuch as the applicant was not prepared to proceed, the Commission deemed it advisable to dismiss the application without prejudice.

O R D E R

IT IS THEREFORE ORDERED, That the application herein be, and the same is hereby, dismissed without prejudice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 19th day of September, 1929.

408

(Decision No. 2518)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ARIE MARIS FOR A CERTIFICATE OF) APPLICATION NO. 1342.
PUBLIC CONVENIENCE AND NECESSITY.)

Sept. 19, 1929.

Appearances: Clay R. Apple, Esq., Greeley, Colorado,
attorney for applicant;
A. C. Scott and J. Q. Dier, Esqs., Denver,
Colorado, attorneys for the Chicago,
Burlington & Quincy Railroad Company.

S T A T E M E N T

By the Commission:

This is an application by Arie Maris of Grever, Colorado, for a
certificate of public convenience and necessity authorizing the operation of a
motor vehicle system for the transportation of grain from the farms situated
in Weld County, Colorado, north of the line separating Township 9 and Township
10 North, and for the transportation of livestock in less than carload lots from
points in said territory to Denver, Colorado, and for the transportation from
Denver direct to the farms in said territory of machinery and machinery repair parts.

There is no evidence which requires any particular discussion.

After careful consideration of the evidence, the Commission is of
the opinion and so finds that the public convenience and necessity requires
the motor vehicle operations of the applicant for the transportation of agricul-
tural products from the farms situated in Weld County, Colorado, north of the line
separating Township 9 and Township 10 North, and for the transportation of
livestock in less than carload lots from points in said territory to Denver,
Colorado, and for the transportation from Denver direct to the farms in said
territory of machinery and machinery repair parts.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operations of the applicant for the (transportation of agricultural products from the farms situated in Weld County, Colorado, north of the line separating Township 9 and Township 10 North, and for the transportation of livestock in less than carload lots from points in said territory to Denver, Colorado, and for the transportation from Denver direct to the farms in said territory of machinery and machinery repair parts,) and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock
Dan S. Jones
Commissioners.

Dated at Denver, Colorado,
this 19th day of September, 1929.

(Decision No. 2519)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
L. C. McDERMOTT FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1897

September 19, 1929.

Appearances: D. F. How, Esq., Denver, Colorado, attorney
for applicant;
E. G. Knowles, Esq., Denver, Colorado, attorney
for Union Pacific R.R. Company, protestant.

S T A T E M E N T

By the Commission:

This is an application by L.C. McDermott for a certificate of public convenience and necessity authorizing operation of a motor vehicle system by the applicant for the transportation of freight and express on call and demand only from one point to another within a radius of twenty miles of Snyder.

The applicant proposes to use in said service one $1\frac{1}{2}$ -ton Graham truck of the value of \$500.00.

The applicant's service will consist principally of the transportation to rail points for shipment by the Union Pacific Railroad Company of grain and livestock. His other operations will consist largely of the rendition of a local drayage service.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the proposed motor vehicle system of the applicant for the transportation of freight and express from point to point on call and demand only in the territory within a radius of twenty miles of Snyder, Colorado.

✓

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle system of the applicant for the transportation of freight and express from point to point on call and demand only in the territory within a radius of twenty miles of Snyder, Colorado; and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Utter Boy
David S. Jones
H. H. Williams
Commissioners.

Dated at Denver, Colorado, this
19th day of September, 1929.

(Decision No. 2520)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
H. B. MINER FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 1581

September 19, 1929.

Appearances: Arthur E. Aldrich, Esq., Denver, Colorado,
attorney for applicant;
E. G. Knowles, Esq., Denver, Colorado,
attorney for the Union Pacific Railroad Co.

S T A T E M E N T

By the Commission:

This is an application by H. B. Miner for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of general freight and merchandise between Walden, Goodrich and Orchard and Denver, Colorado; and live stock to Denver from the territory within a radius of ten miles from each of said three towns, and farm supplies from Denver to the farms within said radius of said towns.

The applicant proposes to devote to said service a Graham 1½-ton truck of the value of \$800.00.

The applicant proved by a preponderance of the evidence that the local freight service between Denver and the three towns named is not adequate, and that for the transportation of live stock in less than carload lots it is necessary that the farmers have truck service available. It was shown also that the farmers need occasionally the benefit of the service of the applicant for the transportation from Denver of machinery and other farm supplies.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the motor vehicle system of the applicant for the transportation of general freight and

merchandise between the towns of Weldona, Goodrich and Orchard and the City of Denver, but not to or from any intermediate points except as otherwise herein stated, and for the transportation from the country within a radius of ten miles of each of said towns of live stock to Denver and of general farm supplies, including machinery repair parts, from Denver to said territories.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operations of the applicant for the transportation of general freight and merchandise between the towns of Weldona, Goodrich and Orchard and the city of Denver, but not to or from any intermediate points except as otherwise herein stated, and for the transportation from the country within a radius of ten miles of each of said towns of live stock to Denver and of general farm supplies, including machinery repair parts, from Denver to said territories, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time schedules as required by the Rules and Regulations of the Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. B. Borch
James L. Jones
W. M. Oliver
Commissioners.

Dated at Denver, Colorado, this
19th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
THE MIDWEST REFINING COMPANY FOR A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY.

APPLICATION NO. 1357.

September 19, 1929.

Appearances: Kent S. Whitford, Esq., Denver, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

This is an application by The Midwest Refining Company, a corporation, for authority to utilize, maintain and operate an oil pipe line owned by it, situated in the County of Moffat in the State of Colorado, as a common carrier. The applicant has constructed a pipe line between what is known as the Iles oil field in Moffat County, Colorado, and the town of Craig, which is the county seat of said county, for the transportation of oil to said town of Craig. Said line is now being used by the applicant only. However, as a condition of the granting of a right of way over part of the public domain, the United States of America required the applicant to agree to operate said pipeline as a common carrier in order that others having oil in the territory might use the said line. There is no other common carrier pipeline operating in the particular territory.

The cost of the construction of said line is \$150,000. However, this figure shall not be binding upon the Commission in any hearing held for the purpose of fixing or determining fair rates.


After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires that the applicant construct, maintain and operate an oil pipeline as a common carrier in the county of Moffat, State of Colorado, running from the Iles oil field to the town of Craig, as more fully appears from a map on file with this Commission.


O R D E R


IT IS THEREFORE ORDERED, That the public convenience and necessity requires that the applicant herein construct, maintain and operate an oil pipeline as a common carrier in the County of Moffat, State of Colorado, running from the Iles oil field to the town of Craig, as more fully appears from a map on file with this Commission and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file its tariffs, rate schedule and rules and regulations as required by this Commission within twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado, this
19th day of September, 1929.

(Decision No. 2522)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE GARRETT, DOING BUSINESS AS THE)
MCKIE TRANSFER COMPANY FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1286

September 19, 1929.

Appearances: Geo. Swerer, Esq., Denver, Colorado,
attorney for applicant;
E. E. Eckels, Esq., Greeley, Colorado,
pro se.

S T A T E M E N T

By the Commission:

This is an application by George Garrett, doing business as The McKie Transfer Company, for a certificate of public convenience and necessity authorizing the transportation by motor vehicle of general freight and merchandise between Berthoud, Colorado, and Mead, Colorado, and intermediate points. The applicant is already doing business under a certificate of public convenience and necessity, transporting freight between Denver and Longmont and Berthoud. Mead lies to the east of both of said towns, being north of Longmont and south of Berthoud. E. E. Eckels, doing business as the Greeley-Longmont Mail Line, is operating a motor vehicle system for the transportation of passengers, mail and express between Greeley and Longmont via Mead. A stipulation was filed at the hearing in which Eckels stated that he does not object to the granting of the certificate, providing that the order granting the same shall read that cooperation shall continue with the Greeley-Longmont Mail Line in the exchange of freight and express packages for Mead arriving at Longmont on the McKie Company truck due at Longmont at 3:00 P.M. daily.

The freight service into Mead is indirect, requiring ordinarily a transfer from the Union Pacific at Milliken to the Great Western Railway Company. Much delay and inconvenience results therefrom.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the proposed motor vehicle system of the applicant for the transportation of freight and merchandise between Berthoud, Colorado, and Mead, Colorado, and intermediate points, provided that cooperation shall continue with the Greeley-Longmont Mail Line in the exchange of freight and express packages for Mead arriving at Longmont on the McKie Company truck due at Longmont at 3:00 P.M. daily.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle system of the applicant, George Garrett, doing business as The McKie Transfer Company, for the (transportation of freight and merchandise between Berthoud, Colorado, and Mead, Colorado, and intermediate points, provided that cooperation shall continue with the Greeley-Longmont Mail Line in the exchange of freight and express packages for Mead arriving at Longmont on the McKie Company truck due at Longmont at 3:00 P.M. daily,) and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers

and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock

David S. Jones

Arthur Allen

Commissioners.

Dated at Denver, Colorado,
this 19th day of September, 1929.

(Decision No. 2525)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
AGENCIES TRANSPORTATION COMPANY, A)
CORPORATION, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1322 ✓

IN THE MATTER OF THE APPLICATION OF)
J. V. RHODES, DOING BUSINESS AS THE)
J. V. RHODES EMPLOYMENT AGENCY, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1323

September 19, 1929.

Appearances: Jack Garrett Scott, Esq., Denver, Colorado, attorney
for Agencies Transportation Company, applicant;
J. V. Rhodes, Denver, Colorado, applicant, pro se;
Elmer L. Brock and D.W. Cyler, Esqs., Denver, Colorado,
attorneys for The Denver & Salt Lake Ry. Co., protestant;
Todd C. Storer, Esq., Pueblo, Colorado, attorney
for Missouri Pacific Railroad Co.;
D. Edgar Wilson, Esq., Denver, Colorado, attorney
for Chicago, Rock Island & Pacific Railway Co.;
Rocky Mountain Parks Transportation Co. and Colorado
Motor Way, Inc.;
E.G. Knowles, Esq., Denver, Colorado, attorney
for Union Pacific Railway Co.;
J. Q. Dier, Esq., Denver, Colorado, attorney
for Colorado and Southern Ry. Company and Chicago,
Burlington & Quincy Railroad Company.

S T A T E M E N T

By the Commission:

Two applications were filed, one by Agencies Transportation Company,
a corporation, the other J.V. Rhodes, doing business as J. V. Rhodes Employment
Agency, for a certificate of public convenience and necessity authorizing the
transportation by motor vehicle of laborers to various ranches, road camps and
other places of employment in Colorado and adjoining states. The said Rhodes
desires to transport only those laborers for whom he secures employment. The
other applicant desires to transport laborers whose employment has been secured
by any and all employment agencies in Denver.

The evidence showed that the laborers sought to be transported are

usually those who are to work on hay ranches, although some of them are to be engaged in road construction work, other farm work, etc.; that with rare exceptions the final destination of the laborers going to their employment is considerably removed from railroad stations; that the laborers are of the class who ordinarily do not have money with which to pay railroad transportation to their places of employment; that frequently after money has been advanced by prospective employers for the payment of their transportation, the laborers take the money and go somewhere else.

In some cases, the employers pay the transportation charges, in others the agency transporting them has to credit the laborers until they have earned enough money to pay for the transportation.

Neither of the applicants desires to transport laborers back from their places of employment. The service proposed to be rendered is a one-way service from Denver to the places of employment.

The service proposed to be rendered by the applicants is of a substantially different nature from any other service now being rendered in the state by a common carrier. It is confined to the transportation of a particular class of people. Moreover, from the very nature of the case, credit must frequently be extended.

The applicant, Rhodes, proposes to devote to the service two Cadillac automobiles and one Dodge Speed Wagon, the three having a total value of \$4,000. The applicant, Agencies Transportation Company, proposes to operate six automobiles of the value of \$5,000.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the proposed motor vehicle operation of the applicants for the transportation of laborers for whom employment has been secured from Denver to any point within the state, but not from places of employment to Denver or to any other points.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle operations of the applicants, J. V. Rhodes,

doing business as J.V.Rhoades Employment Agency, for the transportation of laborers for whom he has secured employment to any point within the state of Colorado and adjoining states but not from any place to Denver or any other points, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the public convenience and necessity requires the motor vehicle operations of the applicant, Agencies Transportation Company, a corporation, for the transportation of laborers for whom employment has been secured by Denver employment agencies, from Denver to any point within the State of Colorado or adjoining states but not from any place to Denver or any other points, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicants shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicants shall operate such motor vehicle carriers systems according to the schedules filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock

Daniel S. Jones

W. H. McLaughlin

Commissioners.

Dated at Denver, Colorado; this
19th day of September, 1929.

(Decision No. 2524)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF EARL SHRETS FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1533

September 19, 1929.

S T A T E M E N T

By the Commission:

In the above application the applicant has advised
the Commission that it is his desire to have the same dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the application herein
be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Borch

Ray S. Jones

Commissioners.

Dated at Denver, Colorado,
this 19th day of September, 1929.

(Decision No. 2525)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE CONSOLIDATED TRUCK COMPANY FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 1020

September 19, 1929.

Appearances: William T. Burris, Esq., Pueblo, Colorado,
and Arthur N. Aldrich, Esq., Denver, Colorado,
for applicant;
J. G. Scott, Esq., and D. A. Maloney, Esq.,
Denver, Colorado, for the White Motor
Express Company;
Tod C. Storer, Esq., and J.W. Preston, Esq.,
Pueblo, Colorado, for The Colorado and
Southern Railway Company;
R. R. Cloud, Esq., Pueblo, Colorado,
for E.J. Gottula.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity for a motor vehicle freight system between Denver, Colorado Springs and Pueblo, but to no other intermediate points.

Protests were filed against this application by the County Commissioners of El Paso County, The Colorado and Southern Railway Company, The Atchison, Topeka and Santa Fe Railway Company, the Railway Express Agency, The Denver and Rio Grande Western Railroad Company and the White Motor Express Company.

The Consolidated Truck Company is now operating as an authorized carrier between Denver and Fort Collins.

There being nothing unusual in this application

as to the facts, the Commission deems it unnecessary to make a detailed statement. It believes that the evidence herein is not sufficient to warrant a finding of public convenience and necessity.

After a careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity does not require the motor vehicle system of the applicant herein. An order will be entered denying the same.

O R D E R

IT IS THEREFORE ORDERED, That the application herein be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock

Sam S. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 19th day of September, 1929.

222

(Decision No. 2526)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF E. J. GOTTULA FOR A CERTIFICATE) APPLICATION NO. 1199
OF PUBLIC CONVENIENCE AND NECESSITY.)

September 19, 1929.

Appearances: R. R. Cloud, Esq., Pueblo, Colorado,
for applicant;
William T. Burrus, Esq., Pueblo, Colorado,
for the Consolidated Truck Line;
Tod C. Storer, Esq., and J. W. Preston, Esq.,
for The Colorado and Southern Railway Company;
J. G. Scott, Esq. and D. A. Maloney, Esq., Denver,
Colorado, for White Motor Express Company.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity for a motor vehicle freight system between Pueblo, Colorado Springs, Denver and intermediate points.

Protests were filed against this application by the Board of County Commissioners of El Paso County, The Atchison, Topeka and Santa Fe Railway Company, The Colorado and Southern Railway Company, the White Motor Express Company and Everett Scott. The County Commissioners of Pueblo County filed a statement approving the application.

At the hearing the testimony showed that the applicant's equipment was worth approximately \$12,500, consisting of 9 trucks. The evidence, however, shows that the applicant has been operating a local truck system in the city of Pueblo for a number of years, and also has been granted a certificate of public convenience and necessity to operate in certain territory surrounding Pueblo. His financial and transportation dependability is of the very best.

There being nothing unusual in this application as to facts, the Commission deems it unnecessary to make a further detailed statement. Suffice it to say that the Commission believes that the applicant's testimony is not sufficient to warrant a finding of public convenience and necessity, except as to the transportation of household goods, furniture and heavy machinery.

After a careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity requires the motor vehicle system of the applicant for the transportation of household goods, furniture and heavy machinery only between Pueblo and Denver, Colorado, and intermediate points, and that in all other respects the application will be denied.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle system of F.G.Gottula, applicant herein, for the (transportation of household goods, furniture and heavy machinery between Pueblo and Denver, Colorado and intermediate points,) and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the application in all other respects be, and the same is hereby, denied.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers

and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Bock

Samuel Jones

Harold M. Allen

Commissioners.

Dated at Denver, Colorado,
this 19th day of September, 1929.

(Decision No. 2527)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF THE COLORADO SPRINGS AND INTER-
URBAN RAILWAY COMPANY FOR A CERTI-
FICATE OF PUBLIC CONVENIENCE AND
NECESSITY.

APPLICATION NO. 1432

September 19, 1929.

S T A T E M E N T

By the Commission:

On August 2, 1929, we issued an order in the instant application authorizing a motor bus service between the terminal point of the applicant's North Tejon street car line and the plant of the Alexander Industries, Inc. for a test period of one month. The Commission has been advised by the applicant that for the first 24 days of this operation it resulted in receipts of \$83.84 and operating expense of \$562.27 and therefore suggests that it does not consider this operation justified and does not seek an extension of the certificate.

O R D E R

IT IS THEREFORE ORDERED, That application No. 1432 be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Brock
Lawrence Jones
Harold Kellum
Commissioners.

Dated at Denver, Colorado, this
19th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF THE)
INLAND UTILITIES COMPANY, A CORPORATION,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)
-----)

APPLICATION NO. 1444

September 21, 1929

Appearances: M. B. Heffner, Esq., Kansas City, Mo.,
attorney for applicant.

S T A T E M E N T

By the Commission:

This is an application by The Inland Utilities Company, a Kansas corporation, for authority to exercise franchise rights granted to it by the Board of Trustees of the town of Holly, Colorado, in Ordinances No. 104 and No. 106, passed by the Board of Trustees and approved by the Mayor of the town of Holly on June 17, 1929. The said ordinance No. 104 grants to the applicant, its successors and assigns,

"THE RIGHT, PRIVILEGE AND FRANCHISE OF CONSTRUCTING, OPERATING AND MAINTAINING IN THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE TOWN OF HOLLY, COLORADO, AND ALL FUTURE ADDITIONS THERETO, ALL POLES, LINES, CONDUITS, WIRES, WORKS AND OTHER APPLIANCES NECESSARY TO THE FURNISHING AND SUPPLYING OF SAID TOWN AND ITS INHABITANTS WITH ELECTRICITY FOR LIGHT, HEAT AND POWER, AND FIXING AND DEFINING THE TERMS AND CONDITIONS OF SAID FRANCHISE."

The said ordinance No. 106 grants to the applicant,

"THE RIGHT, PRIVILEGE AND FRANCHISE OF ERECTING, CONSTRUCTING, OPERATING, REPAIRING, REPLACING, RENEWING AND MAINTAINING IN THE TOWN OF HOLLY, COLORADO, AND IN THE STREETS, ALLEYS AND PUBLIC GROUNDS OF SAID TOWN, AND ALL FUTURE ADDITIONS THERETO, ALL MAINS, PIPES, CONDUITS, HYDRANTS, REGULATORS, TANKS, WELLS, RESERVOIRS, WORKS AND OTHER APPLIANCES NECESSARY OR USEFUL TO THE FURNISHING AND SUPPLYING OF SAID TOWN AND ITS INHABITANTS WITH WATER, AND FIXING AND DEFINING THE TERMS AND CONDITIONS OF SAID FRANCHISE."

The duration of both of said franchises granted by said ordinances is twenty-five years from and after final passage thereof.

The investment of the applicant in its generation plant and systems is \$100,000. However, this figure shall not be binding upon the Commission in any hearing held for the purpose of fixing or determining fair rates.

The financial dependability of the applicant has been satisfactorily shown.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it in and by Ordinance No. 104 passed by the Board of Trustees of the town of Holly and approved by the Mayor of said town on June 17, 1929.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the exercise by the applicant of the franchise rights granted to it in and by Ordinances No. 104 and No. 106 passed by the Board of Trustees of the town of Holly and approved by the Mayor of said town on June 17, 1929, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file its tariffs, rate schedule and rules and regulations as required by this Commission within twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock
Harry S. Jones
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE INLAND UTILITIES COMPANY, A)
CORPORATION, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1450.

Sept. 21, 1929.

Appearances: M. B. Heffner, Esq., Kansas City, Mo.,
attorney for applicant.

S T A T E M E N T

By the Commission:

This is an application by The Inland Utilities Company, a Kansas corporation, for authority to exercise the franchise rights granted to it by the Board of Trustees of the town of Stratton, Colorado, in Ordinance No. 36 passed and approved by the Board of Trustees and the Mayor of the town of Stratton on April 3, 1929. The said ordinance grants to the applicant, its successors and assigns,-

"THE RIGHT, PRIVILEGE AND FRANCHISE OF CONSTRUCTING, OPERATING AND MAINTAINING IN THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE TOWN OF STRATTON, COLORADO, AND ALL FUTURE ADDITIONS THERETO, ALL POLES, LINES, CONDUITS, WIRES, WORKS AND OTHER APPLICANCES NECESSARY TO THE FURNISHING AND SUPPLYING OF SAID TOWN AND ITS INHABITANTS WITH ELECTRICITY FOR LIGHT, HEAT AND POWER, AND FIXING AND DEFINING THE TERMS AND CONDITIONS OF SAID FRANCHISE."

The duration of the franchise granted by said Ordinance No. 36 is twenty-five years from and after final passage thereof.

The value of the distribution system, including the 18-mile transmission line from Burlington, Colorado, where the applicant procures its current, is \$25,000.00. However, this figure shall not be binding upon the Commission in any hearing held for the purpose of fixing or determining fair rates.

The financial dependability of the applicant has been satisfactorily

shown.

No evidence was offered to show that the public convenience and necessity requires the construction at this time of any generating plant. It would not now be proper to authorize such construction.

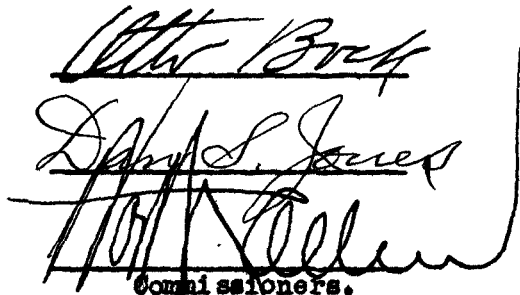
After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity at this time requires the exercise by the applicant of those franchise rights granted to it in and by Ordinance No. 36, passed by the Board of Trustees of the town of Stratton and approved by the Mayor of said town on April 3, 1929, which authorizes the distribution of electrical energy in Stratton, Colorado, for light, heat, power and other purposes.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the exercise by the applicant of those franchise rights granted to it in and by Ordinance No. 36, passed by the Board of Trustees of the town of Stratton, and approved by the Mayor of said town on April 3, 1929, which authorizes the distribution of electrical energy in Stratton, Colorado, for light, heat, power and other purposes, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file its tariffs, rate schedule and rules and regulations as required by this Commission within twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM A. RAHN FOR A CERTIFICATE) APPLICATION NO. 1437.
OF PUBLIC CONVENIENCE AND NECESSITY.)

Sept. 25, 1929.

Appearances: M. M. Marshall, Esq., Alamosa, Colorado,
attorney for applicant;
T. A. White, Esq., Denver, Colorado,
attorney for The Denver and Rio Grande
Western Railroad Company;
C. H. Allen, Esq., Monte Vista, Colorado,
attorney for Pueblo-San Luis Valley
Transportation Company.

S T A T E M E N T

By the Commission:

This is an application by William A. Rahn, of Alamosa, Colorado, for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of household furniture, new and old, not crated, livestock in less than carload lots, farm products, including produce perishable and non-perishable, farm machinery, oils and oil casks, between Denver and Alamosa, Colorado. At the hearing, the applicant stated that he does not desire to transport any farm produce except livestock. The applicant does not propose to operate on schedule, but only when he is offered a load.

The applicant produced, other than himself, three witnesses, one of whom is the district manager of the Maytag Washing Machine Company, another the operator of a garage, and the third a man engaged in the production of honey. The representative of the washing machine company testified that his company ships washing machines to Alamosa from Denver about twice a month and at other times certain repair parts, etc. The garage man testified that he buys oil, which

the applicant hauls to Alamosa for a shipper who pays the freight thereon. The third witness testified that once the applicant hauled a container of oil for him. There was a stipulation to the effect that four other witnesses would testify substantially to the same effect as the three who testified.

At the hearing, there was quite a question raised during the examination of the applicant as to whether or not he had been operating as a common carrier since his certificate was denied in Application No. 830, the pleadings and decision in which were by agreement made a part of the record herein. The applicant testified that he had confined himself to the transportation of certain kinds of commodities. However, his testimony showed that his idea of the classification of these commodities is very vague, as he clearly has been hauling other commodities not included in the general classifications stated. Moreover, as we have frequently pointed out before, it is not necessary that a man, in order to be a common carrier, should haul all kinds of commodities. Some common carriers by motor vehicle haul only milk and cream, others live stock, and still another, who is operating under a certificate from this Commission, motion picture films.

The applicant seems to have little idea about the cost of operation. He testified that the cost of operating his two-truck over the 250 mile route from Alamosa to Denver, leading over one mountain pass and another mountain divide, is 5 cents per mile without depreciation. He then testified that this cost includes the wear and tear on his truck.

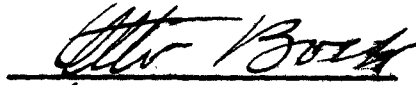

The service proposed to be rendered by the applicant lacks the desirable quality of being regular. Unless the applicant is offered a load, his service is not available. Moreover, because of the long distance necessarily required to be traversed, it will take longer for a business man in Alamosa to get his freight delivered there than it would take by rail if telephone or telegraph were used.

After careful consideration of the evidence, the Commission is of the opinion and upon the record as made so finds that the public convenience and necessity does not require the proposed motor vehicle operation of the applicant.

O R D E R

IT IS THEREFORE ORDERED, That the application herein of William A. Bahn ~~boy~~ and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 25th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
PUEBLO-SAN LUIS VALLEY TRANSPORTA-
TION COMPANY FOR AN ENLARGEMENT OF
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY.

CONSOLIDATED APPLICATIONS NOS. 1169 & 1185

September 25, 1929.

Appearances: C. H. Allen, Esq., Monte Vista, Colorado, attorney
for applicant;
T. A. White, Esq., Denver, Colorado, attorney
for The Denver and Rio Grande Western Railroad
Company.

S T A T E M E N T

By the Commission:

The Commission on July 5 of this year made an order granting a certificate of public convenience and necessity to the applicant herein. Thereafter, the applicant asked that the application be reopened and that the certificate be enlarged by granting to it authority to transport cheese and dairy products from Del Norte, Colorado, to Walsenburg and Pueblo, Colorado, and potatoes, head lettuce, grain and other farm products from the several points and vicinities thereof on the petitioner's route in the San Luis Valley to Walsenburg and Pueblo; and that the applicant be authorized to serve the town of La Jara in addition to the other points hereinbefore authorized to be served.

The manager of the cheese factory located in Del Norte testified that his company does not produce and sell cheese in sufficiently large volume to permit of the shipment in rail carload lots; that the shipments of cheese in less than carload lots is not practicable for the reason that cheese is a perishable commodity which softens and deteriorates greatly when so shipped. Moreover, the rate of 60 cents by motor carrier to Pueblo is less by 65 cents than the local rail rate, and the difference of 65 cents exceeds the profit which the company earns on 100 pounds.

The president of the applicant company testified that usually it is necessary for its trucks to return to Walsenburg and Pueblo empty; that, therefore, the cost of hauling merchandise, etc., southbound is much greater than it would be if the applicant were permitted to make the northbound trip loaded.

He was questioned in detail about the ability of the applicant to render efficient service in transporting merchandise while hauling potatoes, head lettuce, grain and other farm products, including livestock, on the return trip to Pueblo. He testified that it is desired merely to haul these commodities from territory within a reasonable distance of the points now served in the San Luis Valley and that such transportation would be a mere incident of the transportation business done between Pueblo and Walsenburg on the north and the towns served in the San Luis Valley on the south.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires that the applicant be permitted to transport cheese and manufactured dairy products from Del Norte, Colorado; to Walsenburg and Pueblo, Colorado; and potatoes, head lettuce, grain and other farm products, including livestock, from the several towns and cities in the San Luis Valley authorized to be served by it and points within a radius of fifteen miles thereof to Walsenburg and Pueblo, subject to such conditions and limitations as are hereinafter provided; that the applicant be authorized to serve the town of La Jara in the same manner that it is authorized to serve the towns of Ramo, Antonio, Huerfano and Sanford.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle transportation by the applicant of cheese and other manufactured dairy products from Del Norte, Colorado; to Walsenburg and Pueblo, Colorado; that the applicant transport in less than carload lots potatoes, head lettuce, grain and other farm products, including livestock, from the several

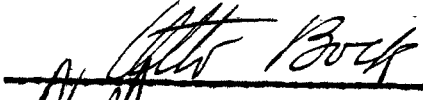

towns and cities in the San Luis Valley authorized to be served by the applicant in the San Luis Valley, including the town of La Jara, and fifteen points within a radius of/miles thereof to Walsenburg and Pueblo; subject to the conditions and limitations hereinafter fixed; that the applicant serve the town of La Jara in the same manner that it is authorized to serve the towns of Home, Antonito, Manassa and Sanford, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant in the transportation of commodities out of the San Luis Valley shall use only the equipment needed at the time for the transportation of freight authorized to be carried by it into said valley; that it shall not put on any additional equipment for the purpose of transporting products out of said valley.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado, this
25th day of September, 1929.

(Decision No. 2532)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK KLEINWEIN FOR A CERTIFICATE OF) APPLICATION NO. 1443.
PUBLIC CONVENIENCE AND NECESSITY.)

Sept. 25, 1929.

Appearances: Walter Schwed, Esq., Denver, Colorado,
attorney for applicant.

S T A T E M E N T

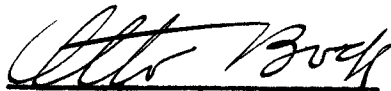
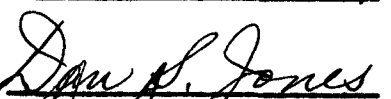

By the Commission:

When the above entitled application was called for hearing, the applicant, by his attorney, moved that the application be dismissed without prejudice.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled application be, and the same is hereby, dismissed without prejudice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 25th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. L. SLOAN, DOING BUSINESS AS H. L.)
SLOAN AND COMPANY, FOR A CERTIFICATE) APPLICATION NO. 1156.
OF PUBLIC CONVENIENCE AND NECESSITY.)

Sept. 25, 1929.

Appearances: Clay R. Apple, Esq., Greeley, Colorado,
attorney for applicant;
A. C. Scott and J. Q. Dier, Esqs., Denver, Colorado,
attorneys for Chicago, Burlington & Quincy
Railroad Company.

S T A T E M E N T

By the Commission:

This is an application by H. L. Sloan, doing business as H. L. Sloan and Company, for a certificate of public convenience and necessity authorizing the transportation of freight between the towns of Keenesburg, Roggen and Prospect and the territory within a radius of twenty miles of the town of Keenesburg, and Denver. He proposes to devote to the service two trucks of the value of \$1,400.

While the evidence was not as strong as in most cases of this kind, we are of the opinion and so find that it does show that the public convenience and necessity requires the proposed motor vehicle operations of the applicant between the three towns of Keenesburg, Roggen and Prospect, and Denver.

The evidence failed to show any public convenience and necessity for the transportation of freight between Denver and any of the territory surrounding said towns. The evidence shows that applicant enjoys a good reputation as a dependable operator.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle operations of the applicant for the transportation of freight between Keenesburg, Roggen and Prospect and Denver, and this

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

IT IS FURTHER ORDERED, That the application so far as it seeks authority to transport freight between Denver and the territory surrounding the three said towns, be, and the same is hereby, denied.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Uttr Borg
James L. Jones
Arthur Bell
Commissioners.

Dated at Denver, Colorado,
this 25th day of September, 1929.

394

(Decision No. 2534)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE SUPPLEMENTAL)
APPLICATION OF THE INTERSTATE)
TRANSIT LINES, INC., FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

SUPPLEMENT TO APPLICATION NO. 1417

September 25, 1929.

Appearances: E. G. Knowles, Esq., Denver, Colorado,
attorney for applicant;
H. C. Vidal, Esq., Denver, Colorado,
attorney for Colorado Motor Way, Inc.

S T A T E M E N T

By the Commission:

On August 19, 1929, the above applicant filed with this Commission a supplemental application in which it seeks to obtain a certificate to operate a motor vehicle system for the transportation of passengers, baggage and express in interstate commerce only between Denver and the Colorado-Wyoming state line on U. S. Highway No. 85.

At the hearing the record made in the original hearing of Application No. 1417 was made a part of the record in this supplemental application. In the first order in this matter (Decision 2445) the Commission passed upon the question of dependability and financial responsibility and granted certain certificates. The Colorado Motor Way, Inc. now operates a very efficient motor service for passengers, baggage and express between Denver and Greeley, Colorado, intrastate. Russell J. Walsh, President and General Manager, of the applicant, testified that it is the intention of the applicant to enter into a co-operative transportation agreement with the Colorado Motor Way, Inc. which would be satisfactory to both parties.

After a careful consideration of the evidence, the Commission is of the opinion that the laws of the United States as well as the laws of the State of Colorado require this Commission to issue a certificate of public convenience and necessity to the Interstate Transit Lines, Inc. for a motor vehicle system for the transportation of passengers, baggage and express in interstate commerce only between Denver and the Colorado-Wyoming state line on U. S. Highway No. 85.

O R D E R

IT IS THEREFORE ORDERED, That the laws of the United States as well as the laws of the State of Colorado require the issuance of a certificate of public convenience and necessity to the Interstate Transit Lines, Inc. for a motor vehicle system for the transportation of passengers, baggage and express in interstate commerce only between Denver, Colorado, and the Colorado-Wyoming state line on U.S. Highway No. 85 and this order shall be deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the time for commencement of operation by the applicant herein on his entire operation under Application No. 1417 be extended to on or before November 1, 1929.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time schedules as required by the rules and regulations of the Commission governing motor vehicle carriers within five days prior to the commencement of the operations under said certificate.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to

be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock

Sam S. Jones

W. H. Allen

Commissioners.

Dated at Denver, Colorado,
this 25th day of September, 1929.

(Decision No. 2535)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. J. CLARK.)

CASE NO. 489.

Sept. 25, 1929.

Appearances: W. C. Edgar, Esq., Alamosa, Colorado,
attorney for respondent.

S T A T E M E N T

By the Commission:

An order was entered requiring W. J. Clark, to whom the Commission heretofore issued a certificate of public convenience and necessity, P.U.C. No. 314, to show cause why his certificate should not be revoked and cancelled for failure to commence operations as required by the order of the Commission and his failure to pay the fee of \$5.00 for the issuance of said certificate.

When the case was called for hearing, attorney for respondent stated to the Commission that he understood Mr. Clark does not desire to operate under the certificate and that the Commission might as well cancel the same.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, No. 314, heretofore issued to said W. J. Clark in Application No. 1204, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin Bock
John P. Jones
W. M. Vetter
Commissioners.

Dated at Denver, Colorado,
this 25th day of September, 1929.

409
(Decision No. 2536)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF C. E. MARTIN FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1401

September 25, 1929.

Appearances: C. E. Robison, Esq., Fort Morgan, Colorado,
attorney for applicant;
J. Q. Dier, Esq., Denver, Colorado,
attorney for Chicago, Burlington & Quincy
Railroad Company;
E. H. Houtchens, Esq., Greeley, Colorado,
attorney for Raymer Transportation Company.

S T A T E M E N T

By the Commission:

This is an application by C. E. Martin for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of freight between Denver and Buckingham, New Raymer and the farming territory around said towns, but not to or from intermediate points.

Both the towns of Buckingham and New Raymer are served by a branch line of the Chicago, Burlington & Quincy Railroad Company running between Sterling and Cheyenne, Wyoming. It was pointed out in some detail in the application of the partnership doing business as Raymer Transportation Company, being Application No. 1259, why public convenience and necessity requires the transportation by motor truck of livestock from the New Raymer territory to Denver. It is not necessary, therefore, to go again into the consideration of the public convenience and necessity therefor. The said firm was not allowed to haul merchandise from Denver to New Raymer. The partners of that firm now take the position that their service is adequate and that if authority should be granted for the transportation of merchandise to New Raymer, such authority

should be given to them.

The Commission is of the opinion that it satisfactorily appears in this case that the public convenience and necessity does require the transportation of merchandise from Denver to New Raymer and Buckingham. We are quite as mindful as we have been of the fact that the railroad's volume of freight on this line is very low and that revenues therefrom are consequently meager. We are mindful also of the possibility that the railroad may be warranted in making curtailment of service because of the decreasing revenues. However, as we have frequently pointed out in the past, when the public wants truck transportation, it will have it through the operation of private carriers who serve a limited number of customers; by the operation of trucks by business men and farmers who will haul their own commodities, or by motor vehicle or common carriers.

It has been the policy of the Commission, based on what it deems to be the best interests of the public, to place some limit on competition and not to duplicate operations unless the public convenience and necessity requires. However, after careful consideration of the evidence in this case, we are of the opinion that the public will not be satisfactorily served by the partnership doing business as the Raymer Transportation Company. The difficulties seem to be fundamental and not merely superficial. The evidence shows that Downey, who takes the lead in the operations of the partnership, has been engaging in many lines of activity, and that his credit is poor. The result is deep-seated antagonism towards him on the part of business men of New Raymer which the Commission cannot say on the record is not well-founded. It may be unfortunate that the showing made in this application was not made in the application of the partnership.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the motor vehicle system of the applicant, Clarence Martin, for the transportation of freight between Denver and Buckingham, New Raymer and the farming territory between and around said towns, as hereinafter stated, but not to or from intermediate points.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicant, C. E. Martin, for the transportation of freight between Denver and Buckingham, New Raymer and the farming territory between and around said towns, as hereinafter stated, but not to deviate from intermediate points, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

The territory around said towns which the applicant is herein authorized to serve extends ten miles north of New Raymer, five miles east thereof and eight miles south thereof; ten miles north of Buckingham, five miles west thereof and eight miles south thereof.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. B. Brock
Wm. L. Jones
Wm. L. Jones
Commissioners.

Dated at Denver, Colorado,
this 25th day of September, 1929.

(Decision No. 2537)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ANDREW GABEL FOR A CERTIFICATE) APPLICATION NO. 757.
OF PUBLIC CONVENIENCE AND NECESSITY.)

September 26, 1929.

S T A T E M E N T

By the Commission:

This application was set down for hearing at Colorado Springs,
Colorado, on September 23, 1929, at which time the applicant failed to appear.
An order will be entered dismissing the same.

O R D E R

IT IS THEREFORE ORDERED, That the above application be, and the
same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Born
W. S. Jones
W. A. Jones
Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1929.

(Decision No. 2538)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. S. HUMPHREY FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 671

September 26, 1929.

S T A T E M E N T

By the Commission:

This application was set down for hearing at Colorado Springs,
Colorado, on September 23, 1929, at which time the applicant failed to appear.
An order will be entered dismissing the same.

O R D E R

IT IS THEREFORE ORDERED, That the above application be, and the
same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elmer Brock

Sam L. Jones

W. H. Allen

Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1929.

(Decision No. 2539)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF HARLAN WOOD, DOING BUSINESS AS)
THE SHY-ANN SCENIC AUTO COMPANY,)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)

APPLICATION NO. 871

September 26, 1929.

S T A T E M E N T

By the Commission:

This application was set down for hearing at Colorado Springs,
Colorado, on September 23, 1929, at which time the applicant failed to appear.
An order will be entered dismissing the same.

O R D E R

IT IS THEREFORE ORDERED, That the above application be, and the
same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 26th day of September, 1929.

Alfred Brock
David S. Jones
Commissioners.

(Decision No. 2540)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARCHIE B. HEISEL FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 752

September 26, 1929.

S T A T E M E N T

By the Commission:

This application was set down for hearing at Colorado Springs, Colorado, on September 23, 1929, at which time the applicant failed to appear. An order will be entered dismissing the same.

O R D E R

IT IS THEREFORE ORDERED, That the above application be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 26th day of September, 1929.

Chas. Borch
Donald L. Jones
W. H. [Signature]
Commissioners.

(Decision No. 2541)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF L. O. RICE FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESS-)
ITY.)

APPLICATION NO. 1146

September 26, 1929.

S T A T E M E N T

By the Commission:

This application was set down for hearing at Colorado Springs,
Colorado, on September 23, 1929, at which time the applicant failed to appear.
An order will be entered dismissing the same.

O R D E R

IT IS THEREFORE ORDERED, That the above application be, and the
same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock
James S. Jones
Harry A. [Signature]
Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1929.

(Decision No. 2542)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF JIM CAREY AUTO LIVERY TO ADD) APPLICATION NO. 636-B
ONE ADDITIONAL TOURING CAR.)

September 26, 1929.

S T A T E M E N T

By the Commission:

This application was set down for hearing at Colorado Springs,
Colorado, on September 23, 1929, at which time the applicant failed to appear.
An order will be entered dismissing the same.

O R D E R

IT IS THEREFORE ORDERED, That the above application be, and the
same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Brock
Spencer L. Jones
H. A. Walker
Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1929.

(Decision No. 2545)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF J. GIBSON, DOING BUSINESS AS)
THE FARMERS AND MERCHANTS TRUCK) APPLICATION NO. 1451
LINE FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

September 26, 1929.

Appearances: Malcom Erickson, Esq., Trinidad,
Colorado, for applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing a transfer, moving and general cartage business regularly in the counties of Las Animas and Otero, State of Colorado, and also occasional service as part of his said business throughout the State of Colorado, and the various counties thereof, wherever the convenience and necessity of the residents of the town of Delhi and vicinity may require. No protest was filed against this application.

The testimony shows that the applicant is the owner of three trucks, valued at approximately \$4500.00. It developed at the hearing that the regular operation of the applicant is between La Junta, Rocky Ford and Trinidad, Colorado, and intermediate points. His headquarters are at Delhi, Colorado.

The burden of the testimony was that owing to the fact that The Atchison, Topeka and Santa Fe Railway Company has discontinued station agencies at a number of stations along its line between La Junta and Trinidad, the convenience of the merchants requires such a service. There is no testimony, however, in the record upon which the Commission can base a finding of public convenience and necessity for the so-called occasional service to any part of the State, and that part of the application will be denied.

After a careful consideration of the testimony the Commission is of the opinion, and so finds, that the public convenience and necessity requires the motor vehicle system of the applicant for the transportation of freight between La Junta, Rocky Ford and Trinidad, Colorado, and intermediate points, over the highway known as the Santa Fe Trail.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system, for the transportation of freight, of J. Gibson, doing business as The Farmers and Merchants Truck Line, between La Junta, Rocky Ford and Trinidad, Colorado, and intermediate points, via the Santa Fe Trail, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the application in all other respects be, and the same is hereby, denied.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedules filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elto Brock
Dan L. Jones
Commissioners,

Dated at Denver, Colorado,
this 26th day of September, 1929.

414

(Decision No. 2544)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF LLOYD HARMAN, DOING BUSINESS)
UNDER THE NAME OF THE AIR LINE)
TRUCK SERVICE, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESS-)
ITY.)

APPLICATION NO. 1258

September 26, 1929.

Appearances: Earl J. McCarthy, Esq., Julesburg,
Colorado, for applicant;
D. Edgar Wilson, Esq., Denver, Colorado,
for The Chicago, Rock Island and
Pacific Railway Company;
Montgomery Dorsey, Esq., Denver, Colorado,
for Union Pacific Railroad Company.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity, authorizing a motor vehicle system for the transportation of freight between Kirk, Joes and Cope, Colorado, and Denver, Colorado.

Protest was filed against this application by The Chicago, Rock Island and Pacific Railway Company.

The application was amended at the time of the hearing, to the effect that the applicant appear as the sole owner of the operation. He has two Chevrolet trucks, valued at approximately \$2,000.00. Kirk, Joes and Cope are not located on a railroad. The route traveled is over the Air Line Route to Byers, and then on U. S. Highway No. 40 to Denver. No authority is sought to transport any freight originating at Byers and intermediate points to Denver.

After a careful consideration of the evidence the Commission

is of the opinion, and so finds, that the public convenience and necessity requires the motor vehicle system for the transportation of freight by the applicant between Kirk, Joes and Cope, Colorado, and intermediate points, and Denver, Colorado, but not between Byers and Denver.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system for the transportation of freight by the applicant, Lloyd Harman, doing business under the name of the Air Line Truck Service, between Kirk, Joes and Cope, Colorado, and Denver, Colorado, but not between Byers and Denver, Colorado, and this order shall be deemed and held to be a certificate of public convenience and necessity therefore.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedules filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock
Edgar S. Jones
Holt Salmon
Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1929.

Apr 1258
Dec 2544

Miss H. D. 10/13/29

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412

(Decision No. 2545)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF F. G. HARRIS FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1234

September 26, 1929.

Appearances: H. G. Preston, Esq., Aurora, Colorado,
for applicant;
E. G. Knowles, Esq., Denver, Colorado,
for Union Pacific Railroad Company;
Chadwick J. Perry, Esq., Denver, Colorado,
for F. G. Merrick of Strasburg.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity for a motor vehicle freight system between Bennett and Denver, Colorado, and intermediate points.

Protests were filed against this application by the Union Pacific Railroad Company and F. G. Merrick.

The applicant has three trucks, valued at approximately \$1,000.00.

There being nothing unusual in this application as to the facts, the Commission deems it unnecessary to make a detailed statement.

After a careful consideration of the evidence, the Commission is of the opinion, and so finds, that the public convenience and necessity requires the motor vehicle system of the applicant for the transportation of freight between Bennett, Colorado, and within a territory of one mile east, ten miles south and ten miles north thereof, and Denver, Colorado, and intermediate points.


O R D E R


IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicant, F.G.Harris, for the transportation of freight between Bennett and (within) a territory of one mile east, ten miles south, and ten miles north thereof and Denver, Colorado, and intermediate points and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1929.

411
(Decision No. 2546)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L. D. HARRIS, DOING BUSINESS UNDER)
THE NAME AND STYLE OF THE HARRIS) APPLICATION NO. 1224.
TRUCK LINES, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

September 26, 1929.

Appearances: J. Edgar Chenoweth, Esq., Trinidad, Colorado,
for applicant;
J. Q. Dier, Esq., Denver, Colorado, for
The Colorado and Southern Railway Company.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity to operate a motor vehicle system for the transportation of freight and express in interstate commerce only between Trinidad, Colorado, and the Colorado-New Mexico State line, on Colorado State Highway No. 1, also known as United States Highway No. 85.

Protest was filed by The Colorado and Southern Railway Company.

The testimony shows that the applicant has three trucks, valued at approximately \$5500.00. He operates from Trinidad to Clayton, New Mexico. For his intrastate operation in New Mexico he holds a certificate from the New Mexico Commission.

After a careful consideration of the evidence the Commission is of the opinion, and so finds, that the laws of the United States, as well as the laws of the State of Colorado, require the issuance of a certificate of public convenience and necessity to the applicant herein, authorizing a motor vehicle system for the transportation of freight and express in interstate commerce only between Trinidad, Colorado, and the Colorado-New Mexico State line on Colorado State Highway No. 1, also known as United States Highway No. 85.

O R D E R

IT IS THEREFORE ORDERED, That the laws of the United States, as well as the laws of the State of Colorado, require the issuance of a certificate of public convenience and necessity to L. D. Harris, doing business under the name and style of The Harris Truck Lines, authorizing a motor vehicle system for the transportation of freight and express between Trinidad, Colorado, and the Colorado-New Mexico State line on Colorado State Highway No. 1, also known as United States Highway No. 85, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock
Alfred L. Jones
Harold A. ...
Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1929.

(Decision No. 2547)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
T. M. LOVATO FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1449

September 26, 1929.

Appearances: J. Edgar Chenoweth, Esq., Trinidad, Colorado,
for Anderson Transport Company.

S T A T E M E N T

By the Commission:

This matter being set down for hearing on September 20, 1929,
at the Court House, Trinidad, Colorado, and there being no appearance by the
applicant, the Commission will enter an order to dismiss this application.

O R D E R

IT IS THEREFORE ORDERED, That the above application be, and the
same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. B. Bock
Henry S. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1929.

292

(Decision No. 2542)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE ANDERSON TRANSPORT COMPANY)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)

APPLICATION NO. 1464

September 26, 1929.

Appearances: J. Edgar Chenoweth, Esq., Trinidad, Colorado,
for applicant;
J. Q. Dier, Esq., Denver, Colorado,
for The Colorado and Southern Railway
Company.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity to operate a motor vehicle system for the transportation of freight and express in interstate commerce only between Pueblo, Colorado and the Colorado-New Mexico State line, on Colorado State Highway No. 1, also known as U. S. Highway No. 85.

Protest was filed against this application by The Colorado and Southern Railway Company.

The Commission heretofore has issued a certificate to the applicant for a similar purpose between Trinidad, Colorado, and the Colorado-New Mexico State line.

The testimony shows that the applicant has eleven trucks, valued at approximately \$14,550.00. His financial dependability is good. For his interstate operations in New Mexico he holds a certificate from the New Mexico Commission.

After a careful consideration of the evidence, the Commission is of the opinion, and so finds, that the laws of the United States, as well as the laws of the State of Colorado, require the issuance of a certificate of public convenience

and necessity to the applicant, authorizing a motor vehicle system for the transportation of freight and express between Pueblo, Colorado, and the Colorado-New Mexico State line, on Colorado State Highway No. 1, also known as U.S. Highway No. 85.

O R D E R

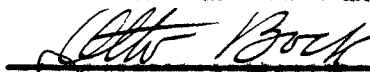
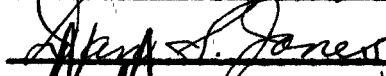

IT IS THEREFORE ORDERED, That the laws of the United States, as well as the laws of the State of Colorado, require the issuance of a certificate of public convenience and necessity to The Anderson Transport Company, a corporation, applicant herein, for a certificate of public convenience and necessity, authorizing a motor vehicle system for the transportation of freight and express between Pueblo, Colorado, and the Colorado-New Mexico State line, on Colorado State Highway No. 1, also known as U.S. Highway No. 85, and this order shall be held and deemed to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall be required to file with this Commission within ten days from the date of this order a certificate of authority issued by this State authorizing the applicant, as a foreign corporation, to do business within this State.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 26th day of September, 1929.

Thos. A. 10/13/23
(Decision No. 2549)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS)
OF CHARLES W. DAVIS DOING)
BUSINESS AS DAVIS SIGHT-)
SEEKING SERVICE.)

CASE NO. 492.

September 27, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent has violated the public carriers act, which is Chapter 134, Session Laws of Colorado, 1927, and the rules and regulations of the Public Utilities Commission and respondent's tariffs on file with this Commission, in to-wit: the transportation of a party of four persons on or about August 12, 1929, over the ^{Combination} ~~Mountain Park~~ ^{Trip} ~~Sight-Trip~~ for a fare other than that on file with this Commission; and

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent has committed such violation.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be held for the purpose of determining whether or not said respondent has violated the law or the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within ten days from the date hereof, why the Commission should not enter an order revoking and canceling respondent's certificate of public convenience and necessity or otherwise penalizing said respondent for such violation.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 305 State Office

Building, Denver, Colorado, on the 17th day of October, 1929, at 10 o'clock A. M.,
at which time and place such evidence may be introduced and such witnesses examined
as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. B. B. B.

Samuel Jones

W. H. H. H.
Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1929.

Thrs. J. D. 10/13/29
[Signature]

(Decision No. 2550)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS)
OF FRANK BARGROFF AND EDITH)
BARGROFF DOING BUSINESS AS THE)
BROWN AND WHITE CAB COMPANY.)

CASE NO. 495

September 27, 1929.
P -----

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent has violated the public carriers act, which is Chapter 154, Session Laws of Colorado, 1927, and the rules and regulations of the Public Utilities Commission and respondent's tariffs on file with this Commission, in te-wit: the transportation of a party of four on or about August 15, 1929, over the *Mountain Park Circle Trip* ~~"Combination Trip" to Lake Lee~~ at a fare other than that on file with the Public Utilities Commission; and

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent has committed such violation.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be held for the purpose of determining whether or not said respondent has violated the law or the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within ten days from the date hereof, why the Commission should not enter an order revoking and canceling respondent's certificate of public convenience and necessity or otherwise penalizing said respondent for such violation.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 305 State Office Building, Denver, Colorado, on the 17th day of October, 1929; at 10 o'clock A.M., at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock
Samuel Jones
W. H. Williams
Commissioners.

Dated at Denver, Colorado; this
27th day of September, 1929.

Thos. R. D. 10/13/29

(Decision No. 2551)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS)
OF RAY E. OTT, DOING BUSINESS) CASE NO. 494.
AS THE SQUARE DEAL AUTO SERVICE.)

September 27, 1929.

S T A T E M E N T.

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent has violated the public carriers act, which is Chapter 134, Session Laws of Colorado, 1927, and the rules and regulations of the Public Utilities Commission and respondent's tariffs on file with this Commission in, to-wit: the transportation of a party of four persons on or about August 15, 1929, on the "Mountain Parks Circle Trip" over Lookout Mountain, Genesee Mountain and through Evergreen, returning to Denver by way of Morrison and also the "City Trip", at fares other than those on file with this Commission; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent has committed such violation.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be held for the purpose of determining whether or not said respondent has violated the law or the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That said respondent show cause, if any he

have, by written answer filed with this Commission within ten days from the date hereof, why the Commission should not enter an order revoking and canceling respondent's certificate of public convenience and necessity, or otherwise penalizing said respondent for such violation.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set fown for hearing before the Commission in its Hearing Room, 305 State Office Building, Denver, Colorado, on the 17th day of October, 1929, at 10:00 o'clock A. M., at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Brock
Daniel Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1929.

Mrs. L. Green 10713/29

(Decision No. 2552)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS)
OF ARTHUR BAWDEN DOING BUSI-)
NESS AS THE ARTHUR TAXI)
SERVICE.)

CASE NO. 495

September 27, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent has violated the law and the rules and regulations of this Commission in to-wit: the transportation of a family of persons on or about July 7, 1929, from Denver to Wagon Wheel Gap, Colorado, without having a certificate of public convenience and necessity for such operations as required by Chapter 134, Session Laws of Colorado, 1927; and

WHEREAS, The Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent has committed such violations.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be held for the purpose of determining whether or not said respondent has violated the law or the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within ten days from the date hereof, why the Commission should not enter an order revoking and canceling respondent's certificate of public convenience and necessity or otherwise penalizing said respondent for such violation.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby,

set down for hearing before the Commission in its Hearing Room, 305 State Office Building in Denver, Colorado, on the 17th day of October, 1929, at 10 o'clock A.M., at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock
Amos L. Jones
W. M. Sullivan
Commissioners.

Dated at Denver, Colorado, this
27th day of September, 1929.

✓

J.F.N. 10/13/29
SJS
WCH

418

(Decision No. 2553)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VERNE S. FERRINE FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1445

September 27, 1929.

Appearances: Strachan & Horn, Colorado Springs, Colorado,
attorneys for applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity, authorizing a motor vehicle system for the transportation of freight in the town of Monument, Colorado, and surrounding territory in less than carload lots, and for the transportation of freight and farm products to Colorado Springs and Denver. Protest was filed by The Denver and Rio Grande Western Railroad Company.

The testimony shows that the applicant has been operating a trucking service in and around the town of Monument for approximately 7 years. His equipment consists of one $1\frac{1}{2}$ ton truck, of the value of about \$1,000. He operates a regular daily service to Colorado Springs, mainly for the transportation of milk from the farmers located within a radius of 15 miles of Monument. He produced several witnesses who testified to the public convenience and necessity.

So far as the operations to Denver are concerned, there has been a demand in that direction only four times since the first of the year. It would seem that the applicant should be authorized to haul livestock, which naturally moves to Denver.

Between Monument and Colorado Springs the applicant has quite a demand to transport freight of every character, including merchandise, as well as agricultural products from the farm.

After a careful consideration of the testimony the Commission

is of the opinion, and so finds, that the public convenience and necessity requires the motor vehicle system of the applicant for the transportation of freight, (1) within the town of Monument, (2) between Monument and points within a 15 mile radius thereof and, (3) between Monument and points within said radius and Colorado Springs, Colorado, and for the transportation of livestock only between Monument and a 15 mile radius thereof and Denver, Colorado. In all other respects the application will be denied.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicant, Vern S. Perrine, for the transportation of all freight, (1) within the town of Monument, (2) between Monument and points within a 15 mile radius thereof and, (3) between Monument and points within said radius and Colorado Springs, Colorado, and for the transportation of livestock only from Monument and a 15 mile radius thereof to Denver, Colorado, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Arthur Brock
James S. Jones
W. H. Williams
Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1929.

✓ J.R.S. 12/13/23
419
(Decision No. 2554)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

* * *

IN THE MATTER OF THE APPLICATION OF)
ANGELO BAUDINO, DOING BUSINESS AS)
BAUDINO TRANSFER, FOR CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1414

September 27, 1929.

Appearances: Malcom Erickson, Esq., Trinidad, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

This is an application for authority to transport freight, including household goods, between Aguilar and various points in the State of Colorado.

The applicant's equipment consists of three trucks, valued at approximately \$3500.00.

The Commission some time ago issued a number of certificates for similar operations to transfermen, members of the Colorado Transfer and Warehousemen's Association, subject to certain conditions. The applicant has expressed a willingness to be bound by the same conditions.

After a careful consideration of the evidence, the Commission is of the opinion, and so finds, that the public convenience and necessity requires the proposed motor vehicle operations of the applicant for the conduct of a transfer, moving and general cartage business in the town of Aguilar, and in the counties of Las Animas and Huerfano, in the State of Colorado, and for occasional service throughout the State of Colorado, and in each of the counties thereof, subject to the terms and conditions hereinafter named, which the Commission finds the public convenience and necessity require.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle operations of the applicant, Angelo Baudino, doing business as the Baudino Transfer, for the conduct of the transfer, moving and general cartage business in the town of Aguilar, and in the counties of Las Animas and Huerfano, in the State of Colorado, and for occasional service throughout the State of Colorado, and in each of the counties thereof, subject to the terms and conditions hereinafter stated, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers the applicant shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers.

The applicant shall not operate on schedule between any points.

The applicant shall not be permitted without further authority from the Commission to establish a branch office or to have an agent employed in any other town or city than Denver for the purpose of developing business.

Jurisdiction of the application herein shall be, and the same is hereby, retained, to the end that if and as occasion may arise appropriate orders may be made to prevent improper encroachment by the applicant upon the field of business occupied by the scheduled carriers and at the same time to allow the applicant reasonable latitude in the carrying on of its business as it may develop in the future.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations, as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the tariffs of rates, rules and regulations filed with this Commission, except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be

hereafter adopted by the Commission with respect to motor vehicle carriers and also
subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. B. Cook

David Jones

H. H. Brown

Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1929.

Thrs P.A. 10/13/29
Case
with
295

(Decision No. 2555)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
M. B. BENNETT, DOING BUSINESS UNDER)
THE NAME AND STYLE OF THE BENNETT)
TRANSFER AND STORAGE COMPANY, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1236

September 27, 1929.

X

Appearances: J. Edgar Chemoweth, Esq., Trinidad, Colorado,
attorney for applicant;
J. Q. Dier, Esq., Denver, Colorado, attorney
for The Colorado and Southern Railway
Company and all other protesting railroads
and Railway Express Agency;
Malcolm Erickson, Esq., Trinidad, Colorado,
attorney for W.L. Couey and Pople Transfer
and Storage Company;
John L. East, Esq., Walsenburg, Colorado,
for Dale Jellison;
Robert H. Work, Esq., Denver, Colorado, for
Colorado Transfer & Warehousemen's Assn.

S T A T E M E N T

By the Commission:

This is an application for authority to transport freight, including household goods, by motor vehicles in the city of Trinidad, and points within a radius of 225 miles thereof.

Protests were filed against this application by The Atchison, Topeka and Santa Fe Railway Company, The Denver and Rio Grande Western Railroad Company, The Colorado and Southern Railway Company, The Camel Truck Line, the Railway Express Agency, The Chicago, Rock Island and Pacific Railway Company, Pople Transfer and Storage Company, W. L. Couey, doing business as The Couey Storage and Transfer Company and Dale Jellison, doing business as The Jellison Transfer and Storage Company.

The applicant has seven trucks, valued at approximately \$13,500.00 a part of which may be used in this operation.

The Commission heretofore issued a certificate to the applicant, authorizing motor vehicle transportation service between Trinidad and the Colorado-New Mexico State line, in interstate commerce only. His main office and business is located at Raton, New Mexico.

The testimony shows that there are now operating in Trinidad, and between Trinidad and various points in the State, two dependable operators who have been located there for a number of years. The applicant has been doing a transfer business in Trinidad for only approximately two years, and very little business from Trinidad to other points in the State.

The testimony further shows that the applicant does approximately twenty per cent of the transfer business within the city of Trinidad. In our opinion the record as made is not sufficient to warrant us in making a finding authorizing the applicant to transport freight from Trinidad to various points in the State. We believe, however, the record is sufficient to warrant a finding that the public convenience and necessity requires the applicant to transfer freight within the city of Trinidad.

The applicant expressed a willingness to be bound by the tariff filed by the Colorado Transfer and Warehousemen's Association, designated as Joint Freight Tariff No. 1, and also all other conditions that the Commission has applied to such operations.

After careful consideration of the evidence, the Commission is of the opinion and so finds, that the public convenience and necessity requires the proposed motor vehicle operations of the applicant for the transportation of freight within the city of Trinidad, Colorado, only. The application in all other respects will be denied.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operations of the applicant, M. B. Bennett, doing business under the name and style of The Bennett Transfer and Storage Company, for the (transportation of freight within the city of Trinidad only,) and this order shall be deemed and held to be a certificate of public convenience and necessity therefor, subject to the following conditions which in our opinion the public convenience and necessity require:

(a) That the applicant will file a tariff covering his rates in harmony with the tariff now on file, known as Joint Tariff No. 1 of The Colorado Transfer and Warehousemen's Association;


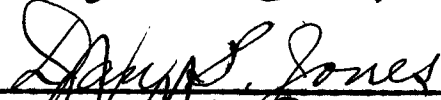

(b) Jurisdiction of the application herein shall be, and the same is hereby, retained, to the end that if and as occasion may arise appropriate orders may be made to prevent improper encroachment by the applicant upon any other authorized operation.

IT IS FURTHER ORDERED, That the application in all other respects be, and the same is hereby, denied.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedules filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1929.

✓

17/13/29

321

(Decision No. 2556)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLARENCE R. BENDER FOR A CERTIFICATE) APPLICATION NO. 1017.
OF PUBLIC CONVENIENCE AND NECESSITY.)

September 27, 1929.

Appearances: Fred N. Bentall, Esq., Colorado Springs,
Colorado, for applicant;
D. Edgar Wilson, Esq., Denver, Colorado,
for The Chicago, Rock Island and
Pacific Railway Company;
L. H. Snyder, Esq., Colorado Springs, Colorado,
for The Woodward Truck Line.

S T A T E M E N T

By the Commission:

On March 12, 1929, the Commission entered an order granting the applicant a certificate of public convenience and necessity for the transportation of freight by motor vehicle from points within a radius of ten miles of Fondis to Calhan, Colorado, and return. Thereafter, and on June 4, 1929, the Commission granted a rehearing in this matter.

At the hearing the applicant introduced testimony to the effect that the public convenience and necessity requires a motor vehicle system for the transportation of freight from Fondis and points within a radius of ten miles thereof to Colorado Springs, Colorado. The applicant at the present time purchases cream from a large number of farmers in the territory in question. It is his desire to transport for these farmers this cream and other agricultural products to Colorado Springs. The applicant produced several witnesses who also testified to the public convenience and necessity of motor vehicle transportation in the territory involved.

After a careful consideration of the evidence, the Commission is of the opinion that it should rescind its former findings and order,

and grant the applicant a certificate authorizing the conduct by him of a motor vehicle system for the transportation of freight between Fondis and points within a radius of ten miles thereof and Calhan, Colorado, and between Fondis and points within said radius thereof and Colorado Springs, Colorado, but not to or from any intermediate points.

O R D E R

IT IS THEREFORE ORDERED, That the order herein entered on March 12, 1929, be, and the same is hereby, rescinded.

IT IS FURTHER ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicant Clarence R. Bender for the transportation of freight between Fondis and points within a radius of ten miles thereof and Calhan, Colorado, and between Fondis and points within said radius thereof and Colorado Springs, Colorado, but not between any intermediate points, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Cliff Borch
Ray S. Jones
W. A. Allen
Commissioners

Dated at Denver, Colorado,
this 27th day of September, 1929.

Thos. H. D. 10/13/29
[Signature]

(Decision No. 2557)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

237

IN THE MATTER OF THE APPLICATION
OF THOMAS H. BERRY AND HARRY R.
BERRY, DOING BUSINESS UNDER THE
NAME AND STYLE OF THE BERRY TRUCK
LINES, FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY.

APPLICATION NO. 1269

September 27, 1929.

Appearances: J. Edgar Chenoweth, Esq., Trinidad, Colorado,
for applicant;
J. Q. Dier, Esq., Denver, Colorado, for The
Colorado and Southern Railway Company
and other protesting railroads and express
agencies;
Malcom Erickson, Esq., Trinidad, Colorado,
for Coney Transfer & Storage Company;
John L. East, Esq., Walsenburg, Colorado,
for Dale Jellison;
Robert Work, Esq., Denver, Colorado, for
The Colorado Transfer and Warehousemen's
Association.

S T A T E M E N T

By the Commission:

This is an application for authority to transport freight by motor vehicle, including household goods, in Trinidad, and between said point and various points in the State of Colorado. Protests were filed against this application by The Denver and Rio Grande Western Railroad Company, The Colorado and Southern Railway Company, The Camel Truck Line, The Chicago, Rock Island and Pacific Railway Company, W. L. Coney, doing business as The Coney Transfer and Storage Company, The Pople Transfer and Storage Company, and Dale Jellison, doing business as The Jellison Transfer and Storage Company. The applicant has three trucks, valued at approximately \$6,250, a part of which may be used in this operation.

The applicants now have a certificate from this Commission to operate a regular scheduled service between Trinidad and Walsenburg, and between Trinidad and two or three other points in that territory. The

testimony shows that their transfer business within the City of Trinidad is very small. There are now two certificate holders doing a transfer business within that city, and upon the record as made meeting all the transportation needs of the public. These two certificate holders are authorized also to transport freight, including household goods, to various points in the State of Colorado. As already stated, the applicants operate a regular scheduled carrier service in a certain described territory, and from the amount of the equipment they have we are inclined to the viewpoint that the public convenience and necessity is fully met by the certificate holders now rendering such a service out of Trinidad, except as to household goods. In our opinion the applicants should be authorized to transport household goods from one point to another within the State.

The applicants expressed a willingness to be bound by the tariff filed by The Colorado Transfer and Warehousemen's Association, designated as Joint Freight Tariff No. 1, and also all other conditions that the Commission has applied to such operations.

After a careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity requires the proposed motor vehicle operation of the applicants for the transportation of household goods only from one point to another within the State of Colorado upon the conditions hereinafter stated in the order. The application in all other respects will be denied.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operations of the applicants for the transportation of household goods only in the City of Trinidad, and in the counties of Las Animas, Huerfano and Pueblo, in the State of Colorado, and for occasional service throughout the State of Colorado, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor, subject to the following conditions which, in our opinion, the public convenience and necessity requires:

(a) That the applicants will file a tariff governing their rates on household goods in harmony with the tariff now on file, known as Joint Freight Tariff No.1 of the Colorado Transfer and Warehousemen's Association,

(b) That the applicants, except as heretofore authorized shall not operate on schedule between any points;

(c) That the applicants shall not be permitted, without further authority from the Commission, to establish a branch office, or to have any agent employed in any other town or city than Trinidad, for the purpose of developing household transportation business;

(d) Jurisdiction of the application herein shall be, and the same is hereby, retained, to the end that if and as occasion may arise appropriate orders may be made to prevent improper encroachment by the applicants upon any other authorized operation.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates and rules and regulations as required by the Rules and Regulations of this Commission governing motor vehicle carriers substantially the same as those contained in Joint Tariff No. One filed by the Colorado and Warehousemen's Association, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the tariffs of rates, rules and regulations filed with this Commission, except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elmer B. Jones
James M. Jones
W. H. Wall
Commissioners.

Dated at Denver, Colorado, this
27th day of September, 1929.

416

(Decision No. 2558)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE R. J. BEAR TRANSFER AND STORAGE COM-)
PANY, A CORPORATION, FOR A CERTIFICATE) APPLICATION NO. 1330.
OF PUBLIC CONVENIENCE AND NECESSITY.)

September 27, 1929.

Appearances: E. N. Burdick, Esq., Denver, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

This is an application by The R. J. Bear Transfer and Storage Company, a corporation, for authority to transport freight, including household goods, between Denver and various points in the State of Colorado. The applicant proposes to devote to the service six trucks of the value of \$3,000.00.

The applicant's business consists principally of the transportation of freight from one point to another within the city of Denver. Over such operations, the Commission does not, of course, have any jurisdiction. Occasionally, however, applicant is called upon to transport freight out of or into the city. The Commission has heretofore issued a number of certificates authorizing just such an operation as the applicant herein desires authority to conduct. It has, however, in each and every case conditioned the authority upon a requirement that in the transportation of any freight except household goods between points now served singly or in combination by scheduled carriers, a rate must be charged which shall be at least twenty per cent in excess of the scheduled carriers' rates. The applicant has expressed a willingness to file the same tariff as on file with the Commission by the Colorado Transfer and Warehousemen's Association, designated as Joint Freight Tariff No. One, and also to be bound by the conditions which this Commission imposed upon similar operators.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the proposed motor vehicle operations of the applicant for the conduct of a transfer, moving and general cartage business in the City and County of Denver, and in the counties of Adams, Arapahoe and Jefferson, in the State of Colorado, and for occasional service throughout the State of Colorado and each of the counties thereof, subject to the terms and conditions hereinafter named which the Commission finds the public convenience and necessity requires.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle operations of the applicant, The R. J. Bear Transfer and Storage Company, for the (conduct of a transfer, moving and general cartage business in the City and County of Denver, and in the counties of Adams, Arapahoe and Jefferson, in the State of Colorado, and for occasional service throughout the State of Colorado, and in each of the counties thereof, subject to the terms and conditions hereinafter stated,) and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

(For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers the applicant shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers.

The applicant shall not operate on schedule between any points.

The applicant shall not be permitted without further authority from the Commission to establish a branch office or to have an agent employed in any other town or city than Denver for the purpose of developing business.)

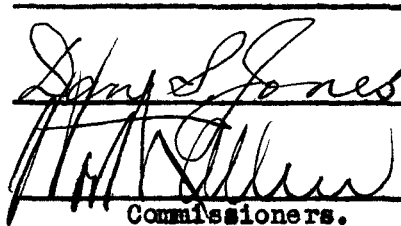
Jurisdiction of the application herein shall be, and the same is hereby, retained, to the end that if and as occasion may arise appropriate orders may be made to prevent improper encroachment by the applicant upon the field of business occupied by the scheduled carriers and at the same time to allow the applicant reasonable latitude in the carrying on of its business as it may develop in the future.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates,

rules and regulations substantially the same as filed by the Colorado Transfer and Warehousemen's Association designated as Joint Freight Tariff No. One, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the tariffs of rates, rules and regulations filed with this Commission, except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1929.

J.E.S. 10/13/29

[Handwritten signature]

417

(Decision No. 2559)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF LAWRENCE M. COWEN, DOING BUSINESS)
AS THE COWEN TRANSFER AND STORAGE) APPLICATION NO. 1440.
COMPANY FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

Sept. 27, 1929.

Appearances: Chinn and Strickler, Esqs, and Ben S.
Windelkin, Esq., Colorado Springs,
Colorado, attorneys for applicant;
J. A. Carruthers, Esq., Colorado Springs, Colorado,
attorney for Midland Terminal Railway Co.;
L. H. Snyder, Esq., Colorado Springs, Colorado,
attorney for E. M. Woodward;
Robert Mark, Esq., Denver, Colorado,
attorney for the Colorado Transfer and
Warehousemen's Association.

S T A T E M E N T

By the Commission:

This is an application by Lawrence M. Cowen, doing business as The
Cowen Transfer and Storage Company, for a certificate of public convenience and
necessity authorizing him to operate a motor vehicle system for the conduct of
a transfer, moving and general cartage business in the counties of El Paso and
Teller and occasional service from one point to another within the State of Colorado.
The applicant's business is confined almost solely to the transportation of
household goods and other commodities from one point to another within the city
of Colorado Springs. However, he is called occasionally for service to be
rendered to or from outside points. His equipment consists of three trucks of
the present market value of some \$1,200.00.

The Commission sometime ago heard quite a number of cases involving
a similar operation brought jointly by the Colorado Transfer and Warehousemen's
Association, and the applicant expressed a willingness, if granted a certificate,

to be bound by the same conditions as contained in those certificates and also the same rates as filed by said association designated as Joint Tariff No. One.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the proposed motor vehicle system of the applicant for the conduct of a transfer, moving and general cartage business in the counties of El Paso and Teller and occasional service from one point to another within the State of Colorado, subject to the terms and conditions hereinafter stated, which the Commission finds the public convenience and necessity requires.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle system of the applicant for the conduct of a transfer, moving and general cartage business in the counties of El Paso and Teller and for occasional service from one point to another within the State of Colorado, subject to the terms and conditions hereinafter stated, which the Commission finds the public convenience and necessity requires, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers.

The applicant shall not operate on schedule between any points.

The applicant shall not be permitted without further authority from the Commission to establish a branch office or to have an agent employed in any other town or city than Colorado Springs for the purpose of developing business.

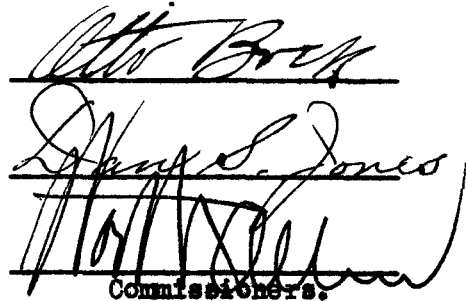
Jurisdiction of the application herein shall be, and the same is hereby, retained to the end that if and as occasion may arise appropriate orders may be made to prevent improper encroachment by the applicant upon the field of business occupied by the scheduled carriers and at the same time to allow the applicant reasonable latitude in the carrying on of its business as it may develop in the future.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates

and rules and regulations as required by the Rules and Regulations of this Commission governing motor vehicle carriers substantially the same as those contained in Joint Tariff No. One filed by the Colorado Transfer and Warehousemen's Association, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the tariffs of rates, rules and regulations filed with this Commission, except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1929.

✓
J.F.A. 1713/29

[Handwritten signature]

416

(Decision No. 2560)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
L. A. MCGANN, DOING BUSINESS AS THE)
CITY TRANSFER COMPANY, FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1441

September 27, 1929.

Appearances: Chinn and Strickler and Ben S. Windelkin, Esqs.,
Colorado Springs, Colorado, attorneys for applicant;
Robert Work, Esq., Denver, Colorado, attorney for the
Colorado Transfer and Warehousemen's Association.

S T A T E M E N T

By the Commission:

This is an application by L. A. McGann, doing business as The City Transfer Company, for a certificate of public convenience and necessity authorizing him to operate a motor vehicle system devoted to transfer, moving and general cartage business in the counties of El Paso and Teller and occasional service from one point to another within the State of Colorado. The applicant's business is confined almost solely to the transportation of household goods and other commodities from one point to another within the City of Colorado Springs. However, he is called occasionally for service to be rendered to or from outside points. His equipment consists of some five trucks of the present market value of \$3,000.00.

The Commission sometime ago heard quite a number of cases involving a similar operation brought jointly by the Colorado Transfer and Warehousemen's Association, and the applicant expressed a willingness, if granted a certificate, to be bound by the same conditions as contained in those certificates and also the same rates as filed by said association designated as Joint Tariff No. One.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the proposed motor vehicle system of the applicant for the conduct of a transfer,

moving and general cartage business in the counties of El Paso and Teller and occasional service from one point to another within the State of Colorado; subject to the terms and conditions hereinafter stated, which the Commission finds the public convenience and necessity requires.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle system of the applicant for the conduct of a transfer, moving and general cartage business in the counties of El Paso and Teller and for occasional service from one point to another within the State of Colorado, subject to the terms and conditions hereinafter stated, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers.

The applicant shall not operate on schedule between any points.

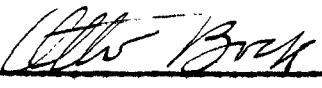
The applicant shall not be permitted without further authority from the Commission to establish a branch office or to have an agent employed in any other town or city than Colorado Springs for the purpose of developing business.

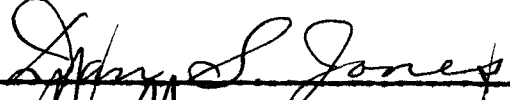
Jurisdiction of the application herein shall be, and the same is hereby, retained to the end that if and as occasion may arise appropriate orders may be made to prevent improper encroachment by the applicant upon the field of business occupied by the scheduled carriers and at the same time to allow the applicant reasonable latitude in the carrying on of its business as it may develop in the future.


IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates and rules and regulations as required by the Rules and Regulations of this Commission governing motor vehicle carriers substantially the same as those contained in Joint Tariff No. One filed by the Colorado Transfer and Warehousemen's Association, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the tariffs of rates, rules and regulations filed with this Commission, except when prevent^{ed} from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado, this
27th day of September, 1929.

J. H. A. 10/13/29
SAS
WCH
421
(Decision No. 2561)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM A. CRUMB, DOING BUSINESS AS)
THE CRUMB TRANSFER COMPANY, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 1423.

September 27, 1929.

Appearances: Strachan and Horn, Esqs., Colorado Springs,
Colorado, attorneys for applicant;
Robert H. Work, Esq., Denver, Colorado,
for Colorado Transfer and Warehousemen's
Association;
L. H. Snyder, Colorado Springs, Colorado,
attorney for E. M. Woodward;
J. A. Carruthers, Esq., Colorado Springs,
Colorado, attorney for Midland Terminal
Railway Company.

S T A T E M E N T

By the Commission:

This is an application by William A. Crumb, doing business as the Crumb Transfer Company, for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of freight generally and household goods in particular to and from various points in El Paso County and other points in the State of Colorado. The applicant some four years ago bought out the business of another party or concern which was conducted along the same lines. The applicant does not seek authority to operate on schedule. Much of his business consists of hauling freight for reshipment by rail.

He proposes to devote to the service three trucks of the value of some \$6,000.00.

The Commission sometime ago heard quite a number of cases involving a similar operation brought jointly by the Colorado Transfer and Warehousemen's

Association, and the applicant expressed a willingness, if granted a certificate, to be bound by the same conditions as contained in those certificates and also the same rates as filed by said association designated as Joint Tariff No. One.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the motor vehicle system of the applicant for the conduct of a transfer, moving and general cartage business in the county of El Paso, and between points in the county of El Paso and other points in the State of Colorado, subject to the terms and conditions hereinafter named which the Commission finds the public convenience and necessity require.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicant for the conduct of a transfer, moving and general cartage business in the county of El Paso, and between points in the county of El Paso and other points in the State of Colorado, subject to the terms and conditions hereinafter named, which the Commission finds the public convenience and necessity requires, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers.

The applicant shall not operate on schedule between any points.

The applicant shall not be permitted without further authority from the Commission to establish a branch office or to have an agent employed in any other town or city than Colorado Springs for the purpose of developing business.

Jurisdiction of the application herein shall be, and the same is hereby, retained, to the end that if and as occasion may arise appropriate orders may be made to prevent improper encroachment by the applicant upon the field of business occupied by the scheduled carriers and at the same time to allow the applicant reasonable latitude in the carrying on of its business as it may develop in the future.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates and rules and regulations as required by the Rules and Regulations of this

Commission governing motor vehicle carriers substantially the same as those contained in Joint Tariff No. One filed by the Colorado Transfer and Warehousemen's Association, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the tariffs of rates, rules and regulations filed with this Commission, except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1929.

✓
Shs. R. A. 1913/14
C. S. W. Q.
(Decision No. 2542)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF
WILLIAM A. CRUMB, DOING BUSINESS
AS THE CRUMB TRANSFER COMPANY.

CASE NO. 445

September 27, 1929.

Appearances: Strachan and Horn, Esqs., Colorado Springs, Colo.,
attorneys for applicant;
Robert Work, Esq., Denver, Colorado, attorney for
Colorado Transfer and Warehousemen's Association;
L. H. Snyder, Esq., Colorado Springs, Colorado,
attorney for E.M. Woodward;
J. A. Carruthers, Esq., Colorado Springs, Colorado,
attorney for Midland Terminal Railway Company.

S T A T E M E N T

By the Commission:

This case, involving an order made by the Commission on its own motion requiring the respondent, William A. Crumb, to show cause why an order should not be made requiring him to cease and desist from operating as a motor vehicle carrier unless and until he shall have procured a certificate of public convenience and necessity therefor, was consolidated for hearing with his Application No. 1423. The reason for such consolidation and for not hearing the case before the application was taken up was that when the case was originally called, a statement was made which indicated to the Commission that the applicant should not be held blameworthy for not having procured a certificate sooner. The Commission this day is issuing a certificate of public convenience and necessity to the applicant. Therefore, this case will now be discontinued.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. F. Brock
S. J. Jones
Commissioners.

Dated at Denver, Colorado; this
27th day of September, 1929.

420
(Decision No. 2563)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF W. R. BOOK FOR A CERTIFICATE) APPLICATION NO. 1385.
OF PUBLIC CONVENIENCE AND NECESSITY.)

September 27, 1929.

Appearances: Foard Bros., Esqs., Colorado Springs,
Colorado, attorneys for applicant.

S T A T E M E N T

By the Commission:

This is an application by W. R. Book of Rush, Colorado, for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of (1) freight of all kinds between the city of Colorado Springs and the town of Karval, both in Colorado, and intermediate points, and from the territory lying west of Elliott and 30 miles south of the main route and 10 miles north thereof; (2) livestock from points on said route and the territory described to Denver, Colorado Springs, and Pueblo, and (3) grain, live stock and other farm products to the towns of Boone and Ordway situated on the line of the Missouri Pacific Railroad Company, and the towns of Ramah, Simla and Calhan situated on the line of The Chicago, Rock Island and Pacific Railway. The large area in question lies between the two railroad lines mentioned and is not served by any common carrier of any kind.

The service proposed to be rendered between Karval and Colorado Springs will be on schedule. From Colorado Springs to a point some six miles north of Karval the route followed will be what is known as the Farmers Highway. The other service will be on call and demand.

The applicant's financial condition is fairly strong. He proposes to devote to the service two trucks, one a two-ton G.M.C., the other a 2½-ton G.M.C. of a total value of some \$5,000.00.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the proposed motor vehicle system of the applicant for the transportation of (1) freight of all kinds between the city of Colorado Springs and the town of Karval, both in Colorado, and intermediate points, and from the territory lying west of Elliott and 30 miles south of the main route and 10 miles north thereof, (2) livestock from points on said route and the territory described to Denver, Colorado Springs and Pueblo, and (3) grain, live stock and other farm products to the towns of Boone and Ordway situated on the line of the Missouri Pacific Railroad Company, and the towns of Remah, Simla and Calhan situated on the line of The Chicago, Rock Island and Pacific Railway.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle system of the applicant for the transportation of (1) freight of all kinds between the city of Colorado Springs and the town of Karval, both in Colorado, and intermediate points, and from the territory lying west of Elliott and 30 miles south of the main route and 10 miles^{north} thereof; (2) of live stock from points on said route and the territory described to Denver, Colorado Springs and Pueblo, and (3) grain, live stock and other farm products to the towns of Boone and Ordway situated on the line of the Missouri Pacific Railroad Company, and the towns of Remah, Simla and Calhan situated on the line of The Chicago, Rock Island and Pacific Railway, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted

by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock

David L. Jones

Arthur H. Bell
Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE CHANGES IN RATES BY THE)
MILLER TRANSFER COMPANY.)
-----)

INVESTIGATION AND SUSPENSION
DOCKET NO. 118

September 27, 1929

S T A T E M E N T

By the Commission:

By schedules filed to become effective on the 14th day of January, 1929, respondent, The Miller Transfer Company, proposed certain changes which apparently had the effect of increasing and reducing certain rates for the transportation of all commodities.

Upon protest by the Over-Land Motor Express Company of Boulder, Colorado, this Commission suspended operation of the schedules until the 13th day of November, 1929.

On September 21, 1929, this Commission received a joint application from respondent, The Miller Transfer Company, and The Colorado Rapid Transit Company, a Colorado corporation, requesting authority to transfer the certificate issued to the Miller Transfer Company to the said corporation.

A hearing in connection with the said transfer was held in the Hearing Room of the Commission on September 27, 1929, and at that time the respondent, The Miller Transfer Company, requested authority to withdraw the schedules wherein the proposed changes were made, which action is approved by the Commission, thus eliminating the cause of action in this proceeding.

O R D E R

IT IS THEREFORE ORDERED, That the order heretofore entered in this

proceeding, suspending the operation of said schedules, be and the same is hereby vacated and set aside as of September 27, 1929, and that this proceeding be discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock
Sam L. Jones
W. M. Miller
Commissioners.

Dated at Denver, Colorado, this
27th day of September, 1929.

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J.F. D-10/3/19
408

(Decision No. 2565)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARIE MARIS FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1342.

Sept. 28, 1929.

Appearances: Clay R. Apple, Esq., Greeley, Colorado,
attorney for applicant;
A. C. Scott and J. Q. Dier, Esqs., Denver, Colorado,
attorneys for the Chicago, Burlington & Quincy
Railroad Company.

AMENDED STATEMENT AND ORDER.

By the Commission:

The Commission is in receipt of a letter from John Q. Dier, Esq., one of the attorneys for the Chicago, Burlington & Quincy Railroad Company, protestant herein, advising the Commission that the statement and order hereinbefore made by the Commission on September 19, was not in conformity with the pleadings and the proof. His letter has been called to the attention of the attorney for the applicant who agrees that the statement and order properly should be amended as suggested by the attorney for the railroad company. Therefore, the following statement and order are made to supersede the statement and order made on September 19.

This is an application by Arie Maris of Grover, Colorado, for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation (1) of grain from the farms situated in Weld County, Colorado, north of the line separating Township 9 and Township 10 North, to Grover and other railroad points situated within said area, (2) of live stock in less than earload lots from points in said territory to Denver,

Colorado, (3) of machinery and machinery repair parts from Denver direct to the farms in said territory, and (4) the transportation of freight generally from Grover to farms in said territory.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the motor vehicle operations of the applicant for the transportation (1) of grain from the farms situated in Weld County, Colorado, north of the line separating Township 9 and Township 10 North, to Grover and other railroad points situated within said area, (2) of livestock in less than carload lots from points in said territory to Denver, Colorado, (3) of machinery and machinery repair parts from Denver direct to the farms in said territory, and (4) of freight generally from Grover to farms in said territory.

O R D E R

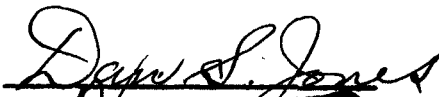

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operations of the applicant for the (transportation (1) of grain from the farms situated in Weld County, Colorado, north of the line separating Township 9 and Township 10 North, to Grover and other railroad points situated within said area, (2) of livestock in less than carload lots from points in said territory to Denver, Colorado, (3) of machinery and machinery repair parts from Denver direct to the farms in said territory, and (4) of freight generally from Grover to farms in said territory,) and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance

by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 28th day of September, 1929.

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608
Wch
R.R.A. 10/3/29
422

(Decision No. 2566)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
WILLIAM TROXLER AND T. G. NIES, DOING)
BUSINESS UNDER THE NAME AND STYLE OF)
THE BROOMFIELD MILK LINE, FOR A CERT-)
IFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1316

September 30, 1929.

Appearances: D. F. How, Esq., Equitable Bldg., Denver, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

This is an application by William Troxler and T.G.Nies, co-partners, doing business under the name and style of The Broomfield Milk Line, for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of milk to Denver from the following described territory:

Beginning at a point where Pecos Street crosses the County line of the City and County of Denver, north for eleven miles; thence west seven miles; thence south seven and one-half miles; thence east four miles to the Adams-Jefferson County line; thence south on said County line to the city limits of the City and County of Denver.

No protest was filed. The evidence shows that the applicants are men of experience and that they have a good reputation, morally and financially. The dairymen in the territory described are wholly dependent upon the applicants for the transportation of their milk and cream to Denver; in fact, the evidence shows that they cannot continue to produce these products without the service of the applicants.

The applicants propose to devote to the service two trucks of the market value of \$1,200.00.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the proposed motor vehicle operations of the applicants for the transportation of milk and cream from the territory herein described to Denver.

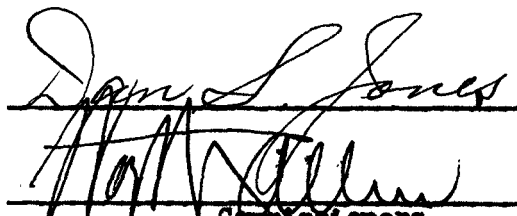
{ Commissioner Bock O R D E R
absent.

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle operations of the applicants for the transportation of milk and cream to Denver from the territory hereinbefore described.

IT IS FURTHER ORDERED, That the applicants shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of the Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado, this
30th day of September, 1929.

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CEC
J.R.D. 10/13/29

(Decision No. 2567)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PUC-26

IN THE MATTER OF THE APPLICATION OF)
JESSE MILLER, DOING BUSINESS AS THE)
MILLER TRANSFER COMPANY, FOR AUTHOR-)
ITY TO TRANSFER AND ASSIGN CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 681-A

September 30, 1929.

Appearances: Jack Garrett Scott, Esq., Denver, Colorado,
attorney for applicant;
Mr. E. C. Mason, Boulder, Colorado, pro se.

S T A T E M E N T

By the Commission:

This is an application by Jesse Miller, doing business as Miller Transfer Company and holding a certificate of public convenience and necessity No. 71, and Colorado Rapid Transit Company, a corporation, for authority to transfer said certificate from said Miller to said Colorado Rapid Transit Company as Trustee for the use and benefit of V.G. Garnett and R.H. Austin.

The evidence showed that Miller owes no debts growing out of his operations under said certificate, and that the financial condition of Colorado Rapid Transit Company and the individuals, Garnett and Austin, is strong. The Transit Company already holds a certificate of public convenience and necessity. Garnett is the president and principal stockholder thereof. Austin holds still another certificate issued by the Commission.

The beneficial interest of Garnett and Austin in the equipment, the certificate and good will of Miller, all of which is proposed to be transferred, is to be fifty per cent each. The said individuals have not yet determined in what manner they desire to operate under the Miller certificate. The purpose in having the certificate, equipment, etc., transferred to the Colorado Rapid Transit Company is simply to have that company hold naked legal title and to carry on the business as trustee until such time as the said individuals may determine in what manner and form they desire to carry on the business heretofore conducted by Miller.

The Commission doubts whether it would be compatible with the public interest to allow the proposed temporary arrangement to continue indefinitely, but as it is to be only temporary, we shall not withhold authority to make the transfer.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires that authority be granted to the said Jesse Miller to transfer certificate of public convenience and necessity No. 71 to the Colorado Rapid Transit Company as Trustee for the use and benefit of V. G. Garnett and R. H. Austin in equal shares, subject, however, to the condition hereinafter stated.

Commissioner Boak absent.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Jesse Miller, doing business as the Miller Transfer Company, to transfer certificate of public convenience and necessity No. 71 to the Colorado Rapid Transit Company as Trustee for the use and benefit, in equal shares, of V.G.Garnett and R.H.Austin.

IT IS FURTHER ORDERED, That within sixty days from this date the said Colorado Rapid Transit Company, V.G.Garnett and R.H.Austin will take further steps herein to the end that the certificate shall be held by the corporation or individuals who are to own both the legal and the equitable title thereto, and the equipment and other assets used in performing the duties and rendering service thereunder.

IT IS FURTHER ORDERED, That the tariff of rates, time schedule and rules and regulations heretofore filed by Jesse Miller, doing business as the Miller Transfer Company, the transferor herein, be, and the same are hereby, made those of Colorado Rapid Transit Company, the transferee herein.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Sam L. Jones

W. M. Allen

Commissioners.

Dated at Denver, Colorado, this
30th day of September, 1929.

✓
WCH
J.F.L. 10/3/29

(Decision No. 2568)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROCKY MOUNTAIN UTILITIES COMPANY FOR)
AN ORDER PRELIMINARY TO A CERTIFICATE) APPLICATION NO. 1402.
OF PUBLIC CONVENIENCE AND NECESSITY.)

Sept. 30, 1929.

Appearances: Pershing, Nye, Tallmadge and Bosworth, Esqs.,
(by Mr. Tallmadge), Denver, Colorado,
attorneys for applicant.

S T A T E M E N T

By the Commission:

On September 19, 1929, the Commission made an order in which, inter alia, it was provided that the Commission thereafter upon application by the applicant, would issue a certificate of public convenience and necessity to the applicant authorizing the exercise by it of the rights and privileges to be granted in a certain franchise ordinance when and if the same should be finally passed by the Board of Trustees of the town of Seibert and published in due form.

Formal proof has now been submitted showing that said franchise ordinance was finally adopted by the Board of Trustees of the town of Seibert and approved by the Mayor thereof on September 17, 1929, and that said franchise ordinance was on the 19th day of September, 1929, finally published in full in a newspaper of general circulation in said town, as required by law. Said proof further shows acceptance of said franchise grant as embodied in said ordinance, which was duly given number 45.

Chairman Bock absent.

O R D E R

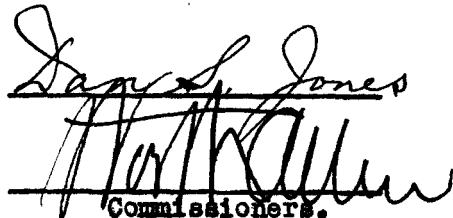
IT IS THEREFORE ORDERED, That the public convenience and necessity

requires that the applicant exercise the franchise rights granted to it in and by ordinance No. 45, finally passed by the Board of Trustees and approved by the Mayor of the town of Seibert on September 17, 1929, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the Commission shall continue to retain jurisdiction over that portion of the application herein relating to further rights and authority sought herein by the applicant.

IT IS FURTHER ORDERED, That the applicant shall file its tariffs, rate schedule and rules and regulations as required by this Commission within twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 30th day of September, 1929.

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CAG
WCL
J.B.A. 10/3/29

(Decision No. 2569)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
J. D. MACKENZIE.)

CASE NO. 416.

October 2, 1929.

S T A T E M E N T

By the Commission:

An order was entered requiring the respondent, J. D. MacKenzie, operating under certificate of public convenience and necessity No. 62, to show cause why his certificate should not be revoked for failure seasonably to make road tax reports and to pay the tax due the State of Colorado. The matter was continued from time to time on account of promises made by or for Mackenzie which were not kept. Finally he came into the office and filed his reports and paid all taxes then due. His conduct is wholly incompatible with that of a responsible operator. The Commission has, however, concluded to give him another chance and not at this time to revoke his certificate. However, in the future it will expect him, as required by the law, Rules and Regulations of this Commission, to keep strict records of his operations, and to make his reports and pay his taxes promptly.

Chairman Book absent.

O R D E R

IT IS THEREFORE ORDERED, That this proceeding be, and the same is hereby, discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 2nd day of October, 1929.

Samuel Jones
Walter H. Hall
Commissioners.

✓

622
WCH
26.5.1954

(Decision No. 2570)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

1123

IN THE MATTER OF THE APPLICATION)
OF EARL A. SERRY, DOING BUSINESS)
AS THE SERRY TRANSPORTATION COMPANY)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 1097.

October 2, 1929.

Appearances: A. P. Anderson, Esq., Denver, Colorado,
attorney for applicant;
T. Lee Witcher, Esq., Canon City, Colorado,
attorney for F. G. Stegall and F. M. Keith.

S T A T E M E N T

By the Commission:

This is an application by Earl A. Serry, doing business as The Serry Transportation Company, for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation on call and demand of freight from point to point in the territory within a radius of 35 miles of Canon City, Colorado, and of furniture between points within that radius and all other points east of the Rocky Mountains within the State of Colorado, except, however, Denver and Pueblo. The application as originally filed asked for somewhat broader authority than that stated. However, at the hearing, the attorney for the applicant agreed that it be so limited.

The equipment which the applicant proposes to devote to the service consists of two 2½-ton White trucks; a trailer and other equipment, the total having a present market value of some \$6,000.00. The applicant is particularly fitted in point of equipment and experience to transport heavy oil rigs, casings, etc. There is quite a demand for such miscellaneous service as he proposes to render in the Canon City district, transporting, inter alia farm products, live stock, coal from so-called wagon mines, iron, coke, rock, etc. No other motor vehicle carrier is now authorized to perform a similar service in the territory

in question.

The applicant's financial condition is satisfactory.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the motor vehicle system of the applicant for the transportation, not on schedule but on call and demand, of freight from point to point in the territory within a radius of 35 miles of Canon City, Colorado, and of furniture between points within that radius and all other points east of the Rocky Mountains within the State of Colorado, except, however, Denver and Pueblo.

Chairman Bock absent.

O R D E R

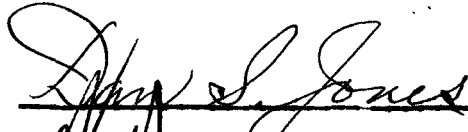
IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicant for the transportation, not on schedule but on call and demand, of freight from point to point in the territory within a radius of 35 miles of Canon City, Colorado, and of furniture between points within that radius and all other points east of the Rocky Mountains within the State of Colorado, except, however, Denver and Pueblo, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.


IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of this Commission Governing Motor Vehicle Carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle

carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners.

Dated at Denver, Colorado,
this 2nd day of October, 1929.

File
10/5/29

(Decision No. 2581)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MORRIS KOSCOVE AND SAMUEL KOSCOVE,)
CO-PARTNERS, DOING BUSINESS AS)
KOSCOVE BROTHERS.)

CASE NO. 462.

October 2, 1929.

Appearances: Clarence Werthan, Esq., Denver, Colorado,
attorney for respondents;
T. Lee Witcher, Esq., Canon City, Colorado,
attorney for F. G. Stegall.

S T A T E M E N T.

By the Commission:

The Commission made an order on its own motion providing for an investigation and hearing for the purpose of determining whether or not the respondents are operating as motor vehicle carriers, and requiring them to show cause why the Commission should not enter an order commanding them to cease and desist from so operating until they should obtain a certificate of public convenience and necessity therefor. A verified answer was filed on August 2 by both of the respondents alleging themselves to be "doing business as Koscove Brothers", the name of their attorney appearing thereon as such. At the hearing, only Morris Koscove appeared. He testified that he is the sole owner of the business and that his brother Samuel is merely an employee of his.

The evidence showed that the respondent, Morris Koscove, is engaged in the junk business and that of wrecking automobiles and selling the parts thereof as junk; that at the present time he is transporting freight principally to Canon City for three concerns, Hardy Hardware Company, Skoglund Oil Company and the Midwest Oil Company. The Commission is not sure of the correct names of the three concerns and is simply using those given in the testimony. However, the said Morris Koscove testified that he is prepared at any time to make special

contracts for the transportation of household goods.

The evidence further showed that previous or up to July 8, 1929, the date on which the order herein was made, the respondents had been more extensively engaged in transportation operations for hire. It was admitted that a number of other concerns had been served. We are inclined to believe that in the past the respondent has been engaged in operating as a motor vehicle carrier. The fact that he may have made separate individual contracts with the various customers did not, as we have heretofore pointed out a number of times, prevent his being a common carrier, as the duty to offer uniform rates to the public is not a test, but an obligation which the law and commissions generally impose upon one operating as a common carrier.

If the applicant stands ready to and does make contracts, even though they be termed special or private ones, for the transportation of furniture for such persons as may be able to come to terms with the respondent, he undoubtedly would be a common or motor vehicle carrier, and in the carrying out of such contracts without a certificate of public convenience and necessity he would be violating the law of this state.

The respondent testified not only that he is not now hauling for any other persons than the three customers named, but that he would not in the future serve any other customers except, as stated, in the rendition of service transporting household goods. In view of the respondent's more extensive operations, somewhat prior if not continuing up to the date of the order herein, and particularly of his statement that he proposes to transport household goods in the future for miscellaneous persons, the Commission feels warranted without finding, which we could not on the record, that his operation at the present time, without the household goods transportation, is that of a common carrier, in ordering him to cease and desist from operating as a common or motor vehicle carrier.

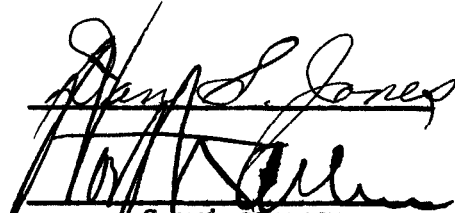
Chairman Bock absent.

O R D E R

IT IS THEREFORE ORDERED, That the respondents, Morris Koscove and Samuel Koscove, and each of them individually, cease and desist from operating as

a common or motor vehicle carrier until and unless they shall have procured a certificate of public convenience and necessity therefor.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 2nd day of October, 1929.

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WCH
(Decision No. 2572)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

APPLICATION OF CHARLES H. SMITH
FOR A CERTIFICATE OF PUBLIC CON-
VENIENCE AND NECESSITY.

APPLICATION NO. 1581

October 4, 1929.

S T A T E M E N T

By the Commission:

On July 25, 1929, the Commission made an order granting Charles H. Smith a certificate of public convenience and necessity. However, the order required that the applicant, if he desired to accept the certificate granted to him, file a written acceptance thereof within twenty days of that date.

The said written acceptance has not been filed.

Chairman Bock absent.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity issued on July 25, 1929, to Charles H. Smith, doing business as Smith Truck Line Co, and the same is hereby, cancelled and revoked for failure to comply with the requirement of the Commission that he file an acceptance thereof if he desires to operate thereunder.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Wm. L. Jones
Wm. L. Jones
Commissioners.

Dated at Denver, Colorado, this 4th
day of October, 1929.

Sept. 19/13/29
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424

(Decision No. 2573)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF BYRON S. BUNKER, DOING BUSINESS)
AS THE DEER TRAIL TRUCK LINE, FOR) APPLICATION NO. 1408. -
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

September 27, 1929.

Appearances: Flor Ashbaugh, Esq., Littleton, Colorado,
attorney for applicant;
C. J. Perry, Esq., Denver, Colorado,
attorney for Denver-Strasburg Truck Line
and Lon H. Kellogg;
E. G. Knowles, Esq., Denver, Colorado,
attorney for Union Pacific Railroad Co.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing a motor vehicle system for the transportation of freight between Deer Trail and Denver, Colorado, via Byers, Strasburg, Watkins, Bennett and Aurora, and the intermediate territory between said points.

Protests were filed against this application by the Union Pacific Railroad Company, The Denver-Strasburg Truck Line and Lon H. Kellogg.

The testimony shows that the equipment of the applicant consists of two trucks valued at approximately \$5,300. The applicant proposes between Deer Trail and Denver to operate daily, except Sunday, on regular schedule. He expressed a willingness to eliminate all intermediate territory between Deer Trail and vicinity and Denver, except in shipments originating at Byers, Strasburg or Aurora for shipment to Deer Trail. The territory the applicant desires tributary to Deer Trail is described as follows:

That land lying north and east of Deer Trail described as follows:

The east 24 sections of Township 4, Range 60;
All of Township 4, Ranges 59, 58 and 57;

All of Township 5, Ranges 60 and 59;
The north half of Township 5, Ranges 58 and 57;
The north 30 sections of Township 6, Range 60.

The above includes territory described as, ^{cd}commencing at the northwest corner of Sec. 4, Township 4, Range 60 west; thence east on north Township line 4 through Ranges 60, 59, 58 and 57 to the northeast corner of Arapahoe County; thence due south on County line between Arapahoe and Washington Counties to the southeast corner of Sec. 13, Township 5 S. R. 57 W., thence west on the center Township line 5 through Ranges 57 and 58 to the southeast corner of Sec. 13, Township 5 S. R. 59; thence south on the east line of Range 59 three miles to the southeast corner of Sec. 36, Township 5 S. R. 59; thence west on Arapahoe and Elbert County line six miles to the southeast corner of Sec. 36, Township 5 S. R. 60; thence south on the east line of Range 60 five miles to the southeast corner of Sec. 25, Township 6 S. R. 60; thence due west on south section lines 25 to 30 inclusive; thence north on west Range line 60 to the southwest corner of Township 4, Range 60; thence east on south line Township 4, two miles to the southeast corner of Sec. 32, Township 4, Range 60; thence north six miles to place of beginning. 1)

After a careful consideration of the evidence, the Commission is of the opinion, and so finds, that the public convenience and necessity requires the motor vehicle transportation system of the applicant, Byron S. Bunker, doing business as The Deer Trail Truck Line, from point to point within the territory tributary to Deer Trail as described above, and between Deer Trail and said territory and Denver, Colorado, but not to any intermediate points, except shipments originating at Byers, Strasburg or Aurora destined to Deer Trail, Colorado, and said territory tributary thereto, and those originating in Deer Trail and said tributary territory and destined to said towns. The application in all other respects will be denied.

ORDER

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicant, Byron S. Bunker, doing business under the name of The Deer Trail Truck Line, ^{hy}from point to point within the territory tributary to Deer Trail ^{hy 94}as described above, and between Deer Trail and said territory and Denver, Colorado, but not to any intermediate points, except shipments originating at Byers, Strasburg or Aurora destined for Deer Trail, Colorado, and said territory tributary thereto, and those originating in Deer Trail and said tributary territory and destined to said towns, and this order shall be held and deemed to be a certificate of public


convenience and necessity therefor.

IT IS FURTHER ORDERED, That in all other respects the application be denied.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within twenty days from the date hereof.

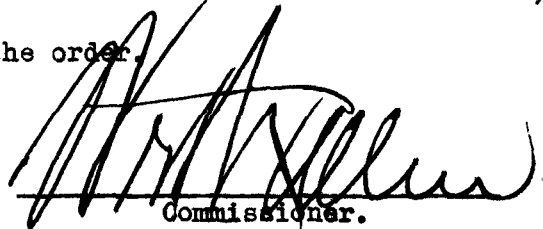
IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Chairman.
Walter B. Allen.

The other members of the Commission on June 9, 1928, made an order granting certificates of public convenience and necessity to Walter W. Scherrer and F. G. Merrick in applications numbered 634 and 1007, authorizing the transportation of freight over the Denver-Limon highway between Denver and Strasburg and Denver and Byers. The two towns of Strasburg and Byers are situated only a few miles apart. It was my opinion at the time the said certificates were granted that the public convenience and necessity would be better served by having one responsible motor vehicle carrier serving the small towns on said highway. For that reason I declined to sign the order granting said certificates. The other members of the Commission within the past few days have granted a certificate authorizing one Harris to serve the town of Bennett and vicinity thereof.

In this case, the public convenience and necessity was shown to require the operation of a motor vehicle system between Deer Trail and Denver. The Commission having fixed the policy of issuing certificates authorizing the service of various towns on a highway by different carriers, I can see no reason why Deer Trail should be discriminated against by refusing to grant the application herein. No other applicant already having a certificate is now seeking authority to serve Deer Trail. For the reasons stated, I have concluded to, and do hereby, sign the order.



Commissioner.

Dated at Denver, Colorado,
this 27th day of September, 1929. ✓

(Decision No. 2574)

At a General Session of The Public
Utilities Commission of the State
of Colorado, October 8, 1929.

INVESTIGATION AND SUSPENSION DOCKET NO. 127.

IT APPEARING, That by an order dated the 15th day of July, 1929, The Public Utilities Commission of the State of Colorado, entered on an investigation concerning the lawfulness of the abandonment and dismantlement of a certain spur track at Blackhawk, Colorado, formerly serving the American Metals Producing Company, and

IT APPEARING FURTHER, That pending such hearing and decision the Commission ordered that the proposed date of abandonment and dismantlement of said trackage be suspended for a period of ninety days from July 15, 1929, unless otherwise ordered by the Commission, and

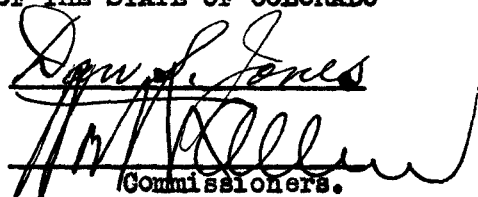
IT APPEARING FURTHER, That such investigation cannot be conducted within the period of suspension above stated,

IT IS THEREFORE ORDERED, That the abandonment and dismantlement specified in said order dated the 15th day of July, 1929, be further suspended until the 13th day of April, 1930, unless otherwise ordered by the Commission. No change shall be made in said spur track during the said period of suspension.

IT IS FURTHER ORDERED, That a copy of this order be filed with the proposed notice of abandonment and dismantlement and that copies hereof be forthwith served on said The Colorado and Southern Railway Company and Otto M. Blake, the protestant, at Blackhawk, Colorado.

Chairman Bock absent.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 8th day of October, 1929.

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(Decision No. 2575)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF P. L. FOWLER FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESS-)
ITY.)

APPLICATION NO. 1422.

October 9, 1929.

Appearance: E. C. Craft, Esq., Denver, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

This is an application by P. L. Fowler for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of freight to and from the territory within a radius of twenty miles of Cherrylynn, a point situated between Denver and Littleton. The applicant himself was the only witness. The extent and nature of his operations were not presented by him with much clarity. However, the application was not protested except in an informal manner after the hearing had begun, by a representative of a company who at the time of the hearing had no certificate and is not itself engaged to any substantial extent in competitive operations. We understand that the applicant desires to transport no passengers, household goods, milk and cream and/or general merchandise. His business consists principally of hauling coal. In addition he transports livestock, building materials, grain and hay.

He proposes to devote to the service one 1927 Chevrolet truck of the value of \$600.00.

As nearly as we can gather, the territory proposed to be served by the applicant is bounded on the north by the southern boundary of Denver, by the town of Morrison on the west, a line running 15 miles east of Broadway

on the east, and on the south by a line running from Morrison to the northeast corner of Littleton, thence south two miles, thence east to the boundary line on the east.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires that the applicant be permitted to haul freight generally except household goods, merchandise and milk and cream from point to point within said territory, and from points in said territory to points in Denver, livestock from said territory to the stock yards in Denver, and farm supplies from Denver to points in said territory.

Chairman Bock absent.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicant for the transportation of freight generally, except household goods, merchandise and milk and cream, from point to point in the territory within a radius of twenty miles of Cherrylynn, livestock from said territory to the Stock Yards in Denver, and farm supplies from Denver to points in said territory, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future

legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Lawrence S. Jones

Arthur H. Sullivan

Dated at Denver, Colorado,
this day of October, 1929.

Commissioners.

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10/14/29
(Decision No. 2576)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF PETER)
ROSENDALE, JR., FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)
-----)

APPLICATION NO. 1413

October 9, 1929.

Appearances: W. S. McGintie, Esq., Littleton, Colorado,
attorney for applicant.

STATEMENT

By the Commission:

This is an application by Peter Rosendale, Jr., for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of livestock and farm products of all kinds from the territory hereinafter described and farm supplies to said territory. The livestock transported will be destined to Denver. Other farm products will move either to Littleton or to other points within said territory. Farm supplies will be transported from Denver and Littleton.

The territory is as follows: beginning at the sub-way on the Colorado State Highway located on the Denver-Colorado Springs road, Douglas County, Colorado, thence South ten miles, thence East five miles, thence North three miles, thence West two miles, thence to place of beginning.

The applicant proposes to devote to the service one 1½ ton Graham Bros. truck. His financial and operating responsibility appear satisfactory. No other carrier is serving the territory in question.

After careful consideration of the testimony, the Commission is of the opinion and so finds that the public convenience and necessity requires the motor vehicle system of the applicant for the transportation, not on schedule, of livestock from the territory hereinbefore described to Denver,

and other farm products to Littleton and other points within said territory, and of farm supplies from both Denver and Littleton to the farms in said territory, but to no other points within said territory.

Chairman Book absent.

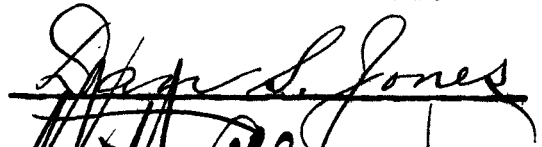

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicant for the transportation, not on schedule, of livestock from the territory hereinbefore described to Denver, and other farm products to Littleton and other points within said territory, and of farm supplies to the farms in said territory from both Denver and Littleton but to no other points within said territory, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1929.

328

(Decision No. 2577)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WALTER ADAMS FOR A CERTIFICATE OF) APPLICATION NO. 1265.
PUBLIC CONVENIENCE AND NECESSITY.)

October 9, 1929.

S T A T E M E N T

By the Commission:

On October 13, 1927, the Commission granted a certificate of public convenience and necessity to Alice James Lilley in Application No. 922, authorizing her to operate a motor vehicle system for the transportation of milk and cream "from the vicinity of Littleton to Denver." On February 15, 1929, Walter Adams, the applicant herein, filed an application for authority to operate a motor vehicle truck service for the transportation of milk and cream and farm produce from, and farm supplies to, the farms in the vicinity of Midway, County of Jefferson. The applicant did not state in his application that his operation might compete with the said Alice James Lilley and no notice was given to her that the application of Adams had been filed.

The Commission now finds that inasmuch as the territory authorized to be served by the applicant herein reaches on the east within two miles of the town of Littleton and extends about one-half mile south thereof, the public convenience and necessity and a due regard for the rights of said Alice James Lilley and the transferee of her certificate, require that this case be reopened for the purpose of giving the Farmers and Merchants Truck Line, now the transferee of the said Lilley certificate, an opportunity to take part in the hearing on the application herein.

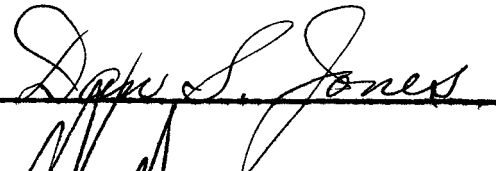

Chairman Bock absent.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled application be, and the same is hereby, reopened for the purpose of allowing the Farmers and Merchants Truck Line, transferee of the certificate of public convenience and necessity originally issued to Alice James Lilley, an opportunity to present its evidence in support of its protest.

IT IS FURTHER ORDERED, That the said Farmers and Merchants Truck Line be, and the same is hereby, required, as a condition of its introducing any evidence in opposition to the application, to file a written protest herein within ten days from this date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1929.

602
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425
(Decision No. 2578)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF MERCHANTS TRANSFER COMPANY, A)
CORPORATION, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1421

October 9, 1929.

Appearances: Frederick Sass, Esq., Denver, Colorado,
attorney for applicant;
Robt. H. Work, Esq., Denver, Colorado,
for Colorado Transfer and Warehousemen's
Association.

S T A T E M E N T

By the Commission:

This is an application by Merchants Transfer Company, a corporation, for authority to transport freight, including household goods, between Denver and various points in the State of Colorado. The applicant proposes to devote to the service some 32 trucks and other equipment of the value of some \$100,000.

The applicant's business consists principally of the transportation of freight from one point to another within the city of Denver. Over such operation the Commission does not, of course, have any jurisdiction. Occasionally, however, applicant is called upon to transport freight out of or into the city. The Commission heretofore has issued a number of certificates authorizing just such an operation as the applicant herein desires authority to conduct. It has, however, in each and every case conditioned the authority upon a requirement that in the transportation of any freight except household goods between points now served singly or in combination by scheduled carriers, a rate must be charged which shall be at least twenty per cent in excess of the scheduled carriers' rates. The applicant has expressed a willingness to file a tariff containing rates not lower than those fixed by the tariff filed with the Commission by the Colorado

Transfer and Warehousemen's Association, designated as Joint Freight Tariff No. One, and also to be bound by the conditions which this Commission imposed upon similar operators.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the proposed motor vehicle operations of the applicant for the conduct of a transfer, moving and general cartage business in the City and County of Denver, and in the counties of Adams, Arapahoe and Jefferson, in the State of Colorado, and for occasional service throughout the State of Colorado and each of the counties thereof, subject to the terms and conditions hereinafter named which the Commission finds the public convenience and necessity requires.

Chairman Bock absent.

O R D E R

IT IS ~~THEREFORE~~ ORDERED, That the public convenience and necessity requires the proposed motor vehicle operations of the applicant, Merchants Transfer Company, for the conduct of a transfer, moving and general cartage business in the City and County of Denver, and in the counties of Adams, Arapahoe and Jefferson, in the State of Colorado, and for occasional service throughout the State of Colorado, and in each of the counties thereof, subject to the terms and conditions hereinafter stated, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers the applicant shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers.

The applicant shall not operate on schedule between any points.

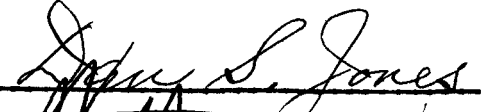
The applicant shall not be permitted without further authority from the Commission to establish a branch office or to have an agent employed in any other town or city than Denver for the purpose of developing business.

Jurisdiction of the application herein shall be, and the same is hereby, retained, to the end that if and as occasion may arise appropriate orders may be made to prevent improper encroachment by the applicant upon the field of business occupied by the scheduled carriers and at the same time to allow the applicant reasonable latitude in the carrying on of its business as it may develop in the future.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates which shall be not less than, and rules and regulations which shall be substantially the same as those filed by the Colorado Transfer and Warehousemen's Association designated as Joint Freight Tariff No. One, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the tariffs of rates, rules and regulations filed with this Commission, except when prevented from so doing by the Act of God, the public enemy and unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1929.

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(Decision No. 2579)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
U. S. TRANSFER AND STORAGE COMPANY,))
A CORPORATION, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1396. —

October 9, 1929.

Appearances: Sarchet and McLean, Esqs., Denver, Colorado,
attorneys for applicant;
Robert H. Work, Esq., Denver, Colorado,
for Colorado Transfer and Warehousemen's
Association.

S T A T E M E N T

By the Commission:

This is an application by U. S. Transfer and Storage Company, a corporation, for authority to transfer freight, including household goods, between Denver and various points in the State of Colorado. The applicant proposes to devote to the service some nine trucks, two trailers and other equipment, of the total value of some \$21,000.

✓ The applicant's business consists principally of the transportation of freight from one point to another within the city of Denver. Over such operations the Commission does not, of course, have any jurisdiction. Occasionally, however, the applicant is called upon to transport freight out of or into the city. The Commission has heretofore issued a number of certificates authorizing just such an operation as the applicant herein desires authority to conduct. It has, however, in each and every case conditioned the authority upon a requirement that in the transportation of any freight except household goods between points now served singly or in combination by scheduled carriers, a rate must be charged which shall be at least twenty per cent in excess of the scheduled carriers' rates. The applicant has expressed a willingness to file the same tariff as on file with the Commission by the Colorado Transfer and Warehousemen's Association, designated as

Joint Freight Tariff No. One, and also to be bound by the conditions which this Commission imposed upon similar operators.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the proposed motor vehicle operations of the applicant for the conduct of a transfer, moving and general cartage business in the City and County of Denver, and in the Counties of Adams, Arapahoe and Jefferson, in the State of Colorado, and for occasional service throughout the State of Colorado and each of the counties thereof, subject to the terms and conditions hereinafter named which the Commission finds the public convenience and necessity requires.

Chairman Bock absent.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle operations of the applicant, U.S. Transfer and Storage Company, a corporation, for the conduct of a transfer, moving and general cartage business in the City and County of Denver, and in the counties of Adams, Arapahoe and Jefferson, in the State of Colorado, and for occasional service throughout the State of Colorado, and in each of the counties thereof, subject to the terms and conditions hereinafter stated, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers the applicant shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers.

The applicant shall not operate on schedule between any points.

The applicant shall not be permitted without further authority from the Commission to establish a branch office or to have an agent employed in any other town or city than Denver for the purpose of developing business.

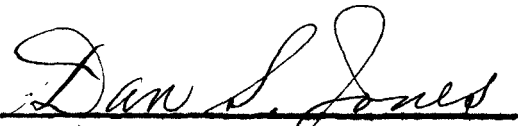
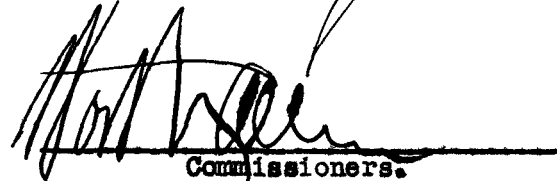
Jurisdiction of the application herein shall be, and the same is hereby, retained to the end that if and as occasion may arise appropriate orders may be made to prevent improper encroachment by the applicant upon the field of business occupied by the scheduled carriers and at the same time to allow the

applicant reasonable latitude in the carrying on of its business as it may develop in the future.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations substantially the same as filed by the Colorado Transfer and Warehousemen's Association designated as Joint Freight Tariff No. One, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the tariffs of rates, rules and regulations filed with this Commission, except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1929.

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(Decision No. 2580)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
HARRY C. FLANDERS FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1418

October 19, 1929.

Appearances: Edward V. Dunklee, Esq., Denver, Colorado,
attorney for applicant;
H. G. Preston, Esq., Aurora, Colorado,
attorney for F. H. Harris;
C. J. Perry, Esq., Denver, Colorado,
attorney for F. G. Merrick;
A. W. Davis, Esq., Denver, Colorado,
for Union Pacific Railroad Co.

S T A T E M E N T

By the Commission:

This is an application by Harry C. Flanders of Bennett, Colorado, for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of freight between Bennett, Colorado, and Denver, Colorado, and "tributary lines thereto, to the extent of approximately a radius of twenty-five miles around Bennett, Colorado, for the transportation of cattle, hogs, grain of all kinds, coal, wood, machinery and any and all articles pertaining thereto."

The applicant proposes to devote to the service two Chevrolet trucks of the value of \$1,000, and to add such equipment in the future as the demands of the business may require. The financial and operating responsibility of the applicant is satisfactory.

The applicant is the manager of an elevator in Bennett owned by F. C. Ayres Milling and Grain Company. He buys for his employer beans, wheat and other grain from the farmers located in a rather wide area around Bennett. The applicant receives a commission from his employer on all beans and grain purchased and compensation from the farmers for the transportation of the grain to the elevator in Bennett. Occasionally some so-called damaged or

otherwise inferior beans and grain have to be hauled to Denver, as they cannot be treated or otherwise dealt with adequately in Bennett. The applicant finances a number of farmers and protects his advances by hauling the grain or livestock for them. The livestock all moves to Denver. Occasionally the applicant has occasion to transport grain or beans from his elevator to another elevator within a short distance of Bennett and vice versa.

The evidence shows that Harris, who is operating on schedule between Bennett and Denver, and Merrick, who is operating on schedule between Denver and Strasburg, are not able to transport from the farms to the local elevators all of the grain and beans as they are harvested. There was also some evidence which indicated, although not so clearly as in the case of beans and grain, that the two said operators are not able with their scheduled^d operations satisfactorily to transport all of the livestock out of the territory in question.

The applicant does not propose or desire to operate on schedule. There was no showing of lack of ability on the part of Harris adequately to serve the merchants and others in Bennett. Scheduled service is what merchants in the various outlying towns very much desire. To allow the applicant herein to transport merchandise or other freight to consignees within the town of Bennett would tend to prevent Harris from rendering adequate service on schedule.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires the motor vehicle system of the applicant for the transportation not on schedule (a) of beans and grain from point to point within the territory situated within a radius of twenty-five miles of Bennett, (b) of beans and grain in less than carload lots from points within said territory to Denver; (c) of livestock in less than carload lots to Denver from the territory bounded on the east by a line running north and south three miles east of Bennett, on the west by a line running within ten miles of Bennett, and from the territory lying twenty-five miles south and north of Bennett, provided, however, that the territory on the south shall not

extend nearer than five miles of the Colorado and Southern Railroad line and in the territory on the north nearer than five miles of the Chicago, Burlington & Quincy railroad line; (d) of grain and feed in less than carload lots from Denver to elevators and farmers within a radius of twenty-five miles of Bennett.

We further find that otherwise the public convenience and necessity does not require the services of the applicant as a common or motor vehicle carrier.

Chairman Bock absent.

O R D E R

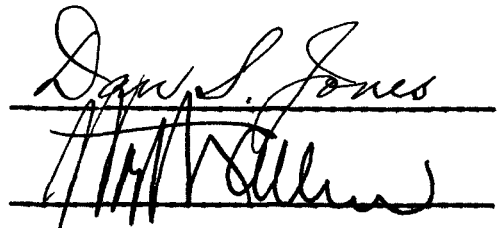
IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicant for the transportation (a) of beans and grain from point to point within the territory situated within a radius of twenty-five miles of Bennett; (b) of beans and grain from points within said territory to Denver; (c) of livestock to Denver from the territory bounded on the east by a line running north and south three miles east of Bennett, on the west by a line running within ten miles of Bennett, and from the territory lying twenty-five miles south and north of Bennett, provided, however, that the territory on the south shall not extend nearer than five miles of the Colorado and Southern railroad line and in the territory on the north nearer than five miles of the Chicago, Burlington & Quincy railroad line; (d) of grain and feed in less than carload lots from Denver to elevators and farmers within a radius of twenty-five miles of Bennett; and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That except as herein otherwise ordered the application herein be, and the same is hereby, denied.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dated at Denver, Colorado, this
9th day of October, 1929.

622
10/18/29
(Decision No. 2581)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

428

IN THE MATTER OF THE APPLICATION)
OF GEORGE J. WETHERALD, E. E.)
WETHERALD AND JAS. PREMIO, A CO-)
PARTNERSHIP DOING BUSINESS AS)
THE G. & W. GARAGE AND TOURS)
COMPANY, TO SELL, TRANSFER AND)
ASSIGN TO HARRY L. WOOD.)

APPLICATION NO. 612-A

October 18, 1929.

Appearances: D. P. Strickler, Esq., Colorado Springs,
Colorado, for applicants.

S T A T E M E N T

By the Commission:

A certificate of public convenience and necessity was issued to the co-partnership doing business as The G. & W. Garage and Tours Company, authorizing the transportation of passengers in sightseeing operations in the Pikes Peak Region. The equipment of the certificate holder was by the order of the Commission limited to six automobiles. Application has now been made to transfer the certificate rights as to one car to Harry L. Wood. The evidence shows that the transferee is enjoying a good reputation and has a good financial standing. ✓

After a careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity requires that authority be granted to said co-partnership to transfer certificate rights as to one car to Harry L. Wood.

O R D E R

IT IS THEREFORE ORDERED, That George J. Wetherald, E. E. Wetherald and Jas. Premo, a co-partnership doing business as The G. & W. Garage and Tours Company, be, and they are hereby, authorized to transfer certificate rights as to one car, as aforesaid, to Harry L. Wood.

IT IS FURTHER ORDERED, That authority to transfer is granted upon condition, that the certificate rights so transferred be held subject to the terms and conditions which were imposed by the Commission in its order granting the original certificate.

IT IS FURTHER ORDERED, That the tariffs, rules and regulations heretofore filed by the original certificate holder be, and they are hereby, made the tariffs of rates, rules and regulations of the transferee until such time as they may be changed in accordance with law.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Bock
John S. Jones
W. M. Allen
Commissioners.

Dated at Denver, Colorado,
this 18th day of October, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

IN THE MATTER OF THE APPLICATION OF }
C. H. WILLIAMS & SON FOR AUTHORIZA- }
TION TO ASSIGN AND TRANSFER TO HAL }
A. BROWN AND J. T. SYMONS, JR. }
-s-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-

APPLICATIONS NOS. 714-A and 302-A.

October 18, 1929.

Appearances: H. E. Williams, Esq., GrippleCreek,
Colorado, per se;
Hal A. Brown, Esq., Green Mountain Falls,
Colorado, per se;
J. T. Symons, Jr., GrippleCreek, Colorado,
per se.

STATEMENT

By the Commission:

A certificate of public convenience and necessity was issued to C. H. Williams & Son on April 21, 1928, in Application No. 714-A, authorizing the transportation of passengers and sightseeing operations in the Pikes Peak Region. The equipment of the certificate holder was by the order of the Commission limited in this operation to two automobiles.

On February 5, 1925, the Commission, in Application No. 302, issued a certificate to C. H. Williams & Son, authorizing a motor vehicle system for the transportation of passengers between Gripple Creek, Victor and Colorado Springs.

The instant application seeks authorization to transfer the certificate issued for sightseeing operations in Application No. 714-A to Hal A. Brown, residing at Green Mountain Falls, and to transfer that part of the certificate issued in Application No. 302, authorizing regular scheduled passenger service during the summer months between Green Mountain Falls, Colorado Springs and intermediate points, to J. T. Symons, Jr. If the Commission authorizes the transfer C. H. Williams & Son retain the operation of their passenger stage line between Gripple

Creek, Victor and Colorado Springs, which is not a seasonal operation.

The evidence shows that the proposed transferees are men of experience and fair financial standing.

After a careful consideration of the evidence, the Commission is of the opinion, and so finds, that authority be granted to C. H. Williams & Son to transfer the certificate of public convenience and necessity issued in Application No. 714-A, Decision No. 1690, to Hal A. Brown, and to transfer and assign that part of the certificate issued in Application No. 302, Decision No. 810, authorizing a motor vehicle service for the transportation of passengers between Green Mountain Falls and Colorado Springs during the summer season only to J. T. Symons, Jr.

O R D E R

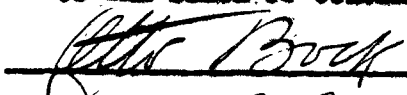


IT IS THEREFORE ORDERED, That C. H. Williams & Son be, and they are hereby authorized to transfer and assign to Hal A. Brown certificate of public convenience and necessity issued in Application No. 714-A, Decision No. 1690, to do a sightseeing business in the Pikes Peak Region.

IT IS FURTHER ORDERED, That C. H. Williams & Son be, and they are hereby, authorized to transfer and assign to J. T. Symons, Jr., that part of the certificate of public convenience and necessity issued in Application No. 302, Decision No. 810, authorizing a motor vehicle system for the transportation of passengers between Green Mountain Falls and Colorado Springs during the summer season only.

IT IS FURTHER ORDERED that the authority to transfer granted herein is upon the condition that the certificate rights so transferred be held subject to the terms and conditions which were imposed by the Commission in its order granting the original certificates.

IT IS FURTHER ORDERED, That the tariffs of rates, rules and regulations heretofore filed by the original certificate holders be, and they are hereby, made the tariffs of rates, rules and regulations of the transferees until such time as they may be changed in accordance with law.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 18th day of October, 1929.

✓

628
high
P.H.D. 10/25/29

(Decision No. 2583)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - - - -

WHITE MOTOR EXPRESS COMPANY,
Complainant,

vs.

E. M. WOODWARD,
Defendant.

CASE NO. 468

- - - - -

- - - - -
October 18, 1929.
- - - - -

S T A T E M E N T

By the Commission:

On motion of counsel for complainant, an order will be entered
dismissing the complaint herein.

O R D E R

IT IS THEREFORE ORDERED, That the complaint herein be, and the
same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Bock

James S. Jones

Walter A. Allen

Commissioners.

Dated at Denver, Colorado, this
18th day of October, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF)
VIRGIL F. VANCE FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)
-----)

APPLICATION NO. 1410

October 9, 1929.

Appearances: C. D. Robison, Esq., Fort Morgan, Colorado,
attorney for applicant;
B. A. Woodcock, Esq., Greeley, Colorado,
attorney for H. L. Sloan;
A. C. Scott, Esq., Denver, Colorado,
attorney for Chicago, Burlington & Quincy
Railroad Company.

STATEMENT

By the Commission:

This is an application by Virgil F. Vance for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation, not on schedule, of freight between Wiggins, Roggen, Keenesburg and Prospect, and Denver. The applicant proposes to devote to the service two trucks, one two-ton White truck and one, one and three-quarters-ton White truck of the market value of some \$4,500. The applicant's reputation as an operator was shown to be excellent. His financial condition is good. He has a large number of customers in the towns of Wiggins, Roggen and Prospect. He has only a few customers in Keenesburg, the home of the protestant, H. L. Sloan. Wiggins has a population of some 300 people, Keenesburg some 400 or 500, Roggen some 90. Prospect has fewer inhabitants than any other of the towns. It appears that the applicant has a larger volume of business and that possibly he has been engaged longer in the rendition of a scheduled service than Sloan. However, the applicant was operating contrary to law, because he did not have any certificate of public convenience and necessity. The protestant Sloan filed his application a considerable time prior to the date on which the applicant filed his.

A certificate heretofore has been issued to Sloan, authorizing him to render scheduled service to the towns of Roggen, Keenesburg and Prospect. The applicant Vance, having continued to operate without a certificate and in violation of the law until after the protestant, Sloan, had procured his certificate, the question arises whether the public convenience and necessity now requires that the said Vance be authorized to duplicate the service of Sloan so far as the towns of Roggen, Keenesburg and Prospect are concerned. As we have repeatedly stated, the needs and interests of the public are entitled to paramount consideration.

As we have stated again and again (see Re Fay Elliott, Case No. 402), the Commission will not permit the duplication of service unless it is shown that the service being rendered is substantially insufficient and inadequate for the needs of the public. The Commission already has granted Sloan's certificate. If another certificate should be issued to Vance, the public in Keenesburg, Roggen and Prospect would have to support or help support two operators instead of one. This would tend to prevent Sloan from reducing, either voluntarily or involuntarily as a result of an order of the Commission, the rates charged his patrons.

There was no evidence of any substantial character that the service rendered by Sloan since his certificate was issued, or at any recent period prior thereto, has been inadequate or insufficient. His present schedule calls for semi-weekly service. He offers to render service more frequently if and when business permits. If the applicant, Vance, is not allowed to serve the three towns served by Sloan, the latter doubtless could at an early date put his service on a tri-weekly or daily except Sunday basis. There was some evidence on the part of the witnesses for Vance that Sloan could not adequately render the service. However, there was no ground shown by the evidence for any such conclusion. It was actuated merely by a natural desire for continued service by Vance. While the two trucks owned by the applicant have a total capacity of $2\frac{1}{2}$ tons, the two by Sloan have a total capacity of $2\frac{1}{2}$ tons. In the brief filed by the applicant's attorney the point is made with some justification, that the evidence introduced in support of Sloan's application, particularly as it related to the towns of Roggen and Prospect, was very meager. However, we are of the opinion that the evidence which consisted solely of that introduced in behalf of the applicant in that application did show and justify the Commission in finding that the public convenience and necessity requires motor vehicle service between all of the points served by Sloan and Denver, and that Sloan is a fit person to render such service. If the evidence did show these two facts

the Commission was warranted in issuing the certificate to Sloan.

It was argued also that the applicant Vance had no notice of the hearing in the Sloan application. That is true. The Commission has never felt it incumbent upon it to attempt to notify subsequent applicants of the hearing of applications previously filed.

The applicant stated that he could not profitably serve Wiggins unless authorized to serve the other towns. However, he did not state that he would not accept a certificate authorizing service between Wiggins and Denver, but not any intermediate points. It is possible, although we do not now decide the point, that if Wiggins cannot be otherwise served, the Commission might order Sloan to extend his service to said town. If Vance cannot profitably serve Wiggins alone, and Sloan should refuse to serve that town we might later upon application grant authority to Vance to serve one or more towns now authorized to be served by Sloan.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity does not require the motor vehicle system of the applicant for the transportation of freight between Denver and Roggen, Keenesburg and Prespect. The Commission does find, however, that the public convenience and necessity does require the motor vehicle system of the applicant for the transportation of freight between Wiggins and Denver, but not intermediate points.

Chairman Beck absent.

ORDER

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicant, Virgil F. Vance, for the transportation of freight between Denver and Wiggins, but not intermediate points, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the application be, and the same is hereby, denied in so far as the applicant seeks authority to serve the towns of Roggen, Keenesburg and Prespect.



IT IS FURTHER ORDERED, That if the applicant desires to accept this certificate, he shall file his written acceptance thereof within fifteen days of this date.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations

of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1929.

✓

WCH
J.F.A. 11/1/29

(Decision No. 2585)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF ROY BEATTY FOR CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1241

October 21, 1929.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter dated October 5, 1929, from the applicant herein stating that he is not able to accept and operate under the limited certificate of public convenience and necessity issued to him by this Commission on June 5 of this year. There remains nothing to do but to cancel the said certificate.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to Roy Beatty be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 21st day of October, 1929.

Elto Bock
Harold S. Jones
W. H. Allen
Commissioners.

907 144 85

542
10/21/29
P.R.D. 11/1/29
61
(Decision No. 2586)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
A. E. BIVENS.)

APPLICATION NO. 660 ✓
APPLICATION NO. 1014

October 21, 1929.

S T A T E M E N T

By the Commission:

Certificates of public convenience and necessity were heretofore issued to A.E.Bivens in the above entitled applications. It was proved in Application No. 1451 that the said Bivens suddenly ceased performance of his duties under said certificates, wholly abandoned his operations and departed from the State of Colorado on or about August 6 for parts unknown. Service which he was authorized to render is now being performed by Gio Oberto under a certificate of public convenience and necessity issued in Application No. 660-A.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to A.E.Bivens in Applications Nos. 660 and 1014 be, and the same are hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock
Henry L. Jones
Harry Williams
Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

- - -

IN THE MATTER OF THE APPLICATION)
OF J. W. BRACKETT FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY .)

APPLICATION NO. 1406.

October 21, 1929.

Appearance: Arthur E. Aldrich, Esq., Denver, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

This application of J. W. Brackett for a certificate of public convenience and necessity was duly set for hearing in the Hearing Room of the Commission in Denver on October 17 at 10 o'clock A. M. The attorney for the applicant stated that he had an assistant in his office telephone the applicant some days in advance of the date of the hearing notifying him that the case would be heard at the time and place stated. The applicant did not appear. No reason for his failure to appear was given other than that it was understood that he had gone deer hunting.

O R D E R

IT IS THEREFORE ORDERED, That the application of J. W. Brackett for a certificate of public convenience and necessity be, and the same is hereby, dismissed without prejudice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock
Wm. L. Jones
Wm. L. Jones
Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
THE RIO GRANDE MOTOR WAY, INC., FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 1452

October 21, 1929.

Appearances: D. P. Strickler, Esq., Colorado Springs, Colo.;
Thos. R. Woodrow, Esq., Denver, Colorado, for
applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity, authorizing a passenger sightseeing motor vehicle system between Canon City, Colorado Springs and Parkdale, Colorado, including the Skyline Drive, and over and upon the highways connecting said points, and each of them, with the Royal Gorge Park of Canon City, and the Suspension Bridge over the Royal Gorge of the Arkansas River.

A protest was filed by the City of Canon City against this application, but was subsequently withdrawn.

A statement of approval of the application was filed by the Board of County Commissioners of Fremont County, and El Paso County.

A qualified consent was filed by the Chief of Police of Colorado Springs.

At the hearing the testimony developed that The Rio Grande Motor Way, Inc., applicant herein, is a subsidiary of The Denver and Rio Grande Western Railroad Company, and that the railroad company owns all of the capital stock thereof; that the Royal Gorge is the main scenic attraction of the railroad company, and has been exploited as such for a number of years. Some time ago The Royal Gorge Bridge and Amusement Company decided to construct a suspension bridge over the Gorge. Prior to said construction the rail carrier

entered into an agreement with the Amusement Company by which in consideration of the right of way granted by the rail carrier The Royal Gorge Bridge and Amusement Company grant^{ed} an exclusive right ~~was granted~~ to the rail carrier to operate over said bridge as a motor vehicle common carrier. The bridge is now under construction, and matters of safety and engineering are supervised by the rail carrier. It is anticipated that this construction will be completed by about December 1, 1929. The construction cost is approximately \$250,000.

Congress in 1906 granted to the City of Canon City the land upon which this construction is made and considerable additional territory as a park system. Canon City has also constructed highways from the city to the park, which are operated and controlled by it.

On July 15, 1929, the City Council of the City of Canon City granted to The Denver and Rio Grande Western Railroad Company the right, privilege and franchise to operate as a common carrier automobile busses and other conveyances over and upon the streets of the city, and the roads, bridges and highways in the parks. This franchise is for a term of twenty years. By amendment filed herein the applicant also asks for a certificate authorizing the exercise of the rights and privileges granted by this franchise, known as Ordinance No. 4, Series 1929.

The equipment of the applicant will not exceed fifteen 7-passenger touring cars, and fifteen motor busses of from 12 to 14 passenger capacity. The immediate investment in equipment will amount to approximately \$75,000.

As already stated, the rail carrier has exploited the Royal Gorge as a scenic attraction for a number of years, and has spent considerable sums of money in advertising this region. It is the intention of the rail carrier, with its numerous agency connections in the eastern part of our country to especially urge tourists to visit this scenic attraction at the Gorge where, according to the evidence, will be located the highest bridge in the world.

After a careful consideration of all the evidence, the Commission is of the opinion, and so finds, that the public convenience and necessity requires the proposed motor vehicle carrier system of the applicant herein for the transportation of sightseeing passengers between Canon City, Colorado

Springs and Parkdale, Colorado, over and upon the highways between said points, including the Skyline Drive, and over and upon the highways connecting said points, and each of them, with the Royal Gorge Park of Canon City and the Suspension Bridge over the Royal Gorge of the Arkansas River, subject to certain conditions which in our opinion the public convenience and necessity require.

The Commission also finds that the applicant herein should be authorized to exercise the rights and privileges granted by the City Council of Canon City in Ordinance No. 4, Series 1929.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle carrier system of The Rio Grande Motor Way, Inc. for the transportation of sightseeing passengers between Canon City, Colorado Springs and Parkdale, Colorado, over and upon the highways between said points, including the Skyline Drive, and over and upon the highways connecting said points, and each of them, with the Royal Gorge Park of Canon City and the Suspension Bridge over the Royal Gorge of the Arkansas River, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions.

(a) That this certificate is limited solely to sightseeing and tourist operations, and not a regular scheduled passenger service.

(b) That the quantity of equipment to be used in this operation shall be limited to fifteen 7-passenger touring cars and fifteen motor busses of from 12 to 14 passenger capacity.

IT IS FURTHER ORDERED, That the public convenience and necessity requires that The Rio Grande Motor Way, Inc., applicant herein, be, and it is hereby, authorized to exercise the rights and privileges granted by the City Council of the City of Canon City in a certain ordinance designated as No.4, Series 1929, and this order shall be held and deemed to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the rules and regulations of the

Commission governing motor vehicle carriers within a period of not to exceed twenty days from the effective date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto. This order shall become effective on or before December 1, 1929.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edw. Bock

Harry S. Jones

H. H. [unclear]

Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1929.

✓

WCH
2589 11/1/29

(Decision No. 2589)

378

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF LEE WHITNEY FOR AN EXTENSION)
OF HIS CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)

APPLICATION NO. 1427

October 21, 1929.

Appearances: Harry F. Anderson, Esq., Kiowa, Colorado,
attorney for applicant;
John Q. Dier, Esq., Denver, Colorado,
attorney for The Colorado and Southern
Railway Company;
David F. How, Esq., Denver, Colorado;
attorney for Robert F. Stewart.

S T A T E M E N T

By the Commission:

This is an application by Lee Whitney, now operating under a certificate of public convenience and necessity No. 378, for an extension thereof. His present certificate authorizes the transportation of freight from point to point within a radius of 25 miles of Kiowa. The applicant now desires authority to haul on call and demand only calves and hogs from said territory to Denver. He seeks no authority to haul any merchandise from Denver.

After careful consideration of the evidence the Commission is of the opinion and so finds that the public convenience and necessity requires the motor vehicle system of the applicant for the transportation on call and demand only of hogs and calves from the territory within a radius of 25 miles of Kiowa to Denver.

O R D E R


IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicant for the transportation on


call and demand only of hogs and calves from the territory located within a radius of 25 miles of Kiowa, Colorado, to Denver, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

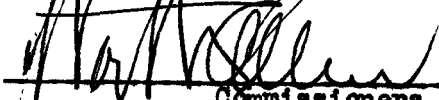
IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1929.

✓

WCH
J. J. Schaefer 11/1/29

(Decision No. 2590)

432

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF JACOB J. SCHAEFER.)

APPLICATION NO. 1446

October 21, 1929.

Appearances: S. M. True, Esq., Denver, Colorado,
attorney for applicant;
John Q. Dier, Esq., Denver, Colorado,
attorney for The Colorado and
Southern Railway Company.

S T A T E M E N T

By the Commission:

This is an application by Jacob J. Schaefer for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of livestock on call and demand only from the territory situated within a radius of 15 miles of Windsor, Colorado. Most of the livestock hauled by the applicant is that purchased by himself. However, occasionally some people living within the territory desire to have him haul their stock to the Denver market. His service along this line is rather limited, as he hauls for others only some ten or fifteen truck loads a year. No other operator is engaged in a similar service within the territory described.

After careful consideration the Commission is of the opinion and so finds that the public convenience and necessity requires the motor vehicle system of the applicant for the transportation of livestock on call and demand only, to Denver from the territory located within a radius of 15 miles of Windsor, Colorado.

O R D E R

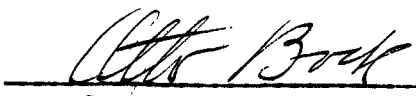
IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicant, Jacob J. Schaefer, for the transportation of livestock on call and demand only, to Denver from the


territory located within a radius of 15 miles of Windsor, Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.


IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
ROBERT J. COLMAN AND EDWARD MARTIN)
FOR AUTHORITY TO TRANSFER CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NECES-)
SITY.)

APPLICATION NO. 1052-A

October 21, 1929.

Appearances: Burgess and Adams, Esqs., Grand Junction, Colorado,
attorneys for applicants;
T. A. White, Esq., Denver, Colorado,
attorney for The Denver and Rio Grande Western
Railroad Company.

S T A T E M E N T

By the Commission:

This is an application by Robert J. Colman and Edward Martin for an order authorizing the latter to transfer to the former certificate of public convenience and necessity No. 261 issued by the Commission to said Martin on May 10, 1928. The financial and moral responsibility of the proposed transferee was satisfactorily shown.

After careful consideration of the evidence the Commission is of the opinion and so finds that the public convenience and necessity requires that authority be granted to Edward Martin to transfer to Robert J. Colman a certificate of public convenience and necessity No. 261 heretofore issued to said Martin.


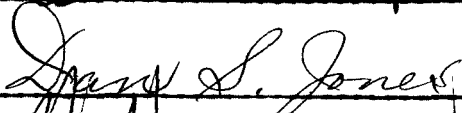

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Edward Martin to transfer to Robert J. Colman a certificate of

public convenience and necessity No. 261 heretofore issued to said Martin.

IT IS FURTHER ORDERED, That the tariff of rates, time schedule and rules and regulations heretofore filed by Edward Martin, the transferor herein, be, and the same are hereby, made those of Robert J. Colman, transferee herein.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF GIO OBERTO FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1451

October 21, 1929.

Appearances: Burgess and Adams, Esqs., Grand Junction,
Colorado, attorneys for applicant;
T. A. White, Esq., Denver, Colorado;
attorney for The Denver and Rio Grande
Western Railroad Company.

S T A T E M E N T

By the Commission:

The applicant, Gio Oberto, is now operating under a certificate of public convenience and necessity authorized in Application No. 660-A to be transferred to him, and is engaged in the transportation of freight between the town of Placerville, San Miguel County, Colorado, and the town of Paradox, Montrose County, Colorado, and intermediate points. A. E. Bivens was, until some weeks ago, engaged under certificates of public convenience and necessity issued by this Commission in the transportation of passengers and express between Placerville and Paradox, the transportation of freight and express between Nucla, Naturita, Redvale, Norwood and Montrose and the transportation of freight and express in excess of fifty pounds between Montrose and Placerville.

The said Bivens was engaged also in transporting mail for the United States Government between Placerville, Paradox and Nucla.

The said Bivens became seriously involved financially and abandoned his operations and suddenly left the State for parts unknown on or about August 6. The said Oberto, who had signed the Government bond to insure the proper performance of the mail contract, was compelled immediately to take up the

performance of the contract with the Government.

Oberto, in this application, seeks authority to render the same service as has heretofore been rendered by the said Bivens under the certificates issued by this Commission. Oberto's financial condition is quite strong. He has a reputation as a desirable operator.

After careful consideration of the evidence the Commission is of the opinion and so finds that the public convenience and necessity requires the motor vehicle system of the applicant, Gio Oberto, for the transportation of passengers and express between Placerville and Paradox, the transportation of freight and express between Nucla, Naturita, Redvale, Norwood and Montrose and the transportation of freight and express in excess of fifty pounds between Montrose and Placerville.

O R D E R


IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicant, Gio Oberto, for the transportation of passengers and express between Placerville and Paradox, the transportation of freight and express between Nucla, Naturita, Redvale, Norwood and Montrose and the transportation of freight and express in excess of fifty pounds between Montrose and Placerville, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.


IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.


IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is

made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF CHARLES P. BLAKLEY FOR A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY.

APPLICATION NO. 1404 ✓

IN THE MATTER OF THE APPLICATION
OF P. C. MCKEE DOING BUSINESS
AS THE STOCKYARDS LIVESTOCK HAUL-
ING COMPANY, FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 1405

IN THE MATTER OF THE APPLICATION
OF GEORGE W. STOCKTON AND H. O.
STOCKTON, DOING BUSINESS AS
STOCKTON BROTHERS, FOR A CERTI-
FICATE OF PUBLIC CONVENIENCE AND
NECESSITY.

APPLICATION NO. 1407

October 21, 1929.

Appearances: David F. How, Esq., Denver, Colorado;
attorney for Charles P. Blakley;
Arthur E. Aldrich, Esq., Denver, Colorado,
attorney for P.C.McKee, doing business
as The Stockyards Livestock Hauling
Company and George W. Stockton and
H.O.Stockton, doing business as Stockton
Brothers;
J. Q. Dier, Esq., Denver, Colorado;
attorney for The Colorado and Southern
Railway Company and Chicago, Burlington
& Quincy Railroad Company;
D. Edgar Wilson, Esq., Denver, Colorado;
attorney for The Chicago, Rock Island and
Pacific Railway Company;
Chadwick J. Perry, Esq., Denver, Colorado;
attorney for Lon H. Kellogg and
F. G. Merrick;
E. G. Knowles, Esq., Denver, Colorado;
attorney for Union Pacific Railroad
Company.

S T A T E M E N T

By the Commission:

Charles P. Blakley, P. C. McKee, doing business as The Stockyards
Livestock Hauling Company, and George W. Stockton and H.O.Stockton, co-partners

doing business as Stockton Brothers, filed their separate applications for a certificate of public convenience and necessity authorizing the transportation of livestock between all points in Colorado and the Denver Union Stockyards in Denver. They desire authority to transport both to and from the stockyards, although the greater part of the service rendered will be the transportation of stock from Denver.

A large number of witnesses, including commissionmen and cattle buyers, appeared and testified in behalf of the applications. The evidence shows that without exception livestock shipped to or from Denver in carload lots moves by rail at a lower rate than that offered by the motor vehicle carriers and in general in a more satisfactory manner; that for years the Denver Union Stockyards Company has been engaged in a campaign to induce the ranchers and farmers operating on a small scale to produce or feed livestock; that these people who do produce livestock in small numbers would not and cannot continue in business without the aid and service of the truck operators and in many cases they are situated at a considerable distance from the railroad stations and that where near those stations it is impracticable to ship a few head of livestock by rail.

The evidence somewhat indicated also that in the end the railroads have not lost traffic as a result of the transportation of livestock in trucks, one reason being as stated, that many small operators never raised or fed livestock before the advent of the trucks. Another is that much of the livestock produced or fed by the small operators at one time or another is hauled by rail both before and after slaughter.

Objection was made by the rail carriers that some of the certificate holders authorized to transport livestock by truck had not been notified of the hearing. A large number had been notified. It was difficult to notify each and every one. The interests of the certificate holders in general were well presented by those truck carriers who were represented at the hearing.

It was argued that the rates tentatively proposed by the applicants would in some cases be lower than those charged by those carriers who transport

merchandise on schedule and livestock more or less incidentally on call and demand, and that the continuance of operations by such scheduled carriers would be impossible if their livestock business is lost. However, the evidence shows that in some cases the said tentative rates proposed by the applicants would be higher than those charged by the other truck operators. On the other hand, there was evidence to indicate that those certificate holders who are transporting merchandise on a schedule subordinate their livestock hauling to the merchandise hauling and that at times the livestock operators would not secure adequate service without continuance of operations by such persons as the applicants herein. The rates of the operators are to an extent under the control and supervision of this Commission. It will take such action in the future with reference thereto as is warranted and in the public interest.

There has been a question in the minds of the Commission whether the truck carriers operating out of Denver should be restricted as to territory and whether they should be authorized to transport stock from all over the State to Denver as well as from Denver to points outside. The unanimous opinion of the witnesses from the Denver stockyards was to the effect that there should be no restriction with reference to the territory served and that they should be allowed to transport livestock into as well as out from Denver.

After careful consideration of the evidence the Commission is of the opinion and so finds that the public convenience and necessity requires the proposed motor vehicle systems of the applicants for the transportation of livestock between Denver and all points in the State of Colorado subject to the terms and conditions hereinafter imposed which in the opinion of the Commission the public convenience and necessity requires.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed motor vehicle systems of the applicants, Charles P. Blakley, P. C. McKee, doing business as The Stockyards Livestock Hauling Company, and George W. Stockton and H.O. Stockton, co-partners, doing business as Stockten Brothers, for


the transportation of livestock between Denver and all points in the State of Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor subject to the following terms and conditions which in the opinion of the Commission the public convenience and necessity requires.


(a) That none of the applicants shall have any branch office, agencies or agents outside of the city of Denver for the solicitation and conduct of their business.

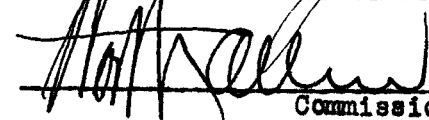
(b) That the applicants shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

(c) That the applicants shall operate such motor vehicle carriers systems according to the schedules filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicants with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1929.

(Decision No. 2594) ✓

REPORT THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF HOMER M. JESSUP FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1448.

October 21, 1929.

Appearances: Homer M. Jessup, Elbert, Colorado,
per se;
J. C. Dier, Esq., Denver, Colorado,
for The Colorado and Southern
Railway Company.

STATEMENT

By the Commission:

On March 12, 1929, the Commission granted a certificate of public convenience and necessity to the above applicant, authorizing a motor vehicle transportation system of freight within a radius of ten miles of the town of Elbert, Colorado, and for the transportation of agricultural products, including livestock, between Elbert, Colorado and the Table Rock territory and Colorado Springs.

In the instant application the applicant seeks to obtain authority to transport livestock within a radius of ten miles of the town of Elbert, Colorado, to Denver, Colorado. No further equipment will be necessary to give this additional service.

After a careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity requires a motor vehicle system for the transportation of livestock only from the town of Elbert, Colorado, and within a radius of ten miles therefrom, to Denver, Colorado.

ORDER

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle transportation system of the applicant, Homer M. Jessup, for the transportation of livestock only from the town of Elbert, Colorado, and within a radius of ten miles therefrom, to Denver, Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

OTTO BOCK

(S E A L)

DAN S. JONES

Dated at Denver, Colorado,
this 21st day of October, 1929.

WORTH ALLEN
Commissioners.

ATTEST: A TRUE COPY.

SECRETARY.

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S.B.N. 11/1/29

(Decision No. 2595)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ARTHUR RAY FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESS-)
ITY.)

APPLICATION NO. 1468.

October 21, 1929.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from counsel for the applicant in which we are advised that the applicant is unable on account of his physical condition to operate a motor bus line for which he has filed the above application and therefore requests that the same be withdrawn.

O R D E R

IT IS THEREFORE ORDERED , That the application of Arthur Ray, be, and the same is hereby, dismissed without prejudice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elto Brock
Dale P. Jones
W. A. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of October, 1929.

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608
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J.R.D. 11/1/29

(Decision No. 2596)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT SCHWILKE.) CASE NO. 400.

October 24, 1929.

Appearances: Norton Montgomery, Esq., Denver, Colorado,
attorney for respondent, Albert Schwilke;
D. Edgar Wilson, Esq., Denver, Colorado,
for the Rocky Mountain Parks Transportation
Company, Rocky Mountain Motor Company and
the Colorado Motor Way, Inc.;
Colin A. Smith, Esq., Denver, Colorado,
for the Attorney General and the
Commission.

S T A T E M E N T

By the Commission:

On February 25 of this year the Commission made an order requiring the respondent, Albert Schwilke, to show cause why an order should not be made requiring him to cease and desist from operating as a motor vehicle carrier as defined in Chapter 134, Session Laws of 1927. The respondent filed his answer denying that he is operating as a motor vehicle carrier contrary to the provisions of the laws of the State of Colorado, etc. A hearing was had. The only evidence taken was the testimony of respondent. While there are one or two inconsistencies in the testimony, the following facts appear rather clearly:

The respondent is and for a number of years has been engaged in the coal business, buying and selling, and conducting a wholesale produce business. Moreover, he operates with regularity in the summer between Estes Park and Denver and Greeley. Most, if not all, of the hauling from Greeley is for Hickman and Lunbeck Grocery Company, a wholesale concern shipping groceries into Estes Park from both Greeley and Denver. He submitted after the hearing on the

order of the Commission written contracts with six concerns, being Morey Mercantile Company, a wholesale grocery house of Denver, N. B. Boyd, an Estes Park merchant, Lewiston Hotel of Estes Park, Stanley Hotels of Estes Park, and Hickman and Lunbeck Grocery Company. He testified also that he has written contracts with J. S. Brown Mercantile Company, and Bourk-Donaldson Taylor, Inc., both wholesale concerns of Denver, although no written contracts with either of those concerns were presented to the Commission.

The evidence shows that he advertises in the newspaper as follows:

"Express and Freight" and "Contract Freight," the last advertisement submitted being one dated August 30th. He testified also that he hauls for "trays" and for anyone who brings freight to the dock maintained by him in Denver. He further testified that he hauls up to the capacity of his truck or trucks.

The question is, in view of all of the evidence, whether or not the respondent is a motor vehicle or common carrier. We have stated in detail so frequently the considerations which we believe enter into the determination of this question that we shall not state them at length again.

As we pointed out in the matter of the application of the Exhibitors Film and Delivery Service Company, Application No. 1009, in order that a carrier be a common carrier, it is not necessary that he serve the whole public. No common carrier does or can. Terminal Taxi Cab Co., Inc., District of Columbia, 241 U. S. 252.

As we further pointed out in the Exhibitors Film case the question is not whether one is a contract carrier or not, it is whether he is a common carrier or private carrier. All carriage is under contract whether expressed or implied.

Of course the law looks at the substance of a thing, and not the mere color or form which it assumes or invokes, particularly if the latter be for the manifest purpose of evading regulation. The following is the statement by our Supreme Court of an elemental proposition: "In determining whether the

business is that of a common carrier 'the important thing is what it does, not what its charter says'". Davis v. People, ex rel., 79 Colo. 642, 644.

"Courts and Commissions have repeatedly held that the distinction between common and private carriage does not necessarily depend upon whether written or oral contracts have been entered into but rather upon the nature and character of the carriage or service rendered and upon actual conditions of service as disclosed by testimony." Wayne Tpn. Co. v. Leopold, et al., P.U.R. 1924C (Pa.) 382. As was stated in Restivo vs. West, et al, 129 Atlantic (Mo.) 884". . . the courts have not been inclined to excuse the increasing number of those who earn their livelihood by transporting persons or groups for hire in motor vehicles from the responsibilities of common carriers simply on technical grounds . . ."

At common law a common carrier is required to transport freight only up to the capacity of his equipment. The respondent testifies that he does haul up to the capacity of his truck or trucks.

It is obvious that the respondent having current contracts which he is constantly performing does not need to run advertisements in the paper that he hauls express and freight and does contract freighting. It is rather patent that the purpose of said advertisements is to get freight from the general public.

In view of all the facts and circumstances, the Commission finds that the respondent is operating as a motor vehicle carrier contrary to the laws of the State of Colorado.

O R D E R

IT IS THEREFORE ORDERED, That the respondent within twenty days from this date cease and desist from operating as a motor vehicle carrier as defined by the statutes until and unless he shall have secured a certificate

of public convenience and necessity therefor.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Brock

Sam S. Jones

W. H. Allen

Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1929.

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W.S. Jackson
J.H.S. 11/1/29

323

(Decision No. 2597)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE CAMP TOURS, INC. FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE) APPLICATION NO. 1168.
AND NECESSITY.)

October 24, 1929.

Appearances: W. S. Jackson, Esq., Colorado Springs,
Colorado, attorney for the applicant.

S T A T E M E N T

By the Commission:

On March 16, 1929, the Commission issued a certificate of public convenience and necessity to the above applicant good for only one year from the date thereof, and retained jurisdiction of the same for further hearing and determination and such disposition as the Commission should find the public convenience and necessity would require. A further hearing was had on this application in the City Hall, Colorado Springs, Colorado, on October 23, 1929.

The evidence on the continued hearing was to the effect that the applicant has an investment of approximately \$4,000.00 in its motor vehicle equipment consisting of four automobiles.

It further appears, and the Commission so finds, that the present and future public convenience and necessity requires the motor vehicle carrier system of the applicant. An order will issue granting a final certificate.

No further certificate number will be assigned, and the applicant will continue to use the present certificate number on its equipment, as provided by the rules and regulations.

All passenger tariffs must be prepared in book, sheet or pamphlet form on good quality paper, not exceeding $8\frac{1}{2}$ x 11 inches, nor less than 8 x 11 inches in size.

Applicant's tariff must show in the upper right hand corner the initials "Colo. P.U.C. No." followed by the number, the first number to be No. 1. (If the tariff filed last year did not show a Colo. P.U.C. number, then the new tariff should be No. 1. If on the other hand last year's tariff did show a Colo. P.U.C. number as outlined above, the new tariff should take the next consecutive number.)

This number bears no relation to applicant's certificate number and should not be confused therewith. If the sample form shown on page 40 of the Rules and Regulations is followed in complying with Rule 14, applicant should have very little difficulty in preparing its tariffs. The applicant should, within twenty days from the date hereof, file tariffs in conformity with the Rules and Regulations Governing Motor Vehicle Carriers.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity requires, and will require, the proposed motor vehicle carrier system of the applicant herein, The Camp Tours, Inc. for the transportation of passengers from Colorado Springs, Colorado, to the various scenic attractions in the Pikes Peak Region, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the following terms and conditions which, in the opinion of the Commission, the public convenience and necessity requires:

(a) That it shall file within 15 days from the date hereof a tariff of rates, rules and regulations in harmony and identical with the tariffs of the other operators now lawfully serving the sightseeing public in the Pikes Peak Region.

(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region.

(c) That the quantity of equipment to be used in this operation shall be limited to four automobiles as appears from the testimony adduced herein.

IT IS FURTHER ORDERED, That the applicant herein shall file tariffs of rates, rules and regulations as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period of not to exceed twenty days from the date hereof; and that this certificate is issued subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. B. Bock

David S. Jones

W. H. Allen

Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1929.

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S. J. A. 11/1/29
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(Decision No. 2598)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE INVESTIGATION)
OF THE PRACTICES OF THE GLACIER) APPLICATION NO. 909.
ROUTE, INC.)

October 25, 1929.

S T A T E M E N T

By the Commission:

An order was entered herein on June 23, 1928, providing for an investigation of the practices of the Glacier Route, Inc. Hearing was had following which the manner of operation of the respondent was immediately changed. No further complaints having been received against the practices of the respondent, the complaint is hereby dismissed.

O R D E R

IT IS THEREFORE ORDERED, That this matter be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock
Don S. Jones
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1929.

JSA 11/1/29

(Decision No. 2599)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF W. M. HACKATHORN FOR CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1135.

October 25, 1929.

S T A T E M E N T

By the Commission:

A hearing was had on this application on September 21, 1928. The evidence showed that the company from whom the applicant proposed to buy his pipe for use in serving the town of Berthoud, Colorado, with natural gas had exacted some terms which the Commission considered not only unconscionable but such as to result in a burden to the public. The Commission, therefore, advised the applicant that he would have to make other arrangements before a certificate would be granted. A recent letter from the attorney, who then represented the applicant, advises us that he is no longer representing the applicant and that the latter had secured the services of another lawyer. We thereupon communicated with the other lawyer who advised us that the whole matter had fallen through and that the applicant no longer desires the certificate which he applied for.

O R D E R

IT IS THEREFORE ORDERED, That the application herein of W. M. Hackathorn be, and the same is hereby, dismissed without prejudice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 25th day of October, 1929.

Arthur Brock
Henry S. Jones
W. M. Nelson
Commissioners.

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J.F.D. 11/1/29

(Decision No. 2600)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE DISCONTINUANCE)
OF THE STATION AGENCY AT HESPERUS,)
COLORADO.)

APPLICATION NO. 1425

October 25, 1929.

Appearances: Thos. R. Woodrow, Esq., Denver, Colorado,
attorney for The Rio Grande Southern
Railroad Company;
Albert H. McCarthy, Esq., La Plata, Colorado,
for the La Plata Mines Company;
G. F. Snyder, Esq., Ft. Lewis, Colorado,
for the Ft. Lewis School;
George Curtet, Esq., Hesperus, Colorado;
A. H. Long and Chas. Heather, Esqs., Durango,
Colorado, pro se;
Mr. Coleman, Ophir, Colorado,
Manager of Butterfly Consolidated Mines Co.

S T A T E M E N T

By the Commission:

This is an application by The Rio Grande Southern Railroad Company for authority to discontinue the station agency at Hesperus, Colorado. Protests were made, the principal ones being by the La Plata Mines Co. and the Ft. Lewis School. It appeared also that continuance of the station will be quite a convenience during a period of about thirty days in the fall when livestock is shipped out of the mountain territory tributary to Hesperus.

The evidence for the railroad company shows that for the first five months of this year it failed by \$13,096.07 to earn its direct operating costs; that when taxes, equipment and rentals are considered this deficit amounts to \$57,437.06. The year 1929 is no exception to other years. The railroad has ~~been~~ operating with a deficit for many years. The cost to the railroad in maintaining the station agency is about \$2500.00 per year.

The business done there is principally carload. Cars can be ordered and billed either through agents at other stations, or train conductors. For the year 1928 the average gross earnings at Hesperus were \$3138.25 per month. The average gross earnings for the first five months of this year were as follows:

Carload, forwarded	\$ 1913.00
Carload, received	340.00
L. C. L., forwarded	4.75
L. C. L., received	199.44
Passengers	73.82
Other	11.41

As it is well settled that no carrier can be compelled to continue operations at a net loss with the obvious possibility that the applicant herein may at any time seek authority to abandon all operations on the road, the Commission feels it is its duty to take such steps as are reasonable to prevent the loss of all railroad service.

The La Plata Mines is situated some nine miles north-west of Hesperus. The carload shipments are loaded at May Day Siding which is four or five miles from Hesperus. The manager of the mines testified that it is his impression that his company would have to eliminate Hesperus for receipt and shipment of express and L. C. L. freight. Mr. Snyder, dean of the Ft. Lewis School, testified that there were at the time of the hearing, some thirty people at the school; that in the winter the number reaches 170; that much telegraphing has to be done between the school and the parent school at Ft. Collins; that because of the interference of the power line it is frequently necessary to send the telegrams in person to Hesperus; that if the interference continues it might be necessary to send the telegrams to Durango. However, he testified that the school ships sweet cream to a creamery in Durango "every day", "it never waits longer than two days." With the cream could go the telegrams. Occasionally coal for the school is shipped from Durango when it cannot be procured from Hay Gulch.

Hesperus is located 17 miles from Durango, on the main highway leading from Durango to Cortez and 23 miles from Mancos situated on the same highway.

The railroad company offered to put a caretaker in charge of the station. While L. C. L. and express shipments would be at the owner's risk legally, the fact that the caretaker's duties would require him to meet the trains, receive the L. C. L. shipments, lock them up in the station and deliver them to the consignees, shows that reasonable safety would be afforded. The L. C. L. freight forwarded is not great. The same is true of express. Passenger business should not be affected in any manner. The station would be kept open and heated. It appears therefore that the applicant might reasonably expect to retain practically all of its business while effecting a substantial economy.

So far as the matter of receiving and sending telegrams is concerned it is doubtful whether, although this service is frequently rendered by railroads, it is one of the duties of such, which the Commission could, against the carrier's objection, require it to continue to perform.

After careful consideration of the evidence the Commission is of the opinion and so finds that the public convenience and necessity does not require continuance of the station agency at Hesperus, Colorado if and so long as The Rio Grande Southern Railroad Company keeps a caretaker in charge thereof who will perform the usual duties as such and causes to be rendered during the period of thirty days in the fall reasonably adequate service to the shippers of livestock. It maybe that during said period of thirty days the caretaker may, as to outgoing livestock shipments, be authorized to render the usual duties of an agent with respect thereto. If he is, the Commission would not require a special agent during that period.

Bock, Chairman, concurring:

The only reason why I concur in this order is because of the unfavorable financial condition of the applicant. There is some testimony in the record to the effect that if discontinuance of the station agency at

Hesperus is granted that the carrier may be able to accomplish some economies. Aside from the financial condition of the carrier in my opinion the evidence is not sufficient to warrant a finding that the public convenience and necessity does not require the agency service at this station.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted, subject to conditions hereinafter stated, to The Rio Grande Southern Railroad Company, to discontinue on November 15 of this year its station agency at Hesperus, Colorado.

IT IS FURTHER ORDERED, That from and after the discontinuance of said station agency the said railroad company shall keep a caretaker in charge of the station, whose duties shall be those which are usually performed by such an employee.

IT IS FURTHER ORDERED, That during a period of thirty days in the fall when cattle shipments are being made out of the district, the railroad company shall cause to be rendered with respect to such shipments, such duties as are usually performed by a regular station agent.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Brock

Law S. Jones

Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1929.

(Decision No. 2601)

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 FOR PER-)
MISSION TO INSTALL GRADE CROSSING)
SIGNALS AT VALLIE, FREMONT COUNTY,)
COLORADO.)

APPLICATION NO. 1472

October 29, 1929.

S T A T E M E N T

By the Commission:

On September 12, 1929, The Denver and Rio Grande Western Railroad Company filed with the Commission an application in compliance with General Order No. 13 for the installation of certain crossing signals at Vallie, Fremont County, Colorado, Mile Post 198.2 of said railroad.

The application alleges "that the construction and installation of said signals is desirable to the end and purpose that accidents at said crossing may be prevented and the safety of the public promoted."

It is proposed to install the audible and flashing visual indication highway crossing type of signal, substantially as adopted as standard by the American Railway Engineering Association at the last annual meeting held in Chicago. These signals will be located in the center of highway No. 6 where said highway crosses the main line railroad tracks of petitioner, said signals to be installed approximately fifteen (15) feet distant on each side from the center of the main line tracks of said The Denver and Rio Grande Western Railroad.

A copy of the application was sent to the Board of County Commissioners of Fremont County on September 26, 1929, for an expression of its attitude toward the application. No reply being received, the Commission on

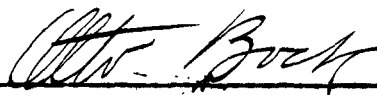


October 11, 1929, requested a reply within ten days if it had any objection to the application. This time having now expired without any answer it is understood there is no objection to the signal or the plan of installation.

Since, therefore, there appears to be a necessity for the installation of the proposed type of crossing signal at this place and that the type of signal and method of installation being the same as that which has heretofore been approved by the Commission, the Commission is of the opinion and so finds that the public safety requires the installation of the signals as herein proposed and will so order.

O R D E R

IT IS THEREFORE ORDERED, That the application of The Denver and Rio Grande Western Railroad Company, in compliance with General Order No. 13, for the approval of the installation of a certain type of highway grade crossing signal and plan of installation of said signals on Highway No. 6 at Vallie, Fremont County, Colorado, Mile Post 198.2 of said railroad where said highway crosses the tracks of the applicant, be and the same is hereby approved, provided, however, that the highway at the point where the signals are installed is of ample width for the safe passage of traffic on each side of the signal.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 29th day of October, 1929.

WCH
J.F.D. 11/1/29

(Decision No. 2602)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF FRANK E. HASSIG FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1090.

October 31, 1929.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from Quaintance and Quaintance, attorneys for the applicant in the above entitled matter, in which they request that the application be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled application be, and the same is hereby, dismissed without prejudice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Berg

David S. Jones

W. H. Allen

Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1929.

603
11/5/29

(Decision No. 2603)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF F. S. ROBBINS, SR., F.S.ROBBINS,)
JR., A.B.ROBBINS AND J.C. ROBBINS,)
A CO-PARTNERSHIP, DOING BUSINESS)
UNDER THE FIRM NAME AND STYLE OF THE)
ROBBINS TRANSFER, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 547

October 31, 1929.

S T A T E M E N T

By the Commission:

On January 15, 1929 the applicant filed a motion to re-open
and re-consider the above cause.

After a careful consideration, the Commission is of the
opinion that this motion should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the motion to re-open and
re-consider the above application be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Bock
James S. Jones
W. H. Kelle
Commissioner.

Dated at Denver, Colorado,
this 31st day of October, 1929.

✓

EAS
WCH
GFA 11/9/29

277

(Decision No. 2604)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

IN THE MATTER OF THE APPLICATION)
OF CHAS. MAXDAY, SR., INC., A)
CORPORATION, and PICKWICK-GREYHOUND)
LINES, INC., a CORPORATION, FOR AU-)
THORITY TO TRANSFER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 319-A

November 4, 1929.

Appearances: Malcolm Erickson, Trinidad, Colorado,
for Chas. Maxday, Sr., Inc.,
Jack Garrett Scott, Esq., Denver, Colorado,
for Pickwick-Greyhound Lines, Inc.,
Thomas R. Woodrow, Esq., Denver, Colorado,
for The Denver and Rio Grande Western
Railroad Company, and Denver-Colorado Springs-
Pueblo Motor Way, Inc.,
J. Q. Dier, Esq., Denver, Colorado,
for The Colorado and Southern Railway Company
and Denver-Colorado Springs-Pueblo Motor Way,
Inc.

STATEMENT.

By the Commission:

Chas. Maxday, Sr., Inc., and Pickwick-Greyhound Lines, Inc.,
both corporations, filed their application for authority to the former to
transfer to the latter its certificate of public convenience and necessity
No. 20 heretofore issued by this Commission.

The financial and operating responsibility of the proposed
transferee was satisfactorily shown.

The consideration to be paid by the transferee for the cer-
tificate, including the good will but not including any physical assets, is
\$15,000. Five schedules each way daily will be maintained over the route
which lies between Trinidad and Walsenburg. At the present time the owner

of the certificate maintains three schedules and the applicant is passing over the route three times each way on interstate operations. The result of the transfer will mean, aside from any additional business obtained by the operation, as proposed, five round trip schedules instead of three, and the elimination of one of a total of six operations now conducted by the two.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity requires that authority be granted to Chas. Maxday, Sr., Inc., to transfer its certificate of public convenience and necessity No. 20 heretofore issued to it to Pickwick-Greyhound Lines, Inc.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Chas. Maxday, Sr., Inc. to transfer its certificate of public convenience and necessity No. 20 heretofore issued to it to Pickwick-Greyhound Lines, Inc.

IT IS FURTHER ORDERED, That the tariff of rates, time schedule and rules and regulations heretofore filed by Chas. Maxday, Sr., Inc., the transferor herein, be and the same are hereby made those of Pickwick-Greyhound Lines, Inc., transferee herein.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

Wm. B. Borch

John S. Jones

Wm. A. Allen

Commissioners.

Dated at Denver, Colorado,
this 4th day of November,
1929.

603
J.E.A. 11/9/29

438

(Decision No. 2605)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

IN THE MATTER OF THE APPLICATION
OF THOMAS W. WEST FOR A CERTIFI-
CATE OF PUBLIC CONVENIENCE AND
NECESSITY.

APPLICATION No. 1433

November 4, 1929.

Appearances: James D. Lewis, Esq., Boulder, Colorado,
for applicant.
V. G. Garnet, Esq., Denver, Colorado,
for Austin & Austin and The Colorado
Rapid Transit Company,
J. Q. Dier, Esq., Denver, Colorado, for
The Colorado and Southern Railway Company.

STATEMENT.

By the Commission:

This is an application for a certificate of public convenience and necessity to authorize a motor vehicle system. The application itself is not quite clear and somewhat indefinite. The testimony, however, shows that the applicant desires to operate as a motor vehicle carrier in the transportation of livestock to Denver only from Niwot and a radius of eight miles thereof, and to haul the products of agriculture, including livestock, from point to point within a radius of eight miles of Niwot.

The testimony shows that the applicant is mainly conducting a coal business at Niwot. The transportation of this commodity, which belongs to the applicant, is not within the jurisdiction of this Commission.

The applicant has one truck valued at approximately \$900.00.

There is nothing unusual about this application that would re-

quire a further detailed statement of the testimony.

After a careful consideration of the evidence the Commission is of the opinion, and so finds, that the public convenience and necessity requires the motor vehicle system of the applicant for the transportation of livestock between Niwot and within a radius of eight miles thereof to Denver, Colorado, and the transportation of agricultural products, including livestock, from point to point within a radius of eight miles of Niwot, Colorado.

O R D E R

IT IS, THEREFORE, ORDERED, that the public convenience and necessity requires the motor vehicle transportation system of the applicant for the (transportation of livestock only between Niwot and a radius of eight miles thereof and Denver, Colorado, and the transportation of agricultural products, including livestock, from point to point within a radius of eight miles of Niwot,) Colorado, and this order shall be held and deemed to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

Dated at Denver, Colorado,
this 4th day of November, 1929.

Elmer Borch
James L. Jones
Walter Lee
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

IN THE MATTER OF THE APPLICATION OF)
J. F. HOPKINS FOR A CERTIFICATE OF) APPLICATION NO. 1434.
PUBLIC CONVENIENCE AND NECESSITY.)

November 4, 1929.

Appearances: James D. Lewis, Esq., Boulder, Colorado,
for applicant.
V. G. Garnet, Esq., Denver, Colorado,
for Austin & Austin.

STATEMENT.

By the Commission:

This is an application for a certificate of public convenience and necessity to transport cream and milk from Niwot and vicinity to Denver. The testimony shows that the applicant hauls milk and cream for thirty-two producers at the point of production to Denver to two creameries, The Equity Union Creamery and The Garden Farm Creamery. Twenty-five of the producers ship their cream and milk to The Equity Union Creamery, of which they are members, and in which they share the profit, if any. Seven of the producers ship their cream and milk to The Garden Farm Creamery. The applicant is paid for this transportation by the two creameries. The producers of the milk and cream receive for their commodity payment direct from the creameries. The applicant receives his compensation for the transportation of this cream every fifteen days from one creamery and every seven days from the other.

In our opinion the evidence of the applicant, who alone testified, shows a private carrier operation and not a common carrier operation. He does not hold himself out to the public to haul indiscriminately for any producers of milk and cream, or for any creameries. He confines his operations solely to these two creameries.

The application does not allege facts, nor did the applicant produce

any testimony upon which to base a finding of public convenience and necessity as a common carrier. Under the circumstances the Commission will enter an order denying the application.

O R D E R

IT IS, THEREFORE, ORDERED, that the application herein be and the same is hereby dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

Otto Bock
Spencer S. Jones
W. H. Hall

Dated at Denver, Colorado,
this 4th day of November,
1929.

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE: MOTOR VEHICLE OPERATIONS)
OF ARTHUR BAWDEN, DOING BUSINESS)
AS THE ARTHUR TAXI SERVICE.)

CASE NO. 495.

November 4, 1929.

Appearances: Arthur Bawden, Denver, Colorado,
 per se;
 Colin A. Smith, Esq., Denver, Colorado,
 for the Commission.

S T A T E M E N T

By the Commission:

This is an investigation instituted by the Commission on its own motion to ascertain whether or not the respondent has violated the terms of his certificate by transporting passengers to certain unauthorized territory. The testimony shows that on or about June 29, 1929, a certain party of four desired motor transportation to Wagon Wheel Gap, Colorado; the respondent transported this party to this territory. He testified that when he undertook to transport this party to Wagon Wheel Gap, it was his understanding that this was permissible; that approximately a year and a half ago he had a similar demand for transportation and made inquiry by phone to this Commission, and was told that if he made mileage tax return covering this trip that it was thought there would be no objection.


It is perfectly clear from the record that the respondent has transported passengers in unauthorized territory. The Commission is inclined to take this excuse of the respondent as applied to the facts in this case, mainly because there has been some misunderstanding generally in regard to such service as the respondent performed herein. He now promises, however, and the Commission will expect him to live up to this promise, that hereafter he


will not undertake such service. An order will be entered dismissing the complaint.


O R D E R

IT IS THEREFORE ORDERED, That the above complaint be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1929.

J. D. P. 11/9/29

(Decision No. 2608)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

IN THE MATTER OF THE APPLICATION OF
J. D. PERRY FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION No. 1335.

November 4, 1929.

Appearances:

Geo. D. Patrick, Esq., Colorado Springs,
Colorado, attorney for applicant.
J. A. Carruthers, Esq., Colorado Springs,
Colorado, attorney for The Midland Ter-
minal Railway.
Jack Garrett Scott, Esq., Denver, Colorado,
attorney for White Motor Express.
J. Q. Dier, Esq., Denver, Colorado,
attorney for The Colorado and Southern
Railway Company.
Thos. R. Woodrow, and T. A. White, Esqs.,
Denver, Colorado, attorneys for The
Denver and Rio Grande Western Railroad
Company.

S T A T E M E N T

By the Commission:

This is an application by J. D. Perry for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of freight between Denver, Colorado, and Cripple Creek, Colorado, and intermediate points, including Colorado Springs and Victor. The applicant testified that at the present time he is serving some thirteen customers, using two trucks therefor. He further testified that he had served whoever came along. In addition to his transportation service, he has engaged to some extent in the buying and selling of fruit.

The applicant produced as a witness a man residing in Colorado Springs, and acting there as local agent for the Denver Post, a newspaper published in Denver. That witness testified that it was necessary to use the service of the applicant for the reason that he delivers the daily papers early in

the afternoon so as to permit sale thereof on the streets in Colorado Springs. There were three other witnesses who testified that they had not used within the last year or two to any appreciable extent the motor vehicle service of the White Motor Express Company, one of the protestants herein. They obviously were not in a position to, and did not, give the Commission any substantial information as to the kind of service now being rendered by the latter company.

The president of the protestant, the White Motor Express Company, testified that the company owns and has available an adequate number of trucks for service of its customers in Colorado Springs; that at the present time one truck leaves Denver for Colorado Springs at 4:30 P. M. and the others between 6:00 and 8:00 P. M.; that during the night all freight reading Colorado Springs is placed on local delivery trucks which proceed to deliver as soon as the doors of the business houses are open; that such freight would be delivered as early as 6:00 o'clock in the morning if the consignees so desired; that his Company would gladly have a truck leave Denver around noon in order to insure delivery of freight before closing of business houses in Colorado Springs if such service should be desired.

There was no evidence whatever showing any public convenience and necessity for the transportation of freight by motor vehicle to and from Cripple Creek and Victor.

The only need whatever for the applicant's service, as shown by the evidence, is to deliver newspapers published by the Denver Post Company. It is obvious that the applicant may, under the law, transport said newspapers without being a common carrier. We cannot conclude that the public convenience and necessity requires the applicant to operate as a common carrier merely because it is desirable that he transport one edition of a newspaper.

After careful consideration of the evidence, the Commission is of the opinion, and so finds, that the public convenience and necessity does not require the proposed motor vehicle operations of the applicant, in whole or in part, as a common carrier.

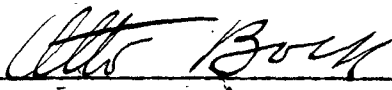

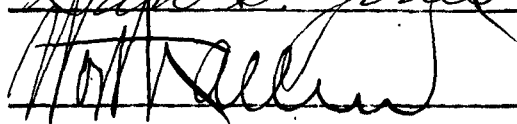
O R D E R

IT IS THEREFORE ORDERED, That the application herein be, and the same is hereby denied.

IT IS FURTHER ORDERED, That the applicant immediately cease and

desist from operating as a motor vehicle carrier.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

Commissioners.

Dated at Denver, Colorado,
this 4th day of November,
1929.

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267

(Decision No. 2609)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WALTER ADAMS FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1265

IN THE MATTER OF THE APPLICATION)
OF M. E. Spratlin and JOE C. ROSE,)
CO-PARTNERS, DOING BUSINESS AS)
FARMERS AND MERCHANTS TRUCK COMPANY)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 1412.

Merf in 1412

November 4, 1929.

Appearances: D. F. How, Esq., Denver, Colorado, and
F. C. Northcutt, Esq., Denver, Colorado,
attorneys for applicant, Walter Adams;
A. L. Vogl, Esq., Denver, Colorado,
attorney for C. A. Foster;
W. S. McIntie, Esq., Littleton, Colorado,
attorney for M.E. Spratlin and Joe C. Rose.

S T A T E M E N T

By the Commission:

On March 26 the Commission issued a certificate of public convenience and necessity to Walter Adams authorizing the transportation of milk and cream in the territory described therein. Thereafter C. A. Foster, who was then and had been for sometime engaged under a certificate of public convenience and necessity in the transportation of milk and cream from the district contiguous or adjacent to the town of Morrison, filed a petition for rehearing alleging that he made an agreement with the said Adams prior to the hearing of Adams' application whereby the said Adams agreed not to ask for authority to transport any milk and cream from the territory west of what is locally known in the district as the "North and South highway" running through Lee Siding and being situated about $4\frac{1}{2}$ miles east of Morrison, and he (Foster) agreed that in consideration thereof he would not oppose the application of Adams for the

certificate to be limited as stated. The Commission thereupon reopened the application.

Thereafter M. E. Spratlin and Joe C. Rose filed their application for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of milk and cream in the territory described in the application.

The latter application was set down for hearing. Shortly after the hearing began it appeared that in 1927 the Commission issued a certificate of public convenience and necessity to Alice James Lilley authorizing the transportation by her, inter alia, of milk and cream "from the vicinity of Littleton to Denver"; that thereafter that portion of the certificate of Mrs. Lilley referred to had been duly assigned and transferred, under authority of this Commission, to said Rose and Spratlin and that neither Mrs. Lilley nor Rose and Spratlin had ever been given any notice of the application of Walter Adams or the said hearing held thereon. The Commission therefore further reopened the Adams case in order that the said Rose and Spratlin should have an opportunity to present their evidence therein, as they had never waived any rights so far as the Adams application is concerned. The territory that Adams had personally been authorized to serve extended within two miles of Littleton and half a mile south thereof into the very heart of the territory served by Mrs. Lilley and Rose and Spratlin.

The description of the territory originally assigned to Foster is unfortunate in not being more exact and definite. At the consolidated hearing held on the 25th of October one witness, Foster, testified that such an agreement as we referred to was made by and between him and Adams prior to Adams' first hearing, while Adams and his father testified to several conversations between Foster and Adams in all of which they stated that Adams refused to make such an agreement.

After careful consideration of the evidence, we are of the opinion that the western boundary of the certificate heretofore issued to Adams should not be changed. Of course, the territory of Foster is not in any manner

curtailed or restricted herein.

The evidence at the last hearing showed that Adams has no customers whatever east of the said North and South highway and south of the Pioneer Union ditch, except four who are residing on farms abutting on said highway. He has a number of customers east of said highway in a territory north of said Pioneer Union Ditch. There was some evidence that Mrs. Lilley had in previous years transported milk and cream from the territory west of said North and South highway and some one or more customers east and possibly north of Lee Siding. The evidence further showed that in recent years most of the milk and cream hauled from the territory south of the Pioneer Union Ditch and east of Lee Siding had been transported by one John J. Rothweiler who was operating without a certificate of public convenience and necessity, and who had sometime prior to the filing of the application of Spratlin and Rose sold out to the latter for a substantial consideration; that all of the milk and cream being hauled by any carriers from that territory at the present time is being hauled by Spratlin and Rose.

The point was made by the attorneys for Adams that as a large part of the business done in the territory in question at the present time by Spratlin and Rose originated with an unlawful carrier their claim to the territory is entitled to little consideration. The said Adams is in pretty much the same position. He has for a number of years carried on a common carrier operation without a certificate of public convenience and necessity and has urged with much earnestness the fact that he, for a number of years, has been developing his business in a certain territory.

We are inclined to believe that Mrs. Lilley regarded the territory in question east of Lee Siding and south of the Pioneer Union Ditch as being in the vicinity of Littleton and covered by her certificate. While she lost the business, or a great part of it, to Rothweiler, there is nothing to show that the construction she put upon her certificate was waived and the territory abandoned merely because Rothweiler was taking the business away from her.

Moreover, so far as we know the customers in the territory in

question are being adequately served by Spratlin and Rose just as we assume that Adams' customers are being satisfactorily served by him. We see no reason why we should bar Spratlin and Rose out of the territory which they are serving in order to allow another man who has no customers therein at the present time to come in and take the business away from them.

After careful consideration of the evidence, the Commission is of the opinion and so finds that the public convenience and necessity does not require, but prohibits, Adams serving any customers in the territory south of the Pioneer Union Ditch and south of the north boundary of Sections 31, 32 and 33, situated west of the town of Littleton, Colorado, and east of the said North and South highway except such customers as reside on farms abutting on said highway and with entry therefrom.

We further find that the public convenience and necessity requires the motor vehicle system of the applicants M. E. Spratlin and Joe C. Rose, co-partners, doing business as Farmers and Merchants Truck Company, for the transportation of milk and cream from the territory situated west of Littleton extending on the west to said North and South highway, but not including the farms abutting upon said North and South highway and with entry therefrom, and on the north to the Pioneer Union Ditch and to the northern boundary of Sections 31, 32 and 33 situated west of Englewood, Colorado.

O R D E R

IT IS ~~THEREFORE~~ ORDERED, That the public convenience and necessity does not require but prohibits Walter Adams serving any customers in the territory south of the Pioneer Union Ditch and south of the northern boundary of Sections 31, 32 and 33, situated west of the town of Littleton, Colorado, and east of the said North and South highway except such customers as reside on farms abutting on said highway and with entry therefrom.

IT IS FURTHER ORDERED, except as herein otherwise ordered the order of the Commission dated March 26, 1929, granting a certificate of public convenience and necessity to said Adams remain and continue in full force and effect.

IT IS FURTHER ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicants M. E. Spratlin and Joe C. Rose, co-partners, doing business as Farmers and Merchants Truck Company, for the transportation of milk and cream from the territory situated west of Littleton extending on the west to said North and South highway but not including the farms abutting upon said North and South highway and with entry therefrom, and on the north to the Pioneer Union Ditch and to the northern boundary of Sections 31, 32 and 33, situated west of Englewood, Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicants, M. E. Spratlin and Joe C. Rose, shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicants, M. E. Spratlin and Joe C. Rose, shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicants with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. B. Bock
Stephen L. Jones
Wm. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1929.

ORIGINAL

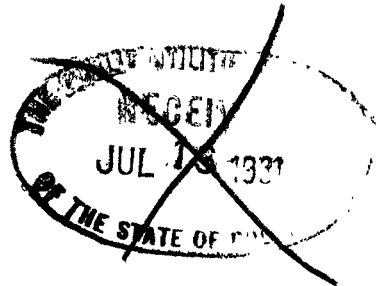
(Decision No. 2610)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE EXTENSION OF)
SERVICE OF ELECTRIC UTILITIES.)

CASE NO. 501.



November 4, 1929.

S T A T E M E N T

By the Commission:

Effective January 1, 1917, this Commission promulgated rules regulating the service of gas, electric and water utilities. In Rule 14, paragraphs (c) and (d), this Commission attempted to regulate the extension of service by utilities. These rules are as follows:

"(c) Any utility may require through its Rules and Regulations that prospective consumers advance the full cost of service connections, the amount so advanced to bear no interest, and to be applied on the consumer's bills until such time as the amount of service furnished under the prescribed schedule of rates shall equal the amount so deposited. Such deposits shall not cover the cost of meters, since these may be recovered by the utility upon the discontinuance of service by the consumer. Any utility may likewise require such deposits from consumers whose service connections are replaced for any cause. It is further provided that no consumer's deposit or advance payment for service shall be required from consumers making deposits for service connections until such time as the amount so deposited for service connections shall have been exhausted.

"(d) No utility shall require from any consumer or prospective consumer a deposit intended to pay for all or any part of the cost of extension of mains or the installation of service connections, except under Rules and Regulations set down in the public schedules of the utility on file with this Commission.

"Note: The term 'service connection' refers to that portion of the distribution system which is installed for the use of individual consumers or small groups of consumers and does not refer to mains installed on the streets or public highways. The Commission has not attempted to lay down rules governing the extension of mains, but desires that each utility file its practice regarding such extensions."

These rules as they relate to electric utilities, in our opinion, do not fully cover the present practices of such utilities generally as required by the conditions that have been brought about by the growth of

the use and consumption of electric energy. The Commission is advised also that it has been the custom of some utilities to collect in advance the whole or part of the costs of the extensions of their lines (called main lines in the above rule) without having an extension policy on file and in effect in their rules and regulations, which is in violation of paragraph (d) of said rules; that the practices as to requirements made when such advance cost from prospective consumers is collected, differs widely among those utilities whose extension policies are legally in effect; that the necessity for a fair and workable extension policy has greatly increased in the last few years as a result of the demands of prospective consumers located in thinly settled areas which can hardly be provided in full by utilities wholly at their own expense without increasing their investment to an extent which would unduly increase their rates generally for electric service.

The Commission has not found it possible, up to the present time, to formulate a complete extension policy which would be suitable for all electric utilities, because of the varied conditions, but is of the opinion that the time has arrived when a more specific requirement of the methods to be used should be made, in lieu of the general statements made in said Rule 14, paragraphs (c) and (d). It has therefore drawn a form order which it proposes to submit at a hearing to be held mainly for the purpose of developing the issues upon which it may thereafter promulgate reasonable and just rules and regulations as to the extension of service by electric utilities and rescind the present Rule 14, paragraphs (c) and (d) as applied to such utilities. The said tentative proposed order reads as follows:

"IT IS THEREFORE ORDERED, That henceforth no electric public utility when operating under the jurisdiction of this Commission, shall require any consumer or prospective consumer, to advance all, or any part, of the cost of an extension of the Company's transmission or distribution lines except strictly in accordance with its Extension Policy, provided in its Rules and Regulations which are a part of its rate schedule legally in effect and on file with this Commission; and that this 'extension policy' shall be interpreted to cover all extensions of lines other than 'service connections' which shall be held to refer only to that part of the distribution system which is installed for the sole use and benefit of each individual consumer in order to connect him with the portion which is available to carry electric service to other consumers or possible consumers.

"IT IS FURTHER ORDERED, That each such extension policy shall specifically set forth in detail the utility's practice in agreement with the following provisions which shall control in the determination of the total amount to be advanced by a prospective consumer or consumers.

"(a) Said amount shall be determined with reference to and shall in no case exceed the actual necessary cost of the particular extension, and shall not include or be determined with reference to provision for additional capacity, size or strength in excess of that actually necessary to meet the requirements of the consumer or consumers to be then served. If it is necessary to use an estimated cost for the purpose of collecting a proper amount in advance, this amount shall be adjusted after the extension is constructed on the basis of the actual necessary cost, if said actual cost happens to be less than the estimated cost.

"(b) Nothing in paragraph (a) shall be interpreted as a prohibition against the construction, in accordance with the provisions of the extension policy on file with the Commission, of (1) an extension wholly at the utility's own expense, or (2) an extension having more than sufficient capacity, size or strength to meet the requirements of the consumer or consumers to be then served, provided all the cost of the additional capacity, size or strength is borne by the utility.

"(c) The amount to be paid by a consumer or consumers shall not include the cost of transformers, lightning arresters and other recoverable electric or protective equipment except as to labor and hauling cost of installation.

"(d) Extension policies shall provide except in exceptional cases in which the approval of the Commission is obtained, a reasonable allowance to be deducted from the total necessary cost of the extension in fixing the amount to be advanced by the prospective consumer or consumers which allowance shall be equal to the sum the utility should reasonably spend to acquire such new business on its system.

"(e) Each extension policy shall contain a provision that the equipment constituting the extension shall become the property of the utility and be maintained, controlled and operated by it as soon as construction is completed the same as if the entire cost had been at the expense of the utility. Privately owned lines taking energy from a public utility shall henceforth be completely owned, operated and maintained by the private owners who will take service at the points where their privately-owned lines connect with the utility's line or system, which point shall be the point at which this service is metered. When it is not feasible to meter a consumer served over a privately-owned extension at the above defined point because of the cost of primary metering, then the secondary metering records shall be adjusted to take reasonable account of the line and other losses between the meter and said point.

"(f) Each extension policy shall contain a provision for a specific refund period subject to approval by this Commission during which refunds shall be made. At the expiration of the refund period the utility shall be under no further obligation to a consumer or consumers even though there may be a consumer or consumers who have advanced amounts not fully paid back within the refund period, but a utility is not prohibited from acquiring complete ownership and title to an extension at any time before the end of the refund period by paying to such consumers the full amount first collected from them less subsequent refunds.

"(g) Provision in each extension policy shall be made for refunding to each consumer as much of the amount advanced by him as is just and reasonable in view of the revenues received from him upon some definite logical basis acceptable to the Commission and also for a refund of a reasonable amount for each additional new consumer who is enabled to take service by means of said extension during said period.

"(h) No utility during said refund period shall serve new consumers over an extension built in part at the expense of other consumers unless it shall have acquired the extension by purchase according to paragraph (f), or has provided in its extension policy a reasonable requirement that such new consumers share in the expense incurred by the original consumers to the same extent as if they had been one of such original consumers.

"IT IS FURTHER ORDERED, That each utility having an extension policy in accordance with the above provisions shall keep the amounts collected from consumers on account of such extensions in its accounts strictly in accord with Account 255 'Contribution for Extensions' of the Uniform Classification of Accounts for Electric Utilities.

"IT IS FURTHER ORDERED, That each utility having an extension policy in accordance with the above provisions shall file with the Commission within thirty days after the filing of its extension policy its Standards of Construction for Extensions which shall be set up in such form and detail as will make it possible for the Commission to check the costs of individual extensions whenever necessary, and thereafter shall issue revisions thereof whenever necessary in the same general manner as rate schedules are issued, and

"IT IS FURTHER ORDERED, That the foregoing shall constitute a rescission for electrical utilities only of Rule 14, paragraphs (c) and (d) of the Commission's rules regulating the service of gas, electric and water utilities and cancel Rule 14, paragraphs (c) and (d) insofar as it applies to electric utilities."

O R D E R

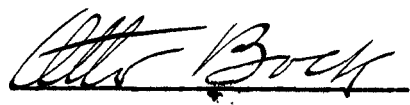
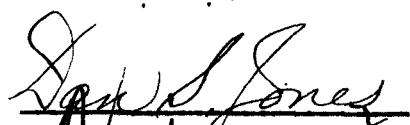

IT IS THEREFORE ORDERED, That the Commission, in the exercise of the power conferred upon it by law, and acting in accordance with Section 31 of the Public Utilities Act, Chapter 127 Laws of 1913 (Section 2942, C.L. of Colorado 1921) will, upon its own motion, enter into an investigation and hearing of the practices of extension of service of electric utilities and to ascertain and fix just and reasonable classifications, regulations and practices of electric utilities in the extension of their service to the consumers and that this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

IT IS FURTHER ORDERED, That all electric utilities within the jurisdiction of this Commission be, and they are hereby, made respondents to

this proceeding; that a copy of this order be served upon each of said respondents; that a copy of this order be served upon each municipality in which such electric utility is now serving the consumers; and that notice to the public be given through the press and by filing a copy hereof in the office of the Secretary of this Commission.

IT IS FURTHER ORDERED, That all electric utilities within the jurisdiction of this Commission are hereby required to file with this Commission within thirty days from the receipt of this order a full statement of their present extension policy and any rules and regulations applying thereto, and whether such extension policy is contained in their tariffs and rules and regulations at present on file with this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1929.

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(Decision No. 2611)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE REGULATIONS)
AND PRACTICES OF SIGHTSEEING MOTOR)
VEHICLE OPERATORS.)

CASE NO. 500.

November 5, 1929.

S T A T E M E N T.

By the Commission:

The Commission's attention has recently been called to the practices of some sightseeing operators in the solicitation of business. It is claimed that certain motor vehicle sightseeing operators have been holding out to agents as well as to passengers inducements to obtain business that are unjust and unreasonable and result in undue and unlawful discrimination. One of the methods by which such discrimination and favoritism may be exercised is by the payment of commissions that may be unduly excessive when the nature and quantity of service is considered. The Commission in its rules and regulations governing motor vehicle carriers (Revised General Order No. 39 as amended), Rule 9, made certain requirements as to commissions paid. The rule in question reads as follows:

"No motor vehicle carrier shall pay any commission, fee or compensation in the nature of a commission, to any individual, firm, association, or corporation, their lessees, trustees, or receivers, for the sale of any ticket or fare, or for the soliciting, receiving, billing, handling or delivery of property, or for any service in connection with the transportation of property, unless the motor vehicle carrier shall have filed with the Commission, at least five days before the first service is rendered or act is done, for which such commission, fee or compensation is to be paid, a signed statement giving the name of the payee, his, their, or its address, the amount of such commission, fee or compensation to be paid, and the period during which the payment or payments shall be made."

The Commission has not heretofore attempted to fix what would be a reasonable maximum commission to be paid by sightseeing motor vehicle carriers.

It has been claimed that owing to the excessive commissions that are being paid, the rate structure is unnecessarily high and that if the payment of commissions could be definitely regulated and limited to a reasonable maximum the present rate structure could perhaps be reduced.

The Commission has therefore reached the conclusion that it should obtain full information regarding the regulations and practices of sightseeing motor vehicle carriers in the solicitation and procuring of business including commissions as well as any other special privileges or inducements that may be extended to agents as well as to passengers.

O R D E R


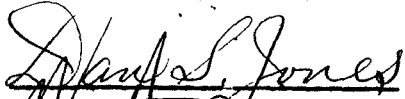

IT IS THEREFORE ORDERED, That the Commission, under authority of Section 31 of the Public Utilities Act, Chapter 127, Laws of 1913, upon its own motion, enter into an investigation and hearing of the practices of sightseeing motor vehicle carriers in the solicitation and procuring of business to ascertain and fix just and reasonable regulations and practices of all sightseeing motor vehicle carriers in obtaining business.

IT IS FURTHER ORDERED, That all sightseeing motor vehicle carriers be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of said respondents; and that notice to the public be given by the press and by filing of a copy hereof in the office of the secretary of this Commission.

IT IS FURTHER ORDERED, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 5th day of November, 1929.




Commissioners.

(Decision No. 2612)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

* * *

RE SERVICES, PRACTICES AND)
OPERATIONS OF IRVING H. HANES)
AND GILBERT C. HANES, CO-PARTNERS,)
DOING BUSINESS AS THE MUTUAL AUTO)
TRAVEL SERVICE.)

CASE NO. 503.

November 5, 1929.

S T A T E M E N T.

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to make it appear that the respondents are engaging in the business of arranging transportation of passengers for hire to be carried by uncertified carriers; and

WHEREAS, the Commission is of the opinion that a hearing and investigation should be held for the purpose of determining whether or not the services, practices and operations of the respondent are contrary to Chapter 134, Session Laws of Colorado 1927, and for determining whether or not the respondents by such services, practices and operations are procuring, aiding or abetting in the violation of any provision of said Act.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be held for the purpose of determining whether or not said respondents are engaged in services, practices or operations which are contrary to law and whether or not they are procuring, aiding or abetting in the violation of any provision of the Public Utilities Act.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written answer filed with this Commission within ten days from the date hereof why the Commission should not enter an order commanding them

to cease and desist from continuing in such services, practices and operations.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 305 State Office Building, Denver, Colorado, on the 15th day of November, 1929, at 10:00 A. M. oclock, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Otto Brock

Samuel L. Jones

Arthur H. Allen
Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1929.

✓

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J.L.A. 11/9/29

(Decision No. 2613)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS)
OF P. D. SCHWAB.)

CASE NO. 504.

November 5, 1929.

S T A T E M E N T.

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado 1927; and,

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, within ten days from the date hereof, by written answer filed with this Commission, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall have obtained a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby,

set down for hearing before the Commission in its Hearing Room, 305 State Office Building, Denver, Colorado, on the 15th day of November, 1929, at 10:00 A. M. o'clock, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Briggs
Stephen L. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1929.

✓

*Exh
to
P.S. 11/9/29*

(Decision No. 2614)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LINCOLN SMITH.)

CASE NO. 505

November 5, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not the respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado 1927; and

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, within ten days from the date hereof, by written answer filed with this Commission, why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless

and until he shall have obtained a certificate of public convenience and necessity to so operate.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 305 State Office Building, Denver, Colorado, on the 15th day of November, 1929, at 10 A.M. o'clock, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. B. Brink

Lyman L. Jones

W. H. Miller

Commissioners.

Dated at Denver, Colorado, this
5th day of November, 1929.

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(Decision No. 2615)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

IN THE MATTER OF THE APPLICATION)
OF F. S. ROBBINS, JR., FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 1377.

November 6, 1929.

Appearances: F. S. Robbins, Jr., Sterling, Colorado,
pro se
J. Q. Dier, Esq., for the Chicago, Burlington
and Quincy Railroad Company.

S T A T E M E N T.

By the Commission:

This is an application by F. S. Robbins, Jr. for a certificate of public convenience and necessity authorizing the operation of a motor vehicle system for the transportation of freight between Sterling, Colorado, and the Colorado-Nebraska state line via Holyoke, serving all intermediate points. The evidence showed that the applicant, together with his father and brother, had heretofore filed two applications for authority to run over this route; that the same had been heard and denied; that thereafter the applicant, knowing he was operating in violation of the law, continued to and is now serving as a common carrier over the said route; that while his operations have extended back to a time ante-dating the effective date of the statute, Chapter 134 Session Laws of Colorado, 1927, he has never made any report showing the freight hauled and has paid no road tax whatever.

Moreover, the applicant was the only witness in support of the


application. His showing was very feeble.

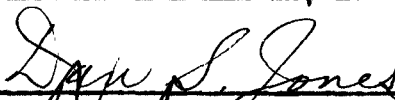
After careful consideration of the evidence the Commission is of the opinion and so finds that the public convenience and necessity does not require the proposed motor vehicle operation of the applicant herein.

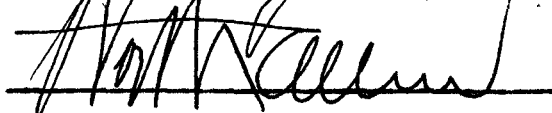
O R D E R

IT IS THEREFORE ORDERED, That the application of F. S. Robbins, Jr. be, and the same is hereby denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.







Commissioners.

Dated at Denver, Colorado,
this 6th day of
November, 1929.

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(Decision No. 2616)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE DENVER COLORADO SPRINGS)
PUEBLO MOTOR WAY, INC., FOR CAN-)
CELLATION OF CERTIFICATE OF PUBLIC) CASE NO. 469.
CONVENIENCE AND NECESSITY.)

November 6, 1929.

Appearances: Thos. R. Woodrow, Esq., Denver, Colorado,
attorney for applicant;
Elson S. Whitney, Esq., Denver, Colorado,
for respondent;
Colin A. Smith, Esq., amicus curiae.

S T A T E M E N T

By the Commission:

This is an application to cancel and revoke certificate of public convenience and necessity of Michael P. Masterson, doing business as The Masterson Auto Service Company, for improper conduct in this that the authorized operator sold transportation at rates lower than specified in his tariffs on file with this Commission. The evidence briefly is that arrangements had been made for transportation of a party of ten by the applicant on a motor sightseeing trip from Denver to Pikes Peak and return. The tariff rate is \$10.00 per person. Somewhat prior to the time of departure the applicant was advised that this party of ten could not make this journey because it was required to leave Denver for another destination that morning. The manager for the applicant company thereupon made investigation and found that that was not true. The investigation showed one Wm. Gould, Agent at the Loma Hotel for the respondent, sold the same party of ten transportation to Pikes Peak and refunded \$20.00, thereby making the rate \$8.00 per person instead of the legal tariff rate of \$10.00 per person. Agent Gould testified that he returned \$20.00 of the \$100 to persons representing the party, but

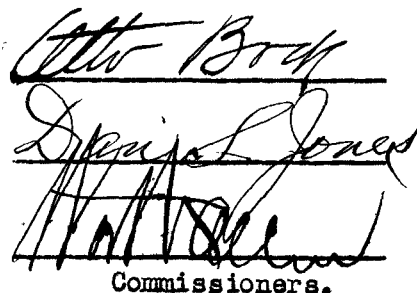
did not advise his principal, the respondent herein, of this transaction; that he was entitled to 20% as his commission for the sale of these tickets, but waived this commission because of some hotel business that was brought to him by this party; that the respondent was not advised of this transaction and that it was done without his knowledge or consent. Respondent also testified that he did not have any knowledge of this transaction; that he received \$80.00, which was his share of the transportation charge and did not learn of this transaction until some time after it was being investigated. There is nothing in the record from which the Commission can find that the respondent had knowledge of this transaction. The Commission is not satisfied, however, with the conduct of the respondent after ascertaining these facts. He should have immediately discharged this agent. The retention of the agent tends to show his conduct was agreeable to the principal. Any improper and unlawful conduct by an agent after the principal has knowledge of such former conduct will be imputed to the principal. Moreover, the respondent should exercise considerably more care in selecting his agents and instructing them properly as to any refunds or rebates which are unlawful. The Commission will expect the respondent in the future to instruct emphatically all of his agents against such unlawful practices as are herein involved and not to have the said Gould act as agent again for him.

Upon the record as made the Commission will not cancel the certificate of the respondent, but will reserve the right in any further complaint of a similar nature to make the record herein a part of such proceedings.

O R D E R

IT IS THEREFORE ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 6th day of November, 1929.

CAS
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S.A. 11/9/29

(Decision No. 2617)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF JOHN G. BOULTER FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1424

November 6, 1929.

S T A T E M E N T

By the Commission:

This application was heard on August 23. It then appeared that N. J. Fitzmorris, who at that time had a certificate authorizing operation over the route in question, was not notified either of the filing of the application or of the hearing. Since the hearing the attorney for the applicant has asked that he be given an opportunity to make further proof. For both of which reasons the Commission finds that the matter should be reopened for further hearing.

O R D E R

IT IS THEREFORE ORDERED, That this application be set for further hearing on the 26th day of November, 1929, at 10 o'clock A.M. in the Court House in Greeley, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Borch
Dwight S. Jones
W. H. [Signature]
Commissioners.

Dated at Denver, Colorado,
this 6th day of November, 1929.

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(Decision No. 2618)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Re Motor Vehicle Operations)
of Harold E. Dodge.)

CASE NO. 507

November 6, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, the Commission is of the opinion that the public interest requires that an investigation and hearing be held for the purpose of determining whether or not the certificate of public convenience and necessity, Colo. P.U.C. 399, heretofore issued to respondent should be revoked and cancelled for the following reasons, to-wit:

- (1) Failure of respondent to file with the Public Utilities Commission his road tonnage reports for the months of August and September, 1928, and May and June, 1929, as required by Chapter 134, Session Laws of Colorado 1927;
- (2) Failure of respondent to pay highway compensation tax for the months of August and September, 1928, and May and June, 1929, as required by Chapter 134, Session Laws of Colorado 1927;
- (3) Failure of respondent to file tariffs and schedules as required by the order of the Commission dated September 10, 1929, in Application No. 1218, and within twenty days thereof.


O R D E R

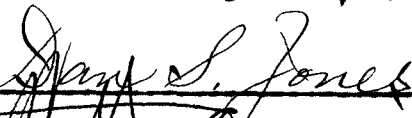
IT IS THEREFORE ORDERED, by the Commission, on its own motion, that a hearing and investigation be held for the purpose of determining whether or not the respondent has failed to make said road tonnage reports and pay said highway compensation tax as required by Chapter 134, Session Laws of Colorado, 1927, and has failed to file tariffs and schedules as required by the order of the Commission.


IT IS FURTHER ORDERED, That the respondent show cause, if any he have, by written answer filed with the Commission, within ten days from the date hereof, why the Commission should not enter an order revoking and cancelling the certificate of public convenience and necessity heretofore issued to him.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission at Denver, Colorado on the 18th day of November at 10 o'clock A.M., at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 6th day of November, 1929.

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J.S.A. 11/9/29

439

(Decision No. 2619)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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2500.00
2000.00

IN THE MATTER OF THE APPLICATION)
OF D. A. DERBY FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1261

November 7, 1929.

Appearances: Harry S. Class, Esq., Denver, Colorado,
attorney for applicant;
E. G. Knowles, Esq., Denver, Colorado,
attorney for Union Pacific Railroad
Company, protestant.

S T A T E M E N T

By the Commission:

This is an application by D. A. Derby, of Kit Carson, Colorado,
for a certificate of public convenience and necessity authorizing the op-
eration of a motor vehicle system for the transportation of freight "in
the country and between towns in Cheyenne County, Colorado and for through
trips to Denver whenever such a job presents itself, and occasionally between
Hugo, Colorado and towns in Cheyenne County, Colorado."

The application is rather indefinite and fails to state with a
sufficient^{degree} of certainty what service is proposed to be rendered to the towns
along the route between Hugo and Cheyenne Wells. The evidence shows that
there is quite a demand on the part of the public for local truck operation
between points in Cheyenne County, particularly between Cheyenne Wells and
Kit Carson and points situated off of the Union Pacific Railroad. It shows
also that while most of the traffic moving into the points situated on the
railroad has and will continue to move by rail, there is some freight which
would be much more satisfactorily moved between those points and Denver by
means of automobile trucks.

While the application states that trips to Denver will be made

whenever a job presents itself, the evidence shows that the applicant with more or less regularity has made such a trip once a week and frequently oftener and that in the future he proposes to render a scheduled service between Denver and the points on the state highway east of Hugo. The Commission understands that the applicant does not desire to conduct scheduled service to points in Cheyenne County off of the highway and east of Cheyenne Wells.

After careful consideration of the evidence, the Commission is of the opinion, and so finds that the public convenience and necessity requires the motor vehicle system of the applicant for the transportation of (1) freight generally from point to point in Cheyenne County, and between points in Cheyenne County and Hugo and intermediate points situated on the state highway running between Hugo and Cheyenne Wells, (2) livestock in less than carload lots from points in Cheyenne County to Denver, (3) freight generally between Denver and points situated east of Hugo on said highway and within Cheyenne County.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle system of the applicant for the transportation of (1) freight generally from point to point in Cheyenne County, and between points in Cheyenne County and Hugo and intermediate points situated on the state highway running between Hugo and Cheyenne Wells, (2) livestock in less than carload lots from points in Cheyenne County to Denver, (3) freight generally between Denver and points situated east of Hugo on said highway and within Cheyenne County, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of the Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alto Brock
Sam S. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 7th day of November, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS)
OF WILLIAM D. PAXTON.)

CASE NO. 508.

November 8, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within ten days from the date hereof why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall have obtained a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing at a time and place hereafter to be fixed, at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. B. Brock
John S. Jones
W. A. Sullivan
Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1929.

✓
2 P.M.

102

(Decision No. 2621)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
LEROY HUNTER)

CASE NO. 509

November 8, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within ten days from the date hereof why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall have obtained a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing at a time and place hereafter to be fixed at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Chas. Borch
Stephen L. Jones
Wm. H. Hall
Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1929.

2 PM
Appl. 1493
Filed Nov. 1, 1929
(Decision No. 2622)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF
LLOYD D. PALMER.

CASE NO. 510

November 8, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within ten days from the date hereof why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall have obtained a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing at a time and place hereafter to be fixed at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Wm. B. Borch
Samuel Jones
W. H. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1929.

2 PM
Not signed
MAKE NO COPY
(Decision No. 2625)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM JAMES)

CASE NO. 511

November 8, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 154, Session Laws of Colorado, 1927; and

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within ten days from the date hereof why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall have obtained a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing at a time and place hereafter to be fixed at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Elto Boek
Joseph L. Jones
Walter Allen
Commissioners.

Dated at Denver, Colorado, this
8th day of November, 1929.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS)
OF C. O. RUDISILL)

CASE NO. 512

November 8, 1929.

S T A T E M E N T

By the Commission:

WHEREAS, sufficient information has come to the attention of the Commission to warrant it in instituting an investigation into the question of whether or not respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by Chapter 134, Session Laws of Colorado, 1927; and

WHEREAS, the Commission is of the opinion that the public interest requires that a hearing and investigation be held for the purpose of determining whether or not said respondent is operating without a certificate of public convenience and necessity as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be held for the purpose of determining whether or not said respondent is operating as a motor vehicle carrier without a certificate of public convenience and necessity as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written answer filed with this Commission within ten days from the date hereof why the Commission should not enter an order commanding him to cease and desist from operating as a motor vehicle carrier unless and until he shall have obtained a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing at a time and place hereafter to be fixed at which time and place such evidence may be introduced and such witnesses examined as may be proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Uto Bock
Sam L. Jones
Art Miller
Commissioners.

Dated at Denver, Colorado, this
8th day of November, 1929.