

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
PAUL FILIPPONE, 3703 PECOS STREET,	)	
DENVER, COLORADO, FOR AUTHORITY TO	)	<u>APPLICATION NO. 13679-PP-Extension</u>
EXTEND OPERATIONS UNDER PERMIT NO.	)	
B-3840.	)	
-----	)	

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November 1, 1955  
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Appearances: Paul Filippone, Denver,  
Colorado, pro se;  
Marion F. Jones, Esq.,  
Denver, Colorado, for  
Fairplay Motor Company.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at 9:30 o'clock A. M., October 14, 1955, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, with due notice to all parties in interest.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Said Report of the Examiner shows that in view of the fact that there were a number of applications for similar authority, it was agreed by all parties that all of the applications might be heard on a consolidated record.

By the above-styled application, as amended at the hearing, applicant herein seeks authority to extend operations under Permit No.

B-3840 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, and stone, to building construction jobs, from supply points within a radius of fifty miles of said jobs; transportation of insul-rock, to roofing jobs, from points within a radius of fifty miles of said jobs.

At the hearing, applicant testified that he was engaged in the transportation of sand, gravel, and other road-surfacing materials, from pits and supply points, to road construction jobs and cement-mixer plants; that the demand for such transportation service was occasioned by the large increase in road and building construction; that he was financially able, and has sufficient equipment to render the extended services sought by the instant application.

In opposition to the authority sought, E. B. Bell, Assistant Manager for Fairplay Motor Company, testified that his company had authority to render the service sought by the instant application between points within a radius of twenty miles of Alma, Colorado; that his company had the type of equipment necessary to render this service, and that the company was ready and willing to meet any demand for such service; that any loss of business would materially affect his company's ability to continue to serve this territory.

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

It did not appear that applicant's proposed extended operation, as hereinafter limited, will impair the efficiency of the service of any common carrier now operating in the area sought to be served by applicant.

## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and that the Report of the Examiner referred to therein should be approved.

That the authority sought by the above-styled application should be granted, as set forth in the Order following.

## O R D E R

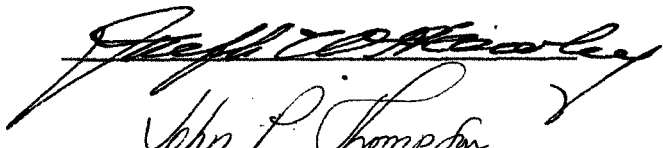
### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That Paul Filippone, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-3840 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, and stone, to building construction jobs, from supply points within a radius of fifty miles of said jobs; transportation of insul-rock, to roofing jobs, from points within a radius of fifty miles of said jobs; specifically excluding the right to operate within a radius of twenty miles of Alma, Colorado.

That this order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Commissioners.

CHAIRMAN HORTON ABSENT  
AND NOT PARTICIPATING.  
Dated at Denver, Colorado,  
this 1st day of November, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRED S. KELSO, 2435 WEST JEWELL )  
STREET, DENVER, COLORADO, FOR ) APPLICATION NO. 13680-PP-Extension  
AUTHORITY TO EXTEND OPERATIONS )  
UNDER PERMIT NO. B-2722. )  
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November 1, 1955  
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Appearances: Fred S. Kelso, Denver,  
Colorado, pro se;  
Marion F. Jones, Esq.,  
Denver, Colorado, for  
Fairplay Motor Company.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at 9:30 o'clock A. M., October 14, 1955, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, with due notice to all parties in interest.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Said Report of the Examiner shows that in view of the fact that there were a number of applications for similar authority, it was agreed by all parties that all of the applications might be heard on a consolidated record.

By the above-styled application, as amended at the hearing, applicant herein seeks authority to extend operations under Permit



No. B-2722 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, and stone, to building construction jobs, from supply points within a radius of fifty miles of said jobs; transportation of insul-rock, to roofing jobs, from points within a radius of fifty miles of said jobs.

At the hearing, applicant testified that he was engaged in the transportation of sand, gravel, and other road-surfacing materials, from pits and supply points, to road construction jobs and cement-mixer plants; that the demand for such transportation service was occasioned by the large increase in road and building construction; that he was financially able, and had sufficient equipment to render the extended services sought by the instant application.

In opposition to the authority sought, E. B. Bell, Assistant Manager for Fairplay Motor Company, testified that his company had authority to render the service sought by the instant application between points within a radius of twenty miles of Alma, Colorado; that his company had the type of equipment necessary to render this service, and that the company was ready and willing to meet any demand for such service; that any loss of business would materially affect his company's ability to continue to serve this territory.

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

It did not appear that applicant's proposed extended operation, as hereinafter limited, will impair the efficiency of the service of any

common carrier now operating in the area sought to be served by applicant.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and that the Report of the Examiner referred to therein should be approved.

That the authority sought by the above-styled application should be granted, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

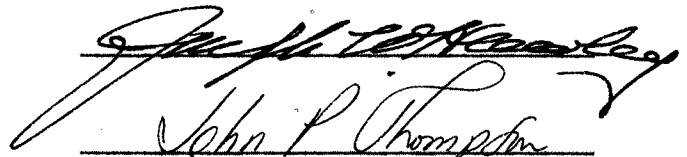
That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That Fred S. Kelso, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-2722 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, and stone, to building construction jobs, from supply points within a radius of fifty miles of said jobs; transportation of insul-rock, to roofing jobs, from points within a radius of fifty miles of said jobs; specifically excluding the right to operate within a radius of twenty miles of Alma, Colorado.

That this Order is made part of the permit granted to applicant,

and shall become effective twenty-~~One~~ days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

CHAIRMAN HORTON ABSENT AND  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ANTHONY RUSSO, 2635 31ST STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 13682-PP-Extension  
EXTEND OPERATIONS UNDER PERMIT NO. )  
B-4159. )  
- - - - - )

- - - - -  
November 1, 1955  
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Appearances: Anthony Russo, Denver,  
Colorado, pro se;  
Marion F. Jones, Esq.,  
Denver, Colorado, for  
Fairplay Motor Company.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at 9:30 o'clock A. M., October 14, 1955, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, with due notice to all parties in interest.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Said Report of the Examiner shows that in view of the fact that there were a number of applications for similar authority, it was agreed by all parties that all of the applications might be heard on a consolidated record.

By the above-styled application, as amended at the hearing, applicant herein seeks authority to extend operations under Permit No. B-4159 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, and stone, to building construction jobs, from supply points within a radius of fifty miles of said jobs; transportation of insul-rock, to roofing jobs, from points within a radius of fifty miles of said jobs.

At the hearing, applicant testified that he was engaged in the transportation of sand, gravel, and other road-surfacing materials, from pits and supply points, to road construction jobs and cement-mixer plants; that the demand for such transportation service was occasioned by the large increase in road and building construction; that he was financially able, and had sufficient equipment to render the extended services sought by the instant application.

In opposition to the authority sought, E. B. Bell, Assistant Manager for Fairplay Motor Company, testified that his company had authority to render the service sought by the instant application between points within a radius of twenty miles of Alma, Colorado; that his company had the type of equipment necessary to render this service, and that the Company was ready and willing to meet any demand for such service; that any loss of business would materially affect his company's ability to continue to serve this territory.

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

It did not appear that applicant's proposed extended operation, as hereinafter limited, will impair the efficiency of the service of any common carrier now operating in the area sought to be served by applicant.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and that the Report of the Examiner referred to therein should be approved.

That the authority sought by the above-styled application should be granted, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

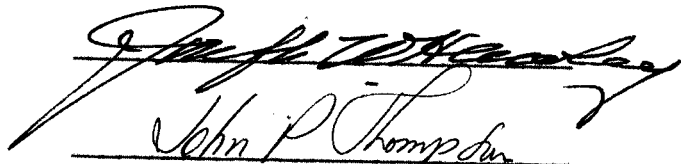
That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That Anthony Russo, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-4159 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, and stone, to building construction jobs, from supply points within a radius of fifty miles of said jobs; transportation of insul-rock, to roofing jobs, from points within a radius of fifty miles of said jobs; specifically excluding the right to operate within a radius of twenty miles of Alma, Colorado.

That this order is made part of the permit granted to applicant,

and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

CHAIRMAN HORTON ABSENT  
AND NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT WALL AND HARRY WALL, JR., CO- )  
PARTNERS, DOING BUSINESS AS "WALL )  
BROS.," 5900 FRANKLIN STREET, DEN- )  
VER, COLORADO, FOR AUTHORITY TO EX- )  
TEND OPERATIONS UNDER PERMIT NO. )  
B-4127. )

APPLICATION NO. 13683-PP-Extension

November 1, 1955

Appearances: Robert Wall, Denver, Colo-  
rado, pro se;  
Harry Wall, Jr., Denver,  
Colorado, pro se;  
Marion F. Jones, Esq., Den-  
ver, Colorado, for Fair-  
play Motor Company.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at 9:30 o'clock A. M., October 14, 1955, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, with due notice to all parties in interest.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Said Report of the Examiner shows that in view of the fact that there were a number of applications for similar authority, it was agreed by all parties that all of the applications might be heard



on a consolidated record.

By the above-styled application, as amended at the hearing, applicant herein seeks authority to extend operations under Permit No. B-4127 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, and stone, to building construction jobs, from supply points within a radius of fifty miles of said jobs; transportation of insul-rock, to roofing jobs, from points within a radius of fifty miles of said jobs.

At the hearing, applicants testified that they were engaged in the transportation of sand, gravel, and other road-surfacing materials, from pits and supply points, to road construction jobs and cement-mixer plants; that the demand for such transportation service was occasioned by the large increase in road and building construction; that they were financially able, and had sufficient equipment to render the extended services sought by the instant application.

In opposition to the authority sought, E. B. Bell, Assistant Manager of Fairplay Motor Company, testified that his company had authority to render the service sought by the instant application between points within a radius of twenty miles of Alma, Colorado; that his company had the type of equipment necessary to render this service, and that the company was ready and willing to meet any demand for such service; that any loss of business would materially affect his company's ability to continue to serve this this territory.

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

It did not appear that applicants' proposed extended operation, as hereinafter limited, will impair the efficiency of the service of any common carrier now operating in the area sought to be served by applicants.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and that the Report of the Examiner referred to therein should be approved.

That the authority sought by the above-styled application should be granted, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

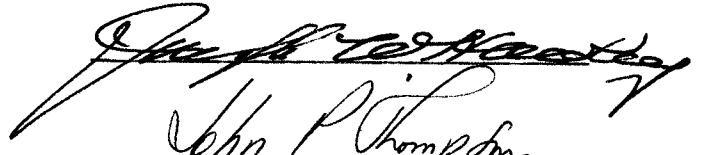
That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That Robert Wall and Harry Wall, Jr., co-partners, doing business as "Wall Bros.," Denver, Colorado, should be, and they hereby are, authorized to extend operations under Permit No. B-4127 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, and stone, to building construction jobs, from supply points within a radius of fifty miles of said jobs; transportation of insul-rock, to roofing jobs, from points within a radius of fifty miles of said jobs; specifically excluding the right to operate within a radius of twenty

miles of Alma, Colorado.

This Order is made a part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Commissioners.

CHAIRMAN HORTON ABSENT AND  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILFRED J. BISSETT, 3554 QUIVAS )  
STREET, DENVER, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 13685-PP

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November 1, 1955  
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Appearances: Wilfred J. Bissett, Denver,  
Colorado, pro se;  
Marion F. Jones, Esq., Den-  
ver, Colorado, for Fair-  
play Motor Company.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at 9:30 o'clock A. M., October 14, 1955, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, with due notice to all parties in interest.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Said Report of the Examiner shows that in view of the fact that there were a number of applications for similar authority, it was agreed by all parties that all of the applications might be heard on a consolidated record.

By the above-styled application, as amended at the hearing, applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, and stone, to building construction jobs, from supply points within a radius of fifty miles of said jobs; transportation of insul-rock, to roofing jobs, from points within a radius of fifty miles of said jobs.

At the hearing, applicant testified that he was engaged in the transportation of sand, gravel, and other road-surfacing materials, from pits and supply points, to road construction jobs and cement-mixer plants; that the demand for such transportation service was occasioned by the large increase in road and building construction; that he was financially able, and had sufficient equipment to render the proposed service.

In opposition to the authority sought, E. B. Bell, Assistant Manager of Fairplay Motor Company, testified that his company had authority to render the service sought by the instant application between points within a radius of twenty miles of Alma, Colorado; that his company had the type of equipment necessary to render this service, and that the company was ready and willing to meet any demand for such service; that any loss of business would materially affect his company's ability to continue to serve this territory.

The operating experience and financial responsibility of

applicant were established to the satisfaction of the Commission.

It did not appear that applicant's proposed operation, as hereinafter limited, will impair the efficiency of the service of any common carrier now operating in the area sought to be served by applicant.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and that the Report of the Examiner referred to therein should be approved.

That the authority sought by the above-styled application should be granted, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That Wilfred J. Bissett, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, and stone, to building construction jobs, from supply points within a radius of fifty miles of said jobs; transportation of insul-rock, to roofing jobs, from points within a radius of fifty miles of said jobs; specifically excluding the right to operate within a radius of twenty miles of Alma, Colorado.

That all operations hereunder shall be strictly contract oper-


ations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

CHAIRMAN HORTON ABSENT AND  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

mls

original

(Decision No. 44845)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
STANLEY E. JENKS, 1934 VERBENA )  
STREET, DENVER, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 13689-PP

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November 1, 1955  
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Appearances: Stanley E. Jenks, Denver,  
Colorado, pro se;  
Marion F. Jones, Esq., Den-  
ver, Colorado, for Fair-  
play Motor Company.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at 9:30 o'clock A. M., October 14, 1955, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, with due notice to all parties in interest.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Said Report of the Examiner shows that in view of the fact that there were a number of applications for similar authority, it was agreed by all parties that all of the applications might be heard on a consolidated record.

By the above-styled application, as amended at the hearing,



applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs; mixer and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, and stone, to building construction jobs, from supply points within a radius of fifty miles of said jobs; transportation of insul-rock, to roofing jobs, from points within a radius of fifty miles of said jobs.

At the hearing, applicant testified that he was engaged in the transportation of sand, gravel, and other road-surfacing materials, from pits and supply points, to road construction jobs and cement-mixer plants; that the demand for such transportation service was occasioned by the large increase in road and building construction; that he was financially able, and had sufficient equipment to render the proposed service.

In opposition to the authority sought, E. B. Bell, Assistant Manager of Fairplay Motor Company, testified that his company had authority to render the service sought by the instant application between points within a radius of twenty miles of Alma, Colorado; that his company had the type of equipment necessary to render this service, and that the company was ready and willing to meet any demand for such service; that any loss of business would materially affect this company's ability to continue to service this territory.

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

It did not appear that applicant's proposed operation, as

hereinafter limited, will impair the efficiency of the service of any common carrier now operating in the area sought to be served by applicant.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and that the Report of the Examiner referred to therein should be approved.

That the authority sought by the above-styled application should be granted, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That Stanley E. Jenks, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, and stone, to building construction jobs, from supply points within a radius of fifty miles of said jobs; transportation of insul-rock, to roofing jobs, from points within a radius of fifty miles of said jobs; specifically excluding the right to operate within a radius of twenty miles of Alma, Colorado.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amend-

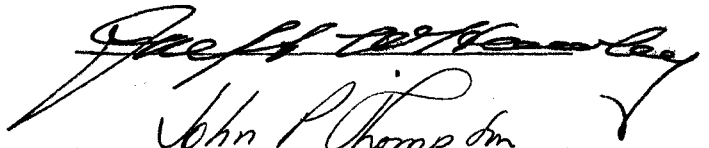
ments to this permit deemed advisable.

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

CHAIRMAN HORTON ABSENT AND  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

mls

original

(Decision No. 44846)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) GRANT H. TERRELL, 3314 VALLEJO ) STREET, DENVER, COLORADO, FOR AUTH- ) ORITY TO EXTEND OPERATIONS UNDER ) PERMIT NO. A-4857. )	<u>APPLICATION NO. 13607-PP-Extension</u>
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November 1, 1955  
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Appearances: James C. Merbs, Esq., Derby,  
Colorado, for Applicant;  
R. H. Clinton, Denver, Colo-  
rado, for Exhibitors' Film  
Delivery & Service Co.;  
Bruce Ownbey, Esq., Denver,  
Colorado, for News and  
Film Service.

S T A T E M E N T

By the Commission:

On July 28, 1955, the applicant applied for extension of his private carrier authority to permit him as a private carrier by motor vehicle for hire to transport motion picture film and motion picture advertising along routes more particularly described in the application, but being in general from Denver to Pueblo; thence to Lamar; thence to Kit Carson and return to Denver.

Said application was regularly set for hearing at the Hearing Room of the Commission, 380 State Office Building, Denver, Colorado, September 9, 1955, due notice of time and place of the hearing being forwarded to all interested parties.

At the conclusion of the hearing, leave was granted to file briefs, and the matter now stands submitted for decision.

At the hearing, the applicant testified that, pursuant to authority of Private Carrier Permit No. A-4857, he now transports the Rocky Mountain News daily over this same proposed route, in a 1955

Chevrolet stake-body one-ton truck. His net worth is approximately \$8,000. He has been conducting his present operation since July of this year. The service he proposes to render is delivery principally along the Arkansas Valley east of Pueblo, with no deliveries between Denver and Pueblo, and pick up service for return to Denver throughout his route. His present route is 431 miles in length, and takes ten hours to drive on his present operation. He does all the driving himself. He has no financial data to show whether the proposed operation will be profitable.

Mr. Harold C. Fuller, operator of a film exchange in Denver, appeared as a witness for applicant, and testified that in the delivery of film, time is an important factor, and in this area daily service is needed. The demand of exhibitors in the Arkansas Valley upon his exchange is irregular. He knows there is a trucker who does this work in that area at the present time and occasionally has used that service.

Mr. Fred L. Knill, District Manager for a theatre company which operates, among others, two theatres in Rocky Ford, testified that there is a truck service in this area, which his company is using now and whose services are adequate, but whom he understands may be in the process of reducing the frequency of his service. The existing adequate service would become inadequate if the existing service were reduced in frequency.

The offer of proof of Mr. A. E. Snyder concerning his existing service in that area was rejected, as Mr. Snyder is a private carrier and therefore not obligated to render any service at all. As the service he renders is rendered entirely at his discretion, and the public can get service from him only as he sees fit to give it, evidence as to the service he actually renders has little significance, for he can stop rendering it tomorrow. Evidence concerning the service he renders would not have the effect, therefore, of showing that this

application should be denied.

Mr. R. H. Clinton, Traffic Manager of a company subsidiary to Gallagher Transportation Company, testified concerning his company's common carrier service and authority along the route proposed from Denver to Pueblo and east as far as La Junta. His uncontradicted testimony is that there is existing adequate common carrier service within the territory his company serves.

It must be said at the outset that the Commission's concern in this matter is first, to attempt, where circumstances permit, to assure the motion picture industry throughout this route that it will have prompt and efficient service at reasonable cost; and second, to protect the rights of existing common carriers now adequately serving the territory. This is an appropriate occasion to make it clear to the private carrier, Mr. Snyder, that as he is a private carrier and thereby avoids the obligation to serve the public (except as his convenience and the rate situation may dictate), he is not entitled to the slightest protection from the encroachment of other carriers upon his operation. Any carrier which can show that additional service is wanted or needed, and that it is qualified financially and by experience to render the additional service, is entitled to be authorized to do so, consistent only with due protection of the rights of common carriers serving the territory.

However, in this particular case, the applicant has not produced witnesses who want or need his service on a regular basis, nor who indicate that they intend to use his service regularly if the authority he seeks is granted. In addition to this, we must recognize the fact that if the authority is granted, stops to pick up and deliver film and advertising will be required where none are required in the newspaper operation which the applicant is presently conducting. The present ten hour run will therefore be considerably extended in time. There is nothing in the testimony of the witnesses to indicate that

there would be any sufficient business to pay an extra employee, or to amortize additional equipment, if the authority sought is granted. Finally, the applicant here seeks authority as a private carrier. Like the existing carrier, then, he is unwilling to assume the burden of serving the motion picture industry in that area as the needs of that industry may require, but instead seeks authority to serve only as his convenience may from time to time move him. The granting of the authority he seeks will therefore not necessarily result in any improvement of the service to the theatres in that area, and considering the factors mentioned above it appears that no improvement in service would in fact result.

We have no doubt that the occasion will arise when some carrier will make application for authority to provide this service as a common carrier. No doubt when this happens, many theatre operators in that area will appear personally in support of the application, because they can then be assured of continued service. Such an application with such supporting evidence would receive considerate attention from the Commission. The present application is not such a case, however.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That the instant application should be denied.

#### O R D E R

##### THE COMMISSION ORDERS:

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

CHAIRMAN HORTON ABSENT AND  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.  
mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BERNAL C. FLESHER AND ROBERT G. RAE, )  
CO-PARTNERS, DOING BUSINESS AS "STAR )  
MILK LINES," 611 EAST SIXTH STREET, )  
FORT MORGAN, COLORADO, FOR AUTHORITY ) APPLICATION NO. 13782-PP-Transfer  
TO TRANSFER PERMIT NO. A-2131 TO )  
ROBERT G. RAE, DOING BUSINESS AS )  
"STAR MILK LINES," 2128 IRIS STREET, )  
DENVER, COLORADO. )  
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IN THE MATTER OF THE APPLICATION OF )  
BERNAL C. FLESHER AND ROBERT G. RAE, )  
CO-PARTNERS, DOING BUSINESS AS "STAR )  
MILK LINES," 611 EAST SIXTH STREET, )  
FORT MORGAN, COLORADO, FOR AUTHORITY ) APPLICATION NO. 13783-Transfer  
TO TRANSFER PUC NO. 2948 TO ROBERT )  
G. RAE, DOING BUSINESS AS "STAR )  
MILK LINES," 2128 IRIS STREET, )  
DENVER, COLORADO. )  
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November 1, 1955  
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Appearances: Bernal C. Flesher, Fort Morgan,  
Colorado, pro se;  
Robert G. Rae, Denver, Colo-  
rado, pro se.

S T A T E M E N T

By the Commission:

Bernal C. Flesher and Robert G. Rae, a co-partnership, do-  
ing business as "Star Milk Lines," Fort Morgan, Colorado, are the  
owners of Private Permit No. A-2131, authorizing:

Transportation of milk and dairy products to  
Fort Morgan from farms within the area described  
as: Beginning at Fort Morgan, thence north 5  
miles; thence east 7 miles; thence south 8 miles;  
thence west 7 miles; thence north 3 miles to  
place of beginning, for the Northern Colorado  
Dairy Company, the transportation of sugar beets  
from farms within a radius of 6 miles of Fort  
Morgan to the factory therein. Also, the delivery  
of milk and dairy products to McLagan Brothers  
Creamery at Fort Morgan, Colorado.



Transportation of whole milk to Denver from farms within the area described as: Beginning at Fort Morgan, thence north a distance of 5 miles; thence east 7 miles; thence south 8 miles; thence west 7 miles; thence north 3 miles to the place of beginning; and whole milk to Denver from the Northern Colorado Dairy Company and McLagan Brothers Creamery in Fort Morgan, Colorado.

Transportation of milk, cream and dairy products from farms within the area described as: 30 miles north, 10 miles east, 25 miles south, and 25 miles west of Fort Morgan, Colorado, to creameries in Denver, Colorado, with return of empty cans.

They are also the owners of PUC-2948, authorizing:

Transportation of milk, cream and dairy products, together with the return of empty cans, from farms within the area extending 30 miles north, 25 miles west, 10 miles east, and 25 miles south of Fort Morgan, Colorado, to creameries in Fort Morgan, Colorado, and Brush, Colorado.

By the instant application, they seek authority to transfer said private permit and certificate to Robert G. Rae, doing business as "Star Milk Lines," Denver, Colorado.

Said applications, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Fort Morgan, Colorado, October 27, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

In effect, Bernal C. Flesher is selling his interest in this permit and certificate to his partner, Robert G. Rae, who will continue doing business as "Star Milk Lines," the said Flesher retiring from the partnership.

Bernal C. Flesher testified that the consideration for the transfer is \$9,000.00, payable at the rate of \$100.00 per month, including interest at 6% per annum, payable monthly. The payment will be represented by a promissory note and chattel mortgage. Transferee will assume all outstanding indebtedness against the operation, which indebtedness consists of a \$2,300.00 balance still due upon the purchase price of one milk tank. The purchase price includes the interest of Flesher in the equipment of the partners, an equipment list being on file herein.

Mr. Flesher is making the sale because of his wife's health.

Transferee Robert G. Rae, corroborated the testimony of Mr. Flesher. He has had experience in the transportation business since 1950, and his net worth is approximately \$17,000.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

### O R D E R

#### THE COMMISSION ORDERS:

That Bernal C. Flesher and Robert G. Rae, co-partners, doing business as "Star Milk Lines," 611 East 6th Street, Fort Morgan, Colorado, should be, and hereby are, authorized to transfer all their right, title, and interest in and to Permit No. A-2131 -- being the operating rights as set forth in the preceding Statement which, by reference, is made a part hereof -- to Robert G. Rae, doing business as "Star Milk Lines," 2128 Iris Street, Denver, Colorado, Bernal C. Flesher being desirous of withdrawing from the partnership, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

That Bernal C. Flesher and Robert G. Rae, co-partners, doing business as "Star Milk Lines," 611 East 6th Street, Fort Morgan, Colorado, should be, and they hereby are, authorized to transfer all their

right, title and interest in and to PUC-2948 -- being the operating rights as set forth in the preceding Statement which, by reference, is made a part hereof -- to Robert G. Rae, doing business as "Star Milk Lines," 2128 Iris Street, Denver, Colorado, Bernal C. Flesher being desirous of withdrawing from said partnership, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The tariff of rates, rules, and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

That said transfers shall become effective only if and when, but not before, said transferors and transferee, in writing have advised the Commission that said permit and certificate have been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfers, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

CHAIRMAN HORTON ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.  
mls

(Decision No. 44848)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
A. L. ATWOOD, 518 MEEKER STREET,  
FORT MORGAN, COLORADO, FOR AUTHOR-  
ITY TO TRANSFER PERMIT NO. B-2977  
TO EDWARD D. SHAULIS, FORT MORGAN,  
COLORADO.

APPLICATION NO. 13781-PP-Transfer

November 1, 1955

Appearances: E. Ord Wells, Esq., Fort Morgan, Colorado, for Transferor and Transferee;  
J. R. Arnold, Denver, Colorado, for North Eastern Motor Freight.

S. T A T E M E N T

By the Commission:

A. L. Atwood is the owner of Private Permit No. B-2977,  
authorizing:

Transportation of hay from point to point within a radius of one hundred fifty miles of Fort Morgan, Colorado; transportation of diamond core barrels and the accessory bits and hand tools between points in the State of Colorado; transportation of water in tank vehicles, and baled hay and straw between all points in the State of Colorado.

By the instant application, he seeks to transfer said permit and operating rights thereunder to Edward D. Shaulis, Fort Morgan, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House in Fort Morgan, Colorado, on October 27, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, transferor A. L. Atwood testified that he has been operating under this permit since 1944. He also owns Pri-

vate Permit No. B-821, and a commercial carrier permit under which he is operating and has more business than he can handle. Under the Contract of Sale, the consideration is fixed at \$6,500.00, payable \$100.00 down (payment already made), and the balance in the form of a Cashier's Check made payable to Atwood and in the hands of E. Ord Wells, Esq., his attorney, at Fort Morgan, as escrow agent, payable on approval of the transfer of this permit by this Commission, and of interstate authority by the Interstate Commerce Commission. The consideration covers not only the permit and the ICC authority known as MC-114112, but also three pieces of equipment, to-wit:

- 1 - 1953 International truck
- 1 - 1954 International truck, and
- 1 - 1953 Winter-Weiss pole trailer,

which will be used in the operation. There are no debts against the permit or operations thereunder, or upon said equipment. Transferor will continue to operate under his other authorities.

Transferee Shaulis corroborated the testimony of Mr. Atwood, and asked that in the future his address of record should show as "Fort Morgan, Colorado," instead of "Boulder, Colorado." He will operate the equipment above described and has had experience in the transportation business in Wyoming for the past eight years. His net worth is \$84,000.00.

#### F I N D I N G S

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

That A. L. Atwood, 518 Meeker Street, Fort Morgan, Colorado, should be, and hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-2977 -- being the operating rights

set forth in the preceding Statement which, by reference, is made a part hereof -- to Edward D. Shaulis, Fort Morgan, Colorado, subject to payment of outstanding indebtedness against said operations, if any there be, whether secured or unsecured.


That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Chairman Horton absent and not participating.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
GEORGE BASKALL, 712 WEST MAIN )	
STREET, STERLING, COLORADO, FOR AUTH- )	
ORITY TO TRANSFER PERMIT NO. B-3179 )	APPLICATION NO. 13777-PP-Transfer
TO SEVERIN LECHMAN, 305 NORTH FRONT )	
STREET, STERLING, COLORADO. )	
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November 1, 1955  
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Appearances: Severin Lechman, Sterling,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

George Baskall, Sterling, Colorado, is the owner of Private  
Carrier Permit No. B-3179, authorizing:

Transportation of (1) coal from Sterling  
to points within a radius of fifty miles  
thereof; (2) building materials for  
Platte Valley Lumber Company from Sterl-  
ing to points within a radius of fifty  
miles thereof; without the right (except  
as provided in (3) following) to serve  
from Sterling to Atwood, Merino and  
Willard; (3) building materials on dis-  
tribution of pool cars, only, between  
Sterling, Proctor, Iliff, Padroni, Will-  
ard, Atwood and Merino.

Transportation of farm produce, excluding  
livestock, between points within a radius  
of 20 miles of Sterling, Colorado.

By the instant application, he seeks authority to transfer  
said permit to Severin Lechman, of Sterling, Colorado.

Said application, pursuant to prior setting, after appro-  
priate notice to all interested parties, was heard at the Court  
House in Fort Morgan, Colorado, on October 27, 1955, and at the con-  
clusion of the evidence, the matter was taken under advisement.

At the hearing, Transferee Severin Lechman testified that

he has been engaged in the transportation business under a Commercial permit for the past year. The consideration for the transfer is \$65.00, which has been paid, and transferor did not appear at the hearing for the reason that he is absent from the State on a trip for his health. He has only requested that transferee take proper care of his customers, and transferee is satisfied that there is no indebtedness against the operation, but agrees to take care of such indebtedness, should any creditor appear. He owns a 1955 GMC 1½-ton truck with beet-box body and his net worth is \$800.00.

#### F I N D I N G S

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

That George Baskall, 712 West Main Street, Sterling, Colorado, should be, and hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-3179 -- being the operating rights as set forth in the preceding Statement which, by reference, is made a part hereof -- to Severin Lechman, 305 North Front Street, Sterling, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the author-



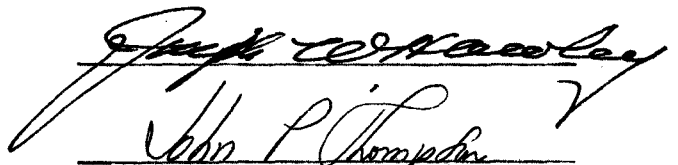
ity herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

CHAIRMAN HORTON ABSENT AND  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

mls

original

(Decision No. 44850)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
DENVER-LIMON-BURLINGTON TRANSFER	)	
COMPANY, 1420 EIGHTEENTH STREET,	)	
DENVER, COLORADO, FOR AUTHORITY TO	)	<u>PUC NO. 699-I-Transfer</u>
TRANSFER INTERSTATE OPERATING	)	
RIGHTS TO KNAUS TRUCK LINES, INC.,	)	
801 EAST SEVENTEENTH STREET,	)	
KANSAS CITY, MISSOURI.	)	
-----	)	

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November 1, 1955  
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S T A T E M E N T

By the Commission:

Heretofore, Denver-Limon-Burlington Transfer Company, Denver, Colorado, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 699-I issued to it.

Said certificate-holder now seeks authority to transfer said operating rights to Knaus Truck Lines, Inc., Kansas City, Missouri.

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

F I N D I N G S

THE COMMISSION FINDS:

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

O R D E R

THE COMMISSION ORDERS:

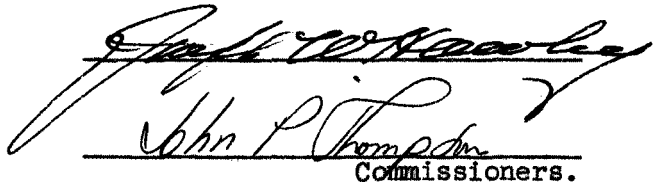
That Denver-Limon-Burlington Transfer Company, Denver, Colorado, should be, and hereby is, authorized to transfer all

right, title, and interest in and to PUC No. 699-I to Knaus Truck Lines, Inc., Kansas City, Missouri, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That operating rights herein authorized to be transferred shall be assigned a new number, the number "PUC No. 699" being retained by Denver-Limon-Burlington Transfer Company.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

CHAIRMAN HORTON ABSENT  
AND NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ESSA HARBERT, WOODROW, COLORADO, )  
FOR AUTHORITY TO TRANSFER PERMIT ) APPLICATION NO. 13779-PP-Transfer  
NO. B-276 TO RAY MC BETH, LINDON, )  
COLORADO. )  
----- )

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November 1, 1955  
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Appearances: Essa Harbert, Woodrow,  
Colorado, pro se;  
Ray McBeth, Lindon,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Essa Harbert, Woodrow, Colorado, is the owner of Permit  
No. B-276, authorizing:

Transportation of farm products, including  
livestock, farm supplies, machinery and  
equipment between points within a radius  
of 15 miles of Last Chance, and from and  
to points in said area to and from Denver,  
Brush, Limon, and Greeley, without the  
right to serve between towns and specifi-  
cally no service to or from Lindon or Last  
Chance from or to Denver, Brush, Limon,  
and Greeley or intermediate points.

By the instant application, he seeks authority to transfer  
said permit and operating rights thereunder to Ray McBeth, Lindon,  
Colorado.

Said application, pursuant to prior setting, after  
appropriate notice to all parties in interest, was heard at the  
Court House in Fort Morgan, Colorado, on October 27, 1955, and  
at the conclusion of the evidence, the matter was taken under  
advisement.

At the hearing, transferor testified that he has been  
actively operating under said permit since he acquired the same.  
He has been in ill health during the past year, and has been  
advised to give up the operation. There is no money consideration

involved in the transfer, and all that he has requested is that transferee properly serve the customers transferor has been serving in the past. He is assigning the permit so that his neighbors, whom he has been serving, may receive the proper service in the future. There is no indebtedness against the operation.

Transferee McBeth corroborated the testimony of Mr. Harbert. He already owns Private Carrier Permit No. A-840, the territory he is authorized to serve thereunder overlapping the territory served by Mr. Harbert to some extent. He owns two trucks, one 1948 GMC 2-ton truck, and one 2-ton Chevrolet truck. His net worth is \$33,500, and he has had experience in the transportation business since 1947.

#### F I N D I N G S

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

That Essa Harbert, Woodrow, Colorado, should be, and hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-276 -- being the operating rights set out in the preceding Statement which, by reference, is made a part hereof -- to Ray McBeth, Lindon, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

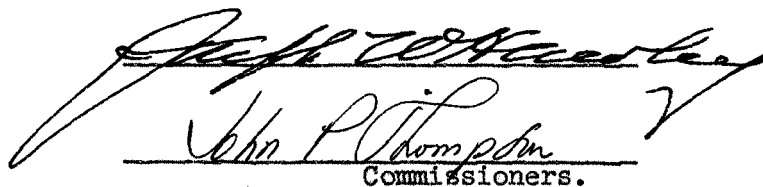
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within

thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

This Order is made part of the permit authorized to be transferred, and shall become effective twenty-one (21) days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
John P. Thompson  
Commissioners.

CHAIRMAN HORTON ABSENT  
AND NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JACK MC MILLION, AKRON, COLORADO, )  
FOR AUTHORITY TO EXTEND OPERATIONS ) APPLICATION NO. 13778-PP-Extension  
UNDER PERMIT NO. B-3986. )  
-----)

-----  
November 1, 1955  
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Appearances: Jack McMillion, Akron,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Jack McMillion, Akron, Colorado, is the owner of Private  
Permit No. B-3986, authorizing transportation of:

Milk along U. S. Highway No. 34 for a distance  
of 15 miles on either side of said highway,  
from a point where it intersects the Colorado-  
Nebraska state line, to the Washington-Morgan  
County line, to be hauled to the McLagan Creamery  
at Brush, Colorado, with back-haul of empty cans.

By the instant application, he seeks an extension of his  
authority under said permit to include in his base territory all  
of Washington County and Yuma County, State of Colorado.

Said application, pursuant to prior setting, after appropriate  
notice to all interested parties, was heard at the Court House in  
Fort Morgan, Colorado, on October 27, 1955, and at the conclusion of  
the evidence, the matter was taken under advisement.

Applicant testified that no other common carrier has authority  
to transport milk in Yuma County or Washington County to the McLagan  
Creamery at Brush, and the field manager of said company has asked him  
to obtain the proposed enlargement of his base territory. He now has  
24 customers in his present territory, and could gain six or eight new  
customers if the extension is granted.

A satisfactory equipment list is on file with the Commission, and applicant's net worth is \$20,000.

No one appeared to protest favorable action on the application.

Reference to an official map shows that all of applicant's original territory is included in Washington County or Yuma County, except possibly a small segment in the extreme southwestern corner of Logan County. The evidence does not show whether or not he is serving any customers in that segment, but our Order will be framed in such a manner to protect such customers, if any, served in Logan County.

The financial stability of applicant and his experience in the transportation field were shown to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the foregoing Statement should be made a part of these Findings, by reference.

It does not appear that any existing common carrier service will be impaired by the granting of the extension sought.

That the instant application for extension should be granted, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

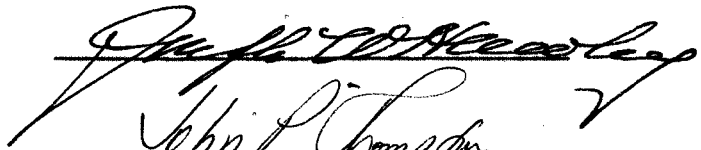
That Jack McMillion, Akron, Colorado, be, and is hereby, authorized to extend operations under Private Permit No. B-3986, as requested in the instant application, so that the authority hereafter shall read as follows:

The transportation of milk along U. S. Highway No. 34 for a distance of 15 miles on either side of said highway from the point where it intersects the Colorado-Nebraska state line, to the Washington County-Morgan County line, and from any and all points in Washington County and Yuma County, Colorado, to be hauled to the McLagan Creamery at Brush, Colorado, with back-haul of empty cans.



That this Order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
John P. Thompson  
Commissioners.

CHAIRMAN HORTON ABSENT  
AND NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MELVIN H. MEEKINS, ROUTE 1, FORT )  
MORGAN, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 13780-PP  
OPERATE AS A CLASS "B" PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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November 1, 1955  
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Appearances: Melvin H. Meekins, Fort Morgan,  
Colorado, pro se;  
J. R. Arnold, Denver, Colorado,  
for North Eastern Motor  
Freight;  
William Brumfield, Fort Morgan,  
Colorado, for Atwood Truck  
Line.

S T A T E M E N T

By the Commission:

By the instant application, applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of manure and corn ensilage, between points within a radius of twenty-five miles of Fort Morgan, Colorado, and new farm implements from dealers in Denver, Colorado, to dealers in Brush, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Fort Morgan, Colorado, on October 27, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he is engaged in farming operations near Fort Morgan, Colorado, and has had eight years experience in operating trucks under a Commercial permit. If the application is granted, the operation will consist largely in the hauling of manure and corn ensilage from feed lots in Brush to farmers in the vicinity

of Brush and within a radius of twenty-five miles of Fort Morgan. He stated he has had approximately twenty-five requests from farmers in said area for such service. He owns a 1948 International 1½-ton truck, and a 1952 International 2-ton truck, both with beet boxes. His net worth is \$10,000.

Applicant stated that he was willing to eliminate from his application his request for authority to transport new farm implements from dealers in Denver to dealers in Brush, whereupon, all protests were withdrawn.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the authority should be granted, as hereinafter limited.

### O R D E R

#### THE COMMISSION ORDERS:

That Melvin H. Meekins, Route 1, Fort Morgan, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of manure and corn ensilage, between points within a radius of twenty-five miles of Fort Morgan, Colorado.

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

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

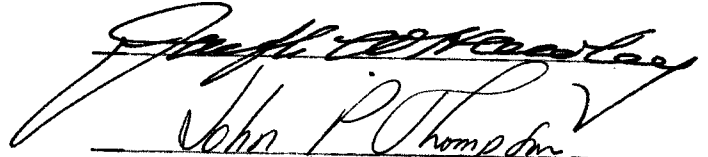
That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

and regulations of the Commission.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

CHAIRMAN HORTON ABSENT AND  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM H. HOPKINS AND C. WAYNE )  
SHINN, CO-PARTNERS, DOING BUSINESS )  
AS "H & S WATER SERVICE," 406½ DUEL )  
STREET, FORT MORGAN, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 13776-PP

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November 1, 1955  
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Appearances: J. Corder Smith, Esq., Fort  
Morgan, Colorado, and  
William Dingman, Esq., Fort  
Morgan, Colorado, for  
Applicants;  
Barry and Hupp, Esqs., Den-  
ver, Colorado, by John R.  
Barry, Esq., for Basin  
Truck Company.

S T A T E M E N T

By the Commission:

By the instant application, applicants seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of drilling fluid and crude oil between points within a radius of fifty miles of Fort Morgan, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House in Fort Morgan, Colorado, on October 27, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, William H. Hopkins, one of the applicants, testified that he and his partner are presently engaged in driving trucks in water service for various oil drilling projects within a radius of fifty miles of Fort Morgan, Colorado, under commercial permits. They own two GMC tank trucks, with capacity of 100 barrels

reaches certain depths, and crude oil, mud and water must be available immediately when needed. Crude oil is sometimes purchased from other producing wells in the vicinity, but usually must be obtained from the nearest market, in this instance, at Brush. The time element is very important. Applicants keep their equipment available at the drilling site, and their service has been satisfactory, but favorable action on the application would be an advantage to them as well as to his company. There is no similar service available in the area. The two customer companies work closely together as Cactus drills for Lion. Lion is now drilling at two locations within the fifty-mile radius requested, one drilling site being 20 miles south and the other 30 miles north of Fort Morgan.

Sidney C. Stephens, tool pusher for Cactus Drilling Company, corroborated the testimony of Mr. Murphy as to the need during drilling operations, of prompt deliveries when needed of oil drilling mud and crude oil, the satisfactory service of applicants and the need for their service as a private carrier. Under the present joint operations of the two customers, Cactus Drilling Company pays for the water and mud used, while Lion pays for the crude oil.

At the close of the evidence, Basin Truck Company withdrew its protest, a stipulation being entered into between the parties that any authority issued should be limited and restricted, as consented to by Mr. Hopkins in his testimony.

No testimony was offered in opposition to favorable action. The financial ability and experience of applicants were shown to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement should be made a part of these Findings, by reference.

That the authority applied for in the instant application

and 60 barrels, respectively, and their net worth is \$17,000. They serve two customers only at the present time, to-wit: Cactus Drilling Company and Lion Oil Division of the Monsanto Chemical Company, and are agreeable to a provision in any order granted that their service should be limited to the two customers during drilling operations, the use of their present equipment, and that the permit should be non-transferable.

Witness stated that applicants do not contemplate the transportation of crude oil from any refineries or any service to their customers, except during drilling operations. In their present operations under the commercial permit, they buy the water and sell it to the customers, and when they transport crude oil, same is not transported over any State or County roads. A complete service to their customers will include transportation of water from available sources within the area requested, drilling mud and crude oil, either from nearby wells or from Brush, Colorado. The need for all of these commodities, and their use during drilling operations, were explained in detail. The drilling of one well usually requires approximately 150 barrels of mud, and from 80 to 100 barrels of crude oil. Applicants base their equipment at the well site as the drilling contractor never knows when these supplies may be needed, and can brook no delay in their deliveries. Cactus Drilling Company now has one rig at a location approximately 8 miles northwest of Fort Morgan and Lion has 3 rigs set up in the area applicants seek to serve. Both companies have requested applicants to file the instant application.

Both of the proposed customers of applicants were represented at the hearing. John Murphy, Jr., Division Engineer for the Lion Division of the Monsanto Chemical Company, testified that he was employed by the Lion Oil Company up to the time of its consolidation with Monsanto and by the Lion Division of Monsanto thereafter. He stated that in well drilling operations, crude oil and mud are needed when the well

should be granted, as limited and restricted in the following Order.

O R D E R

THE COMMISSION ORDERS:

That William H. Hopkins and C. Wayne Shinn, co-partners, doing business as "H & S Water Service," 406 $\frac{1}{2}$  Duel Street, Fort Morgan, Colorado, be, and are hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of drilling fluid and crude oil between points within a radius of fifty miles of Fort Morgan, Colorado, said operation to be limited to the use of their presently-owned equipment, and to be restricted to the service during their drilling operations of two customers, to-wit: Cactus Drilling Company, and Lion Oil Division of Monsanto Chemical Company, without authority to add to the number of their customers without previous order of this Commission, and that the permit as authorized shall be non-transferable.

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

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

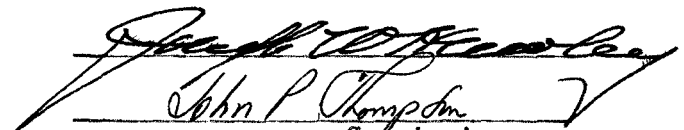
That the right of applicants to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

CHAIRMAN HORTON ABSENT AND  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.  
mls

  
Commissioners.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
G. D. BUSSARD, DOING BUSINESS AS )  
"BUSSARD BUS LINES," 619 EAST )  
MYRTLE STREET, FORT COLLINS, COLO- ) APPLICATION NO. 13640-Extension  
RADO, FOR AUTHORITY TO EXTEND OPER- )  
ATIONS UNDER PUC NO. 1808. )  
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November 1, 1955  
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Appearances: G. D. Bussard, Fort Collins,  
Colorado, pro se;  
Waldo and Waldo, Esqs.,  
Greeley, Colorado, by  
Ralph E. Waldo, Esq., for  
Loveland Taxi.

S T A T E M E N T

By the Commission:

G. D. Bussard, doing business as "Bussard Bus Lines," Fort  
Collins, Colorado, is the owner of PUC-1808, authorizing:

The transportation of passengers by bus, on  
schedule, in the City of Loveland, Colorado,  
over certain designated routes.

By the instant application, he seeks an extension of said  
certificate by an enlargement of the area he is authorized to serve  
to include all points within a radius of five miles of the City of  
Loveland.

Said application, pursuant to prior setting, after appro-  
priate notice to all interested parties, was heard at the Court House  
in Greeley, Colorado, on September 22, 1955, and at the conclusion of  
the evidence, the matter was taken under advisement.

Applicant testified that an extension of authority is needed  
to adequately serve the public because the City of Loveland has a resi-  
dential area outside the corporate limits which cannot be served under  
his present authority. There is also a residential area within the

city that cannot be served because it is necessary to travel a short distance outside the city limits in order to reach the area. In the subdivision known as "Kirkwood Addition" within the five-mile radius, there are approximately fifty to sixty homes, and on June 9, 1955, the Commission issued temporary authority to serve the residents of this addition, since which date he has furnished such service on a thirty-minute schedule from 6:05 A. M. to 7:05 P. M. Applicant also thought he should have authority to serve the Fair Grounds, three or four blocks outside the city limits during the time the Fair is in progress for a few days each year, and also a school that is not yet constructed, but offered no evidence in support of the proposed service to either project -- at least there is no evidence of present need for service outside the city limits, except the needs shown by the support given by the public to his scheduled service to Kirkwood Addition, since June 9, 1955. He uses three buses in his operation and is subsidized by the City of Loveland to the tune of \$150.00 per month, conditioned upon an extension of his authority to serve Kirkwood Addition.

There is in the files of the Commission a letter from E. F. Garrett, Mayor of the City of Loveland, written on behalf of the City Council, supporting the extension of authority to Kirkwood Addition on the ground that the residents of said addition share in contributing to the city funds used for the subsidy, and the further ground that since such residents are the furthest removed from the shopping area of the city, there is the greatest need for bus service in that area; also, a letter from Mrs. R. Lee Bergstresser, a resident of said addition, pointing out the need for bus service, particularly for those with but one automobile, and for school children; and a letter from Lyle E. Schuler, to the effect that the taxicab service is too expensive in comparison with bus service, and letters from other residents of the addition to the effect that bus service to the area is

essential.

Edward Devenyns, one of the owners of PUC-526, authorizing taxicab service within the city limits of Loveland and a radius of 75 miles thereof, appeared in protest. He referred to his equipment list on file with the Commission, and testified to the financial loss he might sustain if the instant application is granted. His revenue from calls within a two-mile radius of Loveland during the first 8 months of 1955 amounted to \$153.90, and within a four-mile radius, \$29.90. More revenue was obtained from service within a six-mile radius, but there is no breakdown for the 5 mile radius which applicant seeks to serve or from residents of the Kirkwood Addition. He testified, however, that the area is being adequately served by his taxicab service.

From a review of the evidence, the Commission is satisfied that an extension of applicant's bus service to Kirkwood Addition is justified, but that he failed to show any need for an extension to any other point within the five-mile radius of Loveland.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement should be made a part of these Findings by reference.

That the proposed extension of authority of applicant under PUC-1808 should be granted, to the extent only as set forth in the following Order, and that in all other respects said application should be denied.

#### O R D E R

##### THE COMMISSION ORDERS:

That G. D. Bussard, doing business as "Bussard Bus Lines," 619 East Myrtle Street, Fort Collins, Colorado, be, and he is hereby, authorized to extend operations under PUC-1808 to include transportation of passengers by bus on schedule between Loveland, Colorado, and

what is known as "Kirkwood Addition," and intermediate points, via Lincoln Avenue in Loveland and U. S. Highway No. 287, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

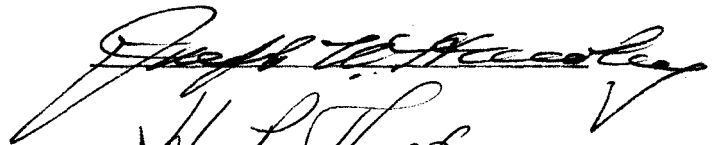
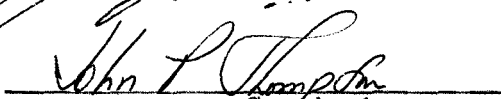
That applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system according to the schedule filed, except when prevented by Act of God, the public enemy or extreme conditions.

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN HORTON ABSENT AND  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
G. D. BUSSARD, DOING BUSINESS AS )  
"BUSSARD BUS LINES," 619 EAST )  
MYRTLE STREET, FORT COLLINS, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER PUC ) APPLICATION NO. 13642-Transfer  
NO. 1808 TO DEWEY H. BUSSARD AND )  
HAZEL M. BUSSARD, CO-PARTNERS, DO- )  
ING BUSINESS AS "LOVELAND CITY BUS," )  
116 SOUTH MONROE STREET, LOVELAND, )  
COLORADO. )  
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November 1, 1955  
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Appearances: G. D. Bussard, Fort Collins,  
Colorado, for Transferor;  
Dewey H. Bussard and Hazel  
M. Bussard, Loveland,  
Colorado, for Transferees.

S T A T E M E N T

By the Commission:

G. D. Bussard, doing business as "Bussard Bus Lines," Fort Collins, Colorado, is the owner of PUC-1808, authorizing (as amended) the transportation of passengers by bus on schedule in the City of Loveland, Colorado, over certain designated routes, and between Loveland, Colorado, and what is known as "Kirkwood Addition," and intermediate points, via Lincoln Avenue in Loveland, Colorado, and U. S. Highway No. 287.

By the instant application, he seeks authority to transfer said PUC-1808 and operating rights thereunder, to Dewey H. Bussard and Hazel M. Bussard, co-partners, doing business as "Loveland City Bus," Loveland, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Greeley, Colorado, on September 22, 1955, and at the conclu-

sion of the evidence, the matter was taken under advisement.

It appears from the evidence that there are no outstanding debts against the certificate and operations thereunder. The agreed purchase price for the certificate, including the three buses used in the operation, is \$1,380.00, to be paid at the rate of \$150.00 per month, commencing June 25, 1955, and the balance payable on September 25, 1955. At the date of hearing, there was a balance due on the purchase price of \$1,008.00, and it was agreed that it might be paid out at the rate of \$100.00 per month.

The financial statement of transferees shows assets as \$12,500, and liabilities as \$3,500. Transferees have been conducting the operations under the certificate for the past year by agreement between themselves and the transferor.

#### F I N D I N G S

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

That G. D. Bussard, doing business as "Bussard Bus Lines," 619 East Myrtle Street, Fort Collins, Colorado, should be, and hereby is, authorized to transfer all his right, title, and interest in and to PUC-1808, being the operating rights as set forth in the preceding Statement which, by reference, is made a part hereof, to Dewey H. Bussard and Hazel M. Bussard, co-partners, doing business as "Loveland City Bus," 116 South Monroe Street, Loveland, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have ad-

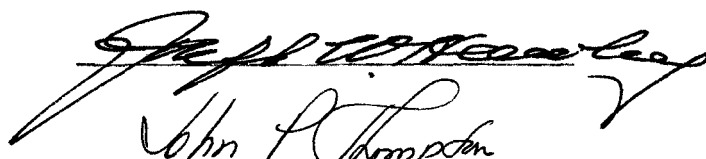
vised the Commission that said certificate has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules, and regulations of transferor shall, upon proper adoption notice, become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

The right of transferees to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

CHAIRMAN HORTON ABSENT AND  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

mls

original

(Decision No. 44857)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CLAUDE THOMAS BALLARD, DOING BUSI- )  
NESS AS "YELLOW CAB TRANSFER," 130 )  
NORTH SECOND STREET, STERLING, COLO- ) APPLICATION NO. 13784  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY. )  
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November 1, 1955  
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Appearances: Charles W. Kreager, Esq.,  
Sterling, Colorado, for  
applicant;  
Robert H. Hounshell, Sterling,  
Colorado, for Sterling  
Transfer Co.

S T A T E M E N T

By the Commission:

By the instant application, Claude Thomas Ballard, doing business as "Yellow Cab Transfer," 130 North Second Street, Sterling, Colorado, seeks a certificate of public convenience and necessity on call and demand, for the conduct of a delivery service for the delivery of all types and kinds of express, parcels, packages, boxes, small amounts and quantities of merchandise, including the delivery of merchandise from stores to homes of customers, the operation being generally known and described as a light drayage express or hauling-type of business, from point to point within the city limits of the City of Sterling, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Fort Morgan, Colorado, on October 27, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that since 1952 he has been conducting an operation in the city of Sterling, a home-rule city, in all respects the same as that for which he now seeks a certificate,



the operation being conducted under an original license from said city, of date February 12, 1952 (Exhibit 1), and annual renewals thereafter. Prior to the adoption of Amendment XXV to the Constitution of the State of Colorado, adopted by the people of the state in a General Election in November, 1954, this Commission had no jurisdiction over utilities operating in home-rule cities, and it was not necessary for applicant to apply to this Commission for authority to conduct his business. By the terms of said constitutional amendment, the Commission was given jurisdiction over utilities generally in home-rule cities, excepting those municipally owned, and it became necessary for applicant to file the instant application to establish his "grandfather rights."

Applicant's equipment consists of one 1947 1-ton Dodge stake-box truck, based at Sterling, and his net worth is \$5,000.

In protest, Robert H. Hounshell, owner of PUC-769, authorizing state-wide transportation of household goods, farm machinery, etc., testified that in connection therewith he also has conducted a general moving and storage business in Sterling since 1950, but has not yet filed application to establish his "grandfather rights" although entitled to do so. He agreed, however, that he would have no objection to the issuance of a certificate of public convenience and necessity to applicant, provided said certificate was worded the same as set forth in Paragraph 1 hereof.

There were no other protests to favorable action on the application.

The operating experience of applicant and his financial stability were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the instant application should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require, and will

require, the services of Claude Thomas Ballard, doing business as "Yellow Cab Transfer," 130 North Second Street, Sterling, Colorado, on call and demand, for the conduct of a delivery service for the delivery of all types and kinds of express, parcels, packages, boxes, small amounts and quantities of merchandise, including the delivery of merchandise from stores to homes of customers, the operation being generally known and described as a light drayage express or hauling-type of business, from point to point within the city limits of the City of Sterling, Colorado, and this Order shall be taken, deemed, and held to be a certificate of convenience and necessity therefor.

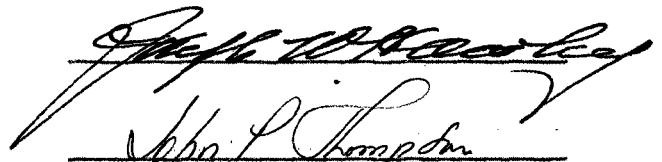
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

CHAIRMAN HORTON ABSENT  
AND NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

ea

original

(Decision No. 44858)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
FLOYD J. LINVILLE, 1401 CHEROKEE )	
STREET, DENVER, COLORADO, FOR A )	<u>APPLICATION NO. 13691-PP</u>
CLASS "B" PERMIT TO OPERATE AS A )	
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
----- )	

-----  
November 1, 1955  
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Appearances: Floyd J. Linville, Denver,  
Colorado, pro se;  
Marion F. Jones, Esq., Denver,  
Colorado, for Fairplay  
Motor Company.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at 9:30 o'clock A. M., October 14, 1955, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, with due notice to all parties in interest.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of

fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

At the hearing, applicant testified that he was engaged in the transportation of sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to road construction jobs and to cement-mixer plants; that the demand for such transportation was occasioned by the large increase in road and building construction; that he is financially able, and has sufficient equipment, to render the services sought to be rendered.

In opposition to the granting of the authority sought, E. B. Bell, Assistant Manager for Fairplay Motor Company, testified that his company had authority to render the service sought to be performed by applicant between points in a twenty-mile radius of Alma, Colorado; that his company had the type of equipment necessary to render such service, and was ready and willing to meet any demand therefor; that loss of any business would materially affect his company's ability to continue its services.

Upon questioning by the Examiner, applicant stated that he had no customers within a radius of twenty miles of Alma, Colorado, and did not know of any projects that might begin in the immediate future within said area.

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

## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That authority should issue to applicant, as set forth in the Order following.

## O R D E R

### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That Floyd J. Linville, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road construction jobs, mixer, and processing plants within fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to houses and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, and stone, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, excluding any service under the authority herein granted in Boulder, Clear Creek, and Gilpin Counties, and excluding service within a radius of twenty miles of Alma, Colorado.

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

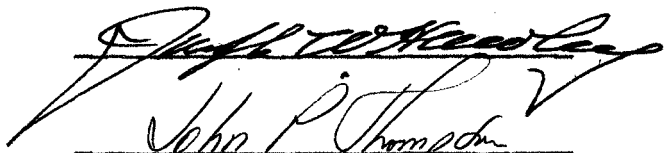
That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of

his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

CHAIRMAN HORTON ABSENT  
AND NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THOMAS FISHER, 903 BRADON AVENUE, )  
PUEBLO, COLORADO, FOR A CERTIFICATE ) APPLICATION NO. 13833  
OF PUBLIC CONVENIENCE AND NECESSITY. )  
----- )

-----  
November 1, 1955  
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Appearances: C. Fred Barnard, Esq.,  
Pueblo, Colorado,  
for applicant.

S T A T E M E N T

By the Commission:

On October 10, 1955, the above-styled application was filed by Thomas Fisher, Pueblo, Colorado, seeking a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of trash, cans, ashes, debris, and other refuse, from homes, residences, and dwellings in and near the City of Pueblo, Colorado, to a proper public dumping ground.

The Commission is now in receipt of a communication from Attorney for Applicant, stating said Applicant no longer desires to prosecute said application, and requesting dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Application No. 13833 should be, and the same hereby is, dismissed, without prejudice, at request of Attorney for Applicant herein.

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

CHAIRMAN HORTON ABSENT  
AND NOT PARTICIPATING.  
Dated at Denver, Colorado,  
this 1st day of November, 1955.  
ea

original

(Decision No. 44860)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ROBERT P. HINES AND BOB C. THROME-	)
BERRY, CO-PARTNERS, DOING BUSINESS )	
AS "B & B TRUCKING," 299 <sup>1</sup> / <sub>4</sub> EMPORIA )	APPLICATION NO. 13684-PP
STREET, DENVER, COLORADO, FOR A )	
CLASS "B" PERMIT TO OPERATE AS A )	
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
----- )	

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November 1, 1955  
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Appearances: Robert P. Hines and Bob C.  
Thromberry, Denver,  
Colorado, pro se;  
Marion F. Jones, Esq.,  
Denver, Colorado, for  
Fairplay Motor Company.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at 9:30 o'clock A. M., October 14, 1955, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, with due notice to all parties in interest.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of



Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

At the hearing, applicants testified that they were engaged in the transportation of sand, gravel, and other road-surfacing materials, from pits and supply points, to road construction jobs and to cement-mixer plants; that the demand for such transportation was occasioned by the large increase in road and building construction; that they were financially able and have sufficient equipment to render the services sought to be performed.

In opposition to the granting of authority sought, E. B. Bell, Assistant Manager of Fairplay Motor Company, testified that his company had authority to render the services sought to be performed by applicants in the instant application between points within a radius of twenty miles of Alma, Colorado; that his company had the type of equipment necessary to render this service, and that it was ready and willing to meet any demand for such service.

Upon questioning by the Examiner, applicants stated that they had no customers within a radius of twenty miles of Alma, and did not know of any projects that might begin in the immediate future within that area.

The operating experience and financial responsibility of applicants were established to the satisfaction of the Commission.

Report of the Examiner recommends that limited authority should be granted herein, as set forth in the Order following.

## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That permit should issue to applicants herein, as set forth in the Order following.

## O R D E R

### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That Robert P. Hines and Bob C. Thromeberry, co-partners, doing business as "B & B Trucking," Denver, Colorado, should be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road construction jobs, mixer, and processing plants within fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, and stone, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, excluding any service under the authority herein granted in Boulder, Clear Creek, and Gilpin Counties, and excluding service within a radius of twenty miles of Alma, Colorado.

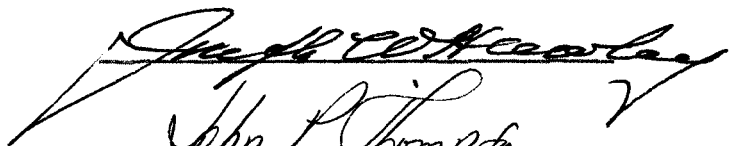

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN HORTON ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

ea

just

(Decision No. 44861)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
GLEN BOOMERSHINE, CASTLE ROCK, COLO-	)	
RADO, FOR A CLASS "B" PERMIT TO OP-	)	APPLICATION NO. 13686-PP
ERATE AS A PRIVATE CARRIER BY MOTOR	)	
VEHICLE FOR HIRE.	)	
-----	)	

-----  
November 1, 1955  
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Appearances: Glen Boomershine, Castle  
Rock, Colorado, pro se;  
Marion F. Jones, Esq., Denver,  
Colorado, for Fairplay  
Motor Company.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at 9:30 o'clock A. M., October 14, 1955, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, with due notice to all parties in interest.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction

jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

At the hearing, Applicant testified that he was engaged in the transportation of sand, gravel, and other road-surfacing materials, from pits and supply points, to road construction jobs, and to cement-mixer plants; that the demand for such transportation service was occasioned by the large increase in road and building construction; that he is financially able, and has sufficient equipment, to render the services sought to be performed.

In opposition to the granting of authority sought, E. B. Bell, Assistant Manager of Fairplay Motor Company, testified that his company had authority to render the services sought to be performed by applicant in the instant application between points within a radius of twenty miles of Alma, Colorado; that his company had the type of equipment necessary to render this service, and that it was ready and willing to meet any demand for such service.

Upon questioning by the Examiner, applicant stated that he had no customers within a twenty-mile radius of Alma, and did not know of any projects that might begin in the immediate future within that area.

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

Report of the Examiner recommends that limited authority should be granted herein, as set forth in the Order following.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That Glen Boomershine, Castle Rock, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road construction jobs, mixer, and processing plants within fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, and stone, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, excluding any service under the authority herein granted, in Boulder, Clear Creek, and Gilpin Counties, and excluding service within a radius of twenty miles of Alma, Colorado.

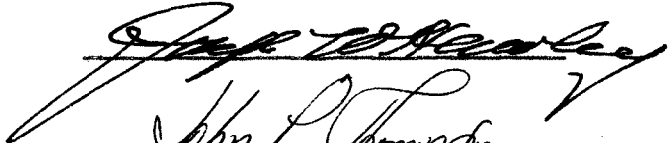
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

CHAIRMAN HORTON ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

ea

original

(Decision No. 44862)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ARTHUR R. GREB, 5725 SOUTH GALAPAGO )	
STREET, LITTLETON, COLORADO, FOR A )	
CLASS "B" PERMIT TO OPERATE AS A )	APPLICATION NO. 13687-PP
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
- - - - - )	

- - - - -  
November 1, 1955  
- - - - -

Appearances: Arthur R. Greb, Littleton,  
Colorado, pro se;  
Marion F. Jones, Esq.,  
Denver, Colorado, for  
Fairplay Motor Company.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at 9:30 o'clock A. M., October 14, 1955, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, with due notice to all parties in interest.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of feldspar ore, from mines in Jefferson, Park, Chaffee, and Fremont Counties, to mills and loading points in said counties, and to Denver; transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a



radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; transportation of sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to mixer and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

At the hearing, applicant testified that he was engaged in the transportation of sand, gravel, and other road-surfacing materials from pits and supply points to road construction jobs and to cement-mixer plants; that the demand for such transportation service was brought about by the large increase in road and building construction; that he was financially able, and had sufficient equipment, to render the proposed service; that he was also engaged in the transportation of feldspar ore from mines in Jefferson County, but had no customers for transportation of ore in Park, Chaffee, or Fremont Counties.

In opposition to the granting of authority sought, E. B. Bell, Assistant Manager of Fairplay Motor Company, testified that his company had authority to render the services sought to be performed by applicant in the instant application between points within a radius of twenty miles of Alma, Colorado; that his company had the type of equipment necessary to render this service, and that it was ready and willing to meet any demand for such service.

Upon questioning by the Examiner, applicant stated that he had no customers within a radius of twenty miles of Alma, Colorado, and did not know of any projects that might begin in the immediate future within said area.

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

Report of the Examiner recommends that limited authority should be granted applicant herein, as set forth in the Order following.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That Arthur R. Greb, Littleton, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of feldspar ore, from mines in Jefferson County, to mills and loading points in said county, and to Denver; transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, and stone, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; transportation of sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to mixer and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small

construction jobs within a radius of fifty miles of said pits and supply points; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, except that no service under the authority herein granted shall be performed within a radius of twenty miles of Alma, Colorado.

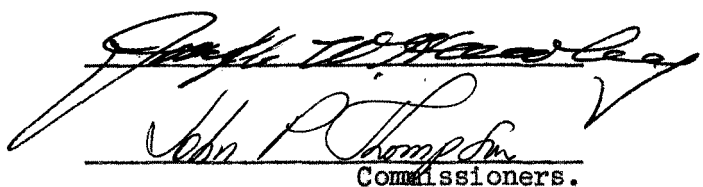
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

CHAIRMAN HORTON ABSENT  
AND NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN RE MOTOR VEHICLE OPERATIONS OF )  
ED A. JONES, 1361 KALAMATH STREET, )  
DENVER, COLORADO. ) PERMIT NO. B-2753  
-----)

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November 1, 1955  
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S T A T E M E N T

By the Commission:

On May 9, 1955, the Commission entered its Decision No. 44229, authorizing the above-styled permit-holder to suspend operations under Permit No. B-2753 until November 3, 1955.

The Commission is now in receipt of a communication from said permit-holder, requesting authority to further suspend operations under said permit for a period of six months, due to ill health.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Ed A. Jones, Denver, Colorado, should be, and he hereby is, authorized to further suspend operations under Permit No. B-2753 until May 3, 1956.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

CHAIRMAN HORTON ABSENT AND  
NOT PARTICIPATING.  
Dated at Denver, Colorado,  
this 1st day of November, 1955.

original

(Decision No. 44864)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN F. WHARTON AND JOHN F. WHARTON, )  
JR., CO-PARTNERS, DOING BUSINESS AS )  
"WHARTON TRUCK LINE," 530 SAHWATCH ) APPLICATION NO. 13814-Transfer  
STREET, COLORADO SPRINGS, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. )  
319 TO DALBY TRANSFER & STORAGE, INC., )  
3111 NORTH STONE AVENUE, COLORADO )  
SPRINGS, COLORADO. )  
-----)

IN THE MATTER OF THE APPLICATION OF )  
JOHN F. WHARTON AND JOHN F. WHARTON, )  
JR., CO-PARTNERS, DOING BUSINESS AS )  
"WHARTON TRUCK LINE," 530 SAHWATCH ) APPLICATION NO. 13815-PP-Transfer  
STREET, COLORADO SPRINGS, COLORADO, )  
FOR AUTHORITY TO TRANSFER PERMIT NO. )  
A-12 TO DALBY TRANSFER & STORAGE, INC., )  
3111 NORTH STONE AVENUE, COLORADO )  
SPRINGS, COLORADO. )  
-----)

IN THE MATTER OF THE APPLICATION OF )  
JOHN F. WHARTON AND JOHN F. WHARTON, )  
JR., CO-PARTNERS, DOING BUSINESS AS )  
"WHARTON TRUCK LINE," 530 SAHWATCH ) PUC NO. 1414-I-Transfer  
STREET, COLORADO SPRINGS, COLORADO, )  
FOR AUTHORITY TO TRANSFER INTERSTATE )  
OPERATING RIGHTS TO DALBY TRANSFER & )  
STORAGE, INC., 3111 NORTH STONE )  
AVENUE, COLORADO SPRINGS, COLORADO. )  
-----)

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November 1, 1955  
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Appearances: John F. Mueller, Esq., Denver,  
Colorado, and  
W. D. Benson, Esq., Lubbock,  
Texas, for Dalby Transfer  
& Storage, Inc.;  
Albert E. Norbont, Esq., Denver,  
Colorado, for transferors;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and  
Storage Company;  
Harold D. Torgan, Esq., Denver,  
Colorado, for Wandell & Lowe  
Transfer & Storage Co.;  
Nicolli Warehousing Co., Inc.;  
McCann Brothers Transfer Co.;  
and Cowen Transfer & Storage Co.

S T A T E M E N T

By the Commission:

John F. Wharton and John F. Wharton, Jr., doing business as "Wharton Truck Line," Colorado Springs, Colorado, are the owners of Private Carrier Permit No. A-12, authorizing the transportation of:

freight between Denver, Colorado Springs,  
Manitou and Pueblo, Colorado;

PUC-319, authorizing the transportation of:

freight between Colorado Springs and  
Matheson, and intermediate points; and  
freight, except lumber, coal, and grain  
between Matheson and Burlington, and  
intermediate points;

and PUC-1414-I, authorizing the transportation of:

freight in interstate commerce only  
between Denver and Pueblo, Colorado,  
and intermediate points over U. S.  
Highway No. 85.

The application to transfer these authorities, as noted in the foregoing headings, was filed September 14, 1955.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 31, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

As all three transfers are from the same present owners to the same buyer and involve similar evidence, the three matters were consolidated for hearing and decision, there being no objection to such procedure by anyone present.

In support of the transfers, the sellers, John F. Wharton and his son John F. Wharton, Jr., testified that they presently operate the certificates and the permit as a partnership. Pursuant to Private Carrier Permit No. A-12, they now conduct a line-haul general freight operation between Denver, Colorado Springs, and Pueblo, with offices in Colorado Springs only, but using dock facilities with a Mr. Martin in Denver. Their intrastate common carrier operation, pursuant to PUC-319, is also a line-haul scheduled

operation, between Colorado Springs and Burlington and intermediate points. Again, the only office is in Colorado Springs, although the partners have commission agencies at other points along the route. The partners identified the Contract of Sale and asked that it be approved in terms. No equipment is being transferred and no mortgage of permits or equipment is involved. The failing health of Mr. Wharton, Sr., is the cause of the sale.

The sellers are selling all of the for-hire authority which they have. A list of creditors, verified as complete, was offered in evidence. The partners testified that all road tax and other reports were current.

Mr. Bill Andis, Vice-President of the buying corporation, also appeared in support of the application. He testified that the buyer is a Texas corporation formed in October, 1954, and authorized to do business in Colorado. It does not now hold and has never held any authority from any regulatory body to engage in transportation for hire. The company conducts no motor carrier operations anywhere in the United States, except within the confines of the city limits of Colorado Springs. The only office of the company is in Colorado Springs. The company has operated a transfer and storage business within the confines of the corporate limits of Colorado Springs since 1954, and in connection with that business has purchased and now owns four tractor-trailer units, plus delivery equipment. The company plans to have no dock, terminal or agency facilities at any point, except one in Colorado Springs, one in Denver, and commission agencies along the route of the common carrier line-haul operation. The financial records of the company are presently maintained in Amarillo, Texas, but can be kept in Colorado Springs without undue inconvenience. As the Commission is required to supervise and review such records, we will require that they be kept within the State of Colorado. The company does not plan to make any change at present in the operation now being conducted by the sellers.

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission.

Mr. D. G. Dalby, President and majority stockholder of the transferee company, testified that he has been engaged in the transportation industry since 1931. He is also President of the Denver-Amarillo Express Company. He has reviewed the transferee company's situation and feels that with the additional authority here sought, and with additional financial backing, which he is willing to provide, the transferee company can operate at a profit.

Although several people appeared, presumably in opposition to the granting of the authority, no evidence was offered in protest and no reason now appears why the transfers should not be authorized.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the foregoing Statement is, by reference, incorporated hereinto.

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

### O R D E R

#### THE COMMISSION ORDERS:

That John F. Wharton and John F. Wharton, Jr., co-partners, doing business as "Wharton Truck Line," Colorado Springs, Colorado, should be, and they are hereby, authorized to transfer all their right, title, and interest in and to PUC No. 319, PUC-1414-I and Permit No. A-12, with authority as set forth in the foregoing Statement, which is made a part hereof by reference, to Dalby Transfer & Storage, Inc., Colorado Springs, Colorado, subject to payment of outstanding indebtedness against said operations, if any there be, whether secured or unsecured.

That transfer of interstate operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That the financial records of the Dalby Transfer & Storage, Inc., shall be kept and maintained at the office of that company in Colorado Springs, Colorado.



That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificates and said permit have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

The tariff of rates, rules and regulations of transferors shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferors of delinquent reports, if any, covering operations under said certificates and said permit up to the time of transfer of said certificates and permit.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Commissioners.

CHAIRMAN HORTON ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES CALVIN GROSS, DOING BUSINESS )  
AS "MERCURY DELIVERY SERVICE," 1435 )  
RACE STREET, DENVER, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 13788-PP

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November 1, 1955  
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Appearances: L. Joseph Pittroff, Esq.,  
Denver, Colorado, for  
Applicant;  
Harold D. Torgan, Esq.,  
Denver, Colorado, for  
Package Delivery Ser-  
vice Company; Speedy  
Messenger Service, and  
Acme Delivery Service,  
Inc.

S T A T E M E N T

By the Commission:

By application filed August 31, 1955, applicant seeks auth-  
ority to operate as a Class "B" private carrier by motor vehicle for  
hire for the conduct of a package delivery service from point to  
point within the City and County of Denver, Colorado, and a radius of  
ten miles thereof.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Hearing  
Room of the Commission, 330 State Office Building, Denver, Colorado,  
October 31, 1955, and at the conclusion of the evidence, the matter  
was taken under advisement.

In support of the application, the applicant testified that  
he has had about one year and a half experience in delivery service.  
In October 1954, he began making deliveries for Addressograph-Multi-  
graph Corporation within the city limits of Denver. He began to pro-  
vide similar service for General Letter Service about May, 1955. No

authority to haul for hire has ever been issued to him. He owns a 1953 Chevrolet pickup truck, and proposes to handle packages which ordinarily should not exceed 100 pounds in weight. He will engage in the business full time, as a sole proprietor. His net worth is approximately \$2,000. While he has only two customers at the present time, he feels that he could handle four or five customers all told. He intends to operate alone and not to hire other drivers nor use any equipment, except equipment he drives himself. A truck with a rated capacity of one-half ton will be sufficient for the service he proposes to render. He wants to render service throughout the Denver metropolitan area, particularly including the Federal agencies in Denver's perimeter. His present service consists of direct deliveries from his customers to their customers without additional handling and on the basis of not more than two pick-ups from any of his customers in any day. His operation, now and proposed, is a one-man, one-truck operation; it is not, and applicant indicates no intention for it to be, a large transportation operation.

Miss Alma Dalbo, Office Manager for Addressograph-Multi-graph, testified that that company has used applicant's service since October 1954 for the delivery of supplies for the machines they sell, but not for delivery of the machines themselves. The company needs more care and personal attention than they can get from an ordinary common carrier and particularly wants delivery to Government installations in the Denver vicinity. The company uses an existing common carrier, Speedy Messenger Service, for rush orders, and would continue to do so, as the service the applicant renders and would render is only for a regularly scheduled pick up daily and not for special or rush service.

Mr. Marion Lasley, a partner in General Letter Service, also appeared in support of the application. He has found existing common carrier service to be erratic and became so dissatisfied with it that

about one year ago he began to make deliveries himself. The applicant appeared in May and he has been using applicant's service since that time with great satisfaction. Applicant stops at his place of business twice each day: once to pick up deliveries destined to customers, the second time to pick up mail destined for the Post Office. He needs and wants the applicant's service.

In protest, Miss Alberta Dunbar, a partner in Speedy Messenger Service; Mr. Jack Thomas, Superintendent of Package Delivery Service; and Mr. Cecil Knox, Secretary-Treasurer of Acme Delivery Service, all appeared. The substance of their testimony was that among them they offer scheduled pickups daily or several times a day and also offer special or rush service as needed. They can all use additional business and have equipment and personnel to handle it. None of them at the present time is providing the customer witnesses with the service now rendered and proposed to be rendered by the applicant.

The evidence is clear from the two customer witnesses who appeared that they want and feel they need the service proposed by the applicant, on a scheduled basis. As the protestants are not now rendering the service to these two customers, it does not appear how their service could be impaired by the granting of the application, as limited hereinbelow. Their service might well be impaired, however, if the door were left open for the applicant to expand his service to customers, or in areas, or in volume, not clearly established at the hearing. To allow the applicant a maximum of five customers, for example, when he has proved necessity for only two, might well allow him to make inroads as to the three unnamed customers upon the existing service of common carriers. This we cannot permit, under the statute. We will therefore authorize the service only to the extent that its necessity was clearly established.

## F I N D I N G S

### THE COMMISSION FINDS:

The foregoing Statement is, by reference, incorporated hereinto.

That authority sought should be granted as set forth in the Order following.

## O R D E R

### THE COMMISSION ORDERS:

That James Calvin Gross, doing business as "Mercury Delivery Service," Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the conduct of a package delivery service from point to point within a radius of 15 miles of the intersection of Colfax and Broadway, and specifically including the Federal Center, the Rocky Mountain Arsenal, Fitzsimons General Hospital, and Buckley Field, but expressly limited to scheduled service involving not more than two pickups per day, and limited to two customers, viz.: Addressograph-Multigraph and General Letter Service; also limited to the use of only one vehicle on the road at one time, and that vehicle not to have a rated capacity greater than one-half ton.

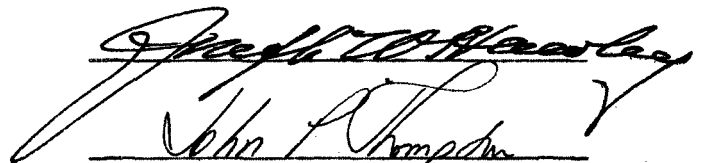

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this Order shall become effective twenty-one days from  
date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

CHAIRMAN HORTON ABSENT AND  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of November, 1955.

mls

original

(Decision No. 44866)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE COLORADO AND SOUTHERN RAILWAY )  
COMPANY, 509 SEVENTEENTH STREET, )  
DENVER, COLORADO, FOR AN ORDER TO )  
DISCONTINUE AGENCY SERVICE AT BRAN- )  
SON, LAS ANIMAS COUNTY, COLORADO, )  
AND TO CLOSE THE SAME AS AN AGENCY )  
STATION. )  
----- )

APPLICATION NO. 12948

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November 4, 1955  
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Appearances: John C. Street, Esq.,  
Denver, Colorado, and  
W. L. Peck, Esq., Denver,  
Colorado, for the Colorado  
& Southern Railway Company;  
John N. Mabry, Esq., Trinidad,  
Colorado, for Protestants  
Citizens of Branson com-  
munity and environs;  
W. M. Epstein, Denver, Colo-  
rado, for the Order of Rail-  
road Telegraphers;  
J. L. McNeill, Denver, Colo-  
rado, and  
Samuel J. Philipponne, Denver,  
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On June 8, 1954, The Colorado and Southern Railway  
Company, by J. D. Walker, Assistant Vice President and General  
Manager, filed its application with this Commission, seeking an  
order to discontinue its Agency Station at Branson, Colorado, all  
as captioned above.

Pursuant to notice forwarded to interested parties, to  
the Board of Las Animas County Commissioners, and to newspapers at  
Trinidad and Branson, Colorado, the matter, as assigned for hearing  
in the District Court Room, Trinidad, Colorado, at ten o'clock  
A. M., November 9, 1954, was heard, and taken under advisement.

Also called for hearing was Application No. 13076, being the petition of Railway Express Agency, Inc., for an order to simultaneously discontinue express service when the Colorado & Southern Railway Company is authorized to discontinue Agency service at Branson, Colorado. With the agreement of counsel, both applications were consolidated for hearing.

At the hearing, W. S. Pringle, General Auditor for Applicant for the past five and one-half years, offered and identified Exhibits Nos. 1 and 2. Exhibit No. 1 consists of fifteen pages and covers the business, revenues and expenses at the Branson Station for the years 1950 through 1953, and the first nine months of 1954. Complete data is tabulated by months to show movement -- whether forwarded or received -- and volumes of Less than Carload shipments, Milk and Cream shipments, Railroad Passenger Traffic from Branson, Commission on Western Union tolls and Carload Freight shipments.

In the matter of revenue, Mr. Pringle explained that not all money collected for carload freight shipments can be credited to the Branson station for the reason that many carload shipments are interlined with other carriers and the freight revenue must be apportioned, therefore, only the Colorado and Southern Revenue is considered in the exhibits. Where the shipments are completely handled on the Colorado & Southern lines, then 50 per cent of the Branson freight collections have been used, since the station where the shipment originates or terminates must also be given some credit, and the remaining 50 per cent is then accounted for.

A comparative revenue - expense summary is as follows:

<u>Year</u>	<u>Total Revenue from all sources</u>	<u>Total Station Expense at Branson</u>
1950	\$3,493.49	\$4,668.63
1951	5,058.74	5,093.98
1952	5,376.40	5,125.16
1953	4,667.26	5,384.48
1954 (9 mos.)	3,131.96	3,465.25

Exhibit No. 2 is a statement to show the Revenue Credited to Branson and the System Cost of Handling beyond Branson. In this



exhibit, the system ratio of Operating Expenses to Operating Revenue was corrected to exclude the item of Station Expenses. These Operating Ratios are as follows:

1950, 61.19%; 1951, 62.68%; 1952, 63.79%; 1953, 62.98%; 9 mos. 1954, 73.79%.

Cost of handling beyond Branson is then the product of total Operating Revenue multiplied by the Operating Ratio. This is an interesting use of Operating Ratios to show that station revenue must also support other expenses of the railroad in addition to the out-of-pocket expenses at the station.

Exhibit No. 3 was accepted for filing at the hearing, being a letter in the files of the Commission from the Postal Transportation Service, stating:

"The closing of the agency station at Branson, Colorado, will have no effect whatever on the delivery and receipt of mail at this point, and the Postal Transportation Service is offering no objection to discontinuing this as an agency station."

J. D. Walker, Assistant Vice-President and General Manager of the Colorado and Southern Railway Company, offered and identified Exhibit No. 4, being a blueprint map of the Colorado and Southern line in Las Animas County, Colorado, and Union County, New Mexico. Mr. Walker stated he had been with the railway company about fifty-two years, and was familiar with the station at Branson. His testimony was quite extensive regarding the whole Branson matter, and which we will briefly review as follows: With reference to Map Exhibit No. 4, Branson is the last station in Colorado on the main line extending southward from Trinidad into New Mexico. Agency stations are maintained at Trinidad, Trinchera, Branson, and at Folsom, New Mexico. The rail line is shown in red on the map. A gravel road shown in green, parallels the rail line from Trinidad through Trinchera and Branson to Folsom. Branson is also the junction point for a gravel road extending north some 11 miles to connect with the improved gravel highway U. S. No. 160, shown in yellow, that serves the inland towns of Tobe and Kim. Current population of Branson is

about 100 to 125, having declined from 157 in 1950, and from 250 in 1940. Principal rail business consists of carload livestock shipments and a small amount of LCL freight, since the local grocery store and a bulk oil station are the only other businesses in the town. School buses bring grade and high school students to Branson from Trinchera and from Abeyta, which is 22 miles distant northwesterly along the Colorado & Southern line.

Hours of the agent at Branson are from 11:00 A. M. to 4:00 P. M. and from 5:00 P. M. to 8:00 P. M. for five days per week. Train service through Branson consists of two streamliner trains-No. 1 South at 6:08 P.M. (agent on duty)  
No. 2 North at 1:25 A.M.

Two local passenger trains  
No. 7 South at 2:11 A.M.  
No. 8 North at 12:19 P.M. (agent on duty)

Two local freight trains  
South at 6:30 A. M.  
North at 10:00 P. M.

Two through freight trains that do not stop.

The local Passenger No. 7 southbound, makes a stop to unload mail at a time when the agent is not on duty; should the agent be withdrawn, no change will be made in service at Branson since the regular stops will be continued in order to put off mail and pick up outgoing mail and cream shipments.

With the proposed removal of the agent, it would be necessary that inbound LCL and carload shipments be handled prepaid; a card sent out by the agent at Trinchera would inform the consignee of the arrival of his shipment. In making outbound carload shipments the customers could place their orders for cars with the agent at Trinchera, or the agent at Folsom, or the chief dispatcher at Trinidad; the cars could be ordered by letter or Colorado and Southern would pay telephone charges on toll calls from the Branson area.

Mr. Walker reviewed much of the data presented in the Auditor's Exhibit No. 1, and emphasized the small volume of work performed by the agent -- amounting to some 30 minutes per day -- citing that in 1954, the average monthly volume of shipments was as follows:

LCL shipments	1.3 per month
Milk shipments	1.5 per month
Number of tickets sold	7 per month
Carloads of freight forwarded-less than 1 (one)	
car per month	
Carloads forwarded	1.4 per month

Total of the above resulted in an average of 12.4 transactions per month, or less than one per day.

In response to questioning, Mr. Walker reported that agents will be maintained at Folsom, New Mexico, some 20 miles south of Branson, and at Trincheras, some 12 miles to the northwest; that the agent was being retained at Trincheras, since that location was a more central point in the territory between Trinidad and Folsom; that in the past, the agent at Branson had worked overtime when it was advantageous to send out train orders to help advance a train; that the agent's wages had increased from about 62 cents an hour a few years ago to the current rate of \$1.69 per hour.

In the event the agent was taken off, Mr. Walker stated the stockyards and scales at Branson would no longer be locked, but would be left open for the public to use when necessary, a practice that is followed at other stations along the line where livestock shipments are made and there is no agent on duty.

On behalf of protestants, testimony was offered by seven witnesses who described the needs for rail service and dependence on the agent. Much of the testimony was similar, and we will therefore review the principal items as follows:

Mr. Richard Lowden, a rancher, reported he lived about 20 miles east of Branson and about 3 miles west of the old Post Office station of Gotera. He introduced in evidence a map of Las Animas County which was marked Protestants' Exhibit A. A blue line on the map outlined an area extending some 50 miles eastward from Branson, including the settlements of Villa Green, Tobe and Kim, and extending southward from the Purgatoire River to the New Mexico state line, including the Mesa De Maya area. He stated the main shipments going out of Branson are livestock and mainly cattle that are shipped out

in the fall of the year, starting about August. That in the past there were extensive grain shipments but recent and continued drouth conditions had seriously reduced the grain crops. That Branson was his trade center and the proposal to handle all station business from the office at Trinchera would involve 25 miles of extra driving for him to pick up freight or contact the agent. That the roads in the area are poorly maintained; that the road from Branson to Trinchera is a passable dry-weather road, but in times of moisture or snow, it is not a good road for freight or truck traffic. Due to the absence of telephone service, much dependence has been placed on the services of the school bus driver operating out of Branson; that he does not have a daily mail service, and the bus driver has been performing a dependable messenger service to relay information from the agent regarding freight shipments and cars, since his main shipments occur during the school terms -- fall and spring. In the proposed method of receiving all information by mail or card from Trinchera relative to cars and train movements, Mr. Louden explained that much uncertainty would remain since he is not on the Trinchera school bus route. He cited that the uncertainty might then lead to excessive shrinkage losses when the cattle were loaded for shipment on the basis of a promised train arrival and the train was delayed, causing the cattle to be in the cars without food and water as much as six to twelve hours additional time. He recounted the preferable loading method was to arrange the cattle loading operation to agree with the actual train arrival time, providing the further convenience of making delivery of the Brand Inspection Report directly to the agent or to the train crew. This more efficient operation only being possible when the services of the local agent are readily available to give accurate and progressive information concerning train movements into Branson.

Mr. Louden reported that he and other members in his family handled some 500 to 600 grown cattle on their ranch lands during normal years; that about 185 animals were shipped in the past year;

100 head moved by truck to Kansas and the remaining 85 head moved by rail in two shipments made in July and October.

Mr. Harry L. Beirne stated he has been a State Stock Brand Inspector for some thirty years, serving almost entirely in Las Animas County. It was his report that there are some 20,000 cattle in the ranching area from Branson north and east to Kim; that in the past year some 600 head of cattle, amounting to 18 or 19 cars, were shipped, coming from the Mesa De Maya and northward 40 miles toward the Purgatoire River, from the Dohertys in the Branson area, from the Lowdens out 20 miles, and from Mrs. Doherty out about 20 or 25 miles; that from the above area he had also inspected some 1500 animals that were moved by truck -- some were sold, and many went to wheat pasture in Kansas. Mr. Beirne explained that much of the truck movement was the result of better truck equipment and the ability to go to the ranches to pick up stock and then make delivery direct to the market or to pasture lands in Kansas. He stated a Mr. Warner operated a truck line to Branson, with small equipment, that would only handle 10 or 12 head of cattle per load.

Relative to cattle movements, Mr. Beirne explained that a duplicate copy of his Brand Inspection Report must be issued to the carrier before the cattle are loaded or moved. With no agent at the Branson station, he would be forced to deliver the report to the nearest agent, who would be located at Trinchera, or make delivery direct to the conductor if the train was at Branson. It was his comment that the public convenience and necessity would definitely be served by keeping the agent and keeping the station open at Branson.

Mrs. Joseph L. Doherty stated she lived at Mesa De Maya Ranch and operated two cattle ranches -- located nine miles and thirty miles eastward from Branson. For the past nine years she has shipped cattle by rail and become quite familiar with the rail service and the assistance which the agent can render. It was her experience that even with the agent on duty, there was considerable uncertainty in knowing when livestock cars would be placed for loading

or when the train would arrive, due to delays along the line. With no agent at Branson, the uncertainty would be greater since there would then be no means to secure train data; her loading crews would be tied up; her cattle would be forced to stand in the stockyards subject to shrinkage, disease, dust and delay. In times of bad weather, highway traffic is stopped between Trinchera and Branson, emphasizing that the services and favors rendered by the Branson agent have been very helpful in the matters of storm locations, checking train schedules, and the location of cars enroute. In 1954, her shipments consisted of two carloads in February; one carload on October 1st, and 5 carloads on October 29, for a total of 290 cows and calves by rail. Also, on October 28 & 29th, she shipped 300 calves to Longmont, Colorado, by truck. Relative to inbound shipments, she reported her dependence on the agent to give accurate notification of arrival in Branson in order to avoid demurrage charges; that she did not pay merchandise or freight charges to the agent since these matters were arranged with the shipper for pre-payment; that she received very little merchandise by express and the stoppage of service by the Express Company would not cause any great inconvenience to her cattle operations.

Mr. William Doherty testified relative to his activities in the cattle operations of John J. Doherty and Sons. He stated he lived five miles south of Branson; that his brother lived six miles south of Trinchera, and that his father lived west of Folsom, New Mexico, during the shipping season; that they all handled the whole business together; that their operation produced eight carload shipments in October, 1954; that their need for livestock shipments is confined to the month of October with only few shipments in August and September; that the absence of an agent at Branson would cause the inconvenience of having to check on cars every day during the shipping season when cars were expected, and that in times of storms, the possibility of economic losses would be increased.

Mr. Ulysses Salas related his shipments of cream in 10-gallon cans had been refused by the agent for the reason a full can was too heavy and the agent was not able to lift it into the baggage car. Mr. Salas stated he lived 15 miles to the north and east from Branson; that he was using the railroad for cream shipments by railway baggage to a Trinidad creamery; that more recently he had been bringing the cream in himself or sending it with somebody who would be coming in; that his milk and cream shipping business lasted for about five to six months or through June into November; that he shipped two or three times per week in 10-gallon cans; that he believed the rate to be 43 cents on a 10-gallon can and 23 cents on a 5-gallon container.

Mr. Murray E. Hudson stated he was ranching, owned his own ranch, and lived 35 miles north of Branson. It was his testimony that with the proposed agent removal, he would have the added inconvenience of 20 or 30 miles added driving in going to Trinchera to order cars and the same inconvenience to secure additional shipping information or to complete the shipment; that during the storms of past years when hay and feed were hauled out of Branson, and particularly during a heavy storm of 1946, the roads were blocked in Trinchera so that it was impossible for trucks to go there. He stated he received his mail three times per week on a rural mail route; that he received parcel post service, and had some shipments during the past year by express. He explained also that during recent years he had been unable to get feed cake and meal due to drouth conditions in the cotton belt, and therefore had received no carload shipments. In the past year his livestock shipments by rail consisted of two cars in July, three cars in October and one shipment made by truck.

Mr. Bill Fry stated he has been selling Continental Oil Products as a jobber in Branson for 12 years; that he had encountered difficulty in securing tank-car shipments due to car shortages; that each year he sold the equivalent of 20 tank cars of gasoline; that

for the last six years he had received an average of one car per year and would handle two cars for 1954; that the matter of rail rates compared to truck rates made no difference to him, but that he did prefer to ship by rail since it was not necessary for him to be on hand to unload.

He stated also that for some years past he had received two to four carloads of cotton seed cake each year as prepaid carload shipments and expressed some concern over the method of handling a claim for damaged merchandise when the agent would be removed. It was the reply of Mr. Walker for the railroad that a claim should be mailed at once to an agent or to the claim agent at Denver, and the matter would be investigated.

Accepted for whatever it's worth, was Protestants' Exhibit "B" as offered in conclusion by counsel for protestants. Counsel explained the document had been prepared by the present railroad agent to show entire gross receipts at the Branson Station for the years 1950 to 1954, inclusive, with partial revenues for 1953 and 1954 as shown.

Railroad counsel offered objection on the basis that the exhibit was misleading since the total revenues received at the station also included the revenues due and payable to other railroads for freight movement and would also give full credit to the Branson station for both incoming and outgoing shipments. Counsels' objection was further broadened in the statement:

"that the question involved in this hearing is the question of whether public convenience and necessity for the services of an agent at Branson is such that the railroad company should continue to provide such agent at the expense and cost to it which our exhibit shows."

We are therefore lead to a consideration of the services offered by the Agent: It is our thought that since he is the only man in the station, he can become a person of importance; to the community he represents the railroad, an organization of great magnitude and service, miles of rail lines, many cars of varied



types, engines, tickets, tariffs, bills of lading, and the telegraph. The agent comes to be well known in his community. Through his experience and from the information available to him, he is able to advise patrons of the services his employer can provide. He is personally responsible for maintaining an efficient operation at his station and for creating good-will traffic wise. By making prompt and fair claim settlements, he can do much to maintain good-will when a consignee receives a damaged shipment. In the instant matter, we have testimony relative to the aid and assistance in communication offered by the agent during storms and bad weather; that the agent has cooperated with people of the area by sending messages with the school bus driver and staying on duty long hours to advise waiting shippers of train and car movements.

On the other hand, we note train stops being made at hours when the agent is not on duty, cars are set out, mail is picked up and set off, passengers board the train -- all without benefit of the agent's services.

Next, we are prompted to examine the public convenience and necessity. It is our observation that the convenience of any service is directly related to the degree of ease or difficulty involved in order to use the service. Testimony was given to show that patrons of the station lived at distant ranches; that they traveled from five to thirty miles over a system of poorly maintained roads which converged at Branson; that with the proposal to remove the agency service to Trinchera, patrons would then have an additional 25 miles of travel over the same type of gravel roads to transact railroad business. We must therefore conclude that under any consideration, it is not easy to utilize the rail service and certainly an additional 25 miles of travel over poor roads will add to the hardship as well as reduce incentive to use the service.

In the matter of necessity, we are aware that in this instance the utilization of the agent's services is confined to a limited group of patrons on what appears to be a seasonal basis, as shown in the following summary for five years of the indicated data as developed from Applicant's Exhibit 1:

Carload Freight Shipments to and from  
Branson, Colorado,  
For the Years 1950 through September 1954

Number of Cars Shipped

Month	1950	1951	1952	1953	1954	Total	Average per Mo.
January	-	-	-	-	-	-	-
February	1	-	-	-	2	3	.6
March	-	-	-	-	-	-	-
April	6	-	-	-	-	6	1.2
May	-	-	-	-	-	-	-
June	-	-	2	-	-	2	.4
July	-	2	-	-	3	5	1.0
August	-	-	2	-	-	2	.4
September	-	1	12	3	2	18	3.6
October	11	42	18	5	-	76	19.0
November	3	2	18	4	-	27	6.7
December	-	-	-	-	-	-	-
Total	21	47	52	12	7	139	

Number of Cars Received

Month	1950	1951	1952	1953	1954	Total	Average Per Mo.
January	2	1	1	1	1	6	1.2
February	2	-	7	10	7	26	5.2
March	-	4	-	7	4	15	3.0
April	5	6	3	-	-	14	4.8
May	1	-	-	-	-	1	.2
June	1	1	-	-	-	2	.4
July	1	-	-	3	-	4	.8
August	1	1	-	2	-	4	.8
September	9	6	2	8	2	27	5.4
October	5	7	5	7	-	24	6.0
November	5	7	6	2	-	20	5.0
December	2	1	3	16	-	22	5.5
Total	34	34	27	56	14	165	

We have noted further that the agency service most desired by protestants pertained to the assistance rendered by the agent in securing and billing cars for outbound shipments rather than the receipt of incoming carloads. This is understandable because of the commodity, incoming loads are generally feed or other inert merchandise; the outgoing shipments are livestock with the related problems of feed and water for the animals, the arrival of cars, loading and final movement.

The extent of need or the necessity for the above agency service becomes apparent by referring to the above Summary of Cars Shipped. In the whole year of 1953, there were no movements until the month of September, when three cars were handled, in October

there were five cars, in November four cars, and none in December. For the average of all the shipments made during the five years shown in the summary, there is the same seasonal movement apparent as follows: September 3.6 cars; October 19.0 cars; November 6.7 cars.

Relative to the other station services which the agent performs at Branson, we have the following for the complete year of 1953:

	Total for the year	Average
Carloads Received	56	5 per month
LCL Shipments Forwarded	2	-
LCL Shipments Received	51	1 per week
Milk & Cream Shipments	16	1 per month
Tickets sold	80	7 per month
Percentage of Western Union Tolls -	\$24.63	\$2 per month

It now becomes apparent that the year-around services of an agent are not necessary and cannot be justified for such a small volume of other station services as shown above. In fact, the testimony shows that incoming shipments have come prepaid and the only function of the agent was to break the seal and open the car door.

In summation, it now appears that the demands of public convenience and necessity for the services of an agent at the Branson station are actually limited to the seasonal livestock movements occurring in the months of September, October and November. It is our further conclusion that these demands are sufficient to justify the maintenance of an agent at Branson during the livestock shipping season since the livestock producers have indicated their preference for rail haulage; the maintenance of an efficient shipping service will protect the economy of the whole region and can encourage continued rail movement for prepaid inbound shipments; the carrier has expressed its desire to continue livestock haulage and the expense of approximately \$1500 for station operation for that purpose can be further justified since the continuance of the annual revenue of some \$5000 then becomes more likely.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That public convenience and necessity no longer require the

services of an agent at the Colorado & Southern Railway Station of Branson, Colorado, on an annual basis, but rather that a seasonal need does exist for the Fall shipment of livestock, and that said agency services may be withdrawn except during the months of September, October, and November of each year.

That the foregoing Statement is, by reference, made a part of these Findings.

O R D E R

THE COMMISSION ORDERS:

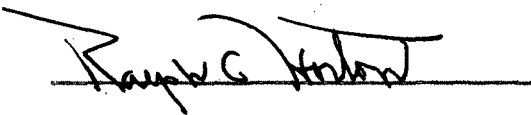

That The Colorado & Southern Railway Company, be, and it hereby is, granted authority to withdraw the services of its agent at Branson, Las Animas County, Colorado, during all months of the year except September, October and November.

That the services of an agent be provided at Branson on a seasonal basis to meet the livestock shipping needs and to perform such other duties as may be required during the indicated season of September, October and November.

That the Commission shall retain jurisdiction in this matter to make such further orders as may be required.

This Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of November, 1955.

original

(Decision No. 44867)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PETITION OF )	
RAILWAY EXPRESS AGENCY, INCOR- )	
PORATED, TO ABANDON EXPRESS )	APPLICATION NO. 13076
SERVICE AT BRANSON, COLORADO. )	
----- )	

-----  
November 4, 1955  
-----

Appearances: John C. Street, Esq.,  
Denver, Colorado, and  
W. L. Peck, Esq., Denver,  
Colorado, for the Colorado  
& Southern Railway Company;  
John N. Mabry, Esq., Trinidad,  
Colorado, for Protestants,  
Citizens of Branson com-  
munity and environs;  
W. M. Epstein, Denver, Colo-  
rado, for the Order of Railroad  
Telegraphers;  
J. L. McNeill, Denver, Colorado,  
and  
Samuel J. Philippon, Denver,  
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On August 31, 1954, Railway Express Agency, Incorporated, by C. C. Case, Superintendent, filed its application with this Commission, seeking an order to abandon express service at Branson, Colorado, said order to be effective simultaneously with whatever order the Commission would render in the matter of agency service discontinuance as requested by The Colorado & Southern Railway Company at Branson, Colorado.

The matter was assigned for public hearing by the Commission in the District Court Room, Trinidad, Colorado, at ten o'clock A. M., November 9, 1954, and, after notice to interested parties, to the Board of Las Animas County Commissioners and to newspapers at Trinidad and Branson, Colorado, was heard and taken under advisement by the Commission.

Also called for hearing was Application No. 12948, being the application of The Colorado and Southern Railway Company to discontinue its Agency Station at Branson, Colorado. With the agreement of counsel, both applications were consolidated for hearing.

At the hearing, testimony in behalf of the Railway Express Agency was given by J. R. Trezise, General Agent at Pueblo, Colorado. In his testimony he offered and explained Railway Express Agency Exhibit No. 5.

It was shown that the railroad agent at Branson has acted as the agent for the express company and was paid by them on a commission basis amounting to 10% of the express revenue collected.

In Exhibit No. 5 it was shown that total shipments and commissions were as follows:

<u>Year</u>	<u>Shipments</u>	<u>Month</u>	<u>Average Commission Per Month</u>
1952	75	6	\$2.74
1953	64	5	1.68
1954 (7 mos.)	30	4	1.81

With the requested agency discontinuance at Branson, Mr. Trezise explained that the above shipments would be handled by the agent at Trinchera; that the merchandise would be stored in the Trinchera station building and held for the consignee; that a postal card would be sent by the Trinchera agent to the consignee informing him of the shipment arrival.

In the course of the hearing, other testimony was given by railroad patrons to the effect that express shipments were limited -- possibly to a Christmas package in one instance, and that the absence of the express agency would have some effect but not any great inconvenience for another witness.

It appears then the express service is merely an incidental convenience that has been available to the Branson area, it has not been extensively patronized, and no request was made for its continuance. The availability of the service has apparently been considered as a railway function since the railway agent performed the duties involved. Petitioner has stated in its application that the

Railway Express Agency has no objection to the abandonment of Colorado and Southern Agency service, and requests that it "may simultaneously be authorized to abandon the Express service rendered by Petitioner at said station."

It should be stated now that our Order in the Railway abandonment Application No. 12948 provides as follows:

"That The Colorado & Southern Railway Company be, and it hereby is, granted authority to withdraw the services of its agent at Branson, Las Animas County, Colorado, during all months of the year except September, October and November."

"That the services of an agent be provided at Branson on a seasonal basis to meet the livestock shipping needs and to perform such other duties as may be required during the indicated season of September, October and November."

At this point, we can see the relation for a simultaneous abandonment of the express service as related to the withdrawal of the railroad agent. This, however, cannot be taken as a condition or a situation which, by itself, would justify the removal of the express service. The almost non-existence of demand for express service is the controlling factor in this instance and no justification was advanced for continuance of the service. On the other hand, we do have the situation where the services of the rail agent are to be made available on a seasonal basis as indicated in the above Order, and the question of also providing the convenience of express service is raised.

In the instant matter, and considering the small volume of express business, it is our thought that no undue burden will be placed upon Railway Express Agency to also make its service available on the same seasonal basis as ordered for maintenance of the rail agent.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That public convenience and necessity do not require the services of a Railway Express Agency office at Branson, Colorado.

That concurrent with the discontinuance of agency service by the Colorado & Southern Railway Company, at Branson, Colorado, said Railway Express Agency may also withdraw and abandon its service as performed by the railroad company agent.

That Railway Express Agency service be made available on a seasonal basis at and during the same times that railroad agency service is provided by Colorado & Southern Railway Company at Branson, Colorado.

That the above Statement, by reference, is made a part of these Findings.

#### O R D E R

##### THE COMMISSION ORDERS:

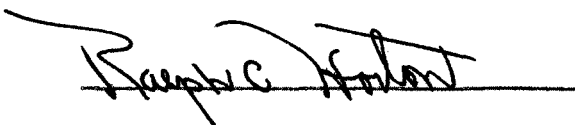
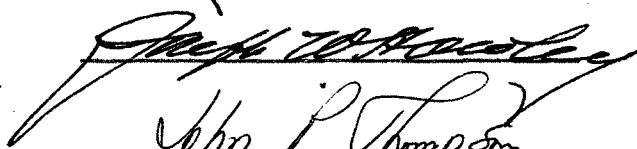

That Railway Express Agency, Incorporated, be, and it hereby is, granted authority to discontinue its agency service at Branson, Colorado, said discontinuance to be effective concurrently with the removal of agency service by the Colorado & Southern Railway Company at said station during all months of the year except September, October and November.

That in conjunction with the agency services to be provided by Colorado & Southern Railway Company on a seasonal basis, Railway Express Agency, Inc., shall also make its services available to the general public at Branson, Colorado, on the same seasonal basis.

That the Commission shall retain jurisdiction in this matter to make such further orders as may be required.

This Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of November, 1955.  
ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ARTHUR ROYBAL, BOX 151, WESTON,  
COLORADO.

PERMIT NO. M-5844

November 10, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Arthur Roybal

requesting that Permit No. M-5844 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5844, heretofore issued to \_\_\_\_\_  
Arthur Roybal \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 31, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
*John P. Thompson*  
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 195 5.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FRANK COHN, DOING BUSINESS AS )  
"SALIDA TIRE & BATTERY CO.," 3706 )  
ARNO N. E., ALBUQUERQUE, NEW MEXICO. )  
----- )

PERMIT NO. M-6497

-----  
November 10, 1955  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Frank Cohn, dba Salida Tire & Battery Co.

requesting that Permit No. M-6497 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6497, heretofore issued to \_\_\_\_\_

Frank Cohn, dba Salida Tire & Battery Co. \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 13, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
\_\_\_\_\_  
John P. Thompson  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WAYNE L. HAYDEN, 156 $\frac{1}{2}$  LINDEN STREET, )  
FORT COLLINS, COLORADO. )  
\_\_\_\_\_) )

PERMIT NO. M-5489

\_\_\_\_\_  
November 10, 1955  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Wayne L. Hayden

requesting that Permit No. M-5489 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5489, heretofore issued to \_\_\_\_\_  
Wayne L. Hayden \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 13, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Norton  
Robert W. Hurd  
Robert P. Thomas  
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 195 5.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WARD H. MATTSON, 1225 WAZEE, DENVER, )  
COLORADO. )

PERMIT NO. M-1546

November 10, 1955

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Ward H. Mattson

requesting that Permit No. M-1546 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-1546, heretofore issued to \_\_\_\_\_  
Ward H. Mattson \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 1, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Reuben C. Norton

*John P. Thomas*  
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

WILBUR L. HARDESTY, BOX 36, )

HENRY, NEBRASKA. )

PERMIT NO. M-1502

November 10, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Wilbur L. Hardesty

requesting that Permit No. M-1502 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1502, heretofore issued to \_\_\_\_\_

Wilbur L. Hardesty \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 31, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
*W. L. Hardesty*  
*W. L. Hardesty*  
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
SHELEY'S HOME FURNISHINGS, 464 )  
RANNEY STREET, CRAIG, COLORADO. )

PERMIT NO. M-537

November 10, 1955

## STATEMENT

**By the Commission:**

The Commission is in receipt of a communication from

## Sheley's Home Furnishings

requesting that Permit No. M-537 be cancelled.

## FINDINGS

**THE COMMISSION FINDS:**

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-537, heretofore issued to

## Sheley's Home Furnishings

be,

and the same is hereby, declared cancelled effective October 31, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Norton  
Ralph W. Hawley  
John P. Thomas

Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE N. ROGERS, 4343 SOUTH SANTA )  
FE, LITTLETON, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-1107

-----  
November 10, 1955  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

George N. Rogers

requesting that Permit No. M-1107 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1107, heretofore issued to \_\_\_\_\_

George N. Rogers

be,

and the same is hereby, declared cancelled effective November 2, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Norton  
John W. Hensley  
John P. Thompson  
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 195 5.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
SAM SHULTZ, DOING BUSINESS AS )  
"SAM'S MEAT CO.," 3020 W. HAMPDEN )  
AVENUE, ENGLEWOOD, COLORADO. )  
----- )

PERMIT NO. M-355

-----  
November 10, 1955  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Sam Shultz, dba "Sam's Meat Co."

requesting that Permit No. M-355 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-355, heretofore issued to \_\_\_\_\_  
Sam Shultz, dba "Sam's Meat Co." \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 2, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*John W. Hawley*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1955.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CLARA MAY WILSON, DOING BUSINESS AS )  
"WILSON TRANSFER CO.," 1040 IARIMER, )  
DENVER 4, COLORADO. )  
----- )

PERMIT NO. M-3078

-----  
November 10, 1955  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Clara May Wilson, dba "Wilson Transfer Co."

requesting that Permit No. M-3078 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3078, heretofore issued to \_\_\_\_\_

Clara May Wilson, dba "Wilson Transfer Co." \_\_\_\_\_

be,

and the same is hereby, declared cancelled effective November 1, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 10th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ELLA MAE EBERLE, 3838 WEST 1ST )  
AVENUE, DENVER 19, COLORADO. )  
-----

PERMIT NO. B-4559

-----  
November 10, 1955  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-4559 be suspended for six months from October 15, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Ella Mae Eberle, Denver, Colorado, be, and she is hereby, authorized to suspend her operations under Permit No. B-4559 until April 15, 1956.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*John W. Hawley*  
\_\_\_\_\_  
*James L. Thompson*  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of November, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. D. BROWN, 823 SOUTH DONNY- ) PUC No. 3103-I  
BROOK, TYLER, TEXAS. )  
-----

-----  
November 10, 1955  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. D. Brown, Tyler, Texas, requesting that Certificate of Public Convenience and Necessity No. 3103-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 3103-I, heretofore issued to C. D. Brown, Tyler, Texas, be, and the same is hereby, declared cancelled effective November 1, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*John W. Hawley*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of November, 1955.  
mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ROGER & LA MONTE JOHNSON, DO- )  
ING BUSINESS AS "JOHNSON BROS.," )  
HOLDREGE, NEBRASKA. )  
-----

PUC NO. 2112-I

-----  
November 10, 1955  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Roger & La Monte Johnson, doing business as "Johnson Bros.," Holdrege, Nebraska, requesting that Certificate of Public Convenience and Necessity No. 2112-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2112-I, heretofore issued to Roger & La Monte Johnson, doing business as "Johnson Bros.," Holdrege, Nebraska, be, and the same is hereby, declared cancelled effective October 31, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton

John W. Hensley

John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ARTHUR HELZER, 1659 WEST 28TH )  
STREET, SAN BERNARDINO, CALIF- )  
ORNIA. )  
-----

PERMIT NO. B-1690

-----  
November 10, 1955  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-1690 be suspended for six months from October 9, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Arthur Helzer, San Bernardino, California, be, and he is hereby, authorized to suspend his operations under Permit No. B-1690 until April 9, 1956.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ray C. Norton  
John W. Hensley  
John P. Thompson  
Commissioners

Dated at Denver, Colorado,  
this 10th day of November, 1955.

original

(Decision No. 44881)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
THE COLORADO TRANSPORTATION COMPANY )	
AND CONTINENTAL BUS SYSTEM, INC., )	
DENVER, COLORADO, FOR AUTHORITY TO )	APPLICATION NO. 12637-Transfer
TRANSFER TO PACKAGE DELIVERY SER- )	<u>SUPPLEMENTAL ORDER</u>
VICE COMPANY, 2127 ARAPAHOE STREET, )	
DENVER, COLORADO, CERTAIN AUTHORITY )	
ORIGINALLY GRANTED BY DECISION NO. )	
1002 AND CONTAINED IN PUC NO. 56. )	
-----	

-----  
November 7, 1955  
-----

Appearances: Barry and Hupp, Esqs., Denver,  
Colorado, and  
Clarence Button, Esq., Denver,  
Colorado, for Package De-  
livery Service;  
Joseph G. Hodges, Esq., Denver,  
Colorado, for Continental Bus  
System, Inc.;  
T. A. White, Esq., Denver, Colo-  
rado, for Colorado Transporta-  
tion Company;  
E. B. Evans, Esq., Denver, Colo-  
rado, for Foster Truck Lines,  
Harold Swena, and others.

S T A T E M E N T

By the Commission:

On October 25, 1955, the Commission entered its Decision No.  
44786 in the above-entitled matter.

It now appears that a mis-statement appeared in the third  
paragraph of the Order contained in said Decision No. 44786.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 44786, of date October 25, 1955, should be  
amended, nunc pro tunc, as of said 25th day of October, 1955, as set  
forth in the Order following.

O R D E R

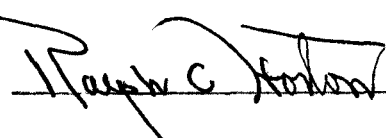
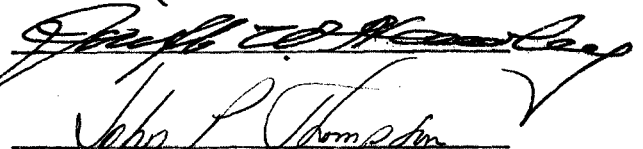
THE COMMISSION ORDERS:

That Decision No. 44786, of date October 25, 1955, should be, and the same hereby is, amended, nunc pro tunc, as of said 25th day of October, 1955, by striking therefrom the third paragraph of the Order contained in said Decision No. 44786, appearing on Page 6 thereof, and inserting in lieu thereof, the following:

"That Continental Bus System, Inc., shall continue to own that portion of PUC No. 56 acquired by it pursuant to authority contained in Decision No. 40015, operating said authority under PUC No. 1635, and shall have the right to transport packages, light parcels, and express, over its authorized bus routes, as authorized thereby."

That, except as herein amended, said Decision No. 44786 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE OPERATIONS OF INTERMOUNTAIN	)	
AVIATION, INC., 3975 YORK	)	APPLICATION NO. 8734
STREET, DENVER, COLORADO.	)	<u>SUPPLEMENTAL ORDER</u>
-----	)	

-----  
November 7, 1955  
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S T A T E M E N T

By the Commission:

On May 9, 1955, the Commission issued its order (Decision No. 44230), suspending operating rights granted by Decision No. 30379 until November 1, 1955, with the privilege of reinstatement.

The Commission has now been requested by Intermountain Aviation, Inc., to reinstate said operating rights.

F I N D I N G S

THE COMMISSION FINDS:

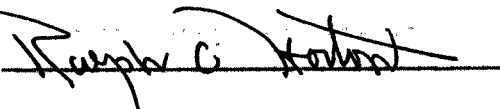
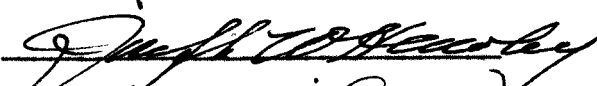
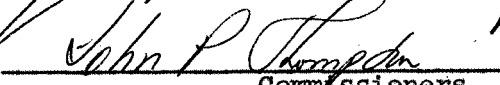
That said request should be granted, inasmuch as said Intermountain Aviation, Inc. has complied with all requirements of the Commission for reinstatement of said operating rights.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted by Decision No. 30379, and suspended by Decision No. 44230, should be, and the same hereby are, reinstated, as of November 1, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of November, 1955.  
ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PARTICIPATION OF KENNETH W. NELSON, )  
D/B/A CAPITOL HILL TRANSFER AND STORAGE )  
COMPANY, 1666 LAFAYETTE STREET, DENVER, )  
COLORADO, IN THE MOTOR TRUCK COMMON )  
CARRIERS' ASSOCIATION, AGENT, LOCAL )  
HOUSEHOLD GOODS TARIFF NO. 1, COLORADO )  
P.U.C. NO. 9. )  
-----

INVESTIGATION  
AND  
SUSPENSION  
DOCKET NO. 377

-----  
November 4, 1955  
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Appearances: Kenneth W. Nelson, 1666 Lafayette St.,  
Denver, Colorado, Pro Se  
T. S. Wood and Samuel J. Philippone,  
for the staff of the Commission.

S T A T E M E N T

By the Commission:

On June 7, 1955, The Motor Truck Common Carriers' Association, Agent, for and on behalf of Kenneth W. Nelson, D/B/A Capitol Hill Transfer and Storage Company, Denver, Colorado, filed a tariff wherein the above named motor vehicle common carrier was named as a participating carrier in The Motor Truck Common Carriers' Association, Agent, Local Household Goods Tariff No. 1, Colorado P.U.C. No. 9, to become effective on the 13th day of July, 1955.

On July 8, 1955 (Decision No. 44402), the Commission on its own motion suspended the proposed tariff until the 9th day of November, 1955, unless otherwise ordered.

On October 17, 1955, the Commission set this matter for hearing, and by official notice of its Secretary, it was assigned for hearing on October 28, 1955, in Room 330, State Office Building, Denver, Colorado. The hearing was held as scheduled.

Witness Nelson testified that he was the owner of Certificate No. 539, which authorized the transportation of household goods, only, in the Counties of Adams, Arapahoe and Jefferson, in the State of Colorado, and also for occasional transportation thereof elsewhere throughout

the State of Colorado; that, due to his increased costs he felt he had to do something to get relief, for example his labor for packing cost him \$1.75 per hour, while under his present tariff he could charge only \$1.50 per hour.

Under the tariff to which the witness proposed to become a party the labor charge is \$3.00 per hour per man in the metropolitan area of Denver and \$2.50 per hour per man outside of said area.

The witness stated that 70% of his total business was in Denver and the territory adjacent thereto within a 15-mile radius of Denver; that the average distance haul for 30% of his business would be around 200 miles.

With the exception of the labor charges hereinbefore set forth, witness Nelson did not introduce in evidence any other cost figures in support of his proposed participation in Tariff No. 1, Colorado P.U.C. No. 9.

On December 20, 1954, The Motor Truck Common Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, Denver, Colorado, filed schedules stating new rates, rules and charges covering household goods to become effective on the 21st day of January, 1955. By its order in Investigation and Suspension Docket No. 372 (Decision No. 43921), dated January 17, 1955, the Commission suspended the said schedules until May 21, 1955, unless otherwise ordered, and the matter was assigned for hearing on February 21, 1955, in the hearing room of the Commission, Denver, Colorado. The hearing was held as assigned and the matter taken under advisement.

Due to the fact that a decision could not be rendered within the suspended period, the Commission, on May 20, 1955 (Decision No. 44257), further suspended the said schedules until the 21st day of November, 1955. No decision has been rendered in this matter down to date. However, action on the part of the Commission must be taken prior to the November 21, 1955 date.

In the instant hearing witness Nelson was agreeable to the cancellation of his participation in Tariff No. 1, supra, pending a

decision by the Commission in the so-called general household goods proceeding, without prejudice to his re-filing for his participation in Tariff No. 1, supra, at some subsequent time, if the Commission's decision in the general case does not, in his opinion, produce the relief necessary to cover his costs.

### F I N D I N G S

THE COMMISSION FINDS, That:

1. The proposed participation of Kenneth W. Nelson, doing business as Capitol Hill Transfer and Storage Company, Denver, Colorado, in The Motor Truck Common Carriers' Association, Agent, Local Household Goods Tariff No. 1, Colorado P.U.C. No. 9, has not been justified.

2. An order should be entered requiring the cancellation of the said participation which has herein been found not justified and discontinuing the proceeding.

### O R D E R

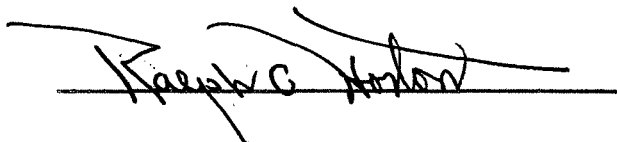
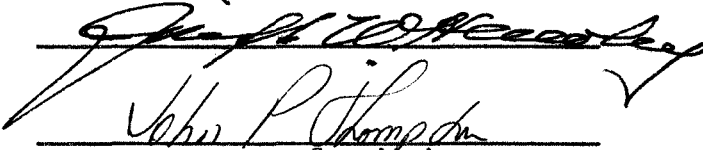
THE COMMISSION ORDERS, That:

1. This order shall become effective forthwith.

2. The statement and findings be and they are hereby made a part hereof.

3. The respondent herein be, and it is hereby notified and required to cancel the proposed schedule which has been herein found not justified, on or before the 9th day of November, 1955, upon notice to this Commission and to the general public by not less than one day's filing and posting in the manner prescribed by law and the rules and regulations of the Commission, and that this proceeding be discontinued.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Dated at Denver, Colorado,  
this 4th day of November, 1955.

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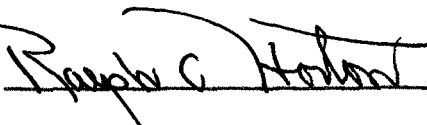
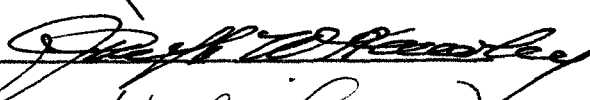
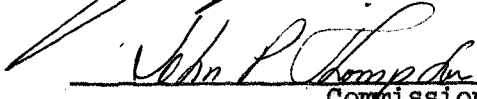


be, and the same is hereby, amended, nunc pro tunc as of said 31st day of October, 1955, by inserting the following words after the word "Order" in the 7th line of the second paragraph of said Order: "within thirty (30) days from the effective date of this Order," so that the second paragraph of said Order, as amended, shall read:

"That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permits have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application."

That, except as herein amended, said Decision No. 44827 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of November, 1955.

ea

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MELVIN GEIB, POST OFFICE BOX 78, )  
PIERCE, COLORADO, FOR A CERTIFICATE ) APPLICATION NO. 13647  
OF PUBLIC CONVENIENCE AND NECESSITY. )  
-----)

-----  
November 8, 1955  
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Appearances: Truman A. Stockton, Jr., Esq.,  
Denver, Colorado, and  
John H. Lewis, Esq., Denver,  
Colorado, for applicant;  
Marion F. Jones, Esq., Denver,  
Colorado, and  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for L. E.  
Whitlock Truck Service, Inc.;  
Robert S. Stauffer, Esq., Cheyenne,  
Wyoming, for Ferguson Trucking  
Company, Inc.

S T A T E M E N T

By the Commission:

By the instant application, Melvin Geib, Pierce, Colorado, seeks a certificate of public convenience and necessity, authorizing the transportation of oil field supplies and materials, and heavy and cumbersome commodities, between points:

- (1) in that part of Weld County, Colorado, on and north of U. S. Highway 34; and
- (2) in that part of Weld County, Colorado, described in (1) above, on the one hand, and, on the other, points in Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House in Greeley, Colorado, on September 23, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he has been engaged in the contracting business for more than ten years last past.

He identified Exhibit A attached to the application as his financial statement as of July 30, 1955, and estimated his net worth at the time of the hearing at \$300,000. His list of equipment attached to the application as Exhibit B, shows ownership of the following units:

- 1 - 1952 No. 32 White Tandem Tractor;
- 1 - 1951 Winter-Weiss Tandem Lowboy;

and 1 - 1955 Lufkin Tandem oil field Float on order, if the application is granted.

Prior to the hearing, however, he had traded in the White tractor for a 1955 Ford 900.

Applicant has resided at Pierce, Colorado, for the past ten years. His experience in the transportation field has consisted in operating the above-described equipment under lease to Stanton Transportation Company of Craig, Colorado, which company is engaged in the transportation of oil field equipment and heavy commodities. Applicant wishes to handle all oil field supplies and materials within the area described under (1) of his application, and between that area and other Colorado points, principally Denver, transporting heavy commodities from Denver to the oil fields and back to Denver for repairs. He will handle no rigs, but with that exception, all heavy commodities used in oil drilling operations. He has ample equipment to perform the proposed service and can purchase additional equipment if needed, or lease additional equipment from Stanton Transportation Company.

William M. Byers, Drilling Engineer for the California Company, testified in support of the application. His company is now drilling at a location six miles northwest of Ault, Colorado, and in a new field one mile northeast of Pierce, Colorado, and conducting wildcat operations on the western slope of Colorado. It has a pipe storage yard at Fort Collins and is setting up a similar yard at Pierce. The company has been conducting drilling operations in the area involved for the past two and one-half years. Witness

is responsible for the delivery to the drilling site of all tubular goods and equipment, promptly when needed. One K. S. Mitty formerly operated from Fort Collins under a private carrier permit, and his service was used until he sold out in November, 1954. Since that time, witness has called upon common carriers, including Whitlock, L. P. Jones, Ferguson Trucking Company, and others, for service, but in all instances, these companies reported they were "too busy" in other parts of the state to perform the service he required. On June 3, 1955, he had occasion to move 350 feet of casing from Fort Collins to what is known as the "Black Hollow Field" a distance of fifteen miles. He called Whitlock, Jones and Ferguson, without success, and in the emergency, called upon Geib for the service, leasing his equipment which was operated by him. On June 9, 1955, he had occasion to move 9200 feet of casing a distance of twenty miles from Fort Collins to Pierce, and finally obtained service from Ferguson, but experienced a costly delay getting the trucks available. On June 26, 1955, he had occasion to move 9200 feet of casing from Fort Collins to the Black Hollow Field. He could not get service from the common carriers named, and again called upon applicant. He had a similar experience on July 6th, August 2nd, and August 8, 1955, and usually the service rendered by applicant was under the Stanton authority. When the California Company storage yard at Pierce is completed, witness will need applicant's service from the yard or railhead to the drilling locations. Applicant resides at Pierce, has adequate equipment and experience, is reliable, and is available day or night upon an hour's notice, which facts are of great importance, since the failure to make deliveries to the drilling site, or unnecessary delays, often causes a shutdown of drilling operations, which is very expensive for the company. The company does not need rig-up or tear-down by a carrier as that service is provided by the drilling contractor. The company always tries to obtain the service of a carrier whose equipment is based near to their drilling



operations to avoid delay in deliveries. The service of applicant will be particularly valuable in moving tubular goods from the storage yard at Pierce to the field, as he employs experienced men, acquainted with the type of pipe in the storage yard, and capable of picking up the proper sizes and length of pipe on order without supervision. The company could also use applicant in the transportation of pipe from Pueblo to the field. Witness had never been solicited by any common carriers with proper authority in the area to provide the necessary service, and none of them have equipment based nearer to the field than Fort Morgan. Applicant's service can also be used in transporting tubular and other goods from Pierce to the wildcat operation on the western slope of Colorado if he is authorized to perform such service.

James L. Doyle, Superintendent of the Larimer-Weld County Irrigation Company and Windsor Reservoir, also testified in support of the application. He has frequent occasion to move heavy equipment, such as draglines up to 33 tons in weight, and bulldozers running from 15 to 18 tons in weight, which are normally moved by lowboys or floats. This equipment is used in the construction or repair of irrigation ditches and canals. The main canal of his company is 110 miles in length and he is presently working at a point 7 or 8 miles east of Eaton. The last move was that of a dragline from a point 12 miles northwest of Fort Collins to the location of present operations, but need may arise at any point on the canal. The dragline and bulldozer are stored at Fort Collins when not in use. Seven moves have been made in the past six months. He previously used the service of Mittry when the latter operated from Fort Collins, or that of his predecessor, Anderson, but since Mittry sold out it has been very difficult to obtain the service he requires. In moving heavy equipment it became necessary to lease lowboys or floats and make the move with his own employees, which resulted in delays and was very unsatisfactory. Applicant is capable, available, and has the proper

equipment, and witness will use his services if the application is granted.

Another witness for applicant was Bob Mishler, of Ault, Colorado, Field Representative of the Black Hollow drilling operations of the California Company. He corroborated the testimony of Mr. Byers as to the need for transportation of his company. It is the duty of witness to provide this transportation and he is responsible for the drilling operation up to the time of production and thereafter. When a well is completed, he must move in pumping equipment, tanks, flow-lines, sucker rods, etc., which formerly came from Fort Collins but will come from Pierce hereafter, where these commodities will be stockpiled. Moves are also necessary from one drilling field to another. Nine wells have been drilled in this area in the past nine months requiring almost constant carrier service, and if applicant is given the necessary authority, his service can be used at least once per week. Substantially more than one million tons of equipment and heavy commodities are to move annually in the area applied for, from location to location, or from Fort Collins and Pierce to the Black Hollow or Pierce fields. The Black Hollow field is approximately six miles northwest of Ault, and the Pierce field one mile north of Pierce. The field northeast of Pierce and in the vicinity of Pierce is to be drilled in the near future. In the past, some casing has been moved from Pueblo by Jeffries Trucking Company, successor of Mittry at Fort Collins. Some moved by rail to Pierce, and from Pierce to the field, some was moved by Jeffries, some by applicant operating under the Stanton authority. There will also be a need of applicant's proposed service in moving drilling equipment to the machine shops, usually at Denver, periodically, for overhauls or repairs, necessitating lowboy or float equipment for the movement.

J. W. Gibson, a contractor, testified he operates two drag-lines and has occasion to move the same from point to point in Weld County, the movements being by lowboys. Sometimes there are twenty

movements per month. He has used the services of Union Delivery Company and Capron Truck Line, both based at Greeley, but was often unable to get service. On occasion he has lost as much as a day's work at a time because these carriers were too busy to serve him. He would use applicant's service, if available, as his equipment is adequate. Witness has no equipment of his own, and applicant's service would be of benefit to his operations. His moves are usually for but a short distance and he has not called upon other carriers because they are not interested in short hauls.

Favorable action on the application was vigorously opposed by common carriers with authority to perform the service proposed by applicant.

M. L. Goffindt, of Fort Morgan, Colorado, Superintendent of Ferguson Trucking Company, holding PUC-1950, testified that his company has terminals at Fort Morgan and Pueblo, but the main office is at Artesia, New Mexico. It has 36 units of equipment based in Colorado, including lowboys, and is able to handle such articles as draglines. It handled a shipment of casing from Fort Collins to Pierce in June, 1955, for the California Company, with no complaint on the service. The company is in position to handle more business and has equipment based at Fort Morgan that is not busy all the time. His usual policy is to solicit business wherever possible, but the California Company has not been solicited. Fort Morgan is 65 miles from Pierce, and there are four common carrier competitors with equipment based there. His company has made but one move of a dragline in the past six months, a movement from farm to farm.

Loren Moss, Transportation Agent for L. E. Whitlock Truck Service, Inc., owner of PUC-2407, which company is engaged in the transportation of oil field commodities, with terminal facilities at Sterling, 100 miles from Fort Collins, testified that his company operates 27 tractors and 30 trailers, and has lowboys especially designed to transport the commodities included in the "Mercer description." The equipment list and financial statement on file with

the Commission were made a part of the record. The company operates a "well-rounded" oil field transportation business, has three solicitors on the road, and could, and would, if necessary, serve the area here involved. Others with similar authority and equipment are Neff Trucking Company, with terminal at Sterling, and Rogers Truck Line, of Sidney, Nebraska, with no terminal in Colorado. In a requested move of a dragline from Fort Collins to the Black Hollow field, it would normally dispatch the equipment from Sterling, and the customer would be required to pay for a 200-mile haul, including the dead mileage. The company has never solicited business from the California Company or the irrigation and reservoir companies referred to by Witness James L. Doyle.

Howard J. Lafferty, owner of Lafferty Moving and Storage Company at Greeley, owner of PUC-560, also appeared in protest. He admitted, however, that he had been unable to make any contacts with the customers whom applicant seeks to serve, or obtain any of the transportation business for which applicant seeks authority, and has no equipment to take care of that kind of business. His equipment consists of two moving vans and two straight trucks. His only experience in handling large commodities has consisted of the moving of such articles as boilers.

It was stipulated that Rogers Truck Line, Sidney, Nebraska, with no terminal in Colorado, and Neff Trucking Company, Sterling, Colorado, with terminal there, are engaged in the transportation of oil field equipment and supplies and heavy commodities, with authority in the area here involved, and if either had a representative present at the hearing, he would testify to the same general effect as had Witnesses Moss and Goffindt.

It is evident from the testimony that the witnesses who appeared at the hearing for the California Company and the irrigation and reservoir companies, and those similarly situated, have a definite need for the service proposed by applicant as a common carrier. The stockpile of the commodities transported for the California Company is at present in Fort Collins, and in the future

will be at Pierce, where applicant lives and bases his equipment. His services are available night and day, he has the proper equipment, and the moves requested are usually of an emergency nature, from the stockpile to the field, from field to field, or to Denver for repairs to equipment necessary in the drilling operations. Any delay would result in a heavy cost to the customer. The services required by the irrigation and reservoir companies is also of an emergency nature. Moreover, this service is usually required for short hauls. The larger common carriers have been repeatedly called upon for the service required by these proposed customers, but have almost invariably reported that they were "too busy" in other parts of the state. They have no equipment at Pierce or in that vicinity, the nearest being at Fort Collins, 65 miles distant. Aside from Ferguson, the equipment of all these carriers is based at Sterling, Colorado or Sidney, Nebraska. A request to them for emergency service would result in the equipment of the carrier being dispatched from a distant point, resulting in unnecessary delays and heavy expense to the customer for dead mileage. These customers are entitled to the services of a carrier that is locally based, has adequate equipment at all times, and can furnish the service required night or day upon an hour's notice. Applicant, if authorized, can meet these requirements. We cannot see where the protesting common carriers can be adversely affected by favorable action on the application as they do not have the business at this time, have not solicited the same, are based at distant points, and usually are "too busy" to respond to calls, and are not interested in the short hauls to and from the drilling fields or in the short hauls involved in the transportation of draglines or bulldozers from farm to farm. Under present conditions, their service if available when required, would be too expensive to be utilized by the customers in this area, and in the past they have served this area only spasmodically, if at all, although authorized to do so.

## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement should be made a part of these Findings, by reference.

That the instant application should be granted, as limited in the following Order.

## O R D E R

### THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the common carrier services of Melvin Geib, Pierce, Colorado, on call and demand, for the transportation of:

- (1) Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, storage, transmission, and distribution of natural gas, crude oil and petroleum;
- (2) Commodities which, because of their size and weight, require the use of special equipment;

between points in that part of Weld County, Colorado, on and north of U. S. Highway 34; and

between points in that part of Weld County, Colorado, described above, on the one hand, and, on the other hand, all points in Colorado; shipments under this subdivision to either originate or terminate in the area described in the preceding paragraph,

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

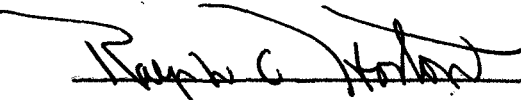
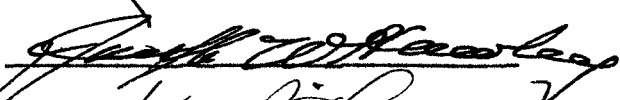

That application shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

This Order shall become effective twenty-one days from  
the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of November, 1955.

ea

(Decision No. 44886)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM E. STOREY, DOING BUSINESS )  
AS "F & S SANITARY CARRIERS," 3340 )  
KEARNEY STREET, DENVER, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. ) APPLICATION NO. 13826-Transfer  
2422 TO LEONARD E. LARSON, DOING )  
BUSINESS AS "F & S SANITARY )  
CARRIERS," ROUTE 3, BOX 260, )  
DENVER, COLORADO. )  
----- )

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November 10, 1955  
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Appearances: Leonard E. Larson, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, William E. Storey, doing business as "F & S Sanitary Carriers," owner and operator of PUC No. 2422, seeks authority to transfer said operating rights to Leonard E. Larson, doing business as "F & S Sanitary Carriers," Denver, Colorado. Said PUC No. 2422 was originally issued pursuant to Decision No. 38889, of date June 26, 1952, and authorizes transportation, not on schedule, of:

ashes, waste paper, paper, trash, refuse, tree limbs, fertilizer, rocks, stone, dirt, tin cans, and used containers, between points in Hoffman Heights, Arapahoe County, Colorado, and from such points to any dump which is now available, or may hereafter become available, for the use of residents of Hoffman Heights, excluding service in the City of Aurora, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 7, 1955, and at the conclusion of the evidence, the matter was taken under advisement.



At the hearing, Leonard E. Larson, Transferee herein, testified that the consideration for the transfer is the sum of Two Thousand Dollars (\$2,000.00); that there are no outstanding unpaid operating obligations against said certificate; that his net worth is \$8,000.00; that he is the owner of a 1949 Ford one and one-half-ton truck, which he proposes to use in the conduct of the operation.

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

The operating experience and financial responsibility of transferee were established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

### O R D E R

#### THE COMMISSION ORDERS:

That William E. Storey, doing business as "F & S Sanitary Carriers," Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2422 -- being the operating rights granted by Decision No. 38889 -- to Leonard E. Larson, doing business as "F & S Sanitary Carriers," Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke

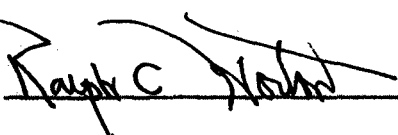
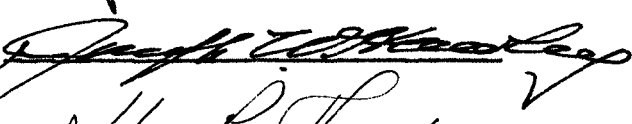

the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

The tariff of rates, rules, and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EARL M. CHANDLER, 346 FILLMORE )  
STREET, DENVER, COLORADO, FOR AUTH- ) APPLICATION NO. 13822-PP-Extension  
ORITY TO EXTEND OPERATIONS UNDER )  
PERMIT NO. B-3618. )  
----- )

-----  
November 10, 1955  
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Appearances: Earl M. Chandler, Denver,  
Colorado, pro se;  
Clayton Knowles, Esq., Denver,  
Colorado, for Union Pacific  
Railroad Company, The Colo-  
rado and Southern Railway  
Company.

S T A T E M E N T

By the Commission:

By Decision No. 27295, of date January 9, 1947, Earl M.  
Chandler, Denver, Colorado, was authorized to operate as a Class "B"  
private carrier by motor vehicle for hire, for the transportation of:

sand, gravel, and other materials used in making  
up the surface of the roads, from pits and supply  
points in the State of Colorado, to road and  
building construction jobs within a radius of  
fifty miles of said pits and supply points, ex-  
cluding service in Boulder, Clear Creek, and  
Gilpin Counties; coal from mines in the northern  
Colorado coal fields to Denver, and to points  
within a radius of five miles of Denver, Colorado,

said operating rights being designated "Permit No. B-3618."

By the above-styled application, said permit-holder seeks  
authority to extend operations under Permit No. B-3618 to include  
the right to transport sand, gravel, and other road-surfacing  
materials used in the construction of roads and highways, from  
pits and supply points in the State of Colorado, to road jobs,  
mixer, and processing plants within a radius of fifty miles of  
said pits and supply points; transportation of sand and gravel,  
from pits and supply points in the State of Colorado, to railroad  
loading points, and to homes and small construction jobs within a

radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, including service in Boulder, Clear Creek, and Gilpin Counties; transportation of coal, from mines in the northern Colorado coal fields, to the Valmont Plant of Public Service Company, near Boulder, and to the Great Western Sugar Company Plants and Kuner-Empson Plants within a radius of fifty miles of Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 7, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that his net worth was \$5,000; that he is the owner of a 1952 Dodge two and one-half ton dump truck, which he proposes to use in the conduct of his operations.

Jacob Hinkle, Jr. appeared as a witness for applicant, and testified that he is presently driving a truck for applicant; that he formerly held a private carrier permit from this Commission, which authorized transportation of coal; that he had no requests for such service.

J. C. Hokum, Trainmaster for Union Pacific Railroad Company, testified that Union Pacific Railroad Company was transporting coal in the area sought to be served by applicant; that it hauled from twenty-five to thirty carloads of coal a day to the plant at Valmont, and to the plants of Great Western Sugar Company and Kuner-Empson Company; that the company was able to take care of all coal movements to the above plants.

No customer-witnesses appeared in behalf of applicant, and no evidence was set forth to show that the proposed service for the transportation of coal was needed.

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

It did not appear that applicant's extended service, as limited by the following Order, will tend to impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

### F I N D I N G S

#### THE COMMISSION FINDS:

That authority should be granted to extend operations under Permit No. B-3618, as set forth in the Order following.

### O R D E R

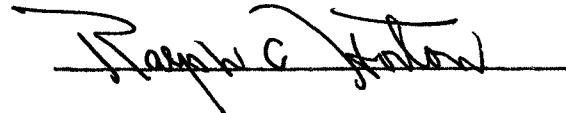
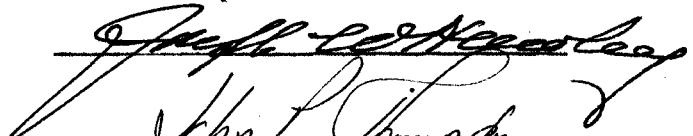
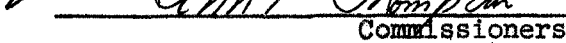
#### THE COMMISSION ORDERS:

That Earl M. Chandler, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-3618 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

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

This Order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
HARRY STAPLES, 7800 PONTIAC STREET,	)	
DERBY, COLORADO, FOR AUTHORITY TO	)	<u>APPLICATION NO. 13831-PP-Extension</u>
EXTEND OPERATIONS UNDER PERMIT NO.	)	
B-4304.	)	
-----	)	

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November 10, 1955  
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Appearances: Mrs. Harry Staples, Derby,  
Colorado, for applicant.

S T A T E M E N T

By the Commission:

Applicant herein is the owner of Permit No. B-4304, authorizing:

"transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs located within a radius of fifty miles of said pits and supply points, excluding service in Clear Creek, Gilpin, and Boulder Counties -- except that hauling may be done for the Boulder Toll Road, only; coal from mines in the northern Colorado coal fields to Denver, Colorado; to Valmont Plant of Public Service Company, located near Boulder, Colorado; to Great Western Sugar Company Plants at Fort Lupton, Brighton, Johnstown, Longmont, Loveland, and Greeley, Colorado; to the Kurer-Empson Plants, and to Rocky Mountain Arsenal, located northeast of Denver, Colorado."

By the above-styled application, applicant seeks authority to extend operations under Permit No. B-4304 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel,

from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 7, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Mrs. Harry Staples, wife of applicant, testified in support of the application, stating applicant's net worth is \$2,500, and that applicant is the owner of a 1954 Ford dump truck, two and one-half-ton capacity, which he proposes to use in the conduct of his extended operations.

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

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

It did not appear that applicant's extended operations will tend to impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the authority sought should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

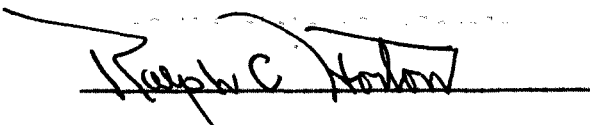
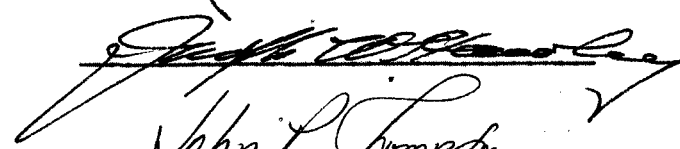
That Harry Staples, Derby, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-4304 to include the right



to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
PHILLIP BLONDO, 1539 WEST ALAMEDA	)	
AVENUE, DENVER, COLORADO, FOR AUTH-	)	<u>APPLICATION NO. 13821-PP-Extension</u>
ORITY TO EXTEND OPERATIONS UNDER	)	
PERMIT NO. B-4456.	)	
-----	)	

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November 10, 1955  
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Appearances: Phillip Blondo, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 37978, of date January 7, 1952, Phillip Blondo was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

"sand, gravel, and other road-surfacing materials, from pits and supply points located in the State of Colorado, to road and building construction jobs located within a 75-mile radius of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties, but including service in Boulder County for the Boulder Toll Road only; coal from the northern Colorado coal fields to Denver, Colorado, to Valmont Plant of Public Service Company located near Boulder, Colorado, to Great Western Sugar Company plants, and to Kumer-Empson plants located within a 50-mile radius of Denver, Colorado, and to the Denver Arsenal,"

said operating rights being designated "Permit No. B-4456."

By the instant application, said Phillip Blondo seeks authority to extend his operations under Permit No. B-4456 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing

plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, including service in Boulder, Clear Creek, and Gilpin Counties.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on November 7, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant, appearing in his own behalf, stated that his net worth was \$2,500; that he is the owner of a 1955 Ford two-ton dump truck, which he proposes to use in the conduct of his extended operations; that he has been hauling for Brannan Sand and Gravel Company.

No one appeared in opposition to granting the authority sought.

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

It did not appear that applicant's proposed extended transportation service will tend to impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That authority sought should be granted.

#### O R D E R

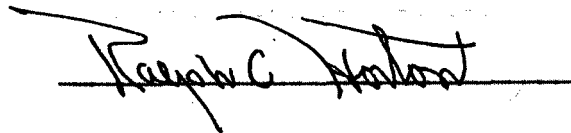

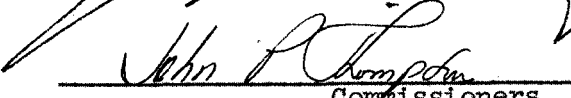
##### THE COMMISSION ORDERS:

That Phillip Blondo, Denver, Colorado, should be, and he hereby

is, authorized to extend operations under Permit No. B-4456 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

This Order is made a part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
GEORGE B. VARNER, KREMMLING, COLO- )	
RADO, FOR A CLASS "B" PERMIT TO )	APPLICATION NO. 13752-PP
OPERATE AS A PRIVATE CARRIER BY )	<u>SUPPLEMENTAL ORDER</u>
MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
November 10, 1955  
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Appearances: George B. Varner, Kremmling,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 44796, of date October 27, 1955, George S. Varner, Kremmling, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation, within the State of Colorado, of logs and poles, from forests to sawmills and railroad loading points within a radius of thirty miles of said forests.

The correct name of applicant is George B. Varner, instead of George S. Varner, and the Commission so intended to state applicant's name, therefore, said decision should be amended to show applicant's true name.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 44796 should be amended, as provided in the Order following.

O R D E R

THE COMMISSION ORDERS:

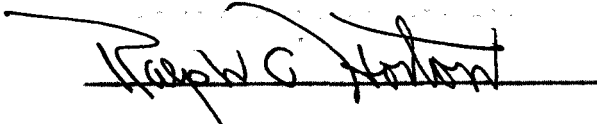
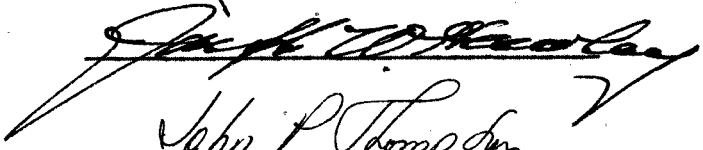

That Decision No. 44796, of date October 27, 1955, should be, and hereby is, amended, nunc pro tunc, as of said 27th day of October, 1955, by correcting applicant's name to be "George B. Varner," wherever

it appears in said decision, viz., in the second line of the caption, as an appearance entered, and in the first line of the Order contained in said decision, so that the authority granted in the first paragraph of said Order shall be to George B. Varner, and the Order, as amended, shall read:

"That George B. Varner, Kremmling, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation, within the State of Colorado, of logs and poles, from forests to sawmills and railroad loading points within a radius of thirty miles of said forests."

That, except as herein amended, said Decision No. 44796 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
BRYCE WELCH, FRASER, COLORADO, FOR )	
A CLASS "B" PERMIT TO OPERATE AS A )	APPLICATION NO. 13754-PP
PRIVATE CARRIER BY MOTOR VEHICLE )	<u>SUPPLEMENTAL ORDER</u>
FOR HIRE. )	
----- )	

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November 10, 1955  
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Appearances: Bryce Welch, Fraser,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 44794, of date October 27, 1955, Bryce Welsch, Fraser, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation, within the State of Colorado, of logs and poles, from forests to sawmills and railroad loading points within a radius of thirty miles of said forests.

The correct name of applicant is "Bryce Welch" instead of Bryce Welsch, and the Commission so intended to state applicant's name, therefore, said decision should be amended to show applicant's true name.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 44794 should be amended, as provided in the Order following.

O R D E R

THE COMMISSION ORDERS:

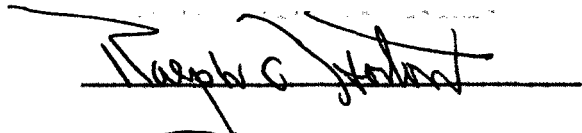
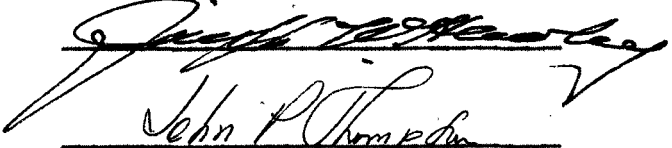

That Decision No. 44794, of date October 27, 1955, should be, and hereby is, amended, nunc pro tunc, as of said 27th day of October, 1955, by correcting applicant's name to be "Bryce Welch" wherever it

appears in said decision, viz., in the second line of the caption, as an appearance entered, and in the first line of the Order contained in said decision, so that the authority granted in the first paragraph of said Order shall be to Bryce Welch, and the Order, as amended, shall read:

"That Bryce Welch, Fraser, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation, within the State of Colorado, of logs and poles, from forests to sawmills and railroad loading points within a radius of thirty miles of said forests."

That, except as herein amended, said Decision No. 44794 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of November, 1955.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ALBERT PRAZNIK, ROUTE 4, BOX 254, )  
DENVER, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 13830-PP-Extension.  
EXTEND OPERATIONS UNDER PERMIT )  
NO. B-4353. )  
-----)

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November 14, 1955  
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Appearances: Albert Praznik, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Albert Praznik was heretofore, by Decision No. 37174, of date August 6, 1951, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

sand, gravel, and other road-surfacing materials from pits and supply points in the State of Colorado, to road and building construction jobs located within a fifty-mile radius of said pits and supply points, excluding service in Clear Creek, Gilpin, and Boulder Counties, except hauling may be done in Boulder County for the Boulder Toll Road, only; coal from the northern Colorado coal fields to Denver, Colorado; to the Valmont Plant of Public Service Company, near Boulder, Colorado; also to the Great Western Sugar Company Plants, and the Kurer-Empson Plants, located within a fifty-mile radius of Denver, Colorado,

said operating rights being designated "Permit No. B-4353."

By the above-styled application, said permit-holder seeks authority to extend operations under Permit No. B-4353 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points;

transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, including service in Boulder, Clear Creek, and Gilpin Counties.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 7, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant, appearing in his own behalf, stated that he is presently hauling for Brannon Sand and Gravel Company, under temporary authority from this Commission; that his net worth is \$10,000; that he is the owner of a 1947 Ford two-ton truck, which he proposes to use in the conduct of his extended operations.

No one appeared in opposition to granting the authority sought.

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

It did not appear that applicant's extended service will tend to impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That authority sought should be granted.

#### O R D E R

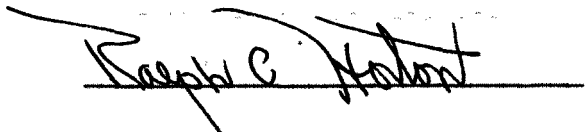
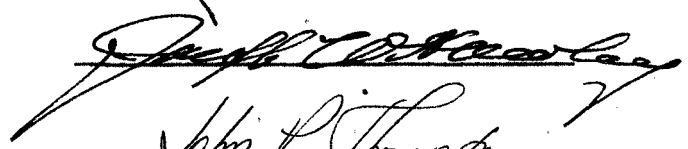

##### THE COMMISSION ORDERS:

That Albert Praznik, Denver, Colorado, should be, and he hereby is authorized to extend operations under Permit No. B-4353 to include the right to transport sand, gravel, and other road-surfacing materials used

in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

That this Order is made a part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE L. OLIPHANT, 5561 EAST 65TH )  
WAY, DERBY, COLORADO, FOR A CLASS ) APPLICATION NO. 13829-PP  
"B" PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

-----  
November 14, 1955  
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Appearances: George L. Oliphant, Derby,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 7, 1955,

and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant, testifying in his own behalf, stated that his net worth is \$2,500; that he is the owner of a two-ton 1950 Chevrolet dump truck, which he proposes to use in the conduct of his operations.

No one appeared in opposition to granting the authority sought.

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

It did not appear that applicant's proposed operations will tend to impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

### F I N D I N G S

#### THE COMMISSION FINDS:

That authority sought should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That George L. Oliphant, Derby, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius

of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

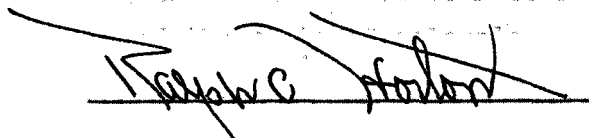
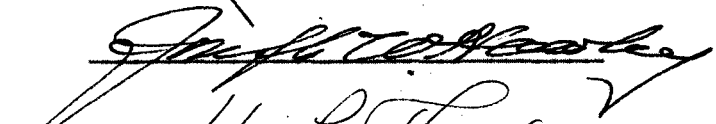

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ERNEST C. DE BACA, 4995 SOUTH SANTA )  
FE DRIVE, LITTLETON, COLORADO, FOR ) APPLICATION NO. 13825-PP  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

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November 14, 1955  
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Appearances: Ernest C. DeBaca, Littleton,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to mixer and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, excluding service in Clear Creek, and Gilpin Counties.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 7, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant, appearing in his own behalf, stated that his net worth was \$5,000; that he is the owner of a 1951 two-ton dump truck, with which he proposes to conduct his operations; that he is presently serving the Brannon Sand and Gravel Company under temporary authority from this Commission.

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

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

It did not appear that applicant's proposed service will impair the efficiency of any common carrier operating in the territory he seeks to serve.

### F I N D I N G S

#### THE COMMISSION FINDS:

That permit should issue.

### O R D E R

#### THE COMMISSION ORDERS:

That Ernest C. DeBaca, Littleton, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to mixer and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, excluding service in Clear Creek and Gilpin Counties.



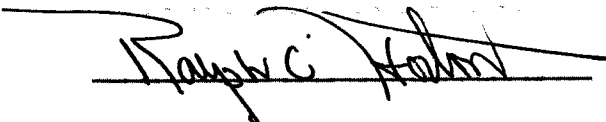
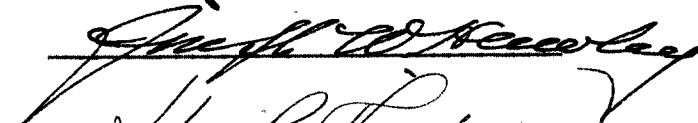
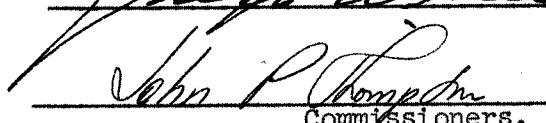
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of November, 1955.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
SERAPHINE E. EHRET, DOING BUSINESS )	
AS "BLUE MOUNTAIN BUILDING SUPPLY," )	
1921 EAST COLFAX AVENUE, DENVER, )	APPLICATION NO. 13824-PP
COLORADO, FOR A CLASS "B" PERMIT )	
TO OPERATE AS A PRIVATE CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
----- )	

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November 14, 1955  
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Appearances: Seraphine E. Ehret, Denver,  
Colorado, pro se;  
Ed Tuxhorn, Byers, Colorado,  
for Byers-Denver Truck Line;  
Ross Collin, Denver, Colorado,  
for Northeastern Motor  
Freight;  
Clayton Knowles, Esq., Denver,  
Colorado, for Union Pacific  
Railroad Company, and The  
Colorado and Southern  
Railway Company.

S T A T E M E N T

By the Commission:

By the above-styled application, Seraphine E. Ehret, doing business as "Blue Mountain Building Supply," Denver, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said

jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, including service in Boulder, Clear Creek, and Gilpin Counties; transportation of all types of building materials, from Denver to points within a radius of seventy-five miles of Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 7, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, transportation of building materials was objected to by protestants. Applicant agreed to amend his application, by limiting his request for transportation of building materials, as follows:

"from Denver, Colorado, to points within a radius of twenty-five miles of Wonder View, Colorado."

Thereupon, protestants withdrew their objections to the granting of the authority sought.

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

It did not appear that applicant's proposed service, as hereinafter limited, will tend to impair the efficiency of the operation of any common carrier operating in the territory sought to be served by applicant.

## F I N D I N G S

### THE COMMISSION FINDS:

That permit should issue, as limited by the following Order.

## O R D E R

### THE COMMISSION ORDERS:

That Seraphine E. Ehret, doing business as "Blue Mountain Building Supply," Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other

road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; transportation of all types of building materials, from Denver, Colorado, to points within a radius of twenty-five miles of Wonder View, Colorado.

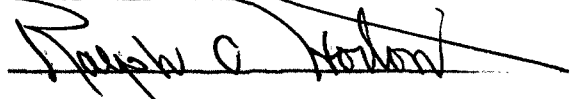
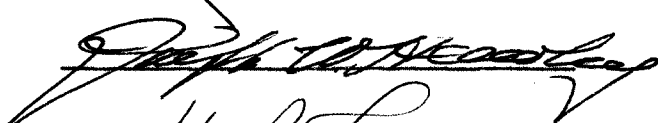

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of November, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MERLE E. JOHNSON, 3495 WEST GILL )  
PLACE, DENVER, COLORADO, FOR ) APPLICATION NO. 13828-PP-Extension  
AUTHORITY TO EXTEND OPERATIONS )  
UNDER PERMIT NO. B-4606. )  
-----)

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November 14, 1955  
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Appearances: Merle E. Johnson, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 40097, of date February 24, 1953, Merle E. Johnson, Denver, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado, to Valmont Plant of Public Service Company, near Boulder, Colorado, and to the area within a radius of five miles of Denver, Colorado, including the Rocky Mountain Arsenal and the Federal Center,

said operating rights being known as "Permit No. B-4606."

By the instant application, said permit-holder seeks authority to extend operations under Permit No. B-4606 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points;

transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, including service in Boulder, Clear Creek and Gilpin Counties.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 7, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant, appearing in his own behalf, stated that he is the owner of a 1951 two-ton dump truck, which he proposes to use in the conduct of his extended operations; that his net worth is \$5,000; that he is presently serving the Brannon Sand and Gravel Company.

No one appeared in opposition to granting the authority sought.

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

It did not appear that applicant's proposed extended service will impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

## F I N D I N G S

### THE COMMISSION FINDS:

That authority sought should be granted.

## O R D E R

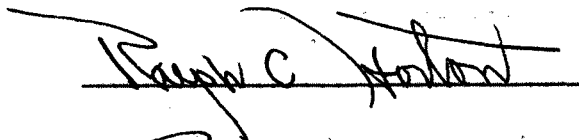
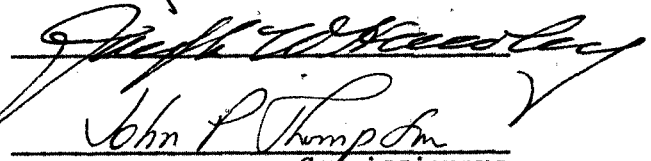

### THE COMMISSION ORDERS:

That Merle E. Johnson, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-4606 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the

State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

This Order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
WILLIE HARRIS, 2112 LAFAYETTE )	
STREET, DENVER, COLORADO, FOR )	<u>APPLICATION NO. 13827-PP-Extension</u>
AUTHORITY TO EXTEND OPERATIONS )	
UNDER PERMIT NO. B-4639. )	
----- )	

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November 14, 1955  
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Appearances: Willie Harris, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 40744, of date June 15, 1953, Willie Harris, Denver, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

sand, gravel, and other road-surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to the Valmont Plant of the Public Service Company, located near Boulder, Colorado, to the Plants of the Kuner-Empson Company and the Great Western Sugar Company, located within a radius of fifty miles of Denver, to the Rocky Mountain Arsenal located near Denver, to the Denver Federal Center, located near Denver, and to Denver, Colorado,

said operating rights being known as "Permit No. B-4639."

By the above-styled application, said permit-holder seeks authority to extend operations under Permit No. B-4639 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply



points in Boulder, Clear Creek, and Gilpin Counties, to points within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to mixer and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; coal from mines in the Northern Colorado coal fields to Denver, and to points within a radius of ten miles of Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 7, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant, testifying in his own behalf, stated that his net worth is \$2,000; that he is the owner of a 1951 Chevrolet two-ton dump truck, which he proposes to use in the conduct of his extended operation.

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

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

It did not appear that applicant's proposed extended service will tend to impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That authority sought should be granted.

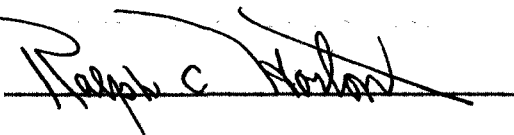
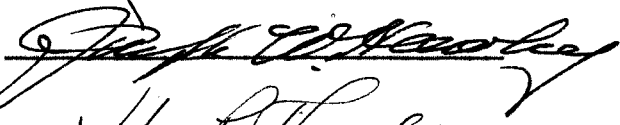

O R D E R

THE COMMISSION ORDERS:

That Willie Harris, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-4639 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in Boulder, Clear Creek, and Gilpin Counties, to points within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to mixer and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; coal from mines in the northern Colorado coal fields, to Denver, and to points within a radius of ten miles of Denver, Colorado.

That this Order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of November, 1955.

original

(Decision No. 44898)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
RIO GRANDE MOTOR WAY, INC., 775	)	
WAZEE STREET, DENVER, COLORADO,	)	<u>APPLICATION NO. 13813-Extension</u>
FOR AUTHORITY TO EXTEND OPERATIONS	)	
UNDER PUC NO. 149.	)	
-----	)	

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November 14, 1955  
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Appearances: T. A. White, Esq., Denver,  
Colorado, for applicant;  
C. J. Schuler, Telluride,  
Colorado, for Telluride  
Transfer;  
Orville Dunlap, Montrose,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at ten o'clock A. M., November 2, 1955, at the Court House, Montrose, Colorado, due notice thereof being forwarded to all parties in interest.

On November 1, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

By the above-styled application, Rio Grande Motor Way, Inc., Denver, Colorado, seeks authority to extend its operations under PUC No. 149 to include the right to transport ore, concentrates, and coal, between Pandora, Colorado, and Ridgway, Colorado.

Said Report of the Examiner discloses that at the hearing T. M. Davis testified that he was President of Rio Grande Motor Way, Inc.; that his company had received a request to transport ore and concentrates between Pandora and Ridgway, Colorado, and coal from

Ridgway to Pandora, in both interstate and intrastate commerce; that said transportation was, in part, in conjunction with a railroad movement, and would amount to approximately 3,500 tons per month; that Rio Grande Motor Way had purchased equipment from the Telluride Transfer Company, and that said applicant was financially able to perform the proposed service.

John S. Wise, of Ouray, Colorado, testified that he was General Manager of Telluride Mining Company, a subsidiary of Newmont Mining Company; that Telluride Mining Company was engaged in a large mine operation at Pandora, Colorado; that said company had erected a new mill with a capacity of 30,000 tons a month, which would produce some 3,500 tons of lead, copper, and zinc concentrates; that Rio Grande Motor Way, Inc. had served his company in another operation, and that the service rendered was excellent; that he desired Rio Grande Motor Way, Inc. to transport these concentrates from Pandora to Ridgway, Colorado, and to transport coal, when needed, from such sources of supply as are available.

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

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

Report of the Examiner recommends that the authority sought be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's proposed extended motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of Rio Grande Motor Way, Inc., Denver, Colorado, for the transportation of ores and concentrates, between Pandora, Colorado, and Ridgway, Colorado, and coal from available sources on its line to Pandora, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

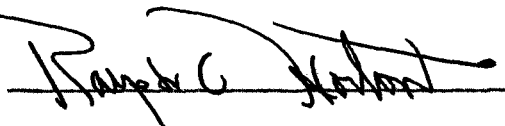
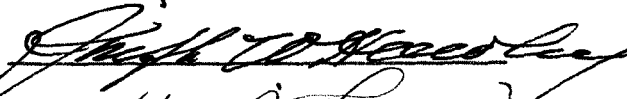

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

That this order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of November, 1955.

ea

original

(Decision No. 44899)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
VERL HAMILTON, CORTEZ, COLORADO, )	
FOR A CERTIFICATE OF PUBLIC CONVEN- )	APPLICATION NO. 13792
IENCE AND NECESSITY. )	
----- )	

RE MOTOR VEHICLE OPERATIONS OF )	
VERL HAMILTON, CORTEZ, COLORADO. )	PERMIT NO. B-2985
----- )	

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November 14, 1955  
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Appearances: Julian P. Hancock, Esq.,  
Cortez, Colorado, for  
Applicant;  
C. J. Schuler, Telluride,  
Colorado, for Telluride  
Transfer;  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.;  
Orville Dunlap, Montrose,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at the Court House, Montrose, Colorado, November 2, 1955, at ten o'clock A. M., due notice thereof being sent to all parties in interest.

On November 1, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

By the above-styled application, filed with the Commission on July 26, 1955, Verl Hamilton, Cortez, Colorado, sought a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of:

"sulfuric acid in bulk, from Rico, Colorado, to Naturita, Colorado, Uravan, Colorado, and Durango, Colorado, and from Denver, Colorado, to Naturita, Colorado, Uravan, Colorado, and Durango, Colorado, without return pay-load, operating primarily over U. S. Highways Nos. 285 and 160, and State Highways Nos. 145, 141, 112, and 80."

At the hearing, upon motion from Attorney for Applicant, said application was amended, to strike therefrom transportation of sulfuric acid in bulk from Denver, Colorado, to Naturita, Uravan, and Durango, and by striking all reference to specific highways, so that authority sought, as amended at the hearing, would be as follows:

"for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of sulfuric acid in bulk, from Rico, Colorado, to Naturita, Colorado, Uravan, Colorado, and Durango, Colorado, without return pay-load."

Applicant testified that he is the owner and operator of Permit No. B-2985, and that under said permit he is authorized to transport sulphuric acid, from Denver to Durango, Naturita, and Uravan, Colorado; that he was willing to cancel out of said permit that authority; that he has special equipment necessary to transport acid, and is financially able to perform the services sought to be rendered under this application; that he has had requests for transportation of sulphuric acid to the mills and reduction plants at Naturita, Uravan, and Durango, Colorado; that the acid is used in the mills and reduction plants in the processing of uranium ores.

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

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

Report of the Examiner recommends that certificate of public convenience and necessity issue to applicant herein, with authority as sought by his amended application, and that duplicating authority under Permit No. B-2985, owned and operated by applicant herein, be cancelled from said permit.

## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's proposed motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

## O R D E R

### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Verl Hamilton, Cortez, Colorado, for the transportation of sulphuric acid, in bulk, from Rico, Colorado, to Naturita, Colorado, Uravan, Colorado, and Durango, Colorado, with no return pay-load, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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

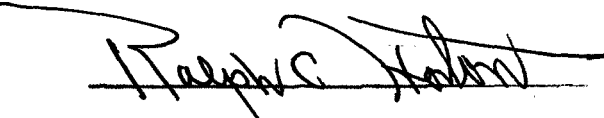
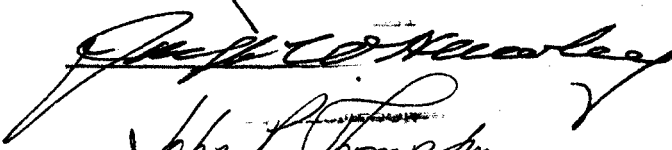
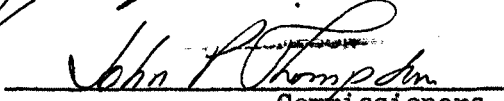
That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That authority granted Verl Hamilton under Permit No. B-2985, by Decision No. 43999, should be, and the same hereby is, cancelled and revoked from said Permit No. B-2985.



That this Order shall become effective twenty-one  
days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of November, 1955.

ea

original

(Decision No. 44900)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SOUTHERN UNION GAS COMPANY, DALLAS, )  
TEXAS, FOR AUTHORITY TO ISSUE CER- )  
TAIN SECURITIES. )  
-----

APPLICATION NO. 13811  
SECURITIES

-----  
November 14, 1955  
-----

Appearances: Willis L. Lea, Jr., Esq.,  
Dallas, Texas, and  
Barry and Hupp, Esqs., Den-  
ver, Colorado, for Appli-  
cant;  
A. L. Mueller, Esq., Denver,  
Colorado, for the Commis-  
sion.

S T A T E M E N T

By the Commission:

This application was filed October 17, 1955, and a supple-  
mental application was filed October 20, 1955. A hearing was set for  
November 10, 1955, at 9:30 A. M., at 330 State Office Building, Denver,  
Colorado, and at that time and place this application, as amended,  
was heard and taken under advisement by the Commission.

Southern Union Gas Company, the applicant herein, seeks auth-  
ority of the Commission to issue to commercial banks the applicant's  
promissory notes in aggregate principal amount of Two Million Dollars  
(\$2,000,000), bearing interest at the rate of 3-3/4% per annum and ma-  
turing on or before 24 months after their date.

The applicant is a corporation, organized, created, and exist-  
ing under the laws of the State of Delaware, and is now lawfully trans-  
acting a public utility business in the State of Colorado, owning and  
operating a gas transportation and distribution system, serving Durango  
and vicinity. It is also extensively engaged in the operation of  
natural gas properties located in Texas, New Mexico and Arizona.

The evidence shows that no commission or placement fees are to be paid in connection with the note transactions proposed. The loan arrangements have already been completed with the following banks in the amounts shown:

Republic National Bank, Dallas Texas	\$ 250,000.00
Mercantile National Bank, Dallas, Texas	250,000.00
First National Bank in Dallas	500,000.00
The Northern Trust Company, Chicago, Ill.	1,000,000.00

The proceeds to be received by the applicant will be in an amount equal to the face value of the notes, \$2,000,000.00. Such proceeds will be initially added to the applicant's general funds and later expended for the acquisition of property or the construction, completion, extension or improvement of applicant's facilities and service, or in reimbursement of its treasury for a portion of the moneys actually expended for the same purposes from income of applicant or from other moneys in the treasury not secured by or obtained from the issue, assumption or guarantee of securities within five years prior to the filing hereof. Applicant intends to retire the proposed \$2,000,000.00 in notes upon completion of a contemplated permanent financing program.

Applicant's Capital Structure is as follows:

<u>EQUITY CAPITAL</u>	<u>June 30, 1955</u>	<u>% to Total</u>	<u>After Proposed Financing</u>	<u>% to Total</u>
Total Capital Stock	\$24,694,002.04	40.54%	\$24,694,002.04	39.25%
Surplus	<u>10,168,942.28</u>	<u>16.70</u>	<u>10,168,942.28</u>	<u>16.16</u>
Total Equity Capital	<u>\$34,862,944.32</u>	<u>57.24%</u>	<u>\$34,862,944.32</u>	<u>55.41%</u>
<u>LONG TERM DEBT</u>				
Bonds	\$25,841,000.00	42.42%	\$25,841,000.00	41.08%
Miscellaneous & Notes	<u>206,358.92</u>	<u>.34</u>	<u>2,206,358.92</u>	<u>3.51</u>
Total Long Term Debt	<u>\$26,047,358.92</u>	<u>42.76%</u>	<u>\$28,047,358.92</u>	<u>44.59%</u>
<u>TOTAL CAPITAL STRUCTURE</u>	<u>\$60,910,303.24</u>	<u>100.00%</u>	<u>\$62,910,303.24</u>	<u>100.00%</u>

#### F I N D I N G S

After careful consideration of the evidence adduced, and of the files, records and proceedings herein, the Commission is of the opinion,

and finds:

1. That the Commission has jurisdiction over and with respect to Southern Union Gas Company, in certain of its operations, and that its interests and the interests of its consumers will not be adversely affected by the proposed transactions, or any of them; that the proposed transactions, and the purposes for which the securities referred to are to be issued, are consistent with and permitted by the provisions of '53 C.R.S. 115-1-4, and are consistent with the public interest; and that the application to be made of such securities, or the proceeds thereof, is permitted by applicable laws of Colorado.

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

#### O R D E R

##### THE COMMISSION ORDERS:

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

1. That Southern Union Gas Company be, and it hereby is, authorized to issue and deliver its promissory notes in aggregate principal amount of Two Million Dollars (\$2,000,000.00) for cash equal to their face value, same to bear interest at a rate not to exceed 3-3/4% per annum and to mature on or before 24 months after the date thereof, and is also authorized to apply the proceeds from the issue and delivery of such promissory notes, all in the manner specified in the Application.

2. That Southern Union Gas Company be, and it is hereby, authorized to take such further steps and actions as may, in conformity with applicable law and regulations, be necessary, incident, or appropriate to the full accomplishment of the transactions, or any of them, hereinabove approved and authorized.

3. That within ninety (90) days from and after the consummation of the respective transactions herein authorized, and in any event,

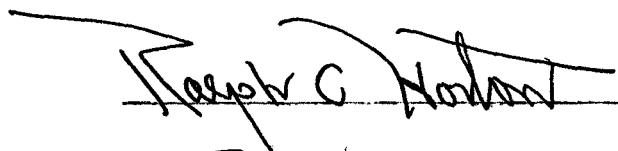
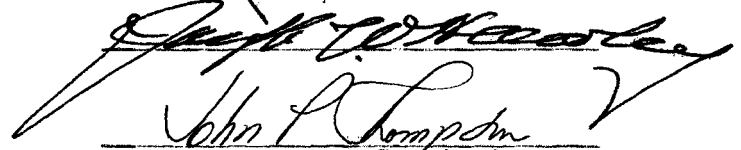
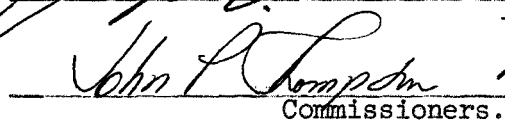
on or before January 1, 1956, Southern Union Gas Company shall file its report with the Commission, showing confirmation of each such transaction.

4. That each note issued by applicant pursuant to the authority granted herein shall be identified by a legend appearing thereon, as follows: "Colo. PUC No. 13811"; and

5. That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, any of the aforesaid securities or the payments of dividends or interest thereon, on the part of the State of Colorado.

Authority herein granted shall be effective and exercisable from and after this date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

CHET HAGA & D. M. HANSON, DOING )  
BUSINESS AS "H. & H. GARBAGE )  
SERVICE, 1800 SANTA FE DRIVE, )  
PUEBLO, COLORADO. )

PERMIT NO. M-3518

November 18, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Chet Haga & D. M. Hanson, dba "H. & H. Garbage Service"

requesting that Permit No. M-3518 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3518, heretofore issued to \_\_\_\_\_

Chet Haga & D. M. Hanson, dba "H. & H. Garbage Service" \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 13, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 18th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
TWIN PEAKS LUMBER CO., WALSENBURG, )  
COLORADO. )

PERMIT NO. M-575

November 18, 1955

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Twin Peaks Lumber Co.

requesting that Permit No. M-575 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-575, heretofore issued to

Twin Peaks Lumber Co.

be,

and the same is hereby, declared cancelled effective October 17, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Norton  
Ralph W. Hawley  
Ralph P. Hawley  
Commissioner

Dated at Denver, Colorado,

this 18th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BERT HEITMAN, 8110 BRIGHTON ROAD, )  
DUPONT, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-1626

-----  
November 18, 1955  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Bert Heitman

requesting that Permit No. M-1626 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1626, heretofore issued to \_\_\_\_\_  
Bert Heitman \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 5, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
\_\_\_\_\_  
John P. Thomas  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 18th day of November, 195 5.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRED WEBER, ROUTE 3, BOX 346, )  
LONGMONT, COLORADO. )  
-----

PERMIT NO. B-1481

-----  
November 18, 1955  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-1481 be suspended for six months from October 21, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Fred Weber, Longmont, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-1481 until April 21, 1956.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LOYD ANDREWS, PALMER LAKE, COLO- )  
RADO. )  
-----

PERMIT NO. B-2698

-----  
November 18, 1955  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-2698 be suspended for six months from November 13, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Loyd Andrews, Palmer Lake, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-2698 until May 13, 1956.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission, applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
*Philip W. Hawley*  
*John P. Thompson*  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of November, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN HOWARD McCONNEL, DURANGO, )  
COLORADO. )  
----- )  
PERMIT NO. B-4517  
PERMIT NO. B-4517-I

-----  
November 18, 1955  
-----

S T A T E M E N T

By the Commission:

On June 16, 1955, the Commission authorized John Howard McConnel, Durango, Colorado, to suspend operations under his Permit No. B-4517 and Permit No. B-4517-I until November 16, 1955.

The Commission is now in receipt of a communication from the above-named permittee requesting that his permits be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-4517 and Permit No. B-4517-I should be, and the same hereby are, reinstated as of November 10, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 18th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
BENNIE RAY, BOX 254, ERIE, )  
COLORADO. )  
-----

PERMIT NO. B-3157

-----  
November 18, 1955  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-3157 be suspended for six months from November 10, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Bennie Ray, Erie, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-3157 until May 10, 1956.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Reuben C. Norton  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of November, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
CARL A. BURTIS, H. G. BURTIS, F. J. )	
HARTMAN, S. C. HARTMAN, J. CLIFFORD )	
HARTMAN, AND HAROLD B. HARTMAN, CO- )	
PARTNERS, DOING BUSINESS AS "BURTIS )	
BROTHERS & HARTMAN BROTHERS," 531 )	
MAIN STREET, MONTROSE, COLORADO, )	APPLICATION NO. 13795-PP-Transfer
FOR AUTHORITY TO TRANSFER PERMIT )	
NO. A-381 TO CARL A. BURTIS, F. J. )	
HARTMAN, S. C. HARTMAN, J. CLIFFORD )	
HARTMAN AND HAROLD B. HARTMAN, CO- )	
PARTNERS, DOING BUSINESS AS "BURTIS )	
BROTHERS & HARTMAN BROTHERS," 531 )	
MAIN STREET, MONTROSE, COLORADO. )	
----- )	

-----  
November 16, 1955  
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Appearances: Hughes and Bjelland, Esqs.,  
Montrose, Colorado, for  
Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Carl A. Burtis, H. G. Burtis, F. J. Hartman,  
S. C. Hartman, J. Clifford Hartman, and Harold B. Hartman, co-  
partners, doing business as "Burtis Brothers and Hartman Brothers,"  
Montrose, Colorado, were granted a Class "A" permit to operate as  
a private carrier by motor vehicle for hire, for the transportation of:

freight Montrose to Denver via U. S. Highways  
Nos. 50, 85, 285, 6, and 24, and State Highway  
No. 91, except that portion of U. S. Highway  
No. 24 between Antero Junction and Colorado  
Springs, without the right to serve intermediate  
points,

said operating rights being designated "Permit No. A-381."

By the above-styled application, authority is sought to  
transfer Permit No. A-381 to Carl A. Burtis, F. J. Hartman, S. C.  
Hartman, J. Clifford Hartman, and Harold B. Hartman, co-partners,  
doing business as "Burtis Brothers & Hartman Brothers," Montrose,  
Colorado.

Said application was regularly set for hearing before the Commission on November 2, 1955, at ten o'clock A. M., at the Court House, Montrose, Colorado, due notice thereof being forwarded to all parties in interest.

On November 1, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Said Report of the Examiner shows that Carl A. Burtis and Harold B. Hartman both testified that they were parties to the requested transfer, as transferors and transferees; that the purpose of the application to transfer was to effect and consummate transfer of the interest of H. G. Burtis, Deceased, to Carl A. Burtis; that H. G. Burtis delivered to the First National Bank of Montrose his deed to certain property, in favor of Carl A. Burtis; that H. G. Burtis and Carl A. Burtis entered into a partnership agreement affecting the disposal of certain partnership assets; that by reason of said deed and partnership agreement, the County Court of the County of Montrose decreed that Ella Mae Burtis be directed to execute the proper forms to effect the delivery of these certain assets, as contemplated by the agreement, copy of which Decree of the Court is in the files of the Commission.

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

The operating experience and financial responsibility of transferees were established to the satisfaction of the Commission.

Report of the Examiner recommends that said transfer be authorized.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner

referred to therein should be approved.

That Permit No. A-381 should be transferred, as requested.

O R D E R

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That the Secretary of the Commission is hereby instructed to change the records of the Commission to show that Permit No. A-381 shall in the future be owned and operated by Carl A. Burtis, F. J. Hartman, S. C. Hartman, J. Clifford Hartman, and Harold B. Hartman, co-partners, doing business as "Burtis Brothers & Hartman Brothers," Montrose, Colorado.

That said transfer shall become effective only if and when, but not before, said transferors and transferees, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The right of transferees to operate under this Order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferors of delinquent reports, if any, covering operations under said permit up to time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Holbert*  
*John P. Thompson*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT G. CLARK, 5700 SOUTH DELA- )  
WARE STREET, LITTLETON, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE ) APPLICATION NO. 13823-PP  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
-----)

-----  
November 16, 1955  
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Appearances: Robert G. Clark, Littleton,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 7, 1955, and at the conclusion of the evidence, the matter was taken under advisement.



At the hearing, applicant, testifying in his own behalf, stated that his net worth is \$10,000; that he is the owner of a 1952 two-ton truck, which he proposes to use in the conduct of his operations.

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

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

It did not appear that applicant's proposed operation will impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

### F I N D I N G S

#### THE COMMISSION FINDS:

That authority sought should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That Robert G. Clark, Littleton, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

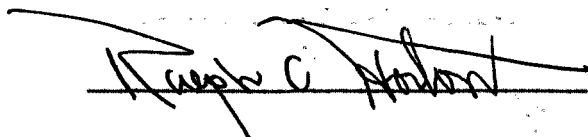
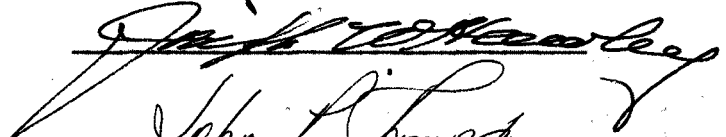
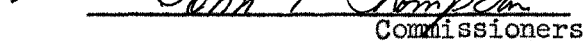
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILBUR C. STEWART, 1838 WEST KEN- )  
TUCKY, DENVER, COLORADO, FOR AUTH- ) APPLICATION NO. 13832-PP-Extension  
ORITY TO EXTEND OPERATIONS UNDER )  
PERMIT NO. B-3847. )  
----- )

-----  
November 16, 1955  
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Appearances: Wilbur C. Stewart, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 30297, of date April 23, 1948, Wilbur C.  
Stewart, Denver, Colorado, was authorized to operate as a Class "B"  
private carrier by motor vehicle for hire, for the transportation of:

sand, gravel, and other materials used in  
making up the surface of the roads, from  
pits and supply points in the State of  
Colorado, to road and building construc-  
tion jobs within a radius of fifty miles  
of said pits and supply points, excluding  
service in Boulder, Clear Creek, and  
Gilpin Counties,

said operating rights being designated "Permit No. B-3847."

By the above-styled application, said permit-holder seeks  
authority to extend operations under said Permit No. B-3847 to include  
the right to transport sand, gravel, and other road-surfacing materials  
used in the construction of roads and highways, from pits and supply  
points in the State of Colorado, to road jobs, mixer, and processing  
plants within a radius of fifty miles of said pits and supply points;  
transportation of sand and gravel, from pits and supply points in the  
State of Colorado, to railroad loading points and to homes and small  
construction jobs within a radius of fifty miles of said pits and  
supply points; transportation of sand, gravel, dirt, stone, and refuse,

from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, including service in Boulder, Clear Creek, and Gilpin Counties.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 7, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant, testifying in his own behalf, stated that his net worth is \$5,000, and that he is the owner of a 1953 Ford two-ton dump truck, which he proposes to use in the conduct of his extended operations.

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

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

It did not appear that applicant's extended service will impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That authority sought should be granted.

#### O R D E R

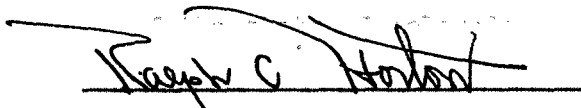
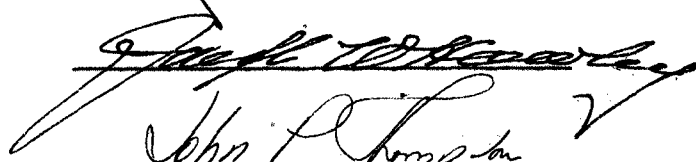
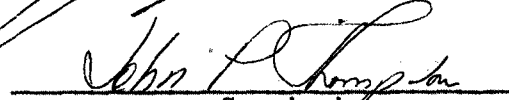
##### THE COMMISSION ORDERS:

That Wilbur C. Stewart, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-3847 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points;

transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

This Order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of November, 1955.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EDDIE W. WISSEL, ROUTE 3, BOX 18, )  
MONTROSE, COLORADO, FOR A CLASS "B" ) APPLICATION NO. 13809-PP  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
- - - - - )

- - - - -  
November 16, 1955  
- - - - -

Appearances: Eddie W. Wissel, Montrose,  
Colorado, pro se;  
Orville Dunlap, Montrose,  
Colorado, pro se;  
C. J. Schuler, Telluride,  
Colorado, for Telluride  
Transfer;  
John V. Bouchard, Gunnison,  
Colorado, pro se;  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at the Court House, Montrose, Colorado, November 2, 1955, at ten o'clock A. M., due notice thereof being sent to all parties in interest.

On November 1, 1955, as provided by law, the Commission designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

By the above-styled application, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from forests to sawmills within a radius of fifty miles of Montrose, Colorado; lumber, from

from sawmills within said fifty-mile radius, to points within the State of Colorado; coal, from point to point within a radius of fifty miles of Montrose, Colorado; building materials, from point to point within a radius of fifty miles of Montrose, Colorado, and from and to points within said radius, to and from points within the State of Colorado.

Report of the Examiner shows that at the hearing, Applicant, testifying in his own behalf, stated that he had been transporting logs and lumber since 1947; that he was presently transporting lumber from Carr's Planer, located near Montrose, to Independent Lumber Company; that he would be willing to limit his transportation of lumber to the Independent Lumber Company; that he had had no demand to transport building materials, and knew of none to be transported; that he owned one truck which he proposed to use in the conduct of his operations.

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

Report of the Examiner recommends that applicant herein be granted authority to operate as a Class "B" private carrier, as set forth in the following Order.

#### F I N D I N G S

##### THE COMMISSION FINDS;

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in the Order following .

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Eddie W. Wissel, Montrose, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from forests to sawmills within a radius of one hundred and fifty miles of Montrose, Colorado; lumber, from sawmills and planing mills to lumber yards and storage places within a radius of one hundred and fifty miles of Montrose, Colorado, for the Independent Lumber Company, only.

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

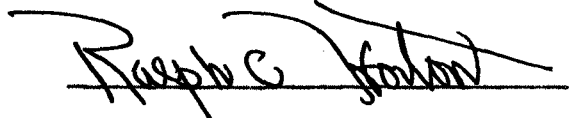
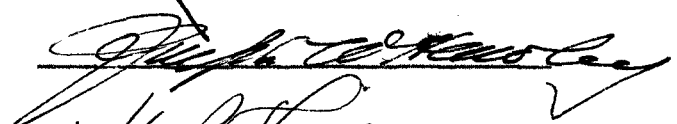
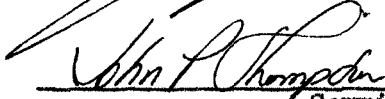
That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of November, 1955.

ea



original

(Decision No. 44912)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
PINKNEY J. MORRIS, BOX 254,	)	
CIMARRON, COLORADO, FOR A CLASS "B"	)	<u>APPLICATION NO. 13802-PP</u>
PERMIT TO OPERATE AS A PRIVATE	)	
CARRIER BY MOTOR VEHICLE FOR HIRE.	)	
-----	)	

-----  
November 16, 1955  
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Appearances: T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.;  
Orville Dunlap, Montrose,  
Colorado, pro se;  
John Bouchard, Gunnison,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at the Court House, Montrose, Colorado, November 2, 1955, at ten o'clock A. M., with due notice thereof to all parties in interest.

On November 1, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

By the above-styled application, Pinkney J. Morris, Cimarron, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of lumber and logs, from point to point within a radius of seventy-five miles of Montrose, Colorado.

Although duly notified of the time and place designated for hearing his application, Applicant herein did not appear, either in person or by counsel.

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

Report of the Examiner recommends that said motion be granted, and said application dismissed for lack of prosecution.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That the above-styled application should be dismissed for lack of prosecution.

### O R D E R

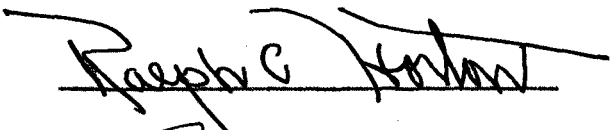
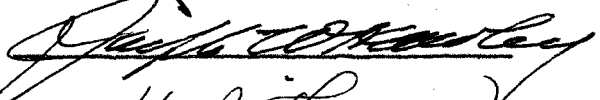
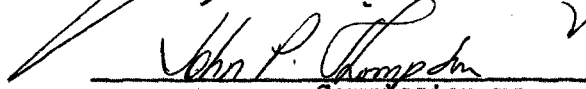
#### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Application No. 13802-PP should be, and the same hereby is, dismissed for lack of prosecution.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
RICHARD DELZER, 1060 GRAND AVENUE, )	
DELTA, COLORADO, FOR A CLASS "B" )	<u>APPLICATION NO. 13798-PP</u>
PERMIT TO OPERATE AS A PRIVATE )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

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November 16, 1955  
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Appearances: Richard Delzer, Delta,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at ten o'clock A. M., November 2, 1955, at the Court House, Montrose, Colorado, with due notice thereof to all parties in interest.

On November 1, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

At the time and place designated for hearing, Louis J. Carter, as Examiner, called said matter for hearing, he thereafter submitting a report thereof to the Commission.

From the Report of the Examiner, it appears that authority sought herein by applicant was indefinite, and should be amended and clarified.

Report of the Examiner recommends that said matter be continued, allowing applicant time within which to file an amendment to the above-styled application to clarify territory and commodities sought to be transported.

## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That the above-styled application should be continued for hearing at a future date to be determined by the Commission, allowing Applicant time within which to file an amendment to his application, making the authority sought more specific.

## O R D E R

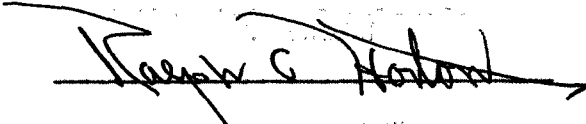
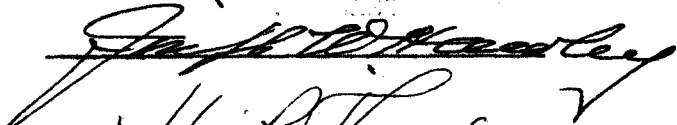

### THE COMMISSION ORDERS:

That the report of the examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That the above-styled application is hereby continued for hearing at a future date to be determined by the Commission, allowing Applicant time within which to file an amendment to his application, making the authority sought more specific.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF INCREASED )  
RAILWAY FREIGHT RATES AND )  
CHARGES WITHIN THE STATE OF )  
COLORADO - 1951. )  
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APPLICATION NO. 11007

EX PARTE NO. 175

-----  
November 15, 1955  
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S T A T E M E N T

By the Commission:

On February 8, 1951, common carriers by railroad in Colorado, filed an application with this Commission requesting the same increase on freight rates and charges on Colorado intrastate traffic as might be authorized by the Interstate Commerce Commission on interstate traffic by reason of a petition filed by the Class 1 railroads in the United States with the Interstate Commerce Commission, January 16, 1951, Ex Parte 175.

On March 12, 1951, a two per cent interim increase was granted the Class 1 railroads in the Western District by the Interstate Commerce Commission. On May 2, 1951, hearing was held before this Commission on the application filed February 8, 1951.

On March 28, 1951, the Class 1 railroads in the United States filed an amended petition with the Interstate Commerce Commission asking that the 6 per cent increase in interstate freight rates and charges requested in the petition of January 16, 1951, be increased to 15 per cent. May 8, 1951, an amended application was filed with the Colorado Commission by the common carriers in Colorado asking that the six per cent increase in Colorado intrastate freight rates and charges requested in the Application filed February 8, 1951, be increased to 15 per cent. Further hearing was held on the amended application on October 17, 1951.

By Decision No. 38839, June 9, 1952, this Commission authorized the railroads in Colorado to increase their freight rates and charges on Colorado intrastate traffic six per cent, with certain exceptions, as approved by the Interstate Commerce Commission in its report and order in Ex Parte 175 to increase freight rates 1951, decided August 2, 1951, found in 281 I.C.C. 557. In addition, this Commission in this same decision, scheduled a further hearing for July 10, 1952, relative to the additional nine per cent increase on intrastate traffic which the Interstate Commerce Commission authorized on interstate traffic in its order dated April 11, 1952.

The authorization to increase the intrastate freight rates and charges within the State of Colorado by six per cent granted in Decision 38839 was scheduled to expire with February 28, 1953. However, on January 22, 1953, Decision 40009, the Commission extended the expiration date from February 28, 1953, to and including February 28, 1954, unless sooner changed, cancelled or extended.

On the appointed day and hour, 10:00 A.M., July 10, 1952, a hearing was held relative to the proposed increase of 15 per cent. At the outset of the hearing the carriers by railroad in Colorado requested that the record of the hearings of May 2, 1951, and October 17, 1951, before this Commission be considered and made a part of the record of this hearing, together with such additional evidence as would be introduced in this proceeding in the disposition of the request for the increase for Colorado intrastate freight rates and charges as granted by the Interstate Commerce Commission in its order dated April 11, 1952, on interstate traffic.

Further discussion relative to the disposition of the issues involved in the request for the additional nine (9) per cent increase is fully set forth in Decision No. 41608, dated November 25, 1953, and would only be repetitious here and serve no useful purpose. Suffice to say, in the above decision, the Commission authorized the additional nine (9) per cent increase and extended the expiration date to and including December 31, 1955, unless sooner changed, cancelled or extended.

On April 15, 1955, the railroads in the United States requested the Interstate Commerce Commission by motion for modification of its order of April 11, 1952, in Ex Parte 175, 284 I.C.C. 589, as amended by its order of July 29, 1953, in Ex Parte 175, 289 I.C.C. 395, extending the expiration date of the authorized increases in freight rates and charges until December 31, 1955, (1) by eliminating therefrom the expiration date imposed upon the authority therein granted, (2) by eliminating therefrom the provision that the increases therein authorized should be applied as surcharges, permitting the revised schedules to be filed and made effective without suspension, and (3) that the Commission should close the record in this investigation.

On October 17, 1955, the Interstate Commerce Commission entered its further order in Ex Parte 175, cancelling the expiration date of December 31, 1955. Also ordering that the increases presently authorized by the findings and orders in this proceeding shall be published to apply in connection with rates per 100 pounds, per ton, per car, or per other unit of transportation, and will not thereafter be applied as surcharges to the amount of the freight bill. The order of the Interstate Commerce Commission provides a rule for the disposition of fractions.

On October 20, 1955, the steam railroads operating in intrastate commerce in Colorado filed a petition with this Commission wherein it requested the elimination of the expiration date of December 31, 1955, and the provision for applying the percentage increases formally granted as a surcharge applied to the freight charges as reflected in the freight bills.

### F I N D I N G S

#### THE COMMISSION FINDS:

That in the elimination of the expiration date of December 31, 1955, should be authorized and that the increases presently authorized as a surcharge should be published to apply in connection with rates of 100 pounds, per ton, per car, or per other unit of transportation in lieu of the present authorized surcharge.

## O R D E R

### THE COMMISSION ORDERS:

1. That the expiration date of December 31, 1955, as authorized and provided in Decision 41608, dated November 25, 1953, be and it is hereby cancelled.
2. That the increases presently authorized by said Decision 41608 shall be published to apply in connection with rates for 100 pounds, per ton, per car, or per other unit of transportation and will not thereafter be applied as surcharges for the amount of the freight bill.
3. That the cancellation of the expiration date and the publication of the rates as hereinbefore provided may be made effective on December 1, 1955, upon notice to this Commission and to the general public by not less than five day's filing and posting in the manner prescribed by law and the rules and regulations of the Commission.
4. That all outstanding unexpired orders of this Commission authorizing or prescribing rates be and they are hereby modified to the extent necessary to permit the publication herein authorized to be applied, In all other respects said order shall remain in full force and effect unaffected by this order.
5. That in the disposition of fractions same shall be done in the same manner as provided for by the Interstate Commerce Commission in its order in Ex Parte 175 (and Sub-No. 1), dated October 17, 1955. (Mimeographed)
6. That all Tariffs or Supplements containing changes by authority of this order shall bear specific reference to this order.
7. That jurisdiction be and it hereby is retained by this Commission to determine if need be the lawfulness or reasonableness of any particular rate or group of rates resulting from this order.
8. That this order shall become effective forthwith.



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Stanton  
Ralph C. Stanton  
John P. Thompson  
Commissioners

Dated at Denver, Colorado,  
this 15th day of November, 1955.

mem

Original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
S. W. WIEMAN, OLATHE, COLORADO, FOR )  
AUTHORITY TO LEASE PERMIT NO. B-4748 ) APPLICATION NO. 13812-PP-Lease  
TO HARRY B. HAWKS, MONTROSE, COLO- )  
RADO. )  
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November 16, 1955  
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Appearances: Ralph E. Miller, Esq., Montrose,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, S. W. Wieman, Olathe, Colorado, was granted a  
Class "B" permit to operate as a private carrier by motor vehicle for  
hire, for the transportation of:

uranium and vanadium ores from mines to  
mills, and from mines to the Utah State  
Line, and from, to, and between all points  
where mining operations are conducted on  
the Colorado Plateau of Western Colorado  
to the mills in Uravan, Grand Junction,  
Naturita, Durango, and Rifle, Colorado;  
also, transportation of sand, gravel, rock,  
and earthen materials, between points with-  
in a radius of fifty miles of Olathe, Colo-  
rado,

said operating rights being designated "Permit No. B-4748."

By the instant application, said permit-holder seeks author-  
ity to lease Permit No. B-4748 to Harry B. Hawks, Montrose, Colorado.

Said application was regularly set for hearing before the  
Commission at the Court House, Montrose, Colorado, November 2, 1955,  
at ten o'clock A. M., with due notice thereof to all parties in inter-  
est.

On November 1, the Commission, as provided by law, designated  
Louis J. Carter, an employee of the Commission, to conduct the hearing

on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

From the Report of the Examiner, it appears that it was the intention of S. W. Wieman to lease Permit No. B-4748 to Harry B. Hawks for a period of five years, terminating October 6, 1960; that the lease agreement terms and consideration therefor are contained in a lease introduced and identified as "Exhibit A"; that there are no outstanding unpaid operating obligations against said permit; that lessee is a fit and proper person, and is financially able to continue operations under Permit No. B-4748.

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

Report of the Examiner recommends that lease of said operating rights be authorized.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That the leasing of Permit No. B-4748, as set forth in the Lease Agreement, designated as "Exhibit A" in the instant proceedings, which is made a part of these Findings, by reference, from S. W. Wieman, Olathe, Colorado, to Harry B. Hawks, Montrose, Colorado, is in the public interest, and that application so to lease should be approved by this Commission.

### O R D E R

#### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and

foregoing Findings should be, and the same hereby is, approved.

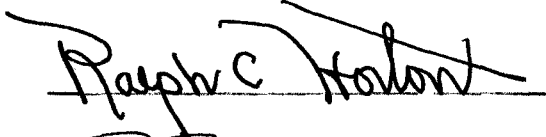


That S. W. Wieman, Olathe, Colorado, should be, and he hereby is, authorized to lease Permit No. B-4748 to Harry B. Hawks, Montrose, Colorado, as per terms of Lease Agreement marked "Exhibit A" in the instant proceedings.

The right of lessee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by lessor of delinquent reports, if any, covering operations under said permit up to the time of leasing of said permit.

This Order is made a part of the permit authorized to be leased.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
CARL C. NEWTON, BOX 58, ECKERT, )	
COLORADO, AND ROBERT E. ANDERSON, )	
222 EAST NINTH STREET, DELTA, COLO- )	
RADO, CO-PARTNERS, DOING BUSINESS )	APPLICATION NO. 13803-PP
AS "NEWTON & ANDERSON TRANSPORT," )	
222 EAST NINTH STREET, DELTA, COLO- )	
RADO, FOR A CLASS "B" PERMIT TO )	
OPERATE AS A PRIVATE CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	

-----  
November 16, 1955  
-----

Appearances: Carl C. Newton, Eckert, Colo-  
rado, pro se;  
Robert E. Anderson, Delta,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing be-  
fore the Commission at ten o'clock A. M., November 2, 1955, at the Court  
House, Montrose, Colorado, with due notice thereof to all parties in  
interest.

On November 1, 1955, the Commission, as provided by law, desig-  
nated Louis J. Carter, an employee of the Commission, to conduct the  
hearing on said application.

At the time and place designated for hearing, Louis J. Carter,  
as Examiner, called said matter for hearing, he thereafter submitting a  
report thereof to the Commission.

From the Report of the Examiner, it appears that authority  
sought herein by applicants was indefinite, and should be amended and  
clarified.

Report of the Examiner recommends that said matter be con-  
tinued, allowing applicants time within which to file an amendment to  
the above-styled application to clarify territory and commodities sought

to be transported.

## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That the above-styled application should be continued for hearing at a future date to be determined by the Commission, allowing Applicants time within which to file an amendment to their application, making the authority sought more specific.

## O R D E R

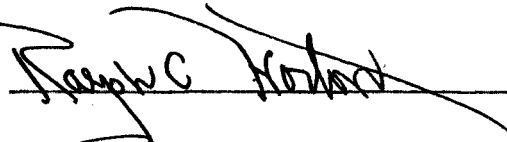
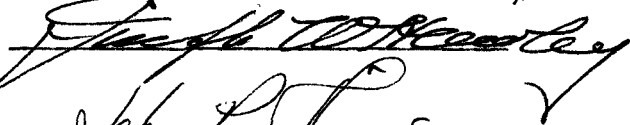
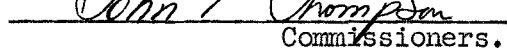
### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That the above-styled application is hereby continued for hearing at a future date to be determined by the Commission, allowing Applicants time within which to file an amendment to their application, making the authority sought more specific.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of November, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
UNION PACIFIC RAILROAD COMPANY FOR	)	
AUTHORITY TO INSTALL AUTOMATIC HIGH-	)	
WAY CROSSING PROTECTION AT THE	)	APPLICATION NO. 13816
CROSSING OF THE "KEENESBURG CUT-OFF"	)	
WITH THE TRACKS OF THE UNION PACIFIC	)	
RAILROAD AT MILE POST 145.10 NEAR	)	
KERSEY, COLORADO.	)	
-----	-)	

-----  
November 16, 1955  
-----

Appearances: Clayton D. Knowles, Esq.,  
                  Denver, Colorado, for  
                  Union Pacific Railroad  
                  Company;  
                  Bright Hoshiko, Kersey,  
                  Colorado, pro se and  
                  other interested residents  
                  of the Kersey area;  
                  J. L. McNeill, Denver, Colo-  
                  rado, for the Commission.

S T A T E M E N T

By the Commission:

On October 13, 1955, the Union Pacific Railroad Company, by its Attorneys, Knowles and Shaw, filed an application with this Commission, seeking authority to install automatic crossing signals as captioned above.

The matter was set for hearing on Monday, October 31, 1955, at 2:00 o'clock P. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado. Appropriate notice of the hearing was forwarded to interested parties, including the Chairman of the Board of Weld County Commissioners. Pursuant to said notice, the matter was heard by the Commission and taken under advisement.

On behalf of Applicant, explanatory testimony relative to the proposed work was given by Mr. Knowles. He explained that the instant highway-railroad grade crossing is located on a Weld County road, known locally as the "Keenesburg Cut-off," which

extends for some twenty miles between U. S. Highway No. 34 on the north and U. S. Highway No. 6 on the south; that the crossing is located approximately one mile south of Highway No. 34 and two miles west of Kersey, Colorado. Due to past accidents at this point, the crossing has been under observation; that on February 7, 1955, the railroad company received a communication from M. E. H. Smith, an attorney in Greeley, Colorado, wherein request was made on behalf of the nearby school district for an installation of flashing light signals. Negotiations were started at once; the County Commissioners of Weld County offered complete cooperation; job estimates were made, an agreement was prepared and processed by Union Pacific and offered to Weld County; by a resolution adopted by the Board of County Commissioners of Weld County at its meeting of May 4, 1955, the agreement was accepted; the agreement was formally executed on May 4, 1955.

Attached to the instant application and thereby made a part of the files in this matter are copies of:

A. Cost estimate (2 pages)

Materials	\$3,003.00
Labor	1,968.00
Credit Salvage Mtl.	40.00
Net Total Estimated Cost . . .	<u>\$4,931.00</u>

B. Resolution of Weld County Commission, dated May 4, 1955.

C. Agreement, dated May 4, 1955.

All labor, materials, installation and continued maintenance will be by Union Pacific Railroad. Weld County will reimburse Union Pacific to the extent of 90% of the actual cost of construction and installation of the proposed flashing light traffic control signals.

The following exhibits were identified and explained by Mr. Louis L. Kiehm, Denver, Colorado, who is Assistant Signal Engineer in the Kersey area of Union Pacific Railroad:

Exhibit No. 1: Wiring diagram at Westward Automatic Block Signal 1445, to show hookup for activation of flashing light signals at a distance of 3750 feet in advance of the flashers.



Exhibit No. 2: Wiring diagram of proposed flashing light signals and location plat at rail crossing-Mile Post 145.1.

Exhibit No. 3: Wiring diagram at Eastward Automatic Block Signal 1456, to show hookup for activation of flashing light signals at a distance of 2550 feet in advance of the flasher location.

Mr. Kiehm explained that trains moving in this area are likely to travel at the maximum permitted speeds of:

79 miles per hour - Stream line trains (Diesel)  
70 miles per hour - Passenger trains (Steam)  
50 miles per hour - Freight trains

For the fastest moving train - 79 miles per hour - there will be warning times of 32 seconds for westward movement and 22 seconds for eastward travel.

In this manner signal protection is provided when a train moves in either direction. Only one main-line is involved at the crossing.

Mr. Kiehm also answered questions of Mr. Hoshiko regarding efficiency of the proposed flashing lights as compared to a waving arm-type signal. He replied to the effect that the flashing light signals are approved by the Association of American Railroads and the standards of that Association are accepted by the Colorado Commission; that the flashing of the signal lights is designed to give the appearance of a moving signal; that the lights have individual hoods to prevent reflection from bright sunlight; that large black background frames are provided to emphasize the color of the signal warning in daytime; that the signal light is further intensified by specially designed reflectors within the lamp and the use of an outside lens to spread the light for angular vision up to 30° on each side.

Further questions brought up the location of the track in respect to side roads that intersect the county road on the north and south sides of the rail line. Mr. Keihm identified the following group of photographs as contained in the Commission's files and pointed out

the various features under question:

Exhibit No. 4: Pictures of open territory adjacent to county road and the rail line.

Exhibit No. 5: One view along main county road showing entrance of side road on south side of rail line. One picture of grade crossing showing also the side road on north side of rail line.

Exhibit No. 6: View along side road at north side of track.

In response to other questioning regarding choice of the proposed flashing light protection, Mr. Kiehm explained that from a standpoint of vision alone, signals should not be necessary for the reason that there were no obstructions to restrict a motorist's view of approaching trains. However, there was the added factor of high speed. The rail line is in open country and top speeds as noted above are permitted. The highway is also straight, it is well surfaced with smooth asphalt paving and slopes on a gentle down-grade from both north and south directions toward the rail crossing. Therefore, as a result of the higher vehicular speeds which are possible with modern vehicles on the well improved road, there is then the necessity to provide an increased degree of warning when necessary for the motorist to stop. In order to provide the added protection at this crossing - involving only a single track - Mr. Keihm reported that flashing light signals have proven to be very effective at other similar crossings and in his opinion would meet all normal warning requirements at the instant location.

In a statement to the Commission, additional explanatory information was given by Mr. Bright Hoshiko. He reported he was appearing in behalf of some 3000 residents of the Kersey area who are all users of the crossing and during the past four years, all have become convinced that added crossing protection was necessary. He explained that the county road was the main route northward to the county seat of Greeley; that people were now avoiding the unprotected crossing in favor of another

route farther west known as the "Peckham Cutoff"; that a petition had been prepared to request short-arm gate protection. It was his belief that north-bound motorists would have some trouble with reflection from the flasher lights due to bright sunlight and a waving signal or gate arms would be more effective.

In further testimony, Mr. Kiehm stated no other construction work or planking replacement was involved at the crossing; that no bell was planned for the installation; that extra signal light assemblies could be placed on each signal mast for warning on the side roads - cost would be approximately \$200.00 each; that flashing light signals and short-arm gates would cost \$15,000.00.

In concluding the hearing, it was summarized by the Commission that participants were in full accord regarding the necessity for crossing signals; that the proposed protection of flashing light signals represented a definite improvement of a dangerous situation; that installation of the signals had been covered in an agreement involving the expenditure of both County and Railroad funds and that the railroad had accepted the obligation of inspection, operation and continuing maintenance of the signals. Relative to the criticism of reflection, it was agreed and understood that the complete installation of the flashing signals as proposed in the foregoing agreement should be authorized and completed; that after a reasonable trial period, a report be forwarded to the Commission by interested parties in the matter of reflection or any other protection deficiencies.

It was also noted by Mr. Kiehm that the proposed signal expenditure and related work had been approved through proper railroad officers; that the necessary materials were readily available and that the installation could be completed within two months.

It appears further that no public utilities or adjacent property owners will be adversely affected by the proposed signal improvement; that the Commission files contain no protests to the proposed

signals; that the current traffic of some 900 vehicles and 8 to 10 high speed trains per day offer a sound basis for the proposed flashing light signals, complete with the addition of a bell on the northerly signal for audible warning, and that the whole installation should be approved and placement be completed with a minimum of delay.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the public safety, convenience and necessity require the improvement of existing public grade crossing protection at the crossing of the "Keenesburg Cut-off" over the tracks of Union Pacific Railroad at Mile Post 145.1, being two miles west of Kersey, Colorado.

That the proposed protection improvement of flashing light signals, as proposed in the Union Pacific - Weld County agreement of May 4, 1955, be installed for visual warning with the addition of a standard bell on the northerly signal for audible warning.

That the proposed signal devices as described above will provide an adequate degree of protection and warning for all normal traffic movements over the instant crossing.

That the matter of poor signal recognition, as contemplated, due to sunlight reflection, should be held in abeyance, pending placement of the proposed flashing lights and for the ensuing interval of one year after installation is completed as a test period for the forwarding to the Commission of any report relative to the signal operation or efficiency.

### O R D E R

#### THE COMMISSION ORDERS:

That Applicant, Union Pacific Railroad Company be, and it hereby is, granted a certificate of public convenience and necessity, authorizing the removal of existing cross-buck signs and in lieu thereof to install, operate and maintain standard automatic flashing light signals, complete with a bell on the northerly signal, at the grade

crossing of the "Keenesburg Cut-off" over the track of said railroad at Mile Post 145.1, being two miles west of Kersey, Weld County, Colorado.

That the proposed signal devices and installation thereof shall all be in conformance with the Bulletin of the Association of American Railroad's Joint Committee on Railroad Protection.


That the work to be done, installation and maintenance of the proposed automatic signals, shall be as indicated in the preceding Statement, said Statement, the contract as attached to the instant application and Exhibits Nos. 1, 2, 3, 4, 5, and 6 are all, by reference, made a part hereof.

That Union Pacific Railroad Company shall forward a notification to this Commission of the date the proposed signals go into operation.

That the Commission will retain jurisdiction to make any future order or orders as may hereafter be shown to be reasonable and necessary for the public safety.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph C. Hout  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of November, 1955.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF)	
MOODY L. FREDENBURG, 718 NORTH	)
THIRD, MONTROSE, COLORADO, FOR A	)
CLASS "B" PERMIT TO OPERATE AS A	)
PRIVATE CARRIER BY MOTOR VEHICLE	)
FOR HIRE.	)
- - - - -	)

APPLICATION NO. 13799-PP

- - - - -  
November 17, 1955  
- - - - -

Appearances: Moody L. Fredenburg, Montrose,  
Colorado, pro se;  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.;  
Orville Dunlap, Montrose,  
Colorado, pro se;  
C. J. Schuler, Telluride,  
Colorado, for Telluride  
Transfer;  
John V. Bouchard, Gunnison,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at ten o'clock A. M., November 2, 1955, at the Court House, Montrose, Colorado, due notice thereof having been forwarded to all parties in interest.

On November 1, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

By the above-styled application, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, lumber, and sawmill products,

between points within a radius of fifty miles of Montrose, Colorado.

Said Report of the Examiner shows that applicant testified at the hearing that he was presently engaged in the transportation of lumber for O. A. Wright Lumber Company, at Montrose, Colorado; that the lumber was moving from sawmills to planing mills; that he was the owner of two trucks; that he would be willing to limit his operations to rough lumber.

O. A. Wright, of O. A. Wright Lumber Company, Montrose, Colorado, testified that his company operated three mills in the area sought to be served by applicant; that he had a need for applicant's service in the transportation of lumber; that he had never been contacted by any common carrier for any part of his transportation business.

Protestants offered no testimony.

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

The Report of the Examiner recommends that applicant herein be granted a Class "B" permit, authorizing him to operate as a private carrier by motor vehicle for hire, as set forth in the Order following.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Moody L. Fredenburg, Montrose, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private

carrier by motor vehicle for hire, for the transportation of logs, from forests to sawmills within a radius of fifty miles of Montrose, Colorado; transportation of lumber from sawmills to planing mills, and from sawmills and planing mills to lumber yards and storage places within a radius of fifty miles of Montrose, Colorado.

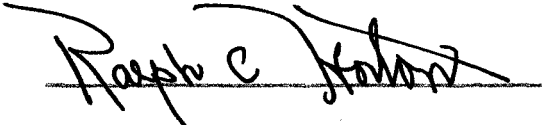
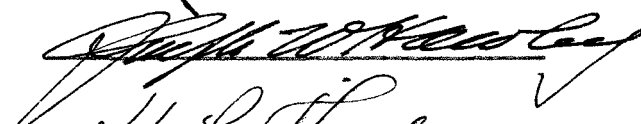

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of November, 1955.

ea



original

(Decision No. 44919)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
JACK THOMPSON, CEDAREGE, COLORADO, )	
FOR A CLASS "B" PERMIT TO OPERATE )	<u>APPLICATION NO. 13807-PP</u>
AS A PRIVATE CARRIER BY MOTOR )	
VEHICLE FOR HIRE. )	
----- )	

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November 17, 1955  
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Appearances: T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.;  
Orville Dunlap, Montrose,  
Colorado, pro se;  
John Bouchard, Gunnison,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at ten o'clock A. M., November 2, 1955, at the Court House, Montrose, Colorado, due notice thereof having been forwarded to all parties in interest.

On November 1, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

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

Report of the Examiner shows that applicant failed to appear at the time and place designated for hearing, whereupon the files were made a part of the record, and the matter was

taken under advisement.

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

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

It did not appear that applicant's proposed operations will tend to impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

Report of the Examiner recommends that the instant application be granted, as set forth in the Order following.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Jack Thompson, Cedaredge, Colorado, should be, and he hereby is authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from forests to sawmills within a radius of fifty miles of Delta, Colorado.

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

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

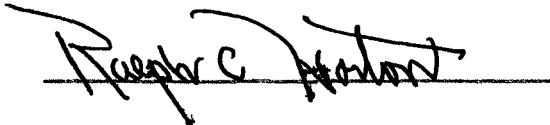
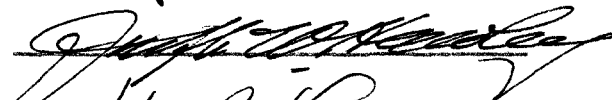

identification cards.

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

That the above-styled application, in all other respects, should be, and the same hereby is, denied.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of November, 1955.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
PAUL V. BOYD, BOX 301, OURAY, COLO- )	
RADO, FOR A CLASS "B" PERMIT TO )	APPLICATION NO. 13794-PP
OPERATE AS A PRIVATE CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
----- )	

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November 17, 1955  
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Appearances: Paul V. Boyd, Ouray,  
Colorado, pro se;  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.;  
Orville Dunlap, Montrose,  
Colorado, pro se;  
C. J. Schuler, Telluride,  
Colorado, for Telluride  
Transfer.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at ten o'clock A. M., November 2, 1955, at the Court House, Montrose, Colorado, due notice thereof being forwarded to all parties in interest.

On November 1, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, as Examiner, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

By the above-styled application, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, lumber, and coal, from point to point within a radius of one hundred and fifty miles of Ouray, Colorado, with occasional trips for the transportation

of lumber, only, to other points in the State of Colorado.

Said Report of the Examiner shows that applicant testified that he was engaged in the transportation of logs and lumber; that he was serving Hoyt C. Brown, in the transportation of lumber; that he had no customers who desired or requested service outside a radius asked for in the application; that he operated The Paul V. Boyd Coal Company, and that he had several requests to haul coal on a for-hire basis; that he did not desire to furnish any service to Telluride; that he transported most of his coal from the Somerset Area; that he desired to haul lumber to Montrose, and to Grand Junction, Colorado.

Protestants C. J. Schuler and Orville Dunlap cross-examined applicant, but did not produce any testimony in opposition to said application.

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

Report of the Examiner recommends that applicant be granted a Class "B" permit, as set forth in the Order following.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That applicant herein be authorized to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Paul V. Boyd, Ouray, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by

motor vehicle for hire, for the transportation of logs, from forests to mills within a radius of fifty miles of Ouray, Colorado; transportation of coal, from the Somerset Area, to points and places within a radius of twenty miles of Ouray, Colorado; transportation of lumber, from sawmills and planing mills within a radius of fifty miles of Ouray, Colorado, to Grand Junction and to Montrose, Colorado, provided that no service shall be rendered into or out of Telluride, Colorado.

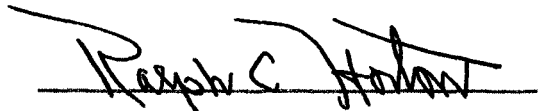
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_

Commissioners.

Dated at Denver, Colorado,  
this 17th day of November, 1955.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
MIKE HUSS, 5715 SOUTH GALAPAGO )	
STREET, LITTLETON, COLORADO, FOR A )	APPLICATION NO. 13688-PP
CLASS "B" PERMIT TO OPERATE AS A )	
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
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November 17, 1955  
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Appearances: Mike Huss, Littleton, Colo-  
rado, pro se;  
Marion F. Jones, Esq., Den-  
ver, Colorado, for Fair-  
play Motor Company.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at 9:30 o'clock A. M., October 14, 1955, at 330 State Office Building, Denver, Colorado, due notice thereof having been forwarded to all parties in interest.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report thereof to the Commission.

By the above-styled application, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads or highways, from pits and

supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; transportation of ore, from points in Jefferson and Chaffee Counties, to points in said Counties, and to Denver, Colorado.

Report of the Examiner shows that, at the hearing, applicant testified that he was engaged in the transportation of sand, gravel, and other road-surfacing materials, from pits and supply points, to road construction jobs, and to mixer plants; that he was financially able and had sufficient equipment to render the services sought in his application; that he had transported some ore in Jefferson County. No shipper witnesses appeared in support of the application to transport ore.

E. B. Bell, Assistant Manager for Fairplay Motor Company, testified that his company had authority to render the service sought in the instant application between points within a radius of twenty miles of Alma, Colorado; that his company had the type of equipment necessary to render this service; that any loss of business would materially affect his company's ability to continue to serve its territory.

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

Report of the Examiner recommends that applicant herein be



authorized to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in the Order following.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Mike Huss, Littleton, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, and stone, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties, and within a radius of twenty miles of Alma, Colorado; transportation of ore from points in Jefferson County, to

other points in said County, and to Denver, Colorado.

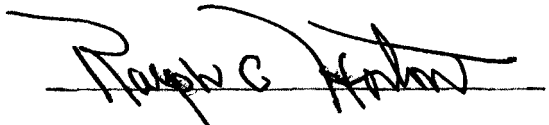
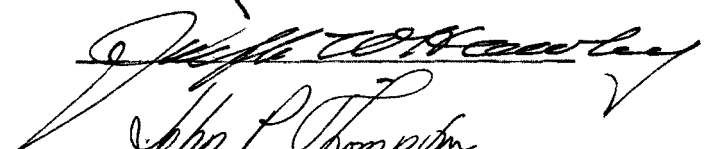
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of November, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
RAYMOND A. CANNON, P. O. BOX 644, )	
MONTROSE, COLORADO, FOR A CLASS "B" )	<u>APPLICATION NO. 13796-PP</u>
PERMIT TO OPERATE AS A PRIVATE )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
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-----  
November 17, 1955  
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Appearances: Raymond A. Cannon, Montrose,  
Colorado, pro se;  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.;  
Orville Dunlap, Montrose,  
Colorado, pro se;  
John Bouchard, Gunnison,  
Colorado, pro se;  
C. J. Schuler, Telluride,  
Colorado, for Telluride  
Transfer.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at ten o'clock A. M., November 2, 1955, at the Court House, Montrose, Colorado, due notice thereof being forwarded to all parties in interest.

On November 1, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

By his original application filed with the Commission, Raymond A. Cannon, Montrose, Colorado, sought authority to operate as a Class "B" private carrier by motor vehicle for hire, for the trans-

portation of logs, lumber, and wood products, from point to point within a radius of one hundred miles of Montrose, Colorado.

At the hearing, applicant requested leave to amend his application, by deleting therefrom the words "wood products," which amendment was allowed.

Report of the Examiner shows that, at the hearing, applicant, testifying in his own behalf, stated that he was engaged in the transportation of logs to the sawmills, and lumber from mills and planing-mills, to places within one hundred miles of Montrose; that he served lumber yards in Montrose, Norwood, and Grand Junction; that he hauled from Blue Mesa Mills to lumber yards; that, in addition to his own equipment, he has been leasing equipment from Delbert Farra; that he would not amend his application to cover rought lumber, only.

Protestants Dunlap and Bouchard questioned applicant on cross-examination, but offered no testimony in opposition to the application.

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

Report of the Examiner recommends that applicant herein be granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, with authority as set forth in the Order following.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, with authority as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Raymond A. Cannon, Montrose, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, in the State of Colorado, from forests to sawmills within a radius of one hundred miles of Montrose, Colorado, and the transportation of lumber, from sawmills and planing mills to lumber yards and storage places within a radius of one hundred miles of Montrose, Colorado, for the following customers:

Ben Casian, Montrose, Colorado,  
Hoyt Brown, Norwood, Colorado,  
Frazier Timber Company, Norwood, Colorado,  
Gunnison Timber Company, Montrose, Colorado,  
Covington Sawmills, Cimarron and Norwood, Colorado,  
Bob Whitefield, Cimarron, Colorado,  
Independent Lumber Company, Grand Junction and  
Montrose, Colorado,

only, without the right to add to the number of customers served, except upon permission so to do having first been obtained from this Commission, equipment to be used in the transportation of lumber to be limited to either one truck or one tractor-trailer combination.

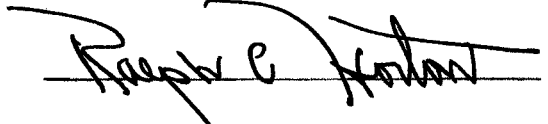
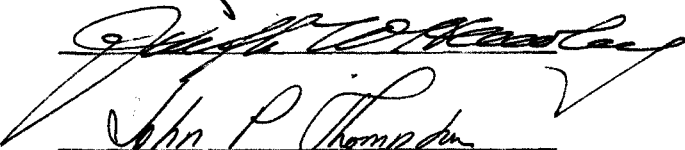
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this Order shall become effective twenty-one days from  
date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
GEORGE SCHAFER, 5127 ST. PAUL )	
STREET, DENVER, COLORADO, FOR A )	APPLICATION NO. 13715
CERTIFICATE OF PUBLIC CONVENIENCE )	<u>SUPPLEMENTAL ORDER</u>
AND NECESSITY. )	
----- )	

-----  
November 17, 1955  
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Appearances: Robert E. McLean, Esq.,  
Denver, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

On October 21, 1955, the Commission entered its Order  
(Decision No. 44784) in the above-styled application, granting to  
Applicant therein a certificate of public convenience and necessity.

It has now been brought to the attention of the Commission  
that applicant's name was misspelled in the application filed in said  
matter, his name being "George Shaffer," rather than "George Schaffer,"  
as shown on said application.

F I N D I N G S

THE COMMISSION FINDS:

That the records of the Commission should be changed to show  
proper spelling of applicant's name.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby instructed to  
change the records of the Commission, in re Application No. 13715, to  
show applicant and certificate-holder to be "George Shaffer," rather  
than "George Schaffer."

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Hobart  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of November, 1955.

ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) EDWARD H. UNCAPHER, BOX 586, DELTA, ) COLORADO, FOR A CLASS "B" PERMIT TO ) OPERATE AS A PRIVATE CARRIER BY ) MOTOR VEHICLE FOR HIRE. )	<u>APPLICATION NO. 13808-PP</u>
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November 18, 1955  
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Appearances: Edward H. Uncapher, Delta,  
Colorado, pro se;  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.;  
Orville Dunlap, Montrose,  
Colorado, pro se;  
John Bouchard, Gunnison,  
Colorado, pro se;  
C. J. Schuler, Telluride,  
Colorado, for Telluride  
Transfer.

S T A T E M E N T

By the Commission:

By the above-styled application, Edward H Uncapher, Delta, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, lumber, and sawmill products, from point to point within a radius of fifty miles of Delta, Colorado.

Said application was regularly set for hearing before the Commission at ten o'clock A. M., November 2, 1955, at the Court House, Montrose, Colorado, due notice thereof being forwarded to all parties in interest.

On November 1, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in

the Notice of Hearing, with Louis J Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner indicates that at the hearing applicant testified that he was engaged in the transportation of logs and lumber from point to point within a radius of fifty miles of Delta, Colorado; that he had sufficient equipment with which to conduct the proposed operation, and was financially able to render the service sought by said application; that he was presently transporting logs and lumber for the Burkey Lumber Company, of Delta, Colorado, and that he had received no other calls for service for the transportation of lumber.

No one appeared in opposition to granting the authority sought.

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

It did not appear that applicant's proposed operation will tend to impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

Report of the Examiner recommends that applicant herein be granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, as set forth in the Order following.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Edward H. Uncapher, Delta, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from forests to sawmills within a radius of fifty miles of Delta, and for the transportation of lumber, from sawmills to lumber yards and storage places within a radius of fifty miles of Delta, Colorado, for Burkey Lumber Company, of Delta, Colorado, only, without the right to add to the number of customers served, without permission so to do first having been obtained from this Commission.

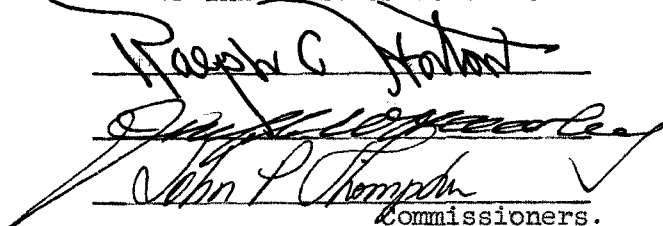
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of November, 1955.

mls

original

(Decision No. 44925)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES FRANCIS AYERS, 416 HOWARD )  
STREET, DELTA, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 13793-PP

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November 18, 1955  
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Appearances: James Francis Ayers, Delta,  
Colorado, pro se;  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.;  
Orville Dunlap, Montrose,  
Colorado, pro se;  
John Bouchard, Gunnison,  
Colorado, pro se;  
C. J. Schuler, Telluride,  
Colorado, for Telluride  
Transfer.

S T A T E M E N T

By the Commission:

By the above-styled application, James Francis Ayers, Delta, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, lumber, and sawmill products, from point to point within a radius of fifty miles of Delta, Colorado.

Said application was regularly set for hearing before the Commission at ten o'clock A. M., November 2, 1955, at the Court House, Montrose, Colorado, due notice thereof being forwarded to all parties in interest.

On November 1, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner indicates that at the hearing applicant testified that he was engaged in the transportation of logs and lumber from point to point within a radius of fifty miles of Delta, Colorado; that he had sufficient equipment with which to conduct the proposed operation, and was financially able to render the service sought by said application; that he was presently transporting logs and lumber for the Burkey Lumber Company, of Delta, Colorado, and that he had received no other calls for service for the transportation of lumber.

No one appeared in opposition to granting the authority sought.

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

It did not appear that applicant's proposed operation will tend to impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

Report of the Examiner recommends that applicant herein be granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, as set forth in the Order following.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That James Francis Ayers, Delta, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from forests to sawmills within a radius of fifty miles of Delta, and for the transportation of lumber, from sawmills to lumber yards and storage places within a radius of fifty miles of Delta, Colorado, for Burkey Lumber Company, of Delta, Colorado, only, without the right to add to the number of customers served, without permission so to do first having been obtained from this Commission.

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

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Gordon*  
*Joseph W. Keenley*  
*John P. Thompson*

Commissioners.

Dated at Denver, Colorado,  
this 18th day of November, 1955.

original

(Decision No. 44926)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CLAUDE REDDEN, ROUTE C.M.R., DELTA, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 13805-PP

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November 18, 1955  
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Appearances: Claude Redden, Delta, Colo-  
rado, pro se;  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.;  
Orville Dunlap, Montrose,  
Colorado, pro se;  
C. J. Schuler, Telluride,  
Colorado, for Telluride  
Transfer.

S T A T E M E N T

By the Commission:

By the above-styled application, Claude Redden, Delta, Colorado, seeks authority to operate as a Class "B " private carrier by motor vehicle for hire, for the transportation of logs, lumber, and sawmill products, from point to point within a radius of fifty miles of Delta, Colorado.

Said application was regularly set for hearing before the Commission at ten o'clock A. M., November 2, 1955, at the Court House, Montrose, Colorado, due notice thereof being forwarded to all parties in interest.

On November 1, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings

to the Commission.

Report of the Examiner indicates that at the hearing applicant testified that he was engaged in the transportation of logs and lumber from point to point within a radius of fifty miles of Delta, Colorado; that he had sufficient equipment with which to conduct the proposed operation, and was financially able to render the service sought by said application; that he was presently transporting logs and lumber for the Burkey Lumber Company, of Delta, Colorado, and that he had received no other calls for service for the transportation of lumber.

No one appeared in opposition to granting the authority sought.

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

It did not appear that applicant's proposed operation will tend to impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

Report of the Examiner recommends that applicant herein be granted a Class "B" permit, to operate as a private carrier by motor vehicle for hire, as set forth in the Order following.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, as set forth in the Order following:

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and



foregoing Findings should be, and the same hereby is, approved.

That Claude Redden, Delta, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from forests to sawmills within a radius of fifty miles of Delta, and for the transportation of lumber, from sawmills to lumber yards and storage places within a radius of fifty miles of Delta, Colorado, for Burkey Lumber Company, of Delta, Colorado, only, without the right to add to the number of customers served, without permission so to do first having been obtained from this Commission.

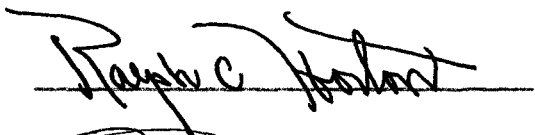
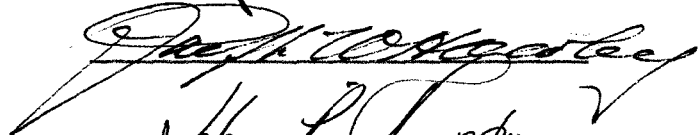

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of November, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
EDGAR J. RYAN, RIDGWAY, COLORADO, )	
FOR A CLASS "B" PERMIT TO OPERATE )	APPLICATION NO. 13806-PP
AS A PRIVATE CARRIER BY MOTOR VE- )	
HICLE FOR HIRE. )	
----- )	

-----  
November 18, 1955  
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Appearances: T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.;  
Orville Dunlap, Montrose,  
Colorado, pro se;  
John Bouchard, Gunnison,  
Colorado, pro se;  
C. J. Schuler, Telluride,  
Colorado, for Telluride  
Transfer.

S T A T E M E N T

By the Commission:

By the above-styled application, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from Fall Creek, Colorado, to Placerville, Colorado, a distance of seven miles, over Colorado State Highway No. 145.

Said application was regularly set for hearing before the Commission at ten o'clock A. M., November 2, 1955, at the Court House, Montrose, Colorado, due notice thereof being forwarded to all parties in interest.

On November 1, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

From said Report of the Examiner, it appears that applicant failed to appear at the hearing, either in person or by counsel. Thereupon, the files were made a part of the record, and the matter was taken under advisement.

From the files of the Commission, it appears that applicant is the owner of a 1946 International Truck, of two and one-half-tons rated capacity; that applicant is presently transporting logs.

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

It did not appear that applicant's proposed service, as limited by the Order following, will tend to impair the efficiency of any motor vehicle common carrier operating in the territory sought to be served by applicant.

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

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings, should be, and the same hereby is, approved.

That Edgar J. Ryan, Ridgway, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from forests in the Fall River or Fall Creek Area, situate about seven miles from Placerville, Colorado, to sawmills at Placerville or within the vicinity thereof.

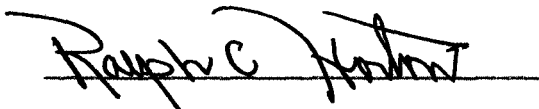
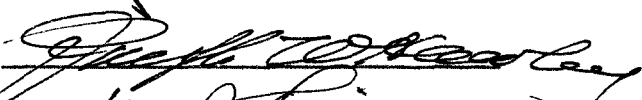

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of November, 1955.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. ROSCOE AUSTIN, DOING BUSINESS AS )  
"AUSTIN TRANSFER AND STORAGE COM- )  
PANY," 134 NORTH FIRST STREET, ) APPLICATION NO. 13791  
MONTROSE, COLORADO, FOR A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND NE- )  
CESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

-----  
November 18, 1955  
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Appearances: John E. Kreidler, Esq., Montrose,  
Colorado, for Applicant;  
T. A. White, Esq., Denver, Colo-  
rado, for Rio Grande Motor  
Way, Inc.;  
Orville Dunlap, Montrose, Colo-  
rado, pro se;  
John Bouchard, Gunnison, Colo-  
rado, pro se;  
C. J. Schuler, Telluride, Colo-  
rado, for Telluride Transfer.

S T A T E M E N T

By the Commission:

By the above-styled application, applicant herein seeks  
a certificate of public convenience and necessity to operate as a  
common carrier by motor vehicle for hire, for the conduct of a  
general cartage business in the City of Montrose, Colorado.

Said application was regularly set for hearing before  
the Commission, at ten o'clock A. M., November 2, 1955, at the  
Court House, Montrose, Colorado, due notice thereof being forwarded  
to all parties in interest.

On November 1, 1955, the Commission, as provided by law,  
designated Louis J. Carter, an employee of the Commission, to conduct  
the hearing on said application.

Said hearing was held at the time and place designated in  
the Notice of Hearing, with Louis J. Carter, as Examiner, conducting  
the hearing, he thereafter submitting a report of said proceedings  
to the Commission.

Report of said Examiner indicates that at the hearing, W. Roscoe Austin, applicant herein, testified that he had been engaged in the general cartage business in the City of Montrose for the past nine years; that his operation has been conducted under the trade name of "Austin Transfer and Storage Company;" that Montrose is a home-rule city, and as such, no authority for transportation within the City Limits was required prior to the enactment of the Constitutional Amendment in November, 1954, placing public utilities under the jurisdiction of this Commission; that he is conducting a pick-up and delivery service in the City of Montrose for another motor carrier; that he is the owner of two one-ton trucks, and is financially able to perform said service.

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

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

Report of the Examiner recommends that certificate of public convenience and necessity should issue to applicant, with authority as hereinafter set forth.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of W. Roscoe Austin, doing business as "Austin Transfer and Storage Company," Montrose, Colorado, for the conduct of a general cartage business in the City of Montrose, State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

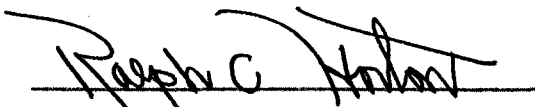
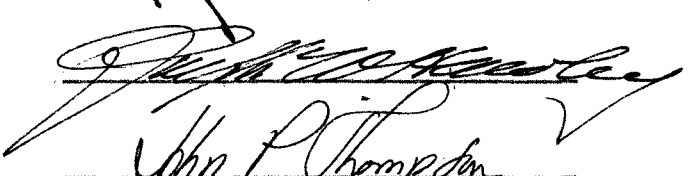
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of November, 1955.

ea

original

(Decision No. 44929)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
AL WIMBERLY, 1750 SOUTH HOLLY )	
STREET, DENVER, COLORADO, FOR A )	
CERTIFICATE OF PUBLIC CONVENIENCE )	<u>APPLICATION NO. 13702</u>
AND NECESSITY TO OPERATE AS A )	
COMMON CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
----- )	

-----  
November 18, 1955  
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Appearances: Samuel R. Kirbens, Esq.,  
                  Denver, Colorado, for  
                  Applicant;  
                  Robert E. McLean, Esq.,  
                  Denver, Colorado, for  
                  Harvey C. Davis, Clyde  
                  Persinger, Englewood  
                  Pick-up Service, Dick  
                  Akeman, and Fred A.  
                  Schroeder.

S T A T E M E N T

By the Commission:

By Application No. 13702, filed with the Commission on August 17, 1955, Al Wimberly, Denver, Colorado, seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, to engage in the business of transporting all types of trash, garbage, and refuse in certain territory described in said application.

Said application was regularly set for hearing before the Commission at 9:30 o'clock A. M., October 13, 1955, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, due notice thereof being forwarded to all parties in interest.

On October 13, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.



Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

From the Report of the Examiner, it appears that applicant, testifying in his own behalf, stated that he is engaged in the transportation of trash, garbage, and refuse in the City of Denver, and has been so engaged continuously since 1953, and that he is presently the holder of Denver License No. 38 for such service; that he owns Permit M-5861 issued by this Commission; that he has been hauling for some two hundred customers; that he developed most of his present trash business by contacts he made selling fertilizer under his Class "M" Permit; that he renders a rather specialized service, in that he takes care of homes; that he owns a 1953 three-quarters-ton Dodge Truck, and is financially able to perform the service sought in the instant application; that he has had many requests for trash service from persons living in Arapahoe County.

Barbara M. Benkelman, of 2536 South Holly Place, Arapahoe County, Colorado, testified that applicant has been hauling trash and garbage since January, 1955; that the service rendered by him is good, and that she likes his service; that the community where she lives, known as "Holly Hills," is growing, and that service of applicant is needed.

Robert S. Davis, of 2184 South Holly Street, Assistant Securities Commissioner of Colorado, testified that there were over fifty families living in the community, known as "Holly Hills;" that the roads were bad, and no one had contacted him relative to hauling his trash and garbage except applicant; that applicant has hauled his trash since the first of the year, and that the services rendered were good.

Kenneth R. McQuarrie, 2450 South Holly Place, testified that applicant has hauled his trash and garbage for about one year, and that the service was good; that the section in which he lives is a section of good homes, and that a refuse-removal service is needed; that he has not seen any other trash trucks in the area, and no other person had ever contacted him and offered him this service.

Doctor Halley, of Jasmine Place, testified that applicant has been rendering him a clean-up service, and that the service is good; that there is a need for the service.

Don Bachman, of 2861 South Kearney Street, testified that applicant has been hauling trash and garbage for him since April, 1955; that the service was good; that someone else had contacted him relative to his trash-hauling, but had never come back.

Bonnie L. Miller, of 3006 South Jasmine Street, testified that applicant has rendered a clean-up service for her since March of this year; that the service is good, and that no one else had contacted her to render such service.

Bette Ann Jack, of 2600 South Holly Street, testified that applicant has been picking up her trash and garbage, and that the service is good; that no one else ever contacted her to offer trash-hauling service.

Gilbert L. Hopkins, of 3003 South Holly Street, testified that applicant has been transporting trash and garbage for him since January, 1955; that the service is good.

Ravella Scott, of 3009 South Robin Way, testified that applicant has been picking up trash at her place, and that the service is good; that no one else has ever contacted her offering a similar service.

Bruce Gustin, 2135 South Adams Street, testified that he knew applicant, and that applicant had transported trash for him; that the service was excellent.

Protestants Dick Akeman, Harvey Davis, Everett Marshall, Jacob Schlagle, Jr., and Fred Schroeder, Jr., all testified that each

and every one of them was in the business of rubbish removal; that they were the owners of equipment specially constructed for trash removal; that each of them had extra equipment, not being used at the present time; that each served all or part of the territory sought to be served by the instant application; that each is advertising his services by advertisements in newspapers, cards, hand-bills, and personal solicitation; that none had refused service when requested to render the same, and that there was no need for additional service.

There was no evidence to show that protestants had personally contacted any of the witnesses appearing in support of the application.

Upon completion of the testimony, applicant's attorney asked for the time to file an amended application, showing a less extensive territory than originally sought in the instant application. Such time was allowed by the Examiner, attorney for applicant being required to serve copy of said amended application on attorney for protestants.

Report of the Examiner recommends that applicant herein be granted a certificate of public convenience and necessity, as hereinafter set forth.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Al Wimberly, Denver, Colorado, for the transportation of trash, refuse, and garbage from point to point within the City and County of Denver; transportation of trash, refuse, and garbage, from point to point within the following-described territory: That portion of Arapahoe County, Colorado, described as follows: Beginning at a point where South University Boulevard intersects the Douglas County Line; thence due north along said South University Boulevard to the Denver County Line; thence in a general easterly and northerly direction along the Denver County Line to a point where said Denver County Line intersects East Sixth Avenue (or any westerly extension thereof); thence due east along said East Sixth Avenue (or any westerly extension thereof), to Colorado State Highway No. 30; thence in a general easterly and southerly direction along said Colorado State Highway No. 30 to a point where said Colorado State Highway No. 30 intersects Smoky Hill Road; thence southeasterly along said Smoky Hill Road to the Douglas County Line; thence due west along the said Douglas County Line to the point of beginning, excluding any portion of the City of Aurora, any portion of Hoffman Heights, any portion of the City of Englewood, and any portion of the City of Littleton that may possibly be included in the foregoing described territory, and from said City and County of Denver and the above-described territory, to regularly-designated and approved disposal places, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

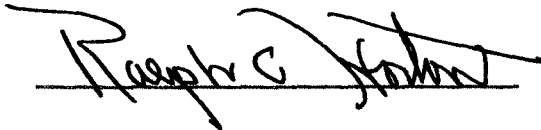
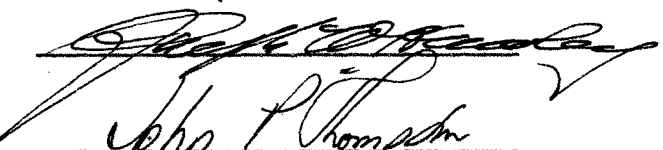
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

That this order shall become effective twenty-one days  
from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF )  
CORTEZ NATURAL GAS COMPANY, INC. )  
FOR CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY AND ORDER AUTHORIZING )  
ISSUE OF 1,471 SHARES OF COMMON STOCK, )  
\$230,000 of \_\_\_\_% FIRST MORTGAGE BONDS. )  
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APPLICATION NO. 13863  
Securities

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November 21, 1955  
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S T A T E M E N T

By the Commission:

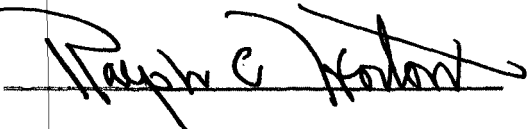
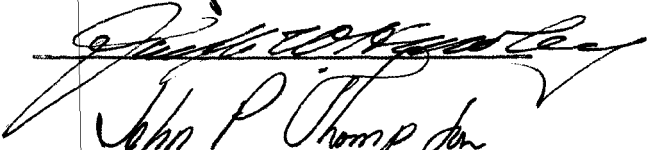
Upon consideration of the application filed November 17, 1955, by  
Cortez Natural Gas Company, Inc., a Corporation, in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on December 5, 1955, at  
10:00 O'clock A. M., 330 State Office Building, Denver, Colorado, respect-  
ing the matters involved and the issues presented in this proceeding. Any  
interested municipality or any representative of interested consumers or  
security holders of applicant corporation, and any other person whose partic-  
ipation herein is in the public interest, may intervene in said proceedings.  
Intervention petitions should be filed with the Commission on or before  
November 30, 1955, and should set forth the grounds of the proposed inter-  
vention, and the position and interest of the petitioners, in the proceeding,  
and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Dated at Denver, Colorado,  
this 21st day of November, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WILLIS & TOMASI, SILVERTON, )  
COLORADO. )  
-----

PERMIT NO. B-2967

-----  
November 25, 1955  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-2967 be further suspended for six months from November 24, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Willis & Tomasi, Silverton, Colorado, be, and they are hereby, authorized to further suspend their operations under Permit No. B-2967 until May 24, 1956.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*

*John W. Hawley*  
*John P. Thompson*

Commissioners.

Dated at Denver, Colorado,  
this 25th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ROBERT HEYVAERT, 2612 W. COR- )  
NELL AVENUE, ENGLEWOOD, COLO- )  
RADO. )  
-----

PERMIT NO. B-4520

-----  
November 25, 1955  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-4520 be further suspended for six months from November 20, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Robert Heyvaert, Englewood, Colorado, be, and he is hereby, authorized to further suspend his operations under Permit No. B-4520 until May 20, 1956.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Norton  
John P. Thompson  
John P. Thompson

Dated at Denver, Colorado,  
this 25th day of November, 1955.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
PETE LEAL, 1035 WEST 37TH AVENUE, )	
DENVER, COLORADO, FOR AUTHORITY TO )	APPLICATION NO. 13681-PP-Extension
EXTEND OPERATIONS UNDER PERMIT NO. )	
B-4243. )	
----- )	

-----  
November 22, 1955  
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Appearances: Pete Leal, Denver, Colorado,  
pro se .

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations under Permit No. B-4243, by removing therefrom the exclusion of service in Boulder, Clear Creek, and Gilpin Counties, so that in the future, applicant would be authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission at its Hearing Room, 330 State Office Building, Denver, Colorado, October 14, 1955, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

From the Report of the Examiner, it appears that at the hearing applicant testified that he is the owner of Permit No. B-4243, said permit authorizing him to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

sand and gravel, from pits and supply points in the State of Colorado, to road and building construction jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties;

that he now has had requests for service for the transportation of sand and gravel from persons living in these counties, and from shippers desiring service for transportation into said counties; that he is the owner of a dump truck, and, when required, leases equipment from others.

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

It did not appear that applicant's proposed extended service will tend to impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

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

Report of the Examiner recommends that authority sought should be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That authority sought by the instant application should be granted.

O R D E R

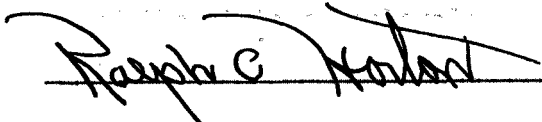

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same is hereby, approved.

That Pete Leal, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-4243, so that in the future, said Permit No. B-4243 shall authorize transportation of sand, gravel, and other road-surfacing materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to roads and building construction jobs within a radius of fifty miles of said pits and supply points; coal from the northern Colorado coal fields to Denver, to the Federal Center, near Denver, to Lowry Field, near Denver, and to the Valmont Plant of Public Service Company, near Boulder, Colorado.

That this Order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LEON KLIESEN AND EVERETT LINGO, CO- )  
PARTNERS, 1462 LAFAYETTE STREET, ) APPLICATION NO. 13690-PP  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----)

-----  
November 22, 1955  
-----

Appearances: Leon Kliesen, Denver,  
Colorado, for applicants.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of peat moss, from forests within a radius of ten miles of Central City, Colorado, and from forests within a radius of ten miles of Boulder, Colorado, to Denver, Colorado; firewood, from point to point within the State of Colorado.

Said application was regularly set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 14, 1955, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

From the Report of said Examiner, it appears that Applicant Leon Kliesen testified in behalf of the application, stating that he and his partner were engaged in the transportation of peat moss from the forests within a radius of ten miles of Central City and Boulder, to Denver, Colorado; that they have had calls to transport firewood; that they are presently the owners of one truck, and that they lease another.

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

The operating experience and financial responsibility of applicants were established to the satisfaction of the Commission.

It did not appear that applicants' proposed service will impair the efficiency of any common carrier operating in the territory sought to be served by them.

Report of the Examiner recommends that authority sought should be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That authority sought by the instant application should be granted, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Leon Kliesen and Everett Lingo, co-partners, Denver, Colorado, should be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of peat moss, from forests within a radius of ten miles of Central City,

Colorado, and from forests within a radius of ten miles of Boulder, Colorado, to Denver, Colorado; firewood, from point to point within the State of Colorado.

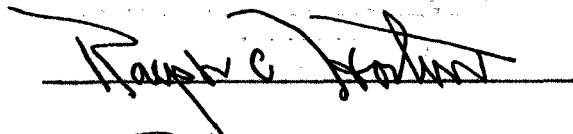
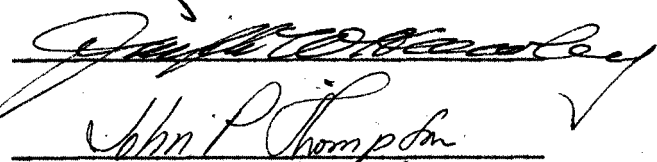
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-One days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DELBERT T. LOGAN, DOING BUSINESS AS )  
"DELL. LOGAN," ROUTE 4, BOX 126A, )  
GOLDEN, COLORADO, FOR A CLASS "B" )) APPLICATION NO. 13692-PP  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

-----  
November 22, 1955  
-----

Appearances: Delbert T. Logan, Golden,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand and gravel, from point to point within a radius of fifty miles of Golden, Colorado, excluding service in Boulder, Clear Creek, and Gilpin Counties.

Said application was regularly set for hearing before the Commission at 9:30 o'clock A. M., October 14, 1955, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, with due notice thereof to all parties in interest.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

From said Report of said Examiner, it appears that at the hearing applicant testified that he is engaged in the transportation of sand

and gravel, from point to point within a radius of fifty miles of Golden, Colorado, excluding service in Boulder, Clear Creek, and Gilpin Counties; that there is a demand for his services, and that he is the owner of a 1948 Ford Dump Truck.

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

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

It did not appear that applicant's proposed operation will impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

Report of the Examiner recommends that authority sought should be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner should be approved.

That authority sought by the instant application should be granted, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Delbert T. Logan, doing business as "Dell. Logan," Golden, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand and gravel, between points within a radius of fifty miles of Golden, Colorado, excluding service in Boulder, Clear Creek, and Gilpin Counties.

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

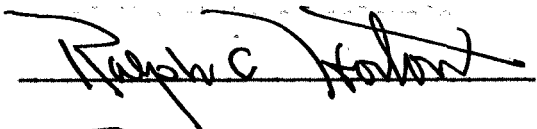
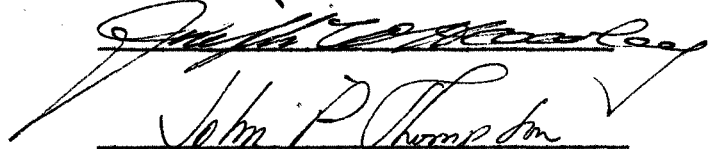


That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE D. MARSH AND MAE MARSH, CO- )  
PARTNERS, 3351 WEST 54TH AVENUE, )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 13693-PP

-----  
November 22, 1955  
-----

Appearances: George D. Marsh, Denver,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of black-top oiling, dirt, red rock, and gravel, from point to point in the Counties of Adams, Jefferson, Arapahoe, Clear Creek, Denver, and Douglas, State of Colorado.

Said application was regularly set for hearing before the Commission at 9:30 o'clock A. M., October 14, 1955, at 330 State Office Building, Denver, Colorado, due notice thereof being forwarded to all parties in interest.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

From the Report of said Examiner, it appears that George D.

Marsh, one of the applicants herein, testified at the hearing that he was engaged in the transportation of black-top road material, dirt, red rock, and gravel; that he has had requests for such service in the Counties of Adams, Arapahoe, Jefferson, Clear Creek, Denver, and Douglas; that he is the owner of a 1955 G.M.C. two-ton dump truck; that he is financially able to perform the service sought by the instant application.

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

The operating experience and financial responsibility of applicants were established to the satisfaction of the Commission.

It did not appear that applicants' proposed service will tend to impair the efficiency of any motor vehicle common carrier service operating in the territory sought to be served by applicants.

Report of the Examiner recommends that authority sought should be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That authority sought by the instant application should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That George D. Marsh and Mae Marsh, co-partners, Denver, Colorado, should be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the trans-

portation of black-top oiling material, dirt, red rock, and sand and gravel, between points in the Counties of Adams, Arapahoe, Clear Creek, Denver, Douglas, and Jefferson, State of Colorado.

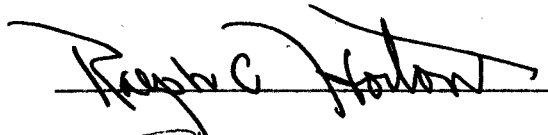
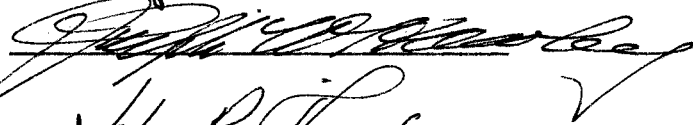

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE E. MASSEY, 741 WINDEMERE )  
STREET, LITTLETON, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 13694-PP

-----  
November 22, 1955  
-----

Appearances: George E. Massey, Littleton,  
Colorado, pro se;  
Marion F. Jones, Esq., Den-  
ver, Colorado, for Fairplay  
Motor Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of feldspar ore, from mines in Jefferson, Park, Chaffee, and Fremont Counties, to mills and loading points in said Counties, and to Denver; sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to mixer and processing plants within a radius of fifty miles of said pits and supply points; insulation rock, from pits

and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 14, 1955, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

From said Report of the Examiner, it appears that at the hearing Applicant testified that he was engaged in transportation of sand, gravel, and other road-surfacing materials, from pits and supply points, to road construction jobs, and to cement mixer plants; that the demand for such service was brought about by the large increase in road and building construction; that he also was transporting sand and gravel to small home and construction jobs, and to railroad loading points; that he also was engaged in the transportation of feldspar, from mines in Jefferson County, to mills and loading points in said County, and to Denver; that he had no customer witnesses to testify as to the need for the transportation of feldspar in the Counties of Park, Chaffee, or Fremont,

E. B. Bell, Assistant Manager of Fairplay Motor Company, testified that his company had authority to render the service sought in the instant application, between points within a radius of twenty-

miles of Alma, Colorado; that his company had the type of motor vehicle equipment necessary to render this service, and that it was ready and willing to meet any demand for such service.

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

Report of the Examiner recommends that authority should issue to applicant herein, as limited by the following Order.

It does not appear that applicant's proposed service, as limited by the following Order, will tend to impair the efficiency of any common carrier operating in the territory sought to be served by him.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That authority should issue to applicant herein, as limited by the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That George E. Massey, Littleton, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of feldspar ore, from mines in Jefferson County, to mills and loading points in said County, and to Denver; sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, and stone, from and to building construction jobs, to and from points within a radius

of fifty miles of said jobs, excluding service in Boulder, Clear Creek, and Gilpin Counties; sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, except that no service under the authority herein granted shall be performed within a radius of twenty miles of Alma, Colorado.

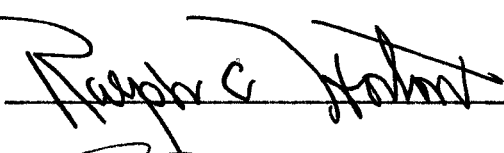

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of November, 1955.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PROPOSED CHANGES IN THE )  
MOTOR TRUCK COMMON CARRIERS' )  
ASSOCIATION, AGENT, LOCAL AND )  
JOINT FREIGHT TARIFF NO. 12, )  
COLORADO P.U.C. NO. 6. )  
-----

INVESTIGATION  
AND  
SUSPENSION  
DOCKET NO. 372

-----  
November 21, 1955  
-----

Appearances - John P. Norman, Navajo Freight Lines, Inc.,  
381 So. Broadway, Denver 9, Colorado,  
E. A. Schattinger, Schattinger & Son,  
Jefferson, Colorado,  
Ronald Major, Major Transfer, Monte Vista,  
Colorado,  
Floyd A. Henrikson, Denver-Loveland Transpor-  
tation, Loveland, Colorado,  
David C. Fox, North Eastern Motor Freight, Inc.,  
5231 Monroe Street, Denver 16, Colorado,  
Stanley Blunt, Southwestern Transportation Co.,  
Canon City, Colorado,  
Shirley Avery, Eveready Freight Service, Inc.,  
Buena Vista, Colorado,  
Roy Carpenter, Ted Carpenter & Son, Ft. Collins,  
Colorado,  
J. R. Smith, The Motor Truck Common Carriers'  
Association, 407 Denham Building, Denver 2, Colo.,  
A. L. Mueller, Esq., T. S. Wood, and Robert  
Payne, for staff of the Commission,  
Harold Howp, W. R. Hall Transportation and Storage,  
Grand Junction, Colorado,  
T. A. White, Esq., Rio Grande Motor Way, Inc.,  
Box 2040, Denver 1, Colorado,  
Ralph Turano, Rio Grande Motor Way, 775 Wazee St.,  
Denver 4, Colorado.

S T A T E M E N T

By the Commission:

On December 20, 1954, the Motor Truck Common Carriers' Associa-  
tion, Agent, by J. R. Smith, Chief of Tariff Bureau, filed upon statutory  
notice certain schedules setting forth proposed new rules, rates and charges  
for the movement of household goods, to become effective January 21, 1955.  
These changes are set forth in the following pages of that agency's Local  
and Joint Freight Tariff No. 12, Colorado P.U.C. No. 6:

4th Revised Page 236  
Original Page 236-A  
4th Revised Page 237  
2nd Revised Page 237-A  
2nd Revised Page 237-B  
2nd Revised Page 237-C  
4th Revised Page 238  
3rd Revised Page 238-A  
4th Revised Page 238-B  
3rd Revised Page 238-C

Pursuant to statutory authority, we suspended the proposed schedules, by our Decisions Nos. 43921 and 44257, for the full ten months permitted by law, and set the matter to be heard in Denver February 21, 1955. One of the Commissioners was assigned to hear the matter and heard it on the date set. Assignment to hearing carries with it responsibility for preparing a suggested form of Order for consideration by the full Commission. The presiding Commissioner submitted no such Order. Our power to suspend has now expired, and the proposed schedules have thus become effective by operation of law. No reason appears why the instant matter should not be considered closed.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

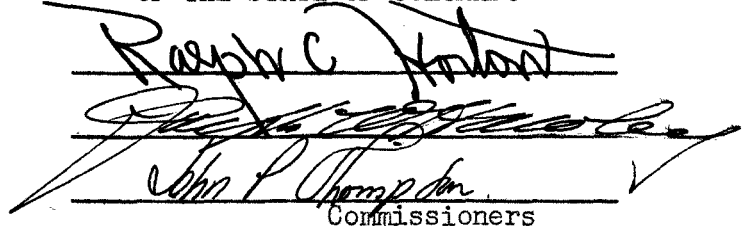
The instant matter should be removed from the Commission's docket, and the file should be closed.

#### O R D E R

##### THE COMMISSION ORDERS:

That the instant matter should be, and hereby is, removed from the Commission's docket. The file herein is closed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 21st day of November, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
OLIVE HASTINGS & MONA RIDGELY, DOING )  
BUSINESS AS "ARROW MOVING & STORAGE )  
CO.," 1509 BENT AVENUE, CHEYENNE, )  
WYOMING. )  
-----)

PERMIT NO. M-1467

-----  
November 25, 1955  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Olive Hastings & Mona Ridgely, dba "Arrow Moving & Storage Co."  
requesting that Permit No. M-1467 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1467, heretofore issued to \_\_\_\_\_  
Olive Hastings & Mona Ridgely, dba "Arrow Moving & Storage Co." be,  
and the same is hereby, declared cancelled effective November 21, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
Ralph W. Hensley  
John P. Thompson  
Commissioners

Dated at Denver, Colorado,

this 25th day of November, 195 5.

mls

original

(Decision No. 44940)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MARTIN S. CHAVEZ, C.M.R. 1575 ROAD, )  
DELTA, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 13797-PP

-----  
November 23, 1955  
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Appearances: Martin S. Chavez, Denver,  
Colorado, pro se;  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.;  
Orville Dunlap, Montrose,  
Colorado, pro se;  
John Bouchard, Gunnison,  
Colorado, pro se;  
C. J. Schuler, Telluride,  
Colorado, for Telluride  
Transfer.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, lumber, and sawmill products, between points within a radius of fifty miles of Delta, Colorado.

Said application was regularly set for hearing before the Commission at the Court House, Montrose, Colorado, November 2, 1955 at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 1, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting

the hearing, he thereafter submitting a report of said proceedings to the Commission.

From the Report of said Examiner, it appears that applicant testified at the hearing that he was engaged in the transportation of logs and lumber, from point to point within a radius of fifty miles of Delta, Colorado; that he had sufficient equipment, and was financially able to render the service sought by the instant application; that he was transporting logs and lumber for the Jones Lumber Company, of Delta, Colorado.

Daniel E. Jones, of Jones Lumber Company, testified that his company had sawmills at Delta and Cimarron, Colorado; that applicant was transporting logs and lumber for his company; that his company needed applicant's service to transport logs from the forest to the sawmills, and lumber from the sawmills to lumber yards in Delta and Montrose, Colorado.

No one appeared in opposition to granting the authority sought.

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

It did not appear that applicant's proposed service will tend to impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that authority sought should be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Martin S. Chavez, Delta, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from forests to sawmills within a radius of fifty miles of Delta, Colorado; lumber from sawmills to lumber yards and storage places within a radius of fifty miles of Delta, Colorado, said service to be performed for Jones Lumber Company of Delta, Colorado, only, without the right to add to the number of customers served without permission to so do first had and obtained from this Commission.

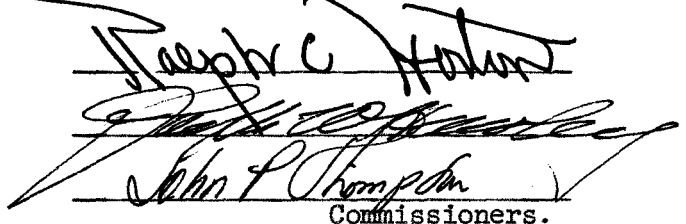
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of November, 1955.

mls

original

(Decision No. 44941)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MIKE R. HEINZ, BOX 592, DELTA, COLO- )  
RADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 13801-PP

-----  
November 23, 1955  
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Appearances: Mike R. Heinz, Delta, Colo-  
rado, pro se;  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.;  
Orville Dunlap, Montrose,  
Colorado, pro se;  
John Bouchard, Gunnison,  
Colorado, pro se;  
C. J. Schuler, Telluride,  
Colorado, for Telluride  
Transfer.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, lumber, and sawmill products, between points within a radius of fifty miles of Delta, Colorado.

Said application was regularly set for hearing before the Commission at the Court House, Montrose, Colorado, November 2, 1955, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 1, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting

the hearing, he thereafter submitting a report of said proceedings to the Commission.

From the Report of said Examiner, it appears that applicant testified at the hearing that he was engaged in the transportation of logs and lumber, from point to point within a radius of fifty miles of Delta, Colorado; that he had sufficient equipment, and was financially able to render the service sought by the instant application; that he was transporting logs and lumber for the Jones Lumber Company, of Delta, Colorado.

Daniel E. Jones, of Jones Lumber Company, testified that his company had sawmills at Delta and Cimarron, Colorado; that applicant was transporting logs and lumber for his company; that his company needed applicant's service to transport logs from the forest to the sawmills, and lumber from the sawmills to lumber yards in Delta and Montrose, Colorado.

No one appeared in opposition to granting the authority sought.

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

It did not appear that applicant's proposed service will tend to impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that authority sought should be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.



O R D E R

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Mike R. Heinz, Delta, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from forests to sawmills within a radius of fifty miles of Delta, Colorado; lumber from sawmills to lumber yards and storage places within a radius of fifty miles of Delta, Colorado, said service to be performed for Jones Lumber Company, of Delta, Colorado, only, without the right to add to the number of customers served without permission so to do first had and obtained from this Commission.

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

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Holton*  
*John P. Thompson*  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LAWRENCE E. PRIEST, JR., 324 GRAND )  
STREET, DELTA, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 13804-PP

-----  
November 23, 1955  
-----

Appearances: Lawrence E. Priest, Jr.,  
Delta, Colorado, pro se;  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.;  
Orville Dunlap, Montrose,  
Colorado, pro se;  
John Bouchard, Gunnison,  
Colorado, pro se;  
C. J. Schuler, Telluride,  
Colorado, for Telluride  
Transfer.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, lumber, and sawmill products, between points within a radius of fifty miles of Delta, Colorado.

Said application was regularly set for hearing before the Commission at the Court House, Montrose, Colorado, November 2, 1955, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 1, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting

the hearing, he thereafter submitting a report of said proceedings to the Commission.

From the Report of said Examiner, it appears that applicant testified at the hearing that he was engaged in the transportation of logs and lumber, from point to point within a radius of fifty miles of Delta, Colorado; that he had sufficient equipment, and was financially able to render the service sought by the instant application; that he was transporting logs and lumber for the Jones Lumber Company, of Delta, Colorado.

Daniel E. Jones, of Jones Lumber Company, testified that his company had sawmills at Delta and Cimarron, Colorado; that applicant was transporting logs and lumber for his company; that his company needed applicant's service to transport logs from the forest to the sawmills, and lumber from the sawmills to lumber yards in Delta and Montrose, Colorado.

No one appeared in opposition to granting the authority sought.

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

It did not appear that applicant's proposed service will tend to impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that authority sought should be granted.

## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Lawrence E. Priest, Jr., Delta, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from forests to sawmills within a radius of fifty miles of Delta, Colorado; lumber from sawmills to lumber yards and storage places within a radius of fifty miles of Delta, Colorado, said service to be performed for Jones Lumber Company, of Delta, Colorado, only, without the right to add to the number of customers served without permission so to do first being had and obtained from this Commission.

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

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
*John P. Thompson*  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of November, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DUANE R. HAUSSEER, P. O. BOX 171, )	
CEDAREIDGE, COLORADO, FOR A CLASS "B" )	APPLICATION NO. 13800-PP
PERMIT TO OPERATE AS A PRIVATE )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
-----	

-----  
November 23, 1955  
-----

Appearances: Duane R. Hausser, Cedaredge,  
Colorado, pro se;  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.;  
Orville Dunlap, Montrose,  
Colorado, pro se;  
John Bouchard, Gunnison,  
Colorado, pro se;  
C. J. Schuler, Telluride,  
Colorado, for Telluride  
Transfer.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, lumber, and sawmill products, between points within a radius of fifty miles of Delta, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Montrose, Colorado, November 2, 1955, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 1, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting

the hearing, he thereafter submitting a report of said proceedings to the Commission.

From the Report of said Examiner, it appears that applicant testified at the hearing that he was engaged in the transportation of logs and lumber, from point to point within a radius of fifty miles of Delta, Colorado; that he had sufficient equipment, and was financially able to render the service sought by the instant application; that he was transporting logs and lumber for the Jones Lumber Company, of Delta, Colorado.

Daniel E. Jones, of Jones Lumber Company, testified that his company had sawmills at Delta and Cimarron, Colorado; that applicant was transporting logs and lumber for his company; that his company needed applicant's service to transport logs from the forest to the sawmills, and lumber from the sawmills to lumber yards in Delta and Montrose, Colorado.

No one appeared in opposition to granting the authority sought.

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

It did not appear that applicant's proposed service will tend to impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that authority sought should be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Duane R. Hausser, Cedaredge, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from forests to sawmills within a radius of fifty miles of Delta, Colorado; lumber from sawmills to lumber yards and storage places within a radius of fifty miles of Delta, Colorado, said service to be performed for Jones Lumber Company, of Delta, Colorado, only, without the right to add to the number of customers served without permission so to do first being had and obtained from this Commission.

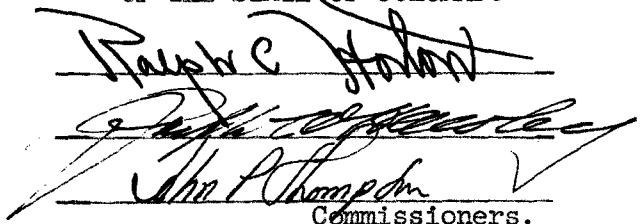
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of November, 1955.

mls

*original*

(Decision No. 44944)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

IN THE MATTER OF THE APPLICATION OF )  
YELLOW CAB, INC., 938 EQUITABLE )  
BUILDING, DENVER, COLORADO, FOR AN )  
INCREASE IN THE NUMBER OF TAXICABS )  
IT IS AUTHORIZED TO OPERATE UNDER )  
PUC NO. 2204, FROM 100 TO 115. )  
-----

APPLICATION NO. 13622-Extension

IN THE MATTER OF THE APPLICATION OF )  
CHECKER CAB, INC., 745 WEST 31ST )  
AVENUE, DENVER, COLORADO, FOR AN )  
INCREASE IN THE NUMBER OF TAXICABS )  
IT IS AUTHORIZED TO OPERATE UNDER )  
PUC NO. 2378, FROM 24 TO 28. )  
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APPLICATION NO. 13623-Extension

RE MOTOR VEHICLE OPERATIONS OF )  
YELLOW CAB, INC., 938 EQUITABLE )  
BUILDING, DENVER, COLORADO. )  
-----

PUC NO. 2204

RE MOTOR VEHICLE OPERATIONS OF )  
CHECKER CAB, INC., 745 WEST 31ST )  
AVENUE, DENVER, COLORADO. )  
-----

PUC NO. 2378

RE MOTOR VEHICLE OPERATIONS OF )  
RITZ CAB COMPANY, 821 EAST 26TH )  
AVENUE, DENVER, COLORADO. )  
-----

PUC NO. 1481

RE MOTOR VEHICLE OPERATIONS OF )  
PUBLIX CAB COMPANY, 2358 WASHINGTON )  
STREET, DENVER, COLORADO. )  
-----

PUC NOS. 1223  
1529

RE MOTOR VEHICLE OPERATIONS OF )  
THE ENGLEWOOD CORPORATION, 704 )  
EQUITABLE BUILDING, DENVER, COLO- )  
RADO. )  
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PUC NO. 2450

RE MOTOR VEHICLE OPERATIONS OF )  
CABS, INC., 2254 LAFAYETTE STREET, )  
DENVER, COLORADO. )  
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PUC NO. 1221



Appearances: Walter M. Simon, Esq., Denver,  
Colorado, and  
Stockton, Linville, and Lewis,  
Esqs., Denver, Colorado,  
for Yellow Cab, Inc., and  
Checker Cab, Inc.;  
Ivor S. Wingren, Esq., Denver,  
Colorado, and  
William Dwyer, Esq., Denver,  
Colorado, for Publix Cab  
Company, Englewood Corpora-  
tion, and Cabs, Inc.;  
John Mueller, Esq., Denver,  
Colorado, for Cabs, Inc.;  
John Banks, Esq., Denver, Colo-  
rado, and  
John Saviers, Esq., Denver,  
Colorado, for the City and  
County of Denver.

### S T A T E M E N T

By the Commission:

For the purpose of this decision, Yellow Cab, Inc., operating under FUC No. 2204, will be referred to as "Yellow"; Checker Cab, Inc., operating under FUC No. 2378, will be referred to as "Checker," and these two companies will be referred to as "Petitioners." Englewood Corporation, operating under FUC No. 2450, will be referred to as "Englewood"; Publix Cab Company, operating under FUC No. 1223, will be referred to as "Publix"; Cabs, Inc., operating under FUC No. 1221, will be referred to as "Zone," and these companies will be referred to as "Protestants."

On August 23, 1955, Petitioners filed with this Commission applications to increase the number of cabs Yellow is authorized to operate under Certificate of Public Convenience and Necessity No. 2204 by fifteen units, and to increase the number of cabs Checker is authorized to operate under Certificate of Public Convenience and Necessity No. 2378 by four units. Separate applications were filed by Yellow and Checker, being Applications Nos. 13622 and 13623, which were consolidated for hearing, and will be consolidated in this Decision. Said applications, pursuant to prior setting, after appropriate notice to all parties in interest, were jointly heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and at the conclusion thereof, after an extended hearing, the applications of Petitioners and Motions of

Protestants to dismiss the applications were taken under advisement.

At the conclusion of the evidence offered by Petitioners, Protestants moved to dismiss the applications of Petitioners, and, summarizing their Motion, it resolves itself to substantially the following:

1. That the evidence presented by Petitioners in support of their applications failed to prove public convenience and necessity for the placing of additional taxicab units in service.

2. That the evidence presented by the Petitioners in support of their applications shows that they have been knowingly violating the terms of their authority by placing in operation more taxicabs than authorized by their authority, and that this application is an attempt to legalize an unauthorized operation.

It appears that a brief review of the history of the regulation of taxicabs operating in Denver and its metropolitan area may assist us in clarifying the issues here presented.

Prior to June 16, 1953, the Commission did not exercise jurisdiction over the taxicab service within the corporate limits of the City and County of Denver. However, to points outside the corporate limits, the taxicab companies operating in Denver operated under certificates of public convenience and necessity issued by this Commission. This condition resulted in a dual regulation of taxicab service in Metropolitan Denver. The City of Denver, in its regulation, restricted the taxicab companies to a definite number of cabs that could be operated within the corporate limits of the City of Denver. However, on June 16, 1953, the people of the City and County of Denver, at a municipal election, voted affirmatively to amend the City Charter of the City and County of Denver, and thereby vest the regulatory powers over the operation of taxicabs to the State of Colorado, through the medium of The Public Utilities Commission.

Immediately following the June 16, 1953 election, the several taxicab companies operating within the City asked the Commission to amend their existing authorities to include transportation service by taxicab between points in the City of Denver, thereby validating their so-called "Grandfather" authority.

On March 29, 1954, as the result of evidence adduced at the hearing before this Commission in Case No. 5062 (Re Rules and Regulations Concerning

Operation of Taxicabs), the Commission, by order, placed the same restriction as to number of units operated on the certificates of public convenience and necessity as before limited by the City of Denver, as hereafter more particularly set forth:

Decision No. 42359 - Yellow Cab, Inc., PUC No. 2204 -- 100 cabs  
Decision No. 42353 - Checker Cab, Inc., PUC No. 2378 -- 24 cabs  
Decision No. 42358 - Ritz Cab Co., PUC No. 1481 -- 19 cabs  
Decision No. 42356 - Publix Cab Co., PUC No. 1223 and PUC No. 1529 -- 71 cabs  
Decision No. 42360 - The Englewood Corporation, PUC No. 2450 -- 18 cabs  
Decision No. 42355 - Cabs, Inc. (Zone Cab), PUC No. 1221 -- 41 cabs  
Decision No. 42354 - Masterson Auto Service, PUC No. 820, PUC No. 1355, and PUC No. 1589 - 1 cab.

The Order contained in Decision No. 42359 is, in words and figures, as follows:

" ORDER

"THE COMMISSION ORDERS:

"That the total number of taxicabs to be operated in the City and County of Denver at any one time by Yellow Cab, Inc., Denver, Colorado, under PUC No. 2204 should be, and hereby is, limited to one hundred (100), until further Order of this Commission.

"That jurisdiction is hereby retained by the Commission to enter such further Order, or Orders, as may be deemed necessary in the premises."

The other Orders or Decisions are similar in wording, except as to company, PUC number, and number of cabs.

At the hearing, the evidence disclosed that Petitioners, for all practical purposes, are one operation, as the Checker Certificate and the Checker fleet of twenty-eight cars, are under lease to Yellow, so Yellow is actually the operating company.

Petitioners, by a series of exhibits covering their operations, demonstrated that they had enjoyed increased business since our Order of March 29, 1954, and as a result, Petitioners have, at times, been short of equipment to take care of their needs during emergency and rush periods.

This situation appears reasonable, when we consider that in 1950 the City and County of Denver authorized 274 taxicabs. Five years later, the number still stands at 274. Exhibit 9 indicates that in 1950 Denver had a population of 415,786, and Mr. Emrich, President of Yellow Cab, testified: "Their estimate

of the present population within Denver City Limits was 498,000." The Metropolitan figure is more significant. The Denver Metropolitan population was 564,500 in 1950, and to date the population is 726,500, or an increase of approximately 30% in five years. Petitioners further contend, in Exhibit 4, that in August, 1950, they handled 57,208 telephone orders, while in August, 1955, they handled 108,540, or an increase of approximately 90%. In August, 1950, Yellow Cab drivers made 110,863 trips. In August, 1955, they made 156,375 trips (Exhibit 5), which represents a 42% increase. In August, 1950, Yellow Cabs carried a total of 154,173 passengers. In August, 1955, they carried 223,807 passengers (Exhibit 6), which represents an increase of approximately 45%.

In considering the above exhibits, we must not lose sight of the fact that the 1955 figures include the operation of Checker, and a review of the record indicates that Yellow did not operate Checker prior to 1952.

Witness Elliott, General Manager of Yellow, testified that on numerous occasions the demand for service exceeds the ability of Yellow to provide the service, and Mr. Lewis, of the Ritz Cab Company, testified that in his experience in operating taxicab service, the present demands for service exceeded the supply.

After a review of the evidence, including the exhibits, we find ourselves in the position that the patrons of taxicab service, while not suffering from lack of taxicabs, could use more. In other words, we feel that increased allotments to the operators in the Denver area would be in the public interest, and in arriving at this conclusion, we were not favored with any data concerning the operation of protestants. However, we are of the opinion that more units are needed on the streets of Denver.

Protestants raised a question in their motion to dismiss that is not so easy to dispose of, viz., that the evidence presented by the Petitioners in support of their application shows that they have knowingly violated the terms of their authority, by placing in operation more taxicabs than authorized by their authority, and that this application is an attempt to legalize an unauthorized operation. The Commission will briefly consider this question.

By Commission Order of March 24, 1954, the petitioners were limited to the use of 124 cabs. It appears that petitioners failed to consider that Order, as is demonstrated by the following, taken from the transcript of testimony:

"Commissioner Hawley: Q. The number of cabs operated on the Denver streets during any particular time, say in the last six months.

"Witness Emrich: A. On August 12, I show that I operated 136 cabs on the night shift, which is the maximum number that I could possibly operate at any time -- there is just the one time that the full amount that I could operate.

"Commissioner Hawley: Q. Well, on that day, and on that shift, you operated 136 cabs?

"Witness Emrich: A. Yes, sir.

"Commissioner Hawley: Q. You are only authorized to operate 124?

"Witness Emrich: A. That is correct, sir."

The Commission held in re Sanchez, Decision No. 29729, June 15, 1948, that an applicant for a certificate to operate a taxicab service may not prove public need for the service by showing demand for, and patronage of his part-unlawful operation. We also held, in re South, Decision No. 34995, June 20, 1950:

"A showing that a motor carrier has engaged in unauthorized operations, in violation of law, should be considered in determining whether he should be granted additional authority; and while not conclusive, an application should be denied where the carrier has willfully violated the rules and regulations of the Commission for an extended period of time, and has continued such violations up to the time of hearing, and where the public need for such service is not so great that the Commission should authorize operations by a confirmed violator of the law."

It is apparent from the record before us that Petitioners have violated our Orders. As to whether or not said violations were willful, we are not here determining.

We have determined thus far that public convenience and necessity require the addition of additional cabs to serve Denver and its Metropolitan Area. Petitioners herein are the only taxicab operators formally asking for additional cabs, and the records disclose that in their operation they are using

twelve cabs in addition to those authorized by formal Order of this Commission, thereby subjecting themselves to the charge of unlawful operation. In the ordinary course of events, this question could be easily answered, by denying the instant application on the grounds of unlawful operations. To find otherwise places the Commission in the unfavorable position of legalizing an unauthorized operation. In considering the problem here presented, and after careful study of the evidence adduced at the hearing and able briefs filed by counsel, the Commission is aware that this may be a move in a highly-competitive field to secure an advantage over their competitors. The problem that presents itself to the Commission is one of broader scope, when we consider the interests of the public whose rights we were created to protect. What decision can we arrive at that will still protect the carriers, and give to the public the best possible service at the lowest price?

It is our considered judgment that to grant to Petitioners herein their request for 19 cabs, without other adjustments, would be a ratification by this Commission of their unauthorized acts. On the other hand, we are convinced by the record before us that to properly serve the public residing in Denver and its Metropolitan Area, additional cabs are needed. The practical answer to the problem here presented is to give all taxicab operators a percentage increase.

In arriving at our conclusions, we realize that Petitioners contend that they can operate as many taxicabs as they please, and that there is no limitation to the number of units it may operate into and out of the City of Denver. We do not so interpret their authority. However, we can say we concur with the Petitioners in their brief in the following comment:

"In concluding, protestants cry 'monoply.' May we suggest that it was long ago determined to be wiser to have controlled competition than a dog-eat-dog condition in the field of public utilities. This is the reason for the existence of utility regulatory bodies."

Sharp practices have been disclosed here -- that is, unauthorized operations -- and none should profit by said practices. The question might be raised that we do not have authority to increase certain operators' allowance for cabs, when they are not here seeking said increase. It is our judgment

that to properly protect the taxicab patrons and the public, this action be taken. We cannot say that we have a dog-eat-dog condition in our taxicab operations in Denver, but it is a fact that we have spirited competition which, in our judgment, has improved taxicab service. We do not wish to give any advantage to these competing companies, and the only practical solution is the granting of authority enlarging the number of cabs that can be operated under their respective certificates of public convenience and necessity.

The City of Denver, who is a vital and interested party, in a letter to the Commission, states:

"We are willing to accept the decision of The Public Utilities Commission as to whether public convenience and necessity warrants an increase in the number of taxicabs, and we do not desire to either approve or oppose the present application."

#### F I N D I N G S

##### THE COMMISSION FINDS:

1. That the Motion of Protestants to dismiss the application of Petitioners for failure to present sufficient evidence to warrant relief prayed for should be denied.

2. That public convenience and necessity require an increase in the number of taxicabs being operated under the following certificates of public convenience and necessity:

Yellow Cab, Inc., operating under PUC No. 2204,  
from 100 to 115 cabs;

Checker Cab, Inc., operating under PUC No. 2378,  
from 24 to 28 cabs;

Ritz Cab Company, operating under PUC No. 1481,  
from 19 to 22 cabs;

Publix Cab Company, operating under PUC No.s 1223 and 1529,  
from 71 to 82 cabs;

The Englewood Corporation, operating under PUC No. 2450,  
from 18 to 22 cabs;

Cabs, Inc. (Zone Cab), operating under PUC No. 1221,  
from 41 to 47 cabs,

the above to be the maximum amounts of cabs that can be operated under the above-named certificates.

That such authorization is in the public interest, and that the preceding Statement should be incorporated, by reference, in these Findings.

O R D E R

THE COMMISSION ORDERS:

1. That the Motion of Protestants to dismiss the applications of Petitioners herein be, and the same hereby is, denied.

2. That public convenience and necessity require that Certificate of Public Convenience and Necessity No. 2204, of Yellow Cab, Inc., a corporation, Denver, Colorado, be extended to increase the number of taxicabs it is authorized to operate under said certificate from 100 to 115, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

3. That public convenience and necessity require that Certificate of Public Convenience and Necessity No. 2378, of Checker Cab, Inc., a corporation, Denver, Colorado, be extended to increase the number of taxicabs it is authorized to operate under said certificate from 24 to 28, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

4. That public convenience and necessity require that Certificate of Public Convenience and Necessity No. 1481, of Ritz Cab Company, Denver, Colorado, be extended to increase the number of taxicabs it is authorized to operate under said certificate from 19 to 22, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

5. That public convenience and necessity require that Certificates of Public Convenience and Necessity Nos. 1223 and 1529, of Publix Cab Company, Denver, Colorado, be extended to increase the number of taxicabs it is authorized to operate under said certificates from 71 to 82 cabs, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

6. That public convenience and necessity require that Certificate of Public Convenience and Necessity No. 2450, of The Englewood Corporation, Denver, Colorado, be extended to increase the number of taxicabs it is authorized to operate under said certificate from 18 to 22, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

7. That public convenience and necessity require that Certificate

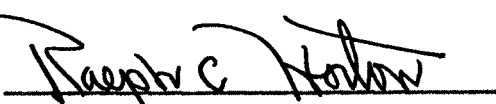


of Public Convenience and Necessity No. 1221, of Cabs, Inc. (Zone Cab), Denver, Colorado, be extended to increase the number of taxicabs it is authorized to operate under said certificate from 41 to 47, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

8. That the above are the maximum amounts of cabs that can be operated under the above certificates of public convenience and necessity.

This Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_ Commissioners

COMMISSIONER JOHN P. THOMPSON DISSENTING, IN PART.

Dated at Denver, Colorado,  
this 23rd day of November, 1955.

HW

Commissioner Thompson, dissenting in part:

I concur with the majority in authorizing additional units to be used under authority of the Yellow and Checker certificates. I dissent in the granting of additional units, at this time, to the other cab companies. These companies have not asked for the additional authority; we have nothing to indicate that they desire them. To grant them gratuitously may create internal problems for these carriers not necessary here to be detailed. Further, these carriers have not established a need for additional cabs; in fact, except for Ritz, their attitude was that additional units are not needed. Finally, the statute protects the right of competing carriers to receive due notice in these matters, and an opportunity to appear and cross-examine. The granting of additional units in this manner seems to be to deny Yellow and Checker the benefit of this statute.

My dissent is limited to the present state of events, when we have no application, when the only evidence, except as to Yellow, Checker, and possibly Ritz, is to the contrary of the Order, and when Yellow and Checker have not been given an opportunity to appear and cross-examine, as to the additional units granted to the other companies.

  
\_\_\_\_\_

Dated at Denver, Colorado,  
this 23rd day of November, 1955.

mw

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
REINHOLD EHRLICH, BOX 201, WINDSOR, )  
COLORADO, FOR A CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY. )

APPLICATION NO. 13630

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-----  
November 25, 1955  
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Appearances: Allen and Rouse, Esqs., by  
Worth Allen, Esq., Denver,  
Colorado, for Applicant;  
Barry and Hupp, Esqs., by  
John R. Barry, Esq., Den-  
ver, Colorado, for Colo-  
rado Milk Transport, Inc.

S T A T E M E N T

By the Commission:

Reinhold Ehrlich, Windsor, Colorado, is the owner of Private  
Carrier Permit No. B-600, authorizing:

Transportation of milk and cream to Denver and  
to points within a radius of 10 miles of Den-  
ver, with return of empty cans, from the terri-  
tory described as:

Bounded on the east by U. S. Highway No. 85, on  
the south by State Highway No. 16, on the west  
by a line drawn north and south 1½ miles west  
of Timnath, Colorado, and on the north by the  
Colorado-Wyoming State line.

Extended to include transportation of milk in  
bulk.

Extended to include the right to transport sur-  
plus milk from the above-described base terri-  
tory to Fort Collins and to Johnstown, Colorado,  
with return of empty cans, for his customers de-  
livering milk under contract with the Denver  
Milk Producers, Inc., only, when said surplus  
milk has been diverted by the management of the  
Denver Milk Producers, Inc., to either Fort  
Collins, or Johnstown, Colorado.

By the instant application, he seeks to convert said private  
carrier permit to a certificate of public convenience and necessity so

far as it affects all of the territory and operating rights above-described, with the exception of that part of said area and operating rights appertaining thereto lying north of a line drawn east and west  $3\frac{1}{2}$  miles north of Wellington, Colorado, and extending north to the Colorado-Wyoming state line, service to said excepted area to be abandoned.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Greeley, Colorado, on September 21, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Henry C. Greenwald, a farmer and milk producer, residing  $3\frac{1}{2}$  miles east of Windsor, Colorado, testified that he has 28 dairy cows, has used applicant's service since 1948, and the service has been "very good." No other carrier is available to him. The advantage of converting the permit to a certificate would be that witness could then compel applicant to render the service, whether or not he preferred to do so. Witness resides outside the area that Colorado Milk Transport, Inc., is certificated to serve.

Walter C. Moore, Manager of Denver Milk Producers, Inc., testified that applicant's service under the permit has been "excellent." His company is interested only in supporting any move in improvement of service as his company pays no transportation charges. He thought the proposed change might be advantageous for applicant, but gave no reasons for such a conclusion.

Paul Ehrlich, of Windsor, Colorado, a brother of applicant, operates a dairy farm, owning 110 dairy cows and now milking 65. He ships to the Garden Farms Dairy in Denver, using his brother's service, which is "good." There is no other service available from his area. His farm is not in the area served by Colorado Milk Transport, Inc., but it would be of advantage to him if the conversion is authorized, so his brother could not refuse him service in the future.

Henry Haas, of Windsor, Colorado, a dairyman with 28 milk cows, a herd of 60 in all, ships to Denver, patronizing applicant's service, which is "dependable and satisfactory." There is quite a number of milk producers in Applicant's area of service residing outside the certificated area of Colorado Milk Transport, Inc., who are not served by any other carriers, their production being handled by Frink Dairy Company, and other dairies. Witness does not reside in the area served by Colorado Milk Transport, Inc., and there is no service other than applicant's available to him and his neighbors outside said certificated area, except the service rendered by the creameries.

Applicant testified that he requests that his entire permit be cancelled in the event of favorable action on the application so that there may be no conflict or overlap of territory served under his private carrier permit and under the certificate he seeks. His equipment consists of the following:

- 1 - 1954 Ford Truck, F-600,
- 2 - 1955 Ford Trucks, F-600,
- 1 - 1951 Ford Pickup, F-100,
- 1 - 1500-gallon Stainless Steel Bulk Tank,
- 1 - Insulated Milk Box, 182-can capacity, and
- 1 - Insulated Milk Box, 154-can capacity.

Applicant identified his financial statement attached to the application as Exhibit "A", showing net worth of \$36,100, and stated that since the date of the statement he has added a tank trailer to his equipment at a cost of \$3,000. He testified as to a few requests for service, which evidence is not supported by customer witnesses.

A late-filed exhibit is a map on which is outlined the territory applicant is now authorized to service under his permit, that part thereof to be abandoned if the instant application is granted, the area Colorado Milk Transport, Inc., is authorized to serve, and that part of the area last referred to which overlaps the area which applicant seeks to serve as a common carrier. The area applicant can now serve under

his permit is very extensive, ranging from approximately  $16\frac{1}{2}$  miles in width on the southern boundary to  $12\frac{1}{2}$  miles in width on the northern boundary, and being 41 miles in length, north and south. If the petition is granted, he wishes to abandon the north  $16\frac{1}{2}$  miles of this tract, the proposed certificate to cover the southern  $24\frac{1}{2}$  miles thereof, only. Approximately all of the west half of the remaining area, being a tract  $6\frac{1}{2}$  miles wide east and west, and 21 miles north and south, is embraced within the territory Colorado Milk Transport, Inc., is authorized to serve under PUC-375, with authority to transport milk, cream and dairy products in bulk or in cans, with return of empty cans, rejected supplies, and farm supplies, between all points within that territory and from all points in the territory to Denver, and a five-mile radius thereof. In effect, applicant seeks to convert his permit to a certificate in an area approximately  $16\frac{1}{2}$  miles east and west on the southern boundary and  $11\frac{1}{2}$  miles east and west on the northern boundary, and  $24\frac{1}{2}$  miles in length north and south, which area overlaps the certificated area of Colorado Milk Transport, Inc., under PUC-375 as to the strip  $6\frac{1}{2}$  miles wide east and west and 21 miles north and south, or to the extent of approximately half of the area sought to be served by applicant under his proposed certificate.

Applicant was asked if he were willing to eliminate from his application that part of the area certificated to Colorado Milk Transport, Inc. (which he now has authority to serve under his permit), but replied that it would not be possible to serve said excluded area as a private carrier and the balance of the area requested as a common carrier.

No evidence was offered by applicant to the effect that the service by Colorado Milk Transport, Inc., in its certificated area is inadequate. In fact, his witnesses who were interrogated on this point admitted that such service is adequate.

At the close of applicant's case, counsel for protestant

interposed a motion to dismiss the application on the ground that no proof had been offered to the effect that the service of protestant was inadequate in its certificated area, which motion was taken under advisement.

In protest, Kenneth M. Martin, President and Manager of Colorado Milk Transport, Inc., testified his company operates 28 units of equipment, including can trucks and bulk tank trucks, and under PUC-375 has been serving the overlapping area above-described adequately. He stated they had never refused a request for service because of lack of equipment, or otherwise. He identified protestant's Exhibit Nos. 1 and 2, No. 1 being a balance sheet of his company of date August 31, 1955, showing excess of assets over liabilities of \$242,408.97, and No. 2 being a statement of income and expenses for the month of August 1955, showing net income of \$1,916.44, and net income for the period April 1, 1955 through August 31, 1955, of \$11,269.05. Witness stated that the company could not afford to lose even one customer because of the adverse effect on its operating ratio. It is now serving over 700 customers, only a few of whom reside in the overlapping territory, shipping to Denver, other shippers being served by dairies, and there is no need for the services of another common carrier in any part of the area here involved.

At the close of the testimony, protestants renewed their motion to dismiss the application, which motion was again taken under advisement. It will be noted that this motion could only apply to the application so far as it covers the area in which the overlap occurs, as protestants can have no interest in any other portion of the area which applicant seeks to serve. The motion, as stated, must be denied.

It seems logical to dispose of the instant application by separating the requested service into its component parts.

As to that part of the area that applicant can serve under his permit, which lies north of a line drawn east and west  $3\frac{1}{2}$  miles

north of Wellington, there is no problem. The record is devoid of any proof as to the present service, or of need of common carrier service in this area, and applicant has requested that even if certificate is granted as prayed for, such certificate shall not cover this area, and as to which, his permit may be revoked.

As to the certificated area of Colorado Milk Transport, Inc., which overlaps the territory applicant is authorized to serve as a private carrier and which he seeks to serve as a common carrier, not a witness in this area appeared in support of the application. On the other hand, such witnesses as were questioned on the matter, admitted that the present common carrier service in this area is adequate, and protestants offered affirmative proof of such adequate service and of the experience and financial stability of the common carrier that presently serves the area. There can be no question but that the application, so far as it applies to the overlapping area, must be denied.

As to the request that applicant be authorized to transport as a common carrier to Johnstown and Fort Collins surplus milk from members of Denver Milk Producers, Inc., with return of empty cans, no testimony whatsoever was offered in support of such a common carrier operation.

As to the balance of the area in which applicant seeks a certificate, although this area contains approximately 201 square miles, he offers the testimony of but three customer witnesses, one of them being his own brother. These three customers are now being served by applicant under his private carrier authority and the service is satisfactory. Mr. Moore corroborated these witnesses as to such satisfactory service. There is a question now pending, in proceedings before this Commission and in proceedings now pending before the Interstate Commerce Commission, as to whether or not in conversion proceedings such testimony of customer witnesses who are satisfied with the service being rendered to them by a private carrier can be heard in



in support of that carrier's application for conversion of his permit to a certificate of public convenience and necessity, under which an applicant can offer them only that satisfactory service which they now enjoy. However, the Commission does not feel it should await a decision on that point before rendering a decision in the present case.

The only reason advanced by the three customer witnesses as to why conversion would be of benefit is their testimony to the effect that if operating under a certificate, applicant could not refuse them service when requested, while he could do so when serving as a private carrier. Only three customer witnesses in an area of two hundred square miles appear in support of the application. No witness appears who is not now served satisfactorily by applicant as a private carrier. There is no indication that in the event the application is denied, applicant will refuse service to the three customer witnesses appearing or to any other customer. It is admitted that Colorado Milk Transport, Inc., is providing adequate common carrier service in the area certificated to that company, which is approximately half of the area applicant seeks to serve as a common carrier. So far as the evidence is concerned, the customers in the remaining area who are not now being satisfactorily served by applicant as a private carrier are being satisfactorily served by Frink Creamery Company, and other dairies. Evidence to support the claim of applicant that there is a need for a certificate of public convenience and necessity to serve this vast area is conspicuous by its absence.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement should be made a part of these Findings, by reference.

That the instant application should be denied.

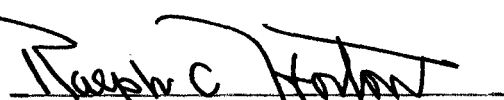
O R D E R

THE COMMISSION ORDERS:

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

This Order shall become effective twenty-one days from  
date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners.

COMMISSIONER JOHN P. THOMPSON DISSENTING IN PART.

Dated at Denver, Colorado,  
this 25th day of November, 1955.

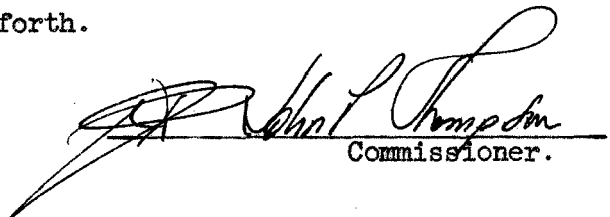
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Commissioner Thompson dissenting in part:

I would cancel the private permit, as suggested by the applicant, in the northern part of the territory, and grant the application, as to the eastern part of the territory where such action would not result in conflict between the applicant and existing common carriers of milk. I concur with the majority in denying the application, as to the area of conflict.

In the northern area, applicant now has no duty to serve, but does have authority to serve to the extent that it may from time to time suit his purposes. He thus assumes neither the duties nor responsibilities of a common carrier, but can cause a division of the revenue from the area, which otherwise might go to a common carrier dedicated to serving the general public. It seems to me that the public can only benefit, if we act on the offer to abandon the potential future private carrier competition in this northern area.

In the eastern area, applicant is willing to give up the protection of his private carrier permit, and to assume the higher responsibilities and duties of a common carrier. He is qualified to serve the area, financially and by experience, and has the equipment to discharge all of the responsibilities he seeks to shoulder. No one protests the application, as to this area; three witnesses appeared in support of the application. If the public will gain, as it appears it will, and no one is to be injured, as here, it seems to me that we should grant the application, to the extent that it can be done consistent with principles here set forth.

  
Commissioner.

Dated at Denver, Colorado,  
this 25th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
G.D. BUSSARD, DOING BUSINESS AS )  
"BUSSARD BUS LINES," 619 EAST )  
MYRTLE STREET, FORT COLLINS, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER PUC )  
NO. 1808 TO DEWEY H. BUSSARD AND )  
HAZEL M. BUSSARD, CO-PARTNERS, DO- )  
ING BUSINESS AS "LOVELAND CITY BUS," )  
116 SOUTH MONROE STREET, LOVELAND, )  
COLORADO. )  
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APPLICATION NO. 13642-Transfer  
SUPPLEMENTAL ORDER

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November 22, 1955  
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Appearances: Dewey H. Bussard  
Loveland, Colorado,  
for Transferees.

S T A T E M E N T

By the Commission:

By Decision No. 44856, of November 1, 1955, G. D. Bussard, doing business as "Bussard Bus Lines," 619 East Myrtle Street, Fort Collins, Colorado, was authorized to transfer all his right, title, and interest in and to PUC-1808, to Dewey H. Bussard and Hazel M. Bussard, co-partners, doing business as "Loveland City Bus," 116 South Monroe Street, Loveland, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, written acceptance of the terms of said Order to be made within thirty (30) days from the effective date of the Order.

By letter of November 18, 1955, Dewey H. Bussard, one of the transferees, requested an extension of thirty (30) days in complying with the conditions and requirements of the Order.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the requested extension of thirty (30) days in complying

with the conditions and requirements of the Order should be, and is hereby, granted at the request of Dewey H. Bussard.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
Joseph T. Kennedy  
John P. Thompson  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of November, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
O. W. VAN WEY, 3410 OSCEOLA STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 13767-PP-Extension  
EXTEND OPERATIONS UNDER PERMIT NO. )  
B-3646. )  
----- )

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November 23, 1955  
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Appearances: O. W. Van Wey, Denver,  
Colorado, pro se;  
T. A. White, Esq., Denver,  
Colorado, for Fairplay  
Motor Company.

S T A T E M E N T

By the Commission:

By the above-styled application, O. W. Van Wey, Denver, Colorado, owner and operator of Permit No. B-3646, seeks authority to extend operations under said permit to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, including service in Boulder, Clear Creek, and Gilpin Counties.

Said application was regularly set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 14, 1955, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 14, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

From said **Report** of the Examiner, it appears that at the hearing applicant testified that he was the owner of Permit No. B-3646; that he is engaged in the transportation of sand and gravel, and other road-surfacing materials; that there is a demand for his extended service; that he has sufficient equipment with which to conduct his proposed extended service; that he is financially able to perform the service sought to be performed by the instant application.

In opposition, C. B. Bell, Assistant Manager of Fairplay Motor Company, testified that his company had authority to render the service sought by applicant, between points within a radius of twenty miles of Alma, Colorado; that his company had the type of equipment necessary to render this service, and that it was ready and willing to meet any demand for such service.

Upon questioning by the Examiner, applicant stated that he had no customers within a radius of twenty miles of Alma, Colorado, and did not know of any projects that might begin in the immediate future in said area.

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

It did not appear that applicant's proposed extended service, as hereinafter limited, will tend to impair the efficiency of any common

carrier operating in the territory sought to be served by applicant.

Report of the Examiner recommends that authority sought should be granted, as limited by the Order following.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That applicant herein should be authorized to extend operations under Permit No. B-3646, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

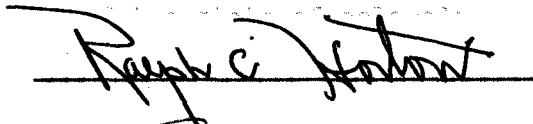
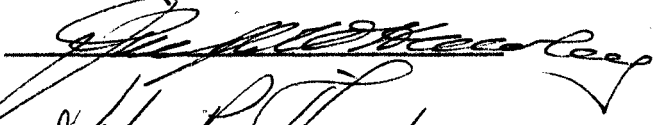

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That O. W. Van Wey, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-3646, to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, to homes and small construction jobs within a radius of fifty miles of said jobs; sand, gravel, and stone, from pits and supply points in the State of Colorado, to points within a radius of fifty miles of said pits and supply points; insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; except that no service under the authority herein granted shall be performed within a radius of twenty miles of Alma, Colorado.



That this Order is made part of the permit granted to applicant,  
and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of November, 1955.

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original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
GEORGE J. FESSER, LAKE CITY, COLO- )	
RADO, FOR AUTHORITY TO EXTEND OPERA- )	<u>APPLICATION NO. 13538</u>
TIONS UNDER CERTIFICATE OF PUBLIC )	
CONVENIENCE AND NECESSITY GRANTED )	
BY DECISION NO. 35715. )	
----- )	

RE OPERATIONS, RATES, PRACTICES, AND )	
SERVICES OF GEORGE J. FESSER, DOING )	
BUSINESS AS "LAKE CITY LIGHT AND )	<u>CASE NO. 5109</u>
POWER COMPANY," LAKE CITY, COLORADO. )	
----- )	

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November 25, 1955  
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Appearances: Dutcher and Seraphine, by  
Marsh Seraphine, Esq.,  
Gunnison, Colorado, for  
the Hinsdale County Chamber  
of Commerce, Lake City,  
Colorado, and the following  
individuals, all of Lake City:  
Mr. Purvis Vickers,  
Mr. Everett Brown,  
Mr. Lowell Brown,  
Mr. Neil Edwards,  
Mr. Jerry Crutchfield,  
Mr. R. E. Gibson, and  
Mr. Fritz Ward;  
Bryant, Petrie & Waldeck, by  
Robert E. Parga, Esq., Montrose,  
Colorado, for George J. Fesser,  
Lake City, Colorado;  
A. L. Mueller, Esq., Denver,  
Colorado,  
Paul Elder, Denver, Colorado,  
and  
J. M. McNulty, Denver, Colorado,  
for the Commission.

S T A T E M E N T

By the Commission:

On July 18, 1955, George J. Fesser, doing business as  
"Lake City Light and Power Company," Lake City, Colorado, by his  
attorneys, filed an application with the Commission, seeking an

extension of territory under a certificate of public convenience and necessity issued to Mr. Fesser by the Commission in Application No. 10743, Decision No. 35715, of November 28, 1950. By the new application, Mr. Fesser, in effect, wishes to extend the territory to include the area around Lake San Cristobal. His original certificate did not extend around the lake.

Subsequent to the filing of the above application for an extension, the Hinsdale County Chamber of Commerce, located at Lake City, Colorado, on July 25, 1955, filed a written protest with the Commission, stating, in effect, that they were opposed to the granting of any additional territory to Mr. Fesser. This protest gave as one of the reasons that the service was not dependable. In order that the Commission might be fully informed before proceeding to hear the application for the extension or the protest of the Chamber of Commerce, the Commission instituted on its own motion, a general investigation into the operations of Mr. Fesser.

The application, and the case instituted by the Commission, were both set for hearing on September 8, 1955, at the Court House in Lake City, Colorado. Due notice of the time and place of hearing was given by the Commission to all interested parties. Mr. Fesser filed a motion with the Commission petitioning that the hearing be reset to sometime in November, but after due consideration of the motion, it was denied, and the hearings went forward on the date set. Both the application and the case were heard on a joint record since many of the matters involved were pertinent one to the other, and in the interest of time and a more complete record, the consolidation seemed advisable. No one objected to the consolidated procedure.

Mr. Fesser has been supplying electric service within the territory granted by the Commission in his original application since November of 1950. He now seeks authority to extend his certificated area to include Lake San Cristobal to serve prospective customers who either have cabins or businesses on or near the shore of the Lake, or

in the area between the Lake and his present territory. The evidence at the hearing disclosed that Mr. Fesser has already extended his lines in a southerly direction toward Lake San Cristobal, and is now serving customers beyond the area originally certificated to him. Counsel for Mr. Fesser at the hearing stated that under the Public Utilities Act, a certificate-holder could extend his lines into contiguous territory without obtaining a certificate from the Commission, provided he did not conflict with the territory served by another public utility. (Chapter 115-5-1, CRS 1953).

It is apparent from the record that Mr. Fesser, by the filing of the application for an extension of his certificate, is endeavoring to prevent any invasion of this new territory by another supplier of electricity. There was no formal direct proof that such an invasion would be made, but much "hearsay" testimony was presented at the hearing to the effect that Gunnison Electric Association, Inc., of Crested Butte, Colorado, was contemplating the extension of its lines to the area around Lake San Cristobal. A letter dated September 7, 1955, signed by Lyle McNeill, President of the Gunnison County Electric Association, and admitted to the record as Exhibit "S-3", does make this statement, provided an application for a loan to the Rural Electric Administration in Washington would be approved for such a project. No one officially represented the Gunnison Electric Association, Inc., at the hearing, and the Commission is unable to tell from the record herein whether or not this proposed extension is only in the planning stages or whether a firm commitment with definite construction dates has been made. From its own knowledge of the area and the amount of construction involved, it is doubtful if there is enough business to justify the extension of an REA into the area unless they were to be assured of all the prospective customers in the Lake City area not yet served by Mr. Fesser. In effect, it would seem to the Commission that there is only room for one supplier in this area if the operation is to prove economically feasible.

One of the reasons the Commission had in mind in instituting Case No. 5109, was to determine, if possible, the financial position of Mr. Fesser. Mr. Fesser has failed to file with the Commission his Annual Report which would disclose such information. Upon cross-examination at the hearing as to why this report had not been filed, Mr. Fesser stated, in effect, that the report form sent to him by the Commission stated on its cover that it only applied to utilities earning more than \$25,000 a year gross, and therefore did not apply to him. For the benefit of Mr. Fesser in the future, the report form sent to him to be filed with the Commission will not contain this technicality and he will be expected to file his Annual Report. Subsequent to the hearing herein Mr. Fesser filed his 1954 Annual Report.

The staff of the Commission, in its field investigation of Mr. Fesser's operation, found that he did not have adequate records to determine the amount of money invested in plant, nor was it possible from the data on hand to prepare a detailed balance sheet and operating statement. However, the staff did make a property valuation of the used and useful property and did prepare a statement of income and expenses for the year ending December 31, 1954, from the data that was available. From the two exhibits presented by the staff, it is evident that Mr. Fesser had a net investment as of July 15, 1955, in plant and equipment of \$24,123.50, and that his net earnings for the year 1954 amounted to about \$2,200 before allowing any salary to Mr. Fesser, who is the sole operator under normal conditions.

The question has not been raised as to rates, but the question of adequate service is at issue. Mr. Fesser is faced with a seasonal operating problem in that most of his customers come to Lake City for either summer fishing or fall hunting and then leave until the following year. This results in a high demand for electricity in the summer months, with a very poor load factor on an annual basis, because of the seasonal residents. The peak demand on the system occurs during the summer and, according to the testimony, during the Summer of 1954 this amounted to about 160 KW. Mr. Fesser is able to

supply 90 KW through his hydro plant, 45 KW on his diesel engine motor generator set, and 25 KW on his Butane motor generator set, which does not leave him any reserve at the present time. The diesel will only carry a 45 KW load over a short period of time. Since the load is undoubtedly growing in the area, Mr. Fesser is faced with the problem of additional generation for next year. His present plans contemplate a second hydro unit that will also supply 90 KW, and he has a second older diesel unit that could be repaired that would provide an additional 48 KW. According to Mr. Fesser's estimate, it will cost approximately \$3,000 to put the second hydro unit in operation and about \$400 to place the 48 KW diesel in operation.

At the hearing, Mr. Fesser was requested to file, as a late-filed exhibit, a Balance Sheet as of December 31, 1954, of George Fesser, as an individual, and a Balance Sheet of the Lake City Light & Power Company, Inc., owner of the hydro plant and from which Mr. Fesser buys his electricity. It is not important at the moment to distinguish between the property of Mr. Fesser as an individual and the corporation which is owned by Mr. and Mrs. George Fesser and Mr. Fesser's father, since the plant and equipment of both entities are used in supplying electric service in the area, and nothing would be gained for the purposes of this hearing in such a separation. If a comparison were made of the balance sheet of the individual entities, it would not reflect a stronger financial position than the combined balance sheet and so we will confine our remarks to the combined balance sheet as though it pertained to one operating company. Set out below is the combined Balance Sheet as of December 31, 1954:

# LAKE CITY LIGHT & POWER COMPANY

Balance Sheet as of December 31, 1954

<u>ASSETS</u>	<u>Total</u>
Plant	\$30,443.59
Depreciation	6,320.09
Net Plant -	<u>\$24,123.50</u>
ACCOUNTS RECEIVABLE	250.00
MATERIALS & SUPPLIES	2,500.00
TOTAL ASSETS -	<u>\$26,873.50</u>
<u>LIABILITIES</u>	
STOCK	2,000.00
LONG TERM DEBT	26,000.00
Accounts payable	6,000.00
Deposits	1,267.00
Surplus	(8,393.50)
TOTAL LIABILITIES -	<u>\$26,873.50</u>

Most of the long-term debt, in the amount of \$26,000, is owed by Mr. Fesser to his father. Of the accounts payable in the amount of \$6,000, about \$1,500 is still due on the hydro units. The item, "Deposits," consists of "Customer Deposits" as advances for the guarantee of payment of electric bills.

Were it not for the fact that Mr. Fesser's father has continued to extend the time for payment on his money, it is doubtful if Mr. Fesser would still be in business. How Mr. Fesser manages to stay in business with the financial position revealed by the above Balance Sheet, is undoubtedly due to the leniency of his creditors. The one fact that disturbs the Commission in the financial position is that of the customers who have been required to put up deposits for the payment of bills. A late-filed exhibit reveals that out of the total amount in the account for "Customer Deposits," there are five customers who have had to advance from \$100 to \$260 each for the payment of bills. Mr. Fesser has used these deposits as operating capital, as is self-evident from the financial picture shown by the above Balance Sheet. If only these five customers were to demand their money, which amounts to a total of \$768, Mr. Fesser would be hard put to make the refunds.

While the Commission's rule provides that the utility can require a deposit for the payment of bills, there is also a responsibility on the part of the utility to repay these deposits upon demand. We do not believe it is fair to require these customers to advance to Mr. Fesser money to be used not only as operating capital, but apparently as a part of his permanent investment, if he is unable to refund this money to his customers on short notice. Mr. Fesser, on cross-examination, admitted he might have difficulty in making refunds if called upon in a hurry for a very large amount. In order to protect both parties, we will continue to allow Mr. Fesser to require a deposit in accordance with the Commission's rule, but we will also require that he file a bond with the Commission to guarantee payment of the customer deposits. The Commission's rule on customer deposits is permissive, not mandatory, and if Mr. Fesser believes the customers have established their credit to his satisfaction, he can refund the deposit and thereby avoid the necessity of posting a bond.

The staff's investigation in Case No. 5109, also revealed that Mr. Fesser was rendering flat rate service to some of his customers while the rates on file with the Commission are all metered rates. Upon cross-examination, Mr. Fesser stated he was serving about 110 customers, of which 75 customers were metered and the balance on flat rate. Apparently, Mr. Fesser has never endeavored to place all of his customers on a metered rate. In fact, one of the customers that he has recently connected outside of his certificated area is being served on a flat rate. Mr. Fesser has been in business long enough to have provided meters for all of his customers and this practice of flat rate is discriminatory and will have to cease. We will provide in the Order to follow a period of time within which Mr. Fesser will be required to meter all of his customers.

We have already mentioned the fact that Mr. Fesser will have to do something by spring or summer to take care of the increased load on the system. By the present application he is seeking additional territory that has a potential of approximately twenty additional customers.



These customers added to the normal growth on the system will undoubtedly increase his peak load to such an extent that he will either have to add additional capacity or curtail the use of present customers. We feel that before a utility should be granted additional territory it should first take care of its present area. Mr. Fesser claims he has additional equipment which he can place in service, but he also stated it will take additional money. He admitted that the only source of funds to him was from his father or his aunt. We have no assurance that either of these people would be willing to invest additional funds in this system. We will admit, however, that Mr. Fesser has financed this operation in the past by means of loans from his father, but without some assurance that this source of funds has not run dry, we are reluctant to assign him additional territory on such a financial picture. To build into the proposed new area to render the type of service that should be provided will take additional funds over and above those needed to provide additional generating facilities. These funds apparently must come from his relatives, and there is no evidence in this record other than the statement of Mr. Fesser, that these funds are and will be available. Mr. Fesser has never made an application to this Commission under Chapter 115-1-4 CRS 1953 for his financing, and this record is certainly too inadequate for us to determine if Mr. Fesser has an assured means of additional financing.

Several witnesses testified at the hearing, some complaining about Mr. Fesser's service, some stating that they were satisfied with the service, and others that they would be glad to have either Mr. Fesser or the REA since they were primarily interested in obtaining electric service. Some of the complainants did object to the amount of deposit they were required to advance for the payment of bills. While the amount of the individual deposit conformed to the rule of the Commission, we are, as we have previously stated, concerned with the ability of Mr. Fesser to repay these deposits on demand.

After reviewing all the testimony at the hearing, we do not believe it would be in the public interest to extend Mr. Fesser's certificate of public convenience and necessity. While there are several customers in the area around Lake San Cristobal who are desirous of electric service, we have serious doubts of Mr. Fesser's ability to render this additional service. If the certificate were to be granted, and the prospective customers were to spend money in wiring their homes and in purchasing appliances and then have Mr. Fesser fail to render adequate service, we believe we would be doing these people a greater injustice than by our denial of the certificate herein.

In order to render proper service to his present customers, Mr. Fesser needs additional capital. He should have enough money to add additional generating capacity to take care of the normal load growth of his present customers and for the installation of electric meters for everyone of his customers. When this has been accomplished, some consideration could be given to extending into the proposed new area if there is sufficient capital remaining.

In view of the present financial standing of Applicant, we must deny his requested extension since he has failed to show adequate additional financing. Even if Mr. Fesser could borrow additional funds from his father or his aunt, we would not approve additional debt financing in view of his present outstanding debt.

If Mr. Fesser, in compliance with Chapter 115-1-4 CRS 1953, were to make an application for securities to the Commission and show that he has sufficient equity capital for present needs, for the proposed expansion, and for the improvement of his present financial structure, we would then be in a better position to consider the matter of an extension of his certificate.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That the request for an extension of the certificate of public convenience and necessity of Mr. George J. Fesser should be denied.

That if Mr. Fesser does not elect to return all of his customers' deposits, he should file with this Commission within one hundred twenty (120) days a bond with individual or corporate surety satisfactory to the Commission to guarantee the refund of the customers' deposits.

That within one hundred and twenty (120) days, Mr. George Fesser should install an electric meter for each customer connected on his system and notify the Commission at the end of that period that he has complied with the order.

That Mr. Fesser should install an electric meter for each new customer to be connected to his system and not to connect any customer without a meter.

That the Commission should retain jurisdiction of Case No. 5109 pending the completion by Mr. Fesser of the conditions set forth herein.

#### O R D E R

##### THE COMMISSION ORDERS:

That Application No. 13538 of Mr. George J. Fesser for an extension of the certificate of public convenience and necessity granted to him in Application No. 10743 be, and it hereby is, denied.

That within one hundred twenty (120) days of the effective date of this Order, Mr. George J. Fesser shall file with this Commission a bond with individual or corporate surety satisfactory to the Commission to guarantee the refund of the customers' deposits.

That if Mr. Fesser notifies the Commission in writing within one hundred twenty (120) days of the effective date of this Order that he has returned all customers' deposits and will not require such deposits in the future, the above provision regarding a bond shall not apply.

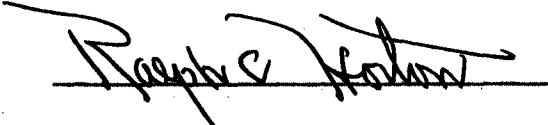
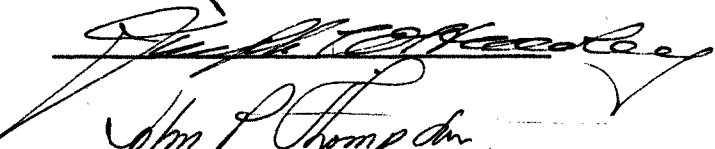
That within one hundred twenty (120) days of the effective date of this Order Mr. George J. Fesser shall install electric meters for each and everyone of his customers receiving service and shall notify the Commission in writing at the end of that period that he has complied with this Order.

That Mr. Fesser shall install an electric meter for each new customer to be connected to his system and shall not connect any customer now or in the future without a meter.

That the Commission shall retain jurisdiction of Case No. 5109 to make such further order or orders as may be required in the premises.

That this Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of November, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HAROLD W. JENNINGS, DOING BUSINESS )  
AS "THE STOCKADE," 1450 NORTH MAIN )  
STREET, LONGMONT, COLORADO. )  
----- )

PERMIT NO. M-6185

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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harold W. Jennings,  
dba "The Stockade," 1450 North Main Street, Longmont, Colorado.  
requesting that Permit No. M-6185 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6185, heretofore issued to Harold W. Jennings,  
dba "The Stockade," be,  
and the same is hereby, declared cancelled effective 11/22/55.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
Ralph W. Hawley  
John P. Thompson  
Commissioners

Dated at Denver, Colorado,

this 28th day of November, 1955

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CARL HOSMAN, 5425 CLAY STREET, )  
DENVER 11, COLORADO. )

PERMIT NO. M-2743

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Carl Hosman,

5425 Clay Street, Denver 11, Colorado.

requesting that Permit No. M-2743 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2743, heretofore issued to Carl Hosman

be,

and the same is hereby, declared cancelled effective 10/31/55.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John P. Thompson  
Commissioners

Dated at Denver, Colorado,

this 28th day of November, 195 5

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WALTER ROCK, BOX 137, TIMNATH, COLO- )  
RADO. )  
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 )  
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PERMIT NO. M-4593

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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Walter, Rock,  
Box 137, Timnath, Colorado.

requesting that Permit No. M-4593 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4593, heretofore issued to Walter Rock,  
Box 137, Timnath, Colorado be,

and the same is hereby, declared cancelled effective 11/22/55

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John W. Hensley  
John P. Thomas  
Commissioners

Dated at Denver, Colorado,

this 28th day of November, 1955

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
ELLENE W. WHITE, 735 SOUTH SHERIDAN  
BOULEVARD, DENVER, COLORADO, FOR  
AUTHORITY TO TRANSFER PERMIT NO.  
B-4417 TO KELLER H. LIGHT, 870 SOUTH  
YATES STREET, DENVER, COLORADO.

APPLICATION NO. 13867-PP-Transfer

November 23, 1955

Appearances: Keller H. Light, 870 S.Yates,  
Denver, Colorado, Applicant.

S T A T E M E N T

By the Commission:

On October 17, 1955, the above-styled application was filed with  
the Commission, being set for hearing on December 1, 1955, at Denver, Colorado.

By letter received November 23, 1955, applicant requested that the  
hearing be vacated and said application dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

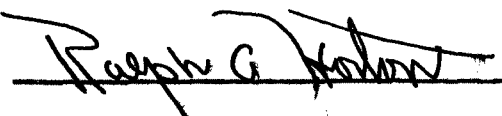
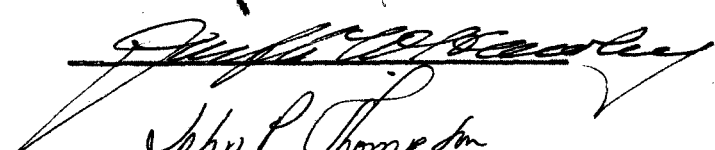
O R D E R

THE COMMISSION ORDERS:

That hearing in the above-entitled matter be vacated and that the  
application should be, and it is hereby, dismissed, at the request of the  
applicant.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Dated at Denver, Colorado,  
this 23rd day of November, 1955.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
KELLER H. LIGHT, 870 SOUTH YATES  
STREET, DENVER, COLORADO, FOR A  
CLASS "B" PERMIT TO OPERATE AS A  
PRIVATE CARRIER BY MOTOR VEHICLE  
FOR HIRE.

APPLICATION NO. 13873-PP

November 23, 1955

Appearances: Keller H. Light, 870 S. Yates,  
Denver, Colorado, Applicant.

S T A T E M E N T

By the Commission:

On October 11, 1955, the above-styled application was filed with  
the Commission.

By letter received November 23, 1955, applicant requested that  
said application be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

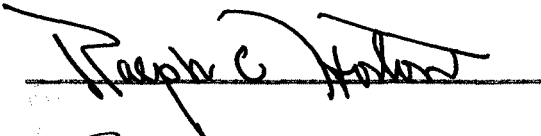
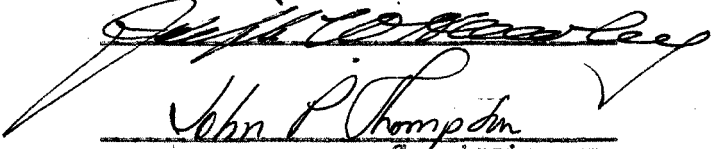
O R D E R

THE COMMISSION ORDERS:

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

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Dated at Denver, Colorado,  
this 23rd day of November, 1955.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
KEITH RAYMOND MERRITT, DOING BUSI- )	
NESS AS "SUN VAN LINES," 3600 EAST )	
42ND AVENUE, DENVER, COLORADO, FOR )	APPLICATION NO. 13700
A CERTIFICATE OF PUBLIC CONVENIENCE )	
AND NECESSITY TO OPERATE AS A COM- )	
MON CARRIER BY MOTOR VEHICLE FOR HIRE.)	
----- )	

-----  
November 25, 1955  
-----

Appearances: John H. Lewis, Esq., Denver,  
Colorado, for Applicant;  
Harold D. Torgan, Esq., Denver,  
Colorado, for Johnson Stor-  
age and Moving Company,  
Bekins Van and Storage Company;  
Berkeley Moving and Storage  
Company, South Side Moving  
and Storage;  
H. D. Hicks, Denver, Colorado,  
for Weicker Transfer and  
Storage Company.

S T A T E M E N T

By the Commission:

By the above-styled application, Keith Raymond Merritt, doing business as "Sun Van Lines," Denver, Colorado, seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the conduct of a transfer, moving, and general cartage business within the City and County of Denver, Colorado.

Said application was regularly set for hearing before the Commission at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 21, 1955, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

On November 21, 1955, and prior to the hour set for hearing of said application, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

From the Report of said Examiner, it appears that at the hearing, Francis E. Butler, a part-time employee of applicant and Merritt Packing and Crating Service, testified, among other facts, that he did not know who owned Sun Van Lines; that applicant, Keith Raymond Merritt, was in the Army, and that he did not know much about the business of applicant, he having only worked for him about three months.

It was apparent that applicant would need more time to obtain proof of his operations prior to November 4, 1954, to establish his Grandfather Rights.

The Report of the Examiner recommends that said matter be continued for further hearing, to be set for hearing at a future date to be determined by the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That said matter should be continued for hearing at a future date to be determined by the Commission.

#### O R D E R

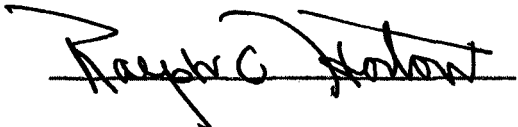

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of November, 1955.

ea

original

(Decision No. 44955)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
G. P. THOMPSON, DOING BUSINESS AS )  
"FLAGLER-DENVER TRUCK LINE," )  
FLAGLER, COLORADO, FOR AUTHORITY )  
TO TRANSFER PUC NO. 1715 TO EDWARD )  
F. MARTIN, 328 WEST 12TH AVENUE, )  
DENVER, COLORADO. )  
----- )

APPLICATION NO. 13836-Transfer

IN THE MATTER OF THE APPLICATION OF )  
EDWARD F. MARTIN, 328 WEST 12TH )  
AVENUE, DENVER, COLORADO, FOR AUTH- )  
ORITY TO EXTEND OPERATIONS UNDER )  
PUC NO. 1715 (IN THE EVENT AUTHOR- )  
ITY SOUGHT TO TRANSFER SAID OPER- )  
ATING RIGHTS TO HIM IN APPLICATION )  
NO. 13836 IS GRANTED). )  
----- )

APPLICATION NO. 13837-Extension

November 25, 1955  
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Appearances: E. B. Evans, Esq., Denver,  
Colorado, for Applicants;  
Wayne D. Williams, Esq.,  
Denver, Colorado, for  
Denver-Limon-Burlington  
Transfer Co.

S T A T E M E N T

By the Commission:

By Decision No. 26817, dated October 5, 1946, Arthur E.  
Gaines, Jr., doing business as "Denver-Flagler Truck Line," Flagler,  
Colorado, was authorized to operate as a common carrier for the  
transportation of:

general commodities, except livestock,  
between Flagler, Colorado, and points in  
Kit Carson County, within a radius of  
fifteen miles of Flagler, and Denver,  
Colorado, via U. S. Highway Nos. 40 and 24,

said operating rights being known as "PUC No. 1715."

By Decision No. 29858, dated February 9, 1948, Arthur E.  
Gaines, Jr., doing business as "Flagler-Denver Truck Line," Flagler,  
Colorado, transferred all his right, title, and interest in and to

PUC No. 1715 to Glen Thompson, doing business as "Flagler-Denver Truck Line," Flagler, Colorado.

By the present applications, they having been consolidated for hearing and decision without objection by any participant, it is sought to transfer the foregoing authority from the present owner, Mr. Thompson, to the buyer, Mr. Martin, and also to extend the authority to permit the buyer to render line-haul common carrier service to and from the towns of Genoa and Arriba, from and to Denver.

Said applications, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 17, 1955, and at the conclusion of the evidence, the matters were taken under advisement.

Mr. Edward F. Martin, the buyer, appeared in support of both the application for transfer and the application for extension of authority. He testified that he is in the transfer business within the City limits of Denver at the present time and has been for approximately five years. He uses four vehicles in this operation. The vehicles will be available for line-haul common carrier duty as circumstances may require. He identified the agreement of purchase and sale, and verified its terms as being controlling. All of the debts connected with the certificate and the operation conducted thereunder are being paid as part and parcel of the contract to purchase. The buyer is acquiring, with the purchase, the equipment heretofore used in performing the existing transportation and will buy additional equipment if circumstances should require it.

A financial statement of the buyer, satisfactory to the Commission, was offered in evidence. The certificate is not to be mortgaged back to the seller.

The present service is operated twice a week; the buyer intends to increase this service to three times per week, if the extension is approved. The buyer has no other authority from any regulatory agency to transport any commodities for hire, except

the city transfer license in the City of Denver. He intends to operate the business as a sole proprietor.

In support of the extension application, Mr. Martin testified that he has had requests for service to Genoa and Arriba. The driver of the equipment lives at the eastern end of the line, in Flagler, and service three times a week is therefore feasible, if additional business can be obtained to justify it. The two towns of Genoa and Arriba, involved in this application, have a population which he estimates in the neighborhood of 400 people each.

In support of the extension application, Mr. Harvey Shull, an implement dealer at Arriba, stated that he has not been satisfied with the line-haul common carrier service now operated through his community by Denver-Limon-Burlington Transfer Co. It appeared, on cross-examination, however, that this witness has not shipped anything with this company for about two years, and none at all since the new management of the company took over. He was not able to say whether that service is now adequate to the needs of the community.

Mr. Donald E. Kemp, a service station and garage operator in Arriba, also appearing in support of the application, feels that the public would be better served by having two line-haul common carriers serving Arriba instead of the present one, for the reason that this will result in competition which should bring better service, possibly at lower rates than exist at present. He does not consider the present service as outstanding, but on the other hand was not willing to say that it was inadequate or unsatisfactory.

No one appeared in opposition to the transfer application. However, Mr. Robert C. Peterson, Secretary-Treasurer of Denver-Limon-Burlington Transfer Co., appeared in opposition to the extension application. He stated that this company presently serves Arriba under its own authority and Genoa under leased authority, operating service three to four days per week through these communities en route to points east and west of the two communities. He stated that these communities produce only 12 to 15 shipments to Denver

per month, and that the division of this revenue between two line-haul carriers would result in neither being able to operate at a profit.

It has long been the policy of the Commission to use its best efforts to see that every community in the State of Colorado has adequate line-haul common carrier service available at reasonable cost. It must be recognized that the operation of regular line-haul common carrier service is the back-bone of the transportation system in the State and that it imposes a heavy burden upon the line-haul carriers, who, in most instances, are now reduced to being carriers of small packages on a scheduled basis. We know of no instance where duplicate line-haul service through small communities has proved feasible in the thinly populated area of the West. We believe that the effect of authorizing duplicate line-haul common carrier service to the communities of Genoa and Arriba will be either to force both carriers to operate at a loss, a condition which cannot long continue, or to drive one carrier entirely out of the business in these communities. The effect of granting the extension application here, then, would shortly be effectively to take the business of these two communities away from one carrier and give it to another. If the existing service were shown by the evidence to be inadequate, and if it were also shown that the existing carrier, knowing of the inadequacy, was making no attempt to correct it, we would, out of consideration for the people in the two communities, authorize a new carrier to render this service. No such showing is made here. The extension application must therefore be denied. No reason appears, however, why the transfer application should not be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

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



That the application for extension should be denied.

O R D E R

THE COMMISSION ORDERS:

That G. P. Thompson, doing business as "Flagler-Denver Truck Line," Flagler, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest in and to PUC No. 1715, with authority as set forth in the preceding Statement, which is made a part hereof by reference, to Edward F. Martin, Denver, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

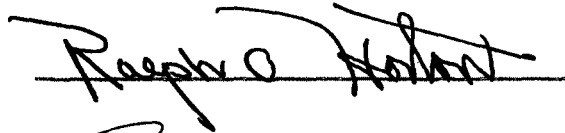
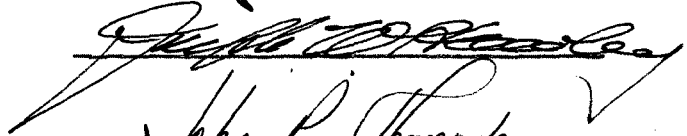
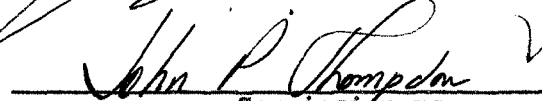
The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

That Application No. 13837 for extension of authority should be, and the same hereby is, denied.

This Order shall become effective twenty-one (21) days  
from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of November, 1955.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
W. A. HUTCHENS, INC., A COLORADO )	
CORPORATION, 2271 HARLAN STREET, )	
LAKEWOOD, COLORADO, FOR A CERTIFI- )	<u>APPLICATION NO. 13839</u>
CATE OF PUBLIC CONVENIENCE AND )	
NECESSITY. )	
----- )	

-----  
November 25, 1955  
-----

Appearances: Harold D. Torgan, Esq.,  
Denver, Colorado, for  
Applicant;  
Ralph South, Ordway, Colo-  
rado, pro se and for  
T. J. Isenbart.

S T A T E M E N T

By the Commission:

The applicant at the present time is the owner of  
Private Carrier Permit No. B-2987, authorizing the transportation  
of erected or knocked-down buildings between all points in the  
State of Colorado.

By the present application, filed September 8, 1955,  
the applicant seeks to convert its authority from a private car-  
rier to a common carrier authority.

Said application, pursuant to prior setting, after  
appropriate notice to all parties in interest, was heard at the  
Hearing Room of the Commission, 330 State Office Building, Denver,  
Colorado, November 17, 1955, and at the conclusion of the evidence,  
the matter was taken under advisement.

In support of the application, Mr. Norman Rockwell,  
President of the applicant company, testified concerning operations  
presently being conducted under the private carrier permit. He stated  
that its service is principally confined to the Denver Metropolitan  
area, with only occasional service outside this area, although it is

using the permit state-wide as circumstances require from time to time. The company has licenses in the principal home-rule cities in eastern and northern Colorado. It wishes to convert its authority to common carrier authority so that it can participate in drafting the proposed tariff now under consideration by the carriers which would establish uniform rates for all movers of houses and other buildings. In addition, the company finds it inconvenient to continue to file customer lists, especially in those instances when it receives a rush order. He feels that it would be of benefit to the public to have an additional common carrier, instead of private carrier, in the field. The company intends that its private carrier permit shall be cancelled, if the common carrier authority it seeks is issued.

The only objection to the application was that of Mr. Ralph South, of Ordway, Colorado, who appeared for himself and also for Mr. T. J. Isenbart of Las Animas, Colorado. Mr. South holds common carrier authority in this field for the territory west of the Continental Divide, and private carrier authority east of the Divide. His objection is grounded on the fact that as a common carrier, the applicant would be able to advertise, and Mr. South feels that this might make inroads upon his business. It will be noted that Mr. South is domiciled in his private carrier territory. The statute provides no protection for private carriers against inroads by common carriers.

Mr. Isenbart has common carrier authority in approximately the southeast quarter of the State in this field. There was no evidence either by Mr. South or Mr. Isenbart as to the extent or adequacy of the existing common carrier service they render.

The building-moving industry is one in which there are no established and uniform rates of charges, for the reason that the principal amount of time spent is consumed not in transporting the building, but in preparing it for transportation and setting it down

after it has been transported. The actual transportation therefore constitutes only a small part of the work which must necessarily be done; but we regulate only this transportation. In the nature of the work, it is very difficult for any applicant to produce prospective customer witnesses, and we have therefore adopted the view in the past that unless some clear evidence was forthcoming from existing carriers that existing common carrier service is adequate, it was in the public interest to allow additional carriers to enter the field. The only detriment involved here to any existing common carrier is that the applicant will now be able legally to advertise his business where formerly he was limited to personal solicitation.

It does not appear that any existing common carriers will be materially prejudiced by the granting of the application.

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

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant.

That Permit No. B-2987 should be cancelled.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle, call and demand service of W. A. Hutchens, Inc., a Colorado corporation, Lakewood, Colorado, for the transportation of erected or knocked-down buildings, between 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.

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

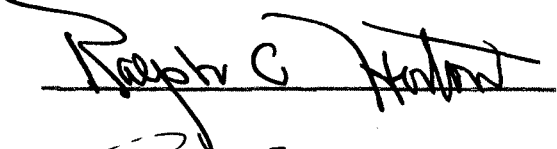


That applicant shall operate its carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

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

That Permit No. B-2987, heretofore issued to W. A. Hutchens, Inc., a Colorado corporation, Lakewood, Colorado, be, and the same hereby is, declared cancelled effective as of the date of this Order.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of November, 1955.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ALBERTA A. DUNBAR AND ANDY LEE )  
SPINDEN, CO-PARTNERS, DOING BUSI- )  
NESS AS "SPEEDY MESSENGER SERVICE," )  
1739 LARIMER STREET, DENVER, COLO- ) APPLICATION NO. 13848-Extension  
RADO, FOR AUTHORITY TO EXTEND )  
OPERATIONS UNDER PUC NO. 2428. )  
-----

-----  
November 28, 1955  
-----

Appearances: Harold D. Torgan, Esq., Den-  
ver, Colorado, and  
Joseph P. Lewis, Esq., Den-  
ver, Colorado, for Appli-  
cants.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to extend operations under PUC No. 2428 to include the operation of a package delivery service within the City and County of Denver, State of Colorado, thus supplementing its present authority to operate within a three mile limit of the limits of the City and County of Denver, State of Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 22, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

This is an application to establish "grandfather" rights for a package delivery service within the City limits of the home-rule City of Denver.

The only witness appearing in support of the application was Alberta A. Dunbar, who, with her son Andy Lee Spinden as a partner, operates the applicant company. The business was started in

1946. Operations outside the City limits of the City and County of Denver are conducted at present under authority of PUC No. 2428. The service consists of a special pickup and delivery service on rush orders where delivery is made direct to the consignee from the point of pickup.

The applicants have had City licenses for several years. They are qualified financially and by experience to carry on the proposed operation.

The bulk of their business to date has been the delivery of packages for printers, advertising agencies, machine parts distributors and other similar packages with occasionally the delivery of a radio, television set, or some similar appliance. The applicants are not engaged in the general freight or household goods business.

No one appeared in opposition to the application and no reason appears why it should not be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That public convenience and necessity require the proposed extended service of the applicant and that certificate of public convenience and necessity should issue therefor.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extended motor vehicle common carrier call and demand service of Alberta A. Dunbar and Andy Lee Spinden, co-partners, doing business as "Speedy Messenger Service," Denver, Colorado, under PUC No. 2428, to include the transportation of articles for pickup and delivery within the City and County of Denver, State of Colorado, and this



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

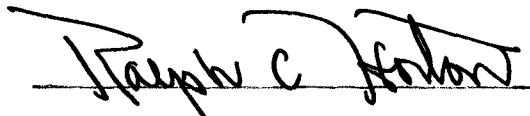
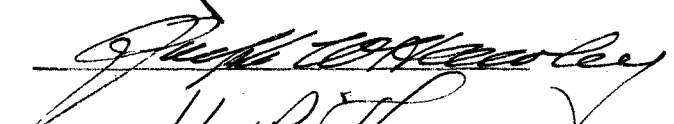
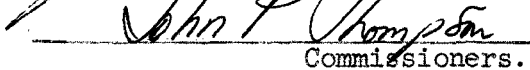
That applicants shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That applicants shall operate their carrier system in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

That this Order is subject to compliance by applicants with all present and future laws and rules and regulations of the Commission.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of November, 1955.

mls

original

(Decision No. 44958)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN J. PERRY, DOING BUSINESS AS )  
"M & M TRANSFER," 1801 WEST 33RD )  
AVENUE, DENVER, COLORADO, FOR AUTH- )  
ORITY TO TRANSFER PERMIT NO. B-4233 )  
TO ROBERT N. FOULK, JR., DOING BUSI- )  
NESS AS "M & M TRANSFER," 1801 WEST )  
33RD AVENUE, DENVER, COLORADO. )

APPLICATION NO. 13835-PP-Transfer

-----  
November 28, 1955  
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Appearances: Robert N. Foulk, Jr., Den-  
ver, Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 35128, dated July 26, 1950, John Perry, do-  
ing business as "M & M Transfer Company," Denver, Colorado, was auth-  
orized to operate as a Class "B" private carrier by motor vehicle for  
hire for the transportation of:

gas and electrical appliances from Denver,  
Colorado, to points within a radius of ten  
miles thereof, for two customers, viz.,  
Appliance Distributors, Inc., and Boyd Dis-  
tributing Company, both of Denver, Colorado,  
without the right to add to the number of  
customers served without first having ob-  
tained permission from this Commission so  
to do.

By Decision No. 41493, dated November 4, 1953, said John  
Perry, doing business as "M & M Transfer Company," Denver, Colorado,  
was authorized to extend his operations under Private Carrier Permit  
No. B-4233 to include the addition of the following customers, viz.:

Allied Appliances, Inc.,  
Dahl-Conger, Inc., and  
Larson Distributors,

all of Denver, Colorado, and the substitution of Savage & Sons, of  
Denver, Colorado, for Appliance Distributors, Inc.

By the instant application, said permit-holder seeks authority to transfer Permit No. B-4233 to Robert N. Foulk, Jr., doing business as "M & M Transfer," Denver, Colorado.

Transferee testified that he will do business as a sole proprietor. His net worth approximates \$2,000. He has done this work for several months and is familiar with the nature of the permit and the work which has been done under it. He has no other authority from any regulatory agency to operate as a carrier for hire. He has complied with all State and local laws applicable to the type of work he intends to perform. No indebtedness is attached to the permit nor the operation conducted thereunder.

No one appeared in opposition to the transfer and no reason appears why the same should not be permitted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

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

#### O R D E R

##### THE COMMISSION ORDERS:

That John J. Perry, doing business as "M & M Transfer," Denver, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest in and to Permit No. B-4233, with authority as set forth in the preceeding Statement, which is made a part hereof by reference, to Robert N. Foulk, Jr., doing business as "M & M Transfer," Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when,

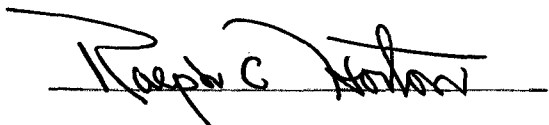
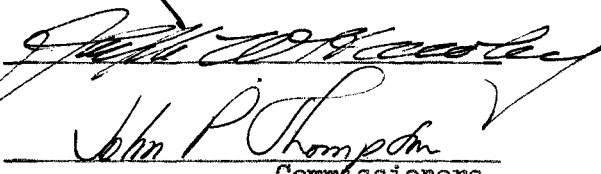
but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE W. SMITH, 1038 N. DIVISION )  
AVENUE, STERLING, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-2547

-----  
November 30, 1955  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

George W. Smith

requesting that Permit No. M-2547 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2547, heretofore issued to \_\_\_\_\_

George W. Smith \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 7, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John W. [unclear]*  
\_\_\_\_\_  
*John W. [unclear]*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HOME & INDUSTRIAL SUPPLY CO., INC., )  
3791 WILLIAMS STREET, DENVER 5, )  
COLORADO. )  
----- )

PERMIT NO. M-7064

-----  
November 30, 1955  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Home & Industrial Supply Co., Inc.

requesting that Permit No. M-7064 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7064, heretofore issued to \_\_\_\_\_  
Home & Industrial Supply Co., Inc. \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 11, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John W. Hawley  
John P. Thompson  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 195 5.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GEORGE W. SMITH, 1038 N. DIVI- ) PERMIT NO. B-3107  
SION AVENUE, STERLING, COLORADO. )  
-----

-----  
November 30, 1955  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-3107 be suspended for six months from November 7, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That George W. Smith, Sterling, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-3107 until May 7, 1956.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Norton  
George W. Hawley  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of November, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOE A. SENA, P. O. BOX 665, FT. )  
GARLAND, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-1423

\_\_\_\_\_  
November 30, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Joe A. Sena

requesting that Permit No. M-1423 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1423, heretofore issued to \_\_\_\_\_

Joe A. Sena

be,

and the same is hereby, declared cancelled effective November 14, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*John W. Hawley*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1955.

mls



original

(Decision No. 44963)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE OPERATIONS OF DAVID L. DOMB )  
AND ALLAN PALMER, DOING BUSINESS )  
AS "MONTROSE AVIATION COMPANY," )  
BOX 51, MONTROSE, COLORADO, UNDER )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY GRANTED BY DECISION )  
NO. 39736. )  
----- )

CASE NO. 5114  
ORDER TO SHOW CAUSE AND  
NOTICE OF HEARING

-----  
November 29, 1955  
-----

S T A T E M E N T

By the Commission:

IT APPEARING TO THE COMMISSION, That on December 22, 1947,  
by Decision No. 29635, in Application No. 8742, Eugene C. Baker and  
Alfred A. Dusio, doing business as "Delta Air Service," were granted  
a certificate of public convenience and necessity to operate as a  
common carrier by airplane in interstate and intrastate commerce  
for the transportation of:

passengers and property, not on schedule  
but on call and demand, between all points  
in the State of Colorado.

IT FURTHER APPEARING TO THE COMMISSION, That on November 25,  
1952, the certificate of public convenience and necessity was trans-  
ferred to David L. Domb and Allan Palmer, doing business as "Montrose  
Aviation Company," Box 51, Montrose, Colorado, by Decision No. 39736,  
in Application No. 12034-Transfer.

IT FURTHER APPEARING TO THE COMMISSION, That said Montrose  
Aviation Company, Montrose, Colorado, has discontinued operations  
under said certificate, and has failed and neglected to keep available  
and maintain suitable aircraft equipment and to carry suitable passen-  
ger liability insurance for operating said common carrier service.

IT FURTHER APPEARING TO THE COMMISSION, That said certificate-  
holder has abandoned said operation. Therefore,

## F I N D I N G S

### THE COMMISSION FINDS:

That a hearing should be had to determine whether said certificate of public convenience and necessity should, or should not be, cancelled for failure to furnish service aforesaid, and on account of the abandonment thereof, and that said Montrose Aviation Company should be required to show cause why said certificate of public convenience and necessity should not be cancelled.

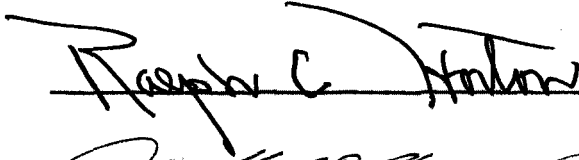
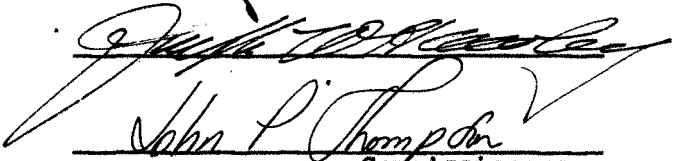

## O R D E R

### THE COMMISSION ORDERS:

That, upon the Commission's own motion, an investigation be had of the operations of the Montrose Aviation Company under certificate of public convenience and necessity granted by Decision No. 39736.

The Montrose Aviation Company, be, and hereby is, required to show cause on or before the 15th day of December, A. D. 1955, why an Order should not be entered, cancelling, setting aside, and revoking said certificate of public convenience and necessity on account of failure of Montrose Aviation Company to furnish service in the manner as authorized and required under said certificate of public convenience and necessity, and said matter should be, and hereby is, set for hearing before the Commission at 330 State Office Building, Denver, Colorado, on December 20, 1955, at ten o'clock A. M.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of November, 1955.

ea

original

(Decision No. 44964)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE OPERATIONS OF DAVID L. DOMB )  
AND ALLAN PALMER, DOING BUSINESS )  
AS "MONTROSE AVIATION COMPANY," )  
BOX 51, MONTROSE, COLORADO, UNDER )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY GRANTED BY DECISION )  
NO. 39723. )  
-----

CASE NO. 5115  
ORDER TO SHOW CAUSE AND  
NOTICE OF HEARING

-----  
November 29, 1955  
-----

S T A T E M E N T

By the Commission:

IT APPEARING TO THE COMMISSION, That on December 18, 1947, by Decision No. 29582, Ralph C. Buchanan, doing business as "Buchanan Flying Service," Montrose, Colorado, was granted a certificate of public convenience and necessity to conduct a non-scheduled airplane operation, in intrastate and interstate commerce, for the transportation of:

passengers and property between all points in the State of Colorado, without the right, except with consent of the Commission first had and obtained, to establish an office or branch for the purpose of developing business at any town, place or city other than Montrose, Colorado.

IT FURTHER APPEARING TO THE COMMISSION, That on April 21, 1950, the certificate of public convenience and necessity was transferred to Alfred A. Dusio and Eugene C. Baker, co-partners, doing business as "Delta Air Service," Delta, Colorado, by Decision No. 34643, in Application No. 10498-Transfer.

IT FURTHER APPEARING TO THE COMMISSION, That by Decision No. 36857, of date June 11, 1951, the Montrose operation of "Delta Air Service," was authorized to operate under the name of "Montrose Air Service."

IT FURTHER APPEARING TO THE COMMISSION, That by Decision No. 39723, of November 24, 1952, the certificate of public convenience and

necessity was transferred to David L. Domb and Allan Palmer, doing business as "Montrose Aviation Company," Box 51, Montrose, Colorado.

IT FURTHER APPEARING TO THE COMMISSION, That said Montrose Aviation Company, Montrose, Colorado, has discontinued operations under said certificate, and has failed and neglected to keep available and maintain suitable aircraft equipment and to carry suitable passenger liability insurance for operating said common carrier service.

IT FURTHER APPEARING TO THE COMMISSION, That said certificate-holder has abandoned said operation. Therefore,

#### F I N D I N G S

##### THE COMMISSION FINDS:

That a hearing be had to determine whether said certificate of public convenience and necessity should, or should not be, cancelled for failure to furnish service aforesaid, and on account of the abandonment thereof, and that said Montrose Aviation Company should be required to show cause why said certificate of public convenience and necessity should not be cancelled.

#### O R D E R

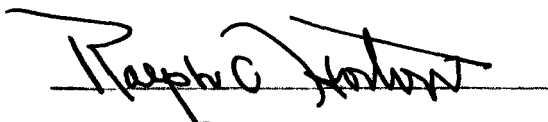
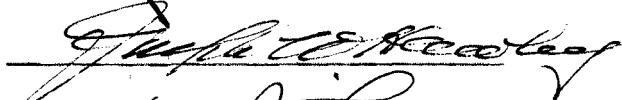

##### THE COMMISSION ORDERS:

That, upon the Commission's own motion, an investigation be had of the operations of the Montrose Aviation Company, under certificate of public convenience and necessity granted by Decision No. 39723.

The Montrose Aviation Company be, and hereby is, required to show cause on or before the 15th day of December, 1955, why an Order should not be entered, cancelling, setting aside, and revoking said certificate of public convenience and necessity on account of failure of Montrose Aviation Company to furnish service in the manner as authorized and required under said certificate of public convenience and necessity, and said matter should be, and hereby is, set for hearing before the Commission, at 330 State Office Building, Denver, Colorado,

December 20, 1955, at ten o'clock A. M.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of November, 1955.

mls

original

(Decision No. 44965)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE OPERATIONS OF HENRY A. ELGIN, )  
DOING BUSINESS AS "ELGIN FLYING )  
SERVICE," STEAMBOAT SPRINGS, COLO- )  
RADO, UNDER CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY GRANTED )  
BY DECISION NO. 42367. )  
-----

CASE NO. 5116  
ORDER TO SHOW CAUSE AND  
NOTICE OF HEARING

-----  
November 29, 1955  
-----

S T A T E M E N T

By the Commission:

IT APPEARING TO THE COMMISSION, That on March 29, 1954, by Decision No. 42367, in Application No. 12799, Elgin Flying Service, Steamboat Springs, Colorado, was granted a certificate of public convenience and necessity to operate as a common carrier by airplane in interstate and intrastate commerce for the transportation of:

persons and property, not on schedule, from,  
to and between all points within the State of  
Colorado, with a base of operations at Steam-  
boat Springs, Colorado.

IT APPEARING TO THE COMMISSION, That said Elgin Flying Service, Steamboat Springs, Colorado, has discontinued operations under said certificate, and has failed and neglected to keep available and maintain suitable aircraft equipment and to carry suitable passenger liability insurance for operating said common carrier service.

IT FURTHER APPEARING TO THE COMMISSION, That said certificate holder has abandoned said operation. Therefore,

F I N D I N G S

THE COMMISSION FINDS:

That a hearing be had to determine whether said certificate of public convenience and necessity should, or should not be, can-

celled for failure to furnish service aforesaid, and on account of the abandonment thereof, and that said Elgin Flying Service, should be required to show cause why said certificate of public convenience and necessity should not be cancelled.

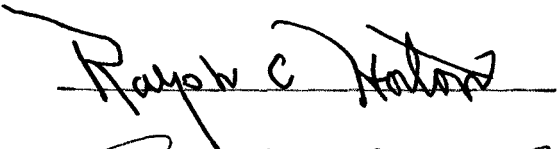
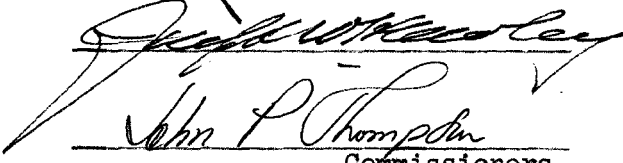
O R D E R

THE COMMISSION ORDERS:

That, upon the Commission's own motion, an investigation be had of the operations of the Elgin Flying Service, under certificate of public convenience and necessity granted by Decision No. 42367.

The Elgin Flying Service be, and hereby is, required to show cause on or before the 15th day of December, A. D. 1955, why an Order should not be entered, cancelling, setting aside, and revoking said certificate of public convenience and necessity on account of failure of Elgin Flying Service, to furnish service in the manner as authorized and required under said certificate of public convenience and necessity, and said matter should be, and hereby is, set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 20, 1955, at ten o'clock A. M.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of November, 1955.

mls

original

(Decision No. 44966)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE FAILURE OF OPERATIONS OF WESTMINSTER )  
TRANSIT COMPANY, WESTMINSTER, COLORADO, )  
UNDER CERTIFICATE OF CONVENIENCE AND )  
NECESSITY NO. PUC-3121, AUTHORIZING )  
TRANSPORTATION OF PASSENGERS FROM DEN- )  
VER, COLORADO, TO WESTMINSTER, COLORADO )  
AND OTHER POINTS IN JEFFERSON AND ADAMS )  
COUNTIES, COLORADO, AND RETURN TO DENVER. )  
----- )

CASE NO. 5113  
ORDER TO SHOW CAUSE AND  
NOTICE OF HEARING

-----  
November 28, 1955  
-----

S T A T E M E N T

By the Commission:

IT APPEARING TO THE COMMISSION, That, heretofore Westminster Transit Company, a Colorado corporation, Westminster, Colorado, obtained a certificate of convenience and necessity, PUC-3121, for operation of a motor vehicle common carrier transportation service for the transportation, on schedule, of passengers from point to point within the area described as:

being bounded on the west by the Jefferson County line;  
on the north by West 96th Avenue; on the east by North  
Washington Street; on the south by the Denver City Limits.

IT FURTHER APPEARING TO THE COMMISSION, That Westminster Transit Company is not operating any vehicles over its route under certificate of convenience and necessity No. PUC-3121.

IT FURTHER APPEARING TO THE COMMISSION, That public convenience and necessity require operation of a mass transportation system for passengers, on schedule, in the area included in PUC-3121, and that Westminster Transit Company has not been relieved of its obligation to serve the public, nor been authorized in a proper proceeding to discontinue operations.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is, by reference,  
hereby made a part of these Findings.



O R D E R

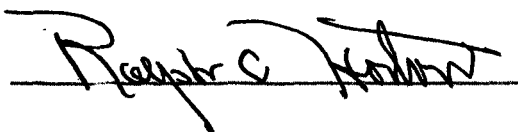
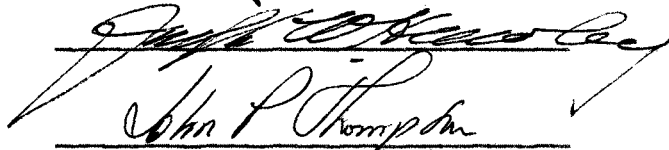
THE COMMISSION ORDERS:

That, upon the Commission's own motion, an investigation be had of the operations of Westminster Transit Company, Westminster, Colorado, under Certificate of Public Convenience and Necessity No. PUC-3121.

That Westminster Transit Company, be, and hereby is, required to show cause on or before the 9th day of December, 1955, why an Order should not be entered requiring it to resume and continue operations pursuant to its certificate of Convenience and Necessity No. PUC-3121.

That said matter should be, and hereby is, set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on the 14th day of December, 1955, at ten o'clock A. M.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of November, 1955.

ea

original

(Decision No. 44967)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE M. FLINT, 6066 DOVER STREET, )  
ARVADA, COLORADO, AND ALEX GERLACH, )  
4127 TEJON STREET, DENVER, COLORADO, )  
CO-PARTNERS, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY TO )  
OPERATE AS A COMMON CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 13838

-----  
November 29, 1955  
-----

Appearances: Edwin R. Lundborg, Esq.,  
Denver, Colorado, for  
John W. Metzger, Esq.,  
and Applicants;  
Robert McLean, Esq., Den-  
ver, Colorado, for  
Ruben Graff; Allsbach  
Bros. Rubbish Removal  
Service; Lon Gilbert;  
Myron C. Niblack, Web-  
ber's Hauling Service;  
and Harry Ellis.

S T A T E M E N T

By the Commission:

By application filed September 19, 1955, the applicants seek a certificate of public convenience and necessity for an ash and trash hauling service in the area known as Broomfield Heights in Boulder County, Colorado.

Said application was regularly set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 17, 1955, due notice of the time and place being forwarded to all interested parties.

The matter being called for hearing, an attorney appearing in behalf of the attorney for the applicants, stated that the applicants' attorney was ill and requested a continuance of the matter until some future time.

No objection was made to the granting of such continuance and the same should be ordered, due notice of the date, time and place of such continued hearing to be given to all persons named above.

F I N D I N G S

THE COMMISSION FINDS:

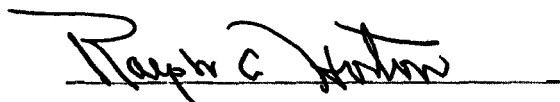
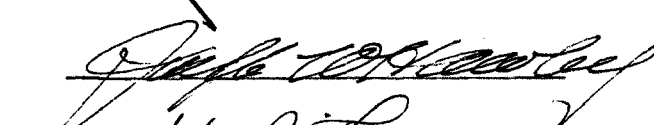

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That hearing on the above-styled application should be, and it hereby is, continued, to be heard in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on December 19, 1955, with due notice to all parties named in the foregoing caption.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of November, 1955.

mls

original

(Decision No. 44968)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INVESTIGATION AND SUSPENSION )  
OF CERTAIN PROPOSED INTRASTATE )  
RATES OF THE WESTERN UNION TELE- )  
GRAPH COMPANY, 917-17th STREET, )  
DENVER 2, COLORADO. )  
-----

INVESTIGATION AND SUSPENSION  
DOCKET NO. 383

-----  
November 29, 1955  
-----

Appearances: Holland & Hart, Esqs., Den-  
ver, Colorado, by John  
Fleming Kelly, Esq., for  
Western Union Telegraph  
Company;  
Julius Ginsberg, Esq., Den-  
ver, Colorado, for Gold-  
stein's Refrigerator  
Lines;  
W. T. Ahlborg, Denver, Colo-  
rado, for Denver Equipment  
Company;  
Forrest C. Northcutt, Esq.,  
Denver, Colorado, for  
Labor Dealers, Inc.;  
A. D. Jones, Denver, Colo-  
rado, pro se;  
A. L. Mueller, Esq., Denver,  
Colorado, for the Commis-  
sion.

S T A T E M E N T

By the Commission:

A statement of the basic facts concerning the nature of the present proceeding is contained in our Decision No. 44685, dated October 5, 1955; the present Decision will not be lengthened by reciting these facts again.

Pursuant to that Decision, and upon due notice to all parties in interest, the matter was set for hearing, commencing November 10, 1955, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

At that time and place, the matter was duly called up for

hearing and the testimony of Mr. James R. Horton, a witness for the Western Union Telegraph Company, was commenced. During the course of this testimony, the Western Union Company requested that the matter be recessed so that the company might have an opportunity to assemble additional data for presentation at a later time. It was understood and agreed that, if the continuance were granted, the witness, Mr. Horton, would return for cross-examination at the future hearing. Upon this basis, no objection was made to the request for continuance and no reason appears why the same should not be granted.

The matter should be set down for hearing as set forth in the following Order.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is by reference incorporated hereinto.

That the continuance should be granted and the matter set for future hearing.

#### O R D E R

##### THE COMMISSION ORDERS:

The continuance should be, and hereby is, granted and the hearing of the matter shall be resumed at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, commencing at 10:00 o'clock A. M., on January 5, 1956, and continuing into January 6, 1956, if circumstances should require.

That a copy of this Decision shall be sent to all of the parties listed above, who were the only parties who appeared at the hearing November 10, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
*John P. Thompson*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of November, 1955.

original

(Decision No. 44969)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
CHARLES R. SMITH, 4750 GRANT STREET, )	
DENVER, COLORADO, FOR A CERTIFICATE )	APPLICATION NO. 13852
OF PUBLIC CONVENIENCE AND NECESSITY )	
TO OPERATE AS A COMMON CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
-----	

-----  
November 29, 1955  
-----

Appearances: Kripke and McLean, Esqs.,  
Denver, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 23, 1955, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 22, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Said Report of the Examiner shows that in view of the fact there were a number of applications for similar authority, it was agreed by all parties that all of the applications might be heard on a consolidated record.

By the above-styled application, as amended at the hearing, applicant herein seeks a certificate of public convenience and neces-

sity to operate as a common carrier by motor vehicle for hire, for the transportation of ashes, trash, and other refuse, in the City and County of Denver, and from points in the City and County of Denver, to officially-designated and approved dumps and disposal plants in the Counties of Adams, Arapahoe, and Jefferson.

Applicant testified that he is presently engaged in the transportation of ashes, trash, and other refuse in the City and County of Denver, and that he was so engaged prior to November 1, 1954; that he has sufficient equipment to conduct said operation, and is financially able to render the service sought to be performed; that there is a present need for his services.

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

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

The Report of the Examiner recommends that certificate of public convenience and necessity should issue to applicant, as set forth in the Order following.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier service, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Charles R. Smith, Denver, Colorado, for the transportation of ashes, trash, and other refuse, from point to point within the City and County of Denver, and from points in the City and County of Denver, to officially-designated and approved dumps and disposal plants in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

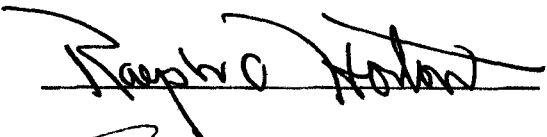

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of November, 1955.

mls



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HENRY CLEAR, 4765 SHERMAN STREET, )  
DENVER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 13849

-----  
November 29, 1955  
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Appearances: Kripke and McLean, Esqs.,  
Denver, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

By the above-styled application, Henry Clear, Denver, Colorado, seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of trash, rubbish, ashes, dirt, sod, fertilizer, junk, waste coal, wood waste, cans, debris, limbs, waste building materials, and other forms of waste, from and to points in the City and County of Denver, and from points in the City and County of Denver, Colorado, to points in Jefferson, Adams, and Arapahoe Counties, Colorado.

Said application was regularly set for hearing before the Commission at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 23, 1955, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 22, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting

the hearing, he thereafter submitting a report of said proceedings to the Commission.

Said Report of the Examiner shows that in view of the fact there were a number of applications for similar authority, it was agreed by all parties that all of the applications might be heard on a consolidated record.

At the hearing, said applications were amended to show that applicants desired certificates of public convenience and necessity to operate as common carriers by motor vehicle for hire, for the transportation of ashes, trash, and other refuse, in the City and County of Denver, and from points in the City and County of Denver, to officially-designated and approved dumps and disposal plants in the Counties of Adams, Arapahoe, and Jefferson.

Applicant testified that he is presently engaged in the transportation of ashes, trash, and other refuse in the City and County of Denver, and that he was so engaged prior to November 1, 1954; that he has sufficient equipment to conduct said operation, and is financially able to render the service sought to be performed; that there is a present need for his services.

No one appeared in opposition to granting the authority sought.

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

The Report of the Examiner recommends that certificate of public convenience and necessity should issue to applicant, as set forth in the Order following.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's

motor vehicle common carrier service, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Henry Clear, Denver, Colorado, for the transportation of ashes, trash, and other refuse, from point to point within the City and County of Denver, and from points in the City and County of Denver, to officially-designated and approved dumps and disposal plants in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
*John P. Thompson*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of November, 1955.

original

(Decision No. 44971)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
REINY GINTHER, 1000 LINCOLN STREET, )  
DENVER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY ) APPLICATION NO. 13850  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

-----  
November 29, 1955  
-----

Appearances: Kripke and McLean, Esqs.,  
Denver, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 23, 1955, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 22, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Said Report of the Examiner shows that in view of the fact there were a number of applications for similar authority, it was agreed by all parties that all of the applications might be heard on a consolidated record.

By the above-styled application, as amended at the hearing,

applicant herein seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of ashes, trash, and other refuse, in the City and County of Denver, and from points in the City and County of Denver, to officially-designated and approved dumps and disposal plants in the Counties of Adams, Arapahoe, and Jefferson.

Applicant testified that he is presently engaged in the transportation of ashes, trash, and other refuse in the City and County of Denver and that he was so engaged prior to November 1, 1954; that he has sufficient equipment to conduct said operation, and is financially able to render the service sought to be performed; that there is a present need for his services.

No one appeared in opposition to granting the authority sought.

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

The Report of the Examiner recommends that certificate of public convenience and necessity should issue to applicant, as set forth in the Order following.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier service, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Find-

ings should be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Reiny Ginther, Denver, Colorado, for the transportation of ashes, trash, and other refuse, from point to point within the City and County of Denver, and from points in the City and County of Denver, to officially-designated and approved dumps and disposal plants in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

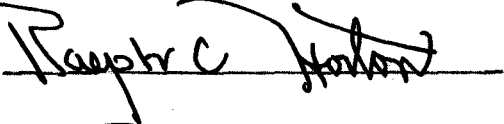
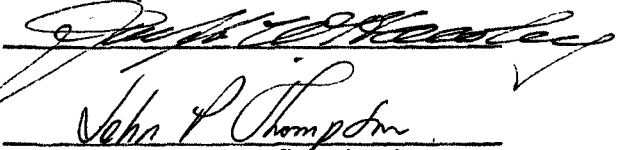
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

That this Order shall become effective twentieth-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado  
this 29th day of November, 1955.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HENRY KAUPP, JR., 2619 ELIZABETH )	
STREET, DENVER, COLORADO, FOR A )	
CERTIFICATE OF PUBLIC CONVENIENCE )	<u>APPLICATION NO. 13851</u>
AND NECESSITY TO OPERATE AS A )	
COMMON CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
----- )	

-----  
November 29, 1955  
-----

Appearances: Kripke and McLean, Esqs.,  
Denver, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 23, 1955, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 22, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Said Report of the Examiner shows that in view of the fact there were a number of applications for similar authority, it was agreed by all parties that all of the applications might be heard on a consolidated record.

By the above-styled application, as amended at the hearing, applicant herein seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire,

for the transportation of ashes, trash, and other refuse, in the City and County of Denver, and from points in the City and County of Denver, to officially-designated and approved dumps and disposal plants in the Counties of Adams, Arapahoe and Jefferson.

Applicant testified that he is presently engaged in the transportation of ashes, trash, and other refuse in the City and County of Denver, and that he was so engaged prior to November 1, 1954; that he has sufficient equipment to conduct said operation, and is financially able to render the service sought to be performed; that there is a present need for his services.

No one appeared in opposition to granting the authority sought.

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

The Report of the Examiner recommends that certificate of public convenience and necessity should issue to applicant, as set forth in the Order following.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier service, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above Findings should be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Henry Kaupp, Jr., Denver, Colorado, for the transportation of ashes,



trash, and other refuse, from point to point within the City and County of Denver, and from points in the City and County of Denver, to officially-designated and approved dumps and disposal plants in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

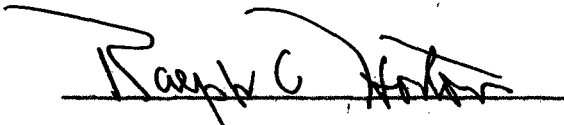
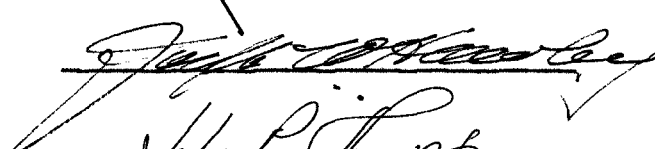
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

This order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of November, 1955.

ea

original

(Decision No. 44973)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
EDWARD WALTERS, 1368 SOUTH ZUNI )	
STREET, DENVER, COLORADO, FOR A )	
CERTIFICATE OF PUBLIC CONVENIENCE )	<u>APPLICATION NO. 13853</u>
AND NECESSITY TO OPERATE AS A )	
COMMON CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
----- )	

-----  
November 29, 1955  
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Appearances: Kripke and McLean, Esqs.,  
Denver, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 23, 1955, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 22, 1955, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Said Report of the Examiner shows that in view of the fact there were a number of applications for similar authority, it was agreed by all parties that all of the applications might be heard on a consolidated record.

By the above-styled application, as amended at the hearing, applicant herein seeks a certificate of public convenience

and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of ashes, trash, and other refuse, in the City and County of Denver, and from points in the City and County of Denver, to officially-designated and approved dumps and disposal plants in the Counties of Adams, Arapahoe, and Jefferson.

Applicant testified that he is presently engaged in the transportation of ashes, trash, and other refuse in the City and County of Denver, and that he was so engaged prior to November 1, 1954; that he has sufficient equipment to conduct said operation, and is financially able to render the service sought to be performed; that there is a present need for his services.

No one appeared in opposition to granting the authority sought.

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

The Report of the Examiner recommends that certificate of public convenience and necessity should issue to applicant, as set forth in the Order following.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and the Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's motor vehicle common carrier service, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Edward Walters, Denver, Colorado, for the transportation of ashes, trash, and other refuse, from point to point within the City and County of Denver, and from points in the City and County of Denver, to officially-designated and approved dumps and disposal plants in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

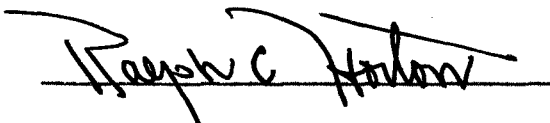

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of November, 1955.

ea

*original*

(Decision No. 44974)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRED T. GIBSON, LA JARA, COLORADO, )  
FOR AUTHORITY TO TRANSFER PERMIT )  
NO. B-819 TO GIBSON TRANSPORT, INC., )  
LA JARA, COLORADO. )  
-----

APPLICATION NO. 12966-PP-Transfer  
SUPPLEMENTAL ORDER

-----  
November 30, 1955  
-----

Appearances: Marion F. Jones, Esq., Denver,  
Colorado, and  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for L. E.  
Whitlock Truck Service, Inc.,  
Stanton Transportation Com-  
pany, Ferguson Trucking Com-  
pany, Inc., Rogers Truck Line,  
Neff Trucking;  
Richard E. Conour, Esq., Del  
Norte, Colorado, for Fred T.  
Gibson, Gibson Transport,  
Inc., and Jeffries-Eaves, Inc.

S T A T E M E N T

By the Commission:

On June 29, 1954, the Commission, by Decision No. 42864, authorized the transfer of Private Carrier Permit No. B-819 from Fred T. Gibson, of La Jara, Colorado, to a corporation known as "Gibson Transport, Inc.," of La Jara, Colorado, which permit authorized transportation of:

"Not restricted. Not restricted, except as:  
Decision No. 9565 -- Denied operations be-  
tween Durango and the point where U. S. High-  
way No. 450 is intersected by the Colorado-  
Utah State Line and all intermediate points by  
way of Cortez, Dolores, or Arriola;  
Decision No. 32802 -- Provides that Permit  
No. B-819 is amended by eliminating therefrom  
any authority as to either the territory to  
be served or the commodities that can be  
carried, in conflict with the territory and/or  
commodities authorized under PUC No. 1251 of  
Edward T. Walker."

On November 3, 1954, "Certificate of Amendments of the Articles of Incorporation of Gibson Transport, Incorporated," was filed, as set forth in the files of the Commission:

"1. That at a special meeting of the Board of Directors of the Gibson Transport, Incorporated, held at the office of the corporation in La Jara, Colorado, on September 1, 1954, the following resolutions were duly passed, adopted and approved:

"BE IT RESOLVED that the preamble paragraph of the Articles of Incorporation of Gibson Transport, Incorporated, be amended and changed to read as follows: That the words 'Gibson Transport, Incorporated,' be changed and amended to read: 'JEFFRIES-EAVES, INC., OF COLORADO;'

"BE IT FURTHER RESOLVED, that Article I. of the Articles of Incorporation of the Gibson Transport, Incorporated, be changed and amended to read as follows:

"I.

"That the corporate name and style of our said corporation shall, from and after October 15, 1954, be the JEFFRIES-EAVES, INC., OF COLORADO.'"

On December 17, 1954, petitioners, L. E. Whitlock Truck Service, Inc., Stanton Transportation Company, Ferguson Trucking Co., Inc., Rogers Truck Line, and Neff Trucking, filed a "Petition to set Aside Order Authorizing Transfer" of Permit No. B-819 authorized by Decision No. 42864, to Gibson Transport, Inc., or, in the alternative, said decision be permitted to become effective, and said transfer authorized only upon deletion of authority from Permit No. B-819 to transport oil field materials and supplies as defined in the so-called "Mercer Decision."

On February 10, 1955, Attorneys for Jeffries-Eaves, Inc., of Colorado filed a "Motion to Dismiss," asking that this Commission enter its order and decision, dismissing Petition filed in Application No. 12966-PP.

On March 14, 1955, Motion to Dismiss and Petition to Set Aside Order Authorizing Transfer were regularly set for hearing at the Court House, Alamosa, Colorado, March 25, 1955, at which time and place said matters were heard and taken under advisement.

Briefs were filed, both by petitioners and respondents, and were carefully considered by the Commission.

Petitioners contend in their arguments that our Decision No. 42864 is improper for the following reasons:

1. That the Commission is required to hold a public hearing on all transfers of private carrier permits, with appropriate notice to all common carriers.

This, as the record clearly demonstrates, was not done. In fact, the Commission, in its Order, clearly sets forth the procedure followed, and we here quote:

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

Section 115-11-4, C.R.S., 1953, provides:

"Any permit issued by the Commission or any rights obtained under such permit, held, owned, or obtained by any private carrier by motor vehicle may be sold, assigned, leased, or encumbered only upon authorization by the Commission."

Section 115-11-3, C.R.S., 1953, provides:

"No application for permit, nor any extension or enlargement of an existing permit, shall be granted by the Commission until after a hearing. \* \* \* The Commission shall give written notice of such hearing to all persons, firms, or corporations interested in or affected by the issuance of such permit, at least ten days prior to the time fixed for such hearing."

This section also contains a provision, wholly unrelated to the matter of hearings, on the subject of transfers of permits, as follows:

"No existing permit shall be transferred until the financial standing of the transferee is established to the satisfaction of the Commission."

The Commission, in the past, has, on numerous occasions, transferred private carrier permits under the belief that public hearings, with notice to interested parties, were not required under our statutes.

The statutes provide that we should be satisfied as to the financial standing of transferee, but it does not indicate how the Commission shall be satisfied, and certainly does not require a public hearing with ten days' notice. The Commission has, on many occasions, required public hearings, and has given the ten-day notice to interested parties, when we were not satisfied as to all the facts surrounding the proposed transfer. The Commission, in its order approving the transfer in our Decision No. 42864, without public hearing and notice to interested parties, did not, in our judgment, commit an error in law, nor did we deny any competitor a right to hearing, since it is our considered opinion that no such right exists, nor is it an abuse of discretion which would support vacating the Order authorizing the transfer.

The Order authorizing transfer of Permit No. B-819 from Fred T. Gibson to Gibson Transport, Incorporated, was entered on June 29, 1954. The petition in the instant matter to set aside the Order authorizing transfer was filed December 17, 1954, or 171 days after the entry of the Order authorizing transfer.

2. It is apparent that petitioners herein are not asking for a rehearing, as petitions for rehearing should be filed within twenty days, but are relying upon Section 115-6-12, C.R.S., 1953, the provision for alteration or amendment of an order. This section states as follows:

"Alteration or amendment of Order. The Commission at any time upon notice to the public utility affected, and after opportunity to be heard, as provided in the case of complaints, may rescind, alter, or amend any order or decision made by it. Any order rescinding, altering, or amending a prior order or decision, when served upon the public utility affected, shall have the same effect as original orders and decisions."

Petitioners, in the prayer of their petition, ask:

"Wherefore, your petitioners pray that this Commission set aside Decision No. 42864 authorizing the transfer of Permit No. B-819 to Gibson Transport, Incorporated, and set the application for the transfer of said permit for public hearing, with notice to these petitioners and all interested parties, or that in the alternative, said decision to become effective and said transfer authorizing only upon the deletion of authority from Permit No. B-819 to transport oil field materials and supplies, as defined in the so-called 'Mercer Decision.'"



Petitioners herein are making a double-barreled approach. First, they state we have exceeded our authority in granting a transfer of a private carrier permit without public hearing and notice to interested parties. Second, if we do not set aside our previous order or grant a rehearing, we must then delete from Permit No. B-819 the authority to transport oil field materials and supplies, as defined in the so-called "Mercer Description." We have, in this Statement, set forth our thinking as to the requirement for public hearings with notice to interested parties.

The question remaining is, "Whether or not we should delete the authority to transport oil field equipment and supplies, as defined in the so-called 'Mercer Description.'"

The record clearly indicates that respondents are hauling freight that comes within the so-called "Mercer Description." Petitioners contend in their brief:

"All that your petitioners desire is a hearing on the transfer to show the Commission the extent of the competition which will be created by this transfer."

And petitioners recommend in their concluding brief:

"As a consequence, the Commission, under authority plainly vested in it, should return this permit to the transferor, Fred T. Gibson, and a hearing should be held on the application for the transfer of the permit. In the alternative, the Commission should set for hearing, with notice to all interested parties, the question of restricting operations under Permit No. B-819, so that in the future it will not authorize transportation of oilfield materials and supplies as defined in the so-called 'Mercer Description.'"

We have given this question very serious consideration, but are bound by the record here made. Permit No. B-819 is an old private carrier permit that has operated in Colorado since August 30, 1934. Petitioners' authorities are, by comparison, new authorities, granted solely for the purpose of servicing oilfield exploration.

The Commission hesitates to arbitrarily curtail the operations under said permit under the showing made in the instant proceeding. There is no allegation of unlawful operation, and we cannot see from the record before us where the transportation system in Colorado will be disrupted. Nor can we

assume that there has been an abandonment under said permit. The law does not require a private carrier with a duty to serve. A private carrier has been defined as follows: (See McKay v. Public Utilities Commission, 104, Colo. 402)

"A private carrier is one who undertakes by special agreement in a particular instance to transport property without being bound to serve every person who may apply."

The Commission has, in the past, restricted private carrier authorities, and unless it is found contrary to the law, will undoubtedly restrict authorities in the future. However, it must appear that the curtailment is in the public interest, and that the owners of the permit are, by offering service, attempting to broaden the scope of their authority, as granted.

In the instant case, we cannot say that such is the case.

After careful consideration of the record and after a study of the briefs filed herein, we are of the opinion that Motion to Dismiss is proper, and that petition filed in the instant application should be denied.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the petition filed herein should be denied, for the reasons heretofore discussed in the preceding Statement, which, by reference, is made a part of these Findings.

That petitioners have failed to establish that our Decision No. 42864 is unlawful.

That petitioners have failed to show that the operators of Private Carrier Permit No. B-819 have operated unlawfully.

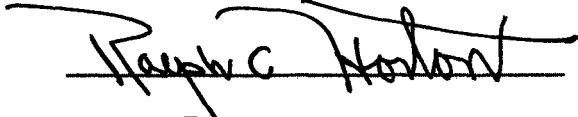
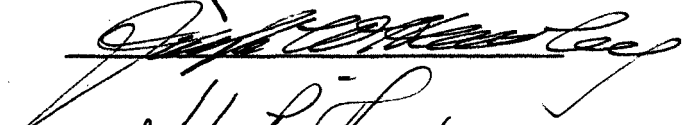

#### O R D E R

##### THE COMMISSION ORDERS:

That the petition filed in the above-styled application should be, and the same hereby is, denied.

This Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 30th day of November, 1955.

mw

*[Faint, illegible handwritten notes in the bottom left corner]*

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

LLOYD A. FRY ROOFING CO., 825 )  
ARMOUR ROAD, NORTH KANSAS, )  
MISSOURI. )

PERMIT NO. M-5679

November 30, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Lloyd A. Fry Roofing Co.

requesting that Permit No. M-5679 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5679, heretofore issued to \_\_\_\_\_

Lloyd A. Fry Roofing Co. \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 1, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
*John W. Hawley*  
*John P. Thompson*  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 195 5.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
AMBROSE M. SPITZER, DOING BUSI- )  
NESS AS "A & B TRASH HAULING )  
SERVICE," 601 WEST NORTHERN )  
AVENUE, PUEBLO, COLORADO. )  
-----

PUC NO. 2988

-----  
November 30, 1955  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ambrose M. Spitzer, doing business as "A & B Trash Hauling Service," Pueblo, Colorado, requesting that Certificate of Public Convenience and Necessity No. 2988 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 2988, heretofore issued to Ambrose M. Spitzer, doing business as "A & B Trash Hauling Service," Pueblo, Colorado, be, and the same is hereby, declared cancelled effective November 11, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Norton  
Charles W. Hawley  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE VARIOUS CHANGES IN RATES, RULES, )  
AND REGULATIONS IN THE MOTOR TRUCK )  
COMMON CARRIERS' ASSOCIATION, AGENT, )  
FREIGHT TARIFF NO. 12, COLORADO )  
P.U.C. NO. 6, ISSUED BY J. R. SMITH, )  
CHIEF OF TARIFF BUREAU, 407 DENHAM )  
BUILDING, DENVER 2, COLORADO. )  
-----

CASE NO. 1585

-----  
November 29, 1955  
-----

S T A T E M E N T

By the Commission:

Under the provisions of Rule 18, Paragraph C-(1)-(A), of the "Rules of Practice and Procedure" of the Commission, there were filed with the Commission on statutory notice schedules stating new rates, rules, regulations and charges advertised to become effective December 7, 1955, and are designated as the prescribed rates, rules and regulations as set forth in "Appendix A," attached hereto and made a part hereof.

Under the provisions of Rule 18, Paragraph C-(1)-(A) of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required to prescribe the changes set forth in the proposed new schedules.

No protests have been received in the office of the Commission relative to the proposed changes.

The rate department's investigations of the proposed changes developed the following information:

By the addition of North Eastern Motor Freight, Inc. to the provision of Item No. 50, Collect-On-Delivery Shipments, an exception to the rules of the current classification, whereby the provisions of this item will not apply via or in connection with their operations, will thus provide an increase for this carrier where C.O.D. charges are involved. It appears that this is in line with other carriers, as exceptions to the provisions of this item have been made for others.

An exception added to Item No. 770 (Articles Seven Feet in Height or Lengthy Articles) for the account of North Eastern Motor Freight, Inc. locally between points on its own line or jointly with The Brooks Transportation Company, and the charges will be based on a minimum weight of 500 pounds, which apparently indicates that carrier needs additional revenue for the movements of small quantities of lengthy articles weighing less than 500 pounds. The bulk of these lengthy articles consists of iron or steel pipe and plastic tubing which necessitates placing on the top of carriers' equipment and involves additional work in tying down for shipment. Also, upon delivery at destination delivery can only be made by the larger trucks and cannot be transferred to smaller equipment.

Item No. 890 being amended by changing the hourly rate from \$2.00 to \$3.00 per hour for each extra man required whenever necessary to furnish extra help (other than the driver) to load or unload articles, on account of their weight or size. It being also amended to remove the restriction that it applies only on Colorado intrastate traffic. It is contended that the increases in pay has caused the hourly pay to exceed the present hourly charge for furnishing extra help.

The present rate of \$2.00 per hour per man has been in effect since April 14, 1953, and subsequently by additional fringe benefits and other wage increases instituted by the unions and approved, the cost of labor to carriers has increased by an overall average percentage of 78%, covering the various types of employees for wages; and on the fringe benefits length of hours per work day have been shortened from nine hours per day to eight hours with time and one-half for all hours worked in excess of eight; employees reporting for work being changed from a guaranteed four hours pay to eight hours pay with exceptions; employees' expenses, compelled to remain away from home, in an amount not to exceed \$5.00 per day changed to be reimbursed for all expenses incurred in reasonable amounts for meals and lodging; holidays from seven unpaid holidays observed to eight hours' pay for six unworked holidays; rate of pay on worked holidays from time and one-half to straight time pay for all hours

worked in addition to holiday pay (double time in effect); vacations from one week after one year's service to one week after one year's service and two weeks after three years' service; health and welfare insurance program from none to employer agreeing to contribute \$8.66 per month per employee for each employee employed for a period of three months.

The above citation was derived from a report of the Colorado Transfer and Warehousemen's Association of comparison of increase in wages and fringe benefits during the period January 1, 1947, to December 31, 1955, and prepared by the Research Department, Mountain States Employers Council, Inc., July 8, 1955.

Item No. 980, Pick-Up and Delivery Service, being amended by the addition of an exception for the following carriers: Larson Transportation Company, Ivan Miller and Dwight Miller, d/b/a Miller Bros. Truck Line, North Eastern Motor Freight, Inc., Rio Grande Motor Way, Inc., Richard H. Eshe and Lois Mae Eshe, d/b/a South Park Motor Lines, or the Weicker Transfer and Storage Company, by making a charge of \$3.00 per hour, per man, subject to a minimum charge of \$3.00 when such service is requested in lieu of a five cent charge per one hundred pounds, subject to a minimum charge of twenty-five cents, which is in addition to the line haul transportation charges. This charge is for shippers who desire placement or pick-up of shipments at points other than the ground floor door or dock.

Due to the fact carriers affected by this proposed change desire to alter the charge of the present rate of five cents per one hundred pounds which apparently is not a compensatory rate to cover the additional time involved when customers request the additional service be performed of unloading at points other than at ground floor or dock, it appears they are justified in making this change.

Using as an example an article weighing 500 pounds under the present arrangements the carrier would realize at a rate of five cents per one hundred pounds a total revenue of twenty-five cents for placement of the article beyond the ground floor door or dock; whereas, an



article of this weight would entail more time and effort to place article beyond this point at shipper's request.

Item No. 3718 being a new item for the account of Rio Grande Motor Way, Inc., direct, for the movement of scrap, iron or steel, flat, plate or sheet from Grand Junction to Denver, Colorado, at rates of 55¢ per one hundred pounds, minimum weight 20,000 pounds; 50¢ per one hundred pounds, minimum weight 30,000 pounds, subject to Item No. 820, "When the charges based on the higher rate and the actual weight (but not less than the minimum weight specified for the higher rate) exceeds the charge based on the lower rate and actual weight (but not less than the minimum weight specified for the lower rate) the latter charge will apply;" also, the rates will only apply when consignor and consignee performs the loading and unloading.

The present class rates for movement of these articles in lots of 10,000 pounds is 99 cents and lots of 26,000 pounds or more is 84 cents, whereby in this proposed new item a reduction will ensue to the shippers of this commodity.

On 12th Revised Page 255 and 10th Revised Page 256, Chris Sorenson, d/b/a Sorenson Truck Service, Ethel E. Sorenson, d/b/a Sorenson Truck Service, are removing the restriction on the application of rates on shipments of livestock in lots of 15,000 and 18,000 pounds moving between points in Boulder or Larimer Counties and points located in plains territory whereby a reduction will result to the benefit of the shippers.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the statement and "Appendix A," attached hereto and made a part hereof should be authorized and an order should be entered prescribing the said changes as set forth in "Appendix A."

#### O R D E R

##### THE COMMISSION ORDERS, That:

1. The statement, findings and "Appendix A," be, and the same are hereby made a part hereof.

2. This order shall become effective forthwith.

3. The rates, rules, regulations and provisions set forth in "Appendix A" shall on December 7, 1955, be the prescribed rates, rules, regulations and provisions of the Commission.

4. All private carriers by motor vehicle to the extent they are affected by the changes involved herein, shall publish, or cause to be published rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

5. On and after December 7, 1955, the motor vehicle common carriers involved in the rates, rules, regulations and provisions set forth in "Appendix A" shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein set forth.


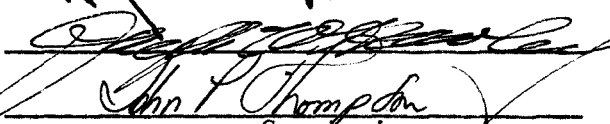
6. On and after December 7, 1955, all private carriers by motor vehicle, operating in competition with any motor vehicle common carrier affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.

7. This order shall not be construed so as to compel a private carrier by motor vehicle to be, or become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

8. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

9. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Dated at Denver, Colorado,  
this 29th day of November, 1955.

"APPENDIX A"

THE MOTOR TRUCK COMMON CARRIERS' ASSOCIATION, AGENT

LOCAL AND JOINT FREIGHT TARIFF NO. 12, COLORADO P.U.C. NO. 6

16th Revised Page No. 53

For the account of North Eastern Motor Freight, Inc.

To add this carrier to the exceptions to rules of current classification, Collect-On-Delivery Shipments, Item No. 50.

8th Revised Page No. 71

For the account of North Eastern Motor Freight, Inc., and  
The Brooks Transportation Company.

Item No. 770, "Articles Seven Feet in Height or Lengthy Articles"

EXCEPTION: When articles over 30 feet in length are transported by North Eastern Motor Freight, Inc., locally between points on its own line or jointly with The Brooks Transportation Co., the charges will be based on a minimum weight of 500 pounds.

4th Revised Page No. 76

Item No. 890, "Extra Labor"

Where or whenever necessary to furnish extra help (other than the driver) to load or unload articles, on account of their weight or size, such service will be charged for at a rate of \$3.00 per hour for each extra man required.

The restriction "Applies only on Colorado Intrastate Traffic" is hereby removed.

3rd Revised Page No. 78

For the account of Larson Transportation Company, Ivan Miller and Dwight Miller, d/b/a Miller Bros. Truck Line, North Eastern Motor Freight, Inc., Rio Grande Motor Way, Inc., Richard H. Eshe and Lois Mae Eshe, d/b/a South Park Motor Lines, and The Weicker Transfer and Storage Company.

Item No. 980, "Pick-Up and Delivery Service"

Note 2: The charges as provided in paragraph five for pick-up or delivery service will not apply for the account of Larson Transportation Company, Ivan Miller and Dwight Miller, d/b/a Miller Bros. Truck Line, North Eastern Motor Freight, Inc., Rio Grande Motor Way, Inc., Richard H. Eshe and Lois Mae Eshe, d/b/a South Park Motor Lines, or The Weicker Transfer and Storage Company. When such extra service is requested, the lines named in this note will perform this service at a charge of \$3.00 per hour, per man, subject to a minimum charge of \$3.00.

10th Revised Page No. 224

For the account of Rio Grande Motor Way, Inc., Direct.

Item No.	From	To	Rates
3718	Scrap, iron or steel, flat, plate or sheet.	Grand Junction, Colorado	Denver, Colorado
			② 55 ③ 50
	② Minimum Weight 20,000 pounds. ③ Minimum Weight 30,000 pounds		
Subject to Item No. 820. The rates provided in this item will apply only when loading is performed by the consignor and unloading by the consignee. The carrier shall be required only to spot trailer at shipper's dock for the loading and at the consignee's dock for unloading.			

12th Revised Page No. 255 and 10th Revised Page No. 256

For the account of Chris Sorenson, d/b/a Sorenson Truck Service and Ethel E. Sorenson, d/b/a Sorenson Truck Service.

③ Rates subject to minimum weights of 15,000 and 18,000 pounds will not apply via Chris Sorenson, d/b/a Sorenson Truck Service, Ethel E. Sorenson, d/b/a Sorenson Truck Service or Westway Motor Freight, Inc., between points located within mountain territory or on inter-territorial movements between plains and mountain territories. This restriction will not apply via Chris Sorenson, d/b/a Sorenson Truck Service or Ethel E. Sorenson, d/b/a Sorenson Truck Service on shipments between points in Boulder or Larimer Counties and points located in plains territory.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION  
OF MOUNTAIN VIEW ELECTRIC ASSOCIA-  
TION, INC., A COLORADO CORPORATION,  
COLORADO SPRINGS, COLORADO, FOR AN  
ORDER AUTHORIZING THE ISSUANCE OF  
SECURITIES AND THE APPLICATION OF  
THE PROCEEDS THEREFROM.  
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APPLICATION NO. 13890-Securities

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November 29, 1955  
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S T A T E M E N T

By the Commission:

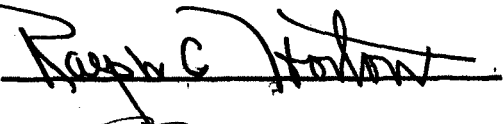
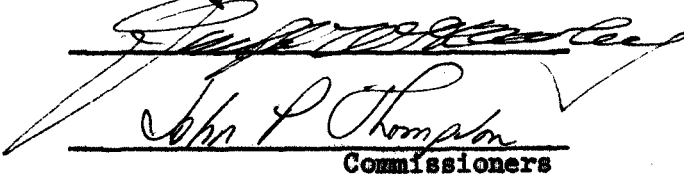
Upon consideration of the application filed November 28, 1955,  
by Mountain View Electric Association, Inc., a Corporation, in the above-  
styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on December 9, 1955,  
at 10:00 O'clock A. M., 330 State Office Building, Denver, Colorado, respect-  
ing the matters involved and the issues presented in this proceeding. Any  
interested municipality or any representative of interested consumers or  
security holders of applicant corporation, and any other person whose  
participation herein is in the public interest, may intervene in said pro-  
ceedings. Intervention petitions should be filed with the Commission on or  
before December 5, 1955, and should set forth the grounds of the proposed  
intervention, and the position and interest of the petitioners, in the pro-  
ceedings, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Dated at Denver, Colorado,  
this 29th day of November, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MELVIN RICE, ROUTE 3, BOX 46, )  
PUEBLO, COLORADO. )

PERMIT NO. M-1689

November 30, 1955

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Melvin Rice

requesting that Permit No. M-1689 be cancelled.

## FINDINGS

## THE COMMISSION FINDS:

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-1689, heretofore issued to Melvin Rice be.

and the same is hereby, declared cancelled effective October 22, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John W. Hawley  
John P. Therman  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
NORMAN YOWELL, 1207 ASPEN AVENUE, )  
COLORADO SPRINGS, COLORADO. )

PERMIT NO. M-2208

November 30, 1955

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Norman Yowell

requesting that Permit No. M-2208 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-2208, heretofore issued to \_\_\_\_\_

Norman Yowell

be,

and the same is hereby, declared cancelled effective November 29, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John P. Thompson  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 195 5/

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ARCHIE LEIGH, 246 SOUTH HARRISON, )  
CORTEZ, COLORADO. )

PERMIT NO. M-3628

November 30, 1955

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from

Archie Leigh

requesting that Permit No. M-3628 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-3628, heretofore issued to

Archie Leigh

be,

and the same is hereby, declared cancelled effective November 27, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton

*John W. Hawley*  
*John P. Thomas*  
Commissioners

## Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1955.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

DUANE M. FEE, 2414 NORTH NEVADA )  
AVENUE, COLORADO SPRINGS, COLORADO. )

PERMIT NO. B-4713

November 30, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Duane M. Fee

requesting that Permit No. B-4713 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4713, heretofore issued to \_\_\_\_\_

Duane M. Fee

be,

and the same is hereby, declared cancelled effective November 3, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*R. C. Horton*  
*John W. Hawley*  
*John P. Thompson*  
Commissioners

Dated at Denver, Colorado,

this 30th day of November, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RUSSELL S. HENRY, DOING BUSINESS AS )  
"THE CROOK TELEPHONE EXCHANGE," )  
CROOK, COLORADO, FOR AUTHORITY TO )  
TRANSFER CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY GRANTED BY ) APPLICATION NO. 13841-Transfer  
DECISION NO. 26775 TO HAXTUN TELE- )  
PHONE COMPANY, HAXTUN, COLORADO, )  
AND FOR CERTAIN MODIFICATIONS OF )  
THE AREA TO BE SERVED. )  
-----)

-----  
December 1, 1955  
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Appearances: Karl C. Falch, Esq.,  
Sterling, Colorado,  
for applicant;  
Floyd L. Reyher, Haxtun,  
Colorado, pro se;  
Russell S. Henry, Crook,  
Colorado, pro se;  
A. L. Mueller, Esq., Denver,  
Colorado,  
Everett R. Thompson, Denver,  
Colorado, and  
J. M. McNulty, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

On November 3, 1955, the Haxtun Telephone Company, a Colorado corporation, by its attorney, filed an application with this Commission, seeking authority to purchase the Crook Telephone Exchange, a proprietorship, owned and operated by Russell S. Henry and Bonella N. Henry; to transfer the certificate of public convenience and necessity of the Crook Telephone Exchange to the Haxtun Telephone Company; and further seeking authority to modify the territory presently served by the Crook Telephone Exchange. Accompanying the application was a map showing the present boundaries of the Crook Telephone Exchange and the proposed boundaries requested by the Haxtun Telephone Company.

The hearing on the application was set for Friday, November 18, 1955, at 3:00 P. M., at 330 State Office Building, Denver, Colorado, and was there heard by the Commission and taken under advisement.

At the hearing herein, applicants submitted as Exhibit A, a map showing the existing territory of the Crook Telephone Exchange, together with the proposed boundaries that applicant is seeking to have the Commission approve as its territory for service. This proposed boundary is as follows:

Commencing at the Northeast corner of Section Twenty-five (25), Township Twelve (12) North, Range Forty-eight (48) West of the Sixth (6th) Principal Meridian as a point of beginning, thence due West to the center of the North line of Section Twenty-five (25) Township Twelve (12) North, Range Forty-nine (49) West, thence due South to the center of Section Thirty-six (36), Township Twelve (12) North, Range Forty-nine (49) West, thence due West to the center of Section Thirty-five (35), Township Twelve (12) North, Range Forty-nine (49) West, thence due South to the center of Section Two (2), Township Eleven (11) North, Range Forty-nine (49) West, thence due West to the center of Section Six (6), Township Eleven (11) North, Range Forty-nine (49) West, thence due South to the center of Section Eighteen (18), Township Eleven (11) North, Range Forty-nine (49) West, thence due West to the center of Section Fourteen (14), Township Eleven (11) North, Range Fifty (50) West, thence due South to the center of Section Twenty-six (26), Township Ten (10) North, Range Fifty (50) West, thence East to the center of Section Twenty-six (26), Township Ten (10) North, Range Forty-nine (49) West, thence North to the center of Section Twenty-three (23), Township Ten (10) North, Range Forty-nine (49) West, thence East to the center of Section Twenty (20), Township Ten (10) North, Range Forty-eight (48) West, thence North to the center of Section Seventeen (17), Township Ten (10) North, Range Forty-eight (48) West, thence East to the midpoint of the East line of Section Thirteen (13), Township Ten (10) North, Range Forty-eight (48) West, thence due North to the point of beginning, all of said premises being West of the Sixth (6th) Principal Meridian.

Applicant also submitted as Exhibit B at the hearing, an option contract between the Haxtun Telephone Company and Russell S. Henry and Bonella N. Henry.

Testimony at the hearing revealed that the Haxtun Telephone Company had applied for, and obtained, an allocation of One-Hundred Six Thousand Dollars (\$106,000) from the Rural Electrification

Administration as a loan to be used in the rehabilitation of the Crook Telephone system; the extension of new lines, and the conversion of the system to a dial telephone exchange. As one of the conditions to obtaining the loan, it was further understood by Haxtun Telephone Company that the area delineated in its application to this Commission, was the area considered by the Rural Electrification Administration in allocating the loan.

Further testimony revealed that the Haxtun Telephone Company had entered into an option contract to purchase the Crook Telephone Exchange for the sum of Five Thousand Dollars (\$5,000) and that said option must be exercised by December 16, 1955. Mr. Floyd Reyher testified that the Haxtun Telephone Company has raised \$10,100 in equity funds through the sale of preferred stock and that \$4,500 of this money will be used towards purchase of the Crook Telephone System.

Mr. Russell S. Henry appeared at the hearing and testified that he and his wife had entered into the Option Contract as set forth in Exhibit B. He further stated that he would file the 1955 Annual Report to this Commission since he will have operated the Company for the year. He will also pay all the bills incurred by the Crook Telephone Company for the year 1955.

No one appeared at the hearing in opposition to the granting of the authority sought. The Mountain States Telephone and Telegraph Company is the connecting company with both the Crook Telephone system and the Haxtun Telephone Company. The Fleming Telephone Company is the nearest other operating system. All interested parties were notified of time and place of hearing and no protests were received by the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the above Statement should be made a part hereof, by reference.

That the Commission is fully advised in the premises.

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Haxtun Telephone Company be, and it hereby is, authorized to purchase the Crook Telephone Exchange in accordance with the Option, Exhibit B herein.

That Russell S. Henry and Bonella N. Henry, doing business as "The Crook Telephone Exchange," be, and they are hereby, authorized to transfer the certificate of public convenience and necessity now held by them as owners of the Crook Telephone Exchange, to the Haxtun Telephone Company, a Colorado corporation.

That the territory covered by said certificate shall be designated as follows:

Commencing at the Northeast corner of Section Twenty-five (25), Township Twelve (12) North, Range Forty-eight (48) West of the Sixth (6th) Principal Meridian as a point of beginning, thence due West to the center of the North line of Section Twenty-five (25) Township Twelve (12) North, Range Forty-nine (49) West, thence due South to the center of Section Thirty-six (36), Township Twelve (12) North, Range Forty-nine (49) West, thence due West to the center of Section Thirty-five (35), Township Twelve (12) North, Range Forty-nine (49) West, thence due South to the center of Section Two (2), Township Eleven (11) North, Range Forty-nine (49) West, thence due West to the center of Section Six (6), Township Eleven (11) North, Range Forty-nine (49) West, thence due South to the center of Section Eighteen (18), Township Eleven (11) North, Range Forty-nine (49) West, thence due West to the center of Section Fourteen (14), Township Eleven (11) North, Range Fifty (50) West, thence due South to the center of Section Twenty-six (26), Township Ten (10) North, Range Fifty (50) West, thence East to the center of Section Twenty-six (26), Township Ten (10) North, Range Forty-nine (49) West, thence North to the center of Section Twenty-three (23), Township Ten (10) North, Range Forty-nine (49) West, thence East to the center of Section Twenty (20), Township Ten (10) North, Range Forty-eight (48) West, thence North to the center of Section Seventeen (17), Township Ten (10) North, Range Forty-eight (48) West, thence East to the midpoint of the East line of Section Thirteen (13), Township Ten (10) North, Range Forty-eight (48) West, thence due North to the point of beginning, all of said premises being West of the Sixth (6th) Principal Meridian.

That the certificate authorized to be transferred herein shall consist of all the rights heretofore acquired by Russell S. Henry and Bonella N. Henry, doing business as "The Crook Telephone

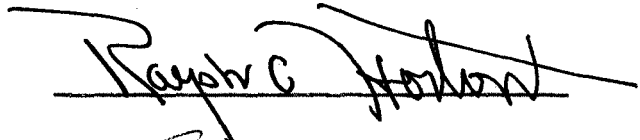

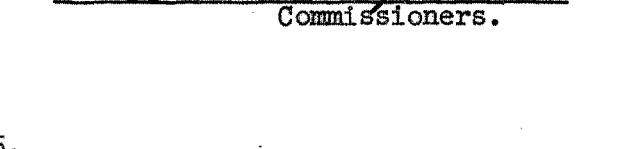
Exchange."

That the Haxtun Telephone Company, a Colorado corporation, shall adopt the rates, rules, and regulations of the Crook Telephone Exchange as are now on file with this Commission, within ten (10) days of the effective date of the Order herein.

That this Order shall become effective twenty-one (21) days from the date hereof, provided that the Haxtun Telephone Company notifies the Commission, in writing, that it has exercised its option to purchase the Crook Telephone Exchange, and files with the Commission a copy of the Deed and Bill of Sale made by Russell S. Henry and Bonella N. Henry to the Haxtun Telephone Company.

That if the Haxtun Telephone Company fails to exercise its option to purchase the Crook Telephone Exchange, this Order shall be null and void.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of December, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HENRY GRAFF AND VICTOR GRAFF, CO- )	
PARTNERS, 1115 GLENCOE STREET, DEN- )	APPLICATION NO. 13886-PP-Extension
VER, COLORADO, FOR AUTHORITY TO EX- )	
TEND OPERATIONS UNDER PERMIT NO. )	
B-4138. )	

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-----  
December 2, 1955  
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S T A T E M E N T

By the Commission:

On October 27, 1955, the above-styled applicants filed their application with the Commission, being Application No. 13886-PP, seeking authority to extend operations under Permit No. B-4138 to include the right to transport trash, between points within the City and County of Denver, and from points within the City and County of Denver, to official dumps maintained by the City of Denver within a radius of ten miles thereof, for Miller's Super Market, King Soopers, Inc., and Save-A-Nickel Stores, only.

The Commission is now in receipt of a communication from said applicants, stating they no longer desire to prosecute said application and requesting dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted, and said application dismissed, upon request of applicants.

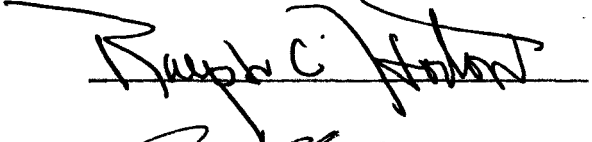
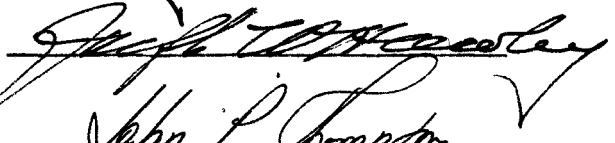

O R D E R

THE COMMISSION ORDERS:

That Application No. 13886-PP should be, and the same hereby is, dismissed, at request of applicants.

This Order shall become effective twenty-one days from  
date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of December, 1955.

mls



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EDWARD M. ROGERS, 3121 THIRD STREET, )  
BOULDER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY. )  
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APPLICATION NO. 13858

-----  
December 2, 1955  
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Appearances: W. E. McCarthy, Esq., Boulder,  
Colorado, for applicant.

S T A T E M E N T

By the Commission:

By the instant application, Edward M. Rogers, of Boulder,  
Colorado, seeks a certificate of public convenience and necessity  
authorizing the transportation of:

trash, rubbish, refuse, garbage, offal,  
swill, refuse animal or vegetable matter,  
refuse trees and tree limbs; refuse coal,  
wood, timber, lumber, sand, gravel, fur-  
niture; and all and every item of a  
similar refuse or junk nature within a  
radius of the City of Boulder, Colorado,  
and within ten miles thereof.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Court  
House in Boulder, Colorado, on November 29, 1955, and at the conclu-  
sion of the evidence, the matter was taken under advisement.

When the application was called up for hearing, applicant,  
through his attorney, asked for an amendment to the application, re-  
ducing the radius which he wishes to serve from ten miles to five  
miles beyond the city limits of the City of Boulder, Colorado, and  
providing for the transportation of the articles mentioned from  
point to point within the City of Boulder, and from points within  
said City to the City Dump, wherever same may be located in the

future. The amendment was allowed.

Applicant testified that he has been engaged in the transportation of trash, rubbish, etc., and garbage when mixed with trash, within the City limits of the City of Boulder, for a period of more than ten years last past, operating under a license issued to him by said city. Boulder is served by independent contractors in the collection of said articles, and by reason of the fact that he has operated in the manner stated and was so operating when Constitution Amendment XXV was adopted by the people at the general election in November 1954, he has "grandfather rights" within said City of Boulder, a home-rule city, which should be established and recognized by this Commission.

At the present time, one Marius Juhl, has a contract with the City for the disposal of garbage, and the garbage is transported by him to his hog ranch outside Boulder, the city paying a compensation of \$1,000 per month for the service. Applicant himself has been picking up garbage only when mixed with trash, and will transport same to an open sanitary fill operated by the city one and one-half miles north of the city limits, this being required by an ordinance of the city. The other articles mentioned will also be transported to the sanitary fill as Juhl is interested only in picking up large amounts of garbage from such places as restaurants, grocery stores, etc., and is not interested in the pick-up of garbage for the residents of Boulder, generally, and there will be no conflict between the two operators.

Applicant owns a 1952 International dump truck, 1-ton capacity, with steel enclosed body, and is negotiating for the purchase of another similar unit of equipment. He identified his financial statement included in the application, showing net assets of approximately \$12,000. He has had several years experience in the transportation business, having formerly operated under a private carrier permit at Idaho Springs, Colorado.

Three witnesses appeared in support of the application. Alva

A. Paddock, publisher of the Boulder Camera, had known applicant for the past year and was satisfied with the service rendered by applicant for the witness at the printing plant. Boulder has no city-owned garbage or trash disposal operation, and is in need of the service proposed by applicant.

F. W. Reich, Secretary-Manager of the Boulder Chamber of Commerce, has known applicant several years. Applicant has served him at his home in the disposal of trash and rubbish, and his service has been satisfactory.

Leonard R. Jones, City Clerk of the City of Boulder, testified that the appropriate ordinance requires a city license, and applicant has held such a license for the past seven years, with no complaints being received on his service. Marius Juhl has an exclusive contract with the City for the disposal of garbage, but is not interested in the type of service for the collection and disposal of garbage which is furnished by this applicant, so there would be no objection on the part of the city to the two separate operations.

Witnesses Reich and Jones both testified that there is no city-owned garbage or trash disposal service.

No one appeared to protest favorable action on the instant application, and the financial responsibility and experience of applicant were shown to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant herein.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of Edward M.

Rogers, 3121 Third Street, Boulder, Colorado, for the transportation of:

trash, rubbish, refuse, garbage, offal, swill, refuse animal or vegetable matter, refuse trees and tree limbs; refuse coal, wood, timber, lumber, sand, gravel, furniture; and all and every item of a similar refuse or junk nature, from point to point within the City of Boulder, Colorado, and a five-mile radius thereof, and from said area to any City Dump of the City of Boulder, Colorado, wherever same may be located in the future,

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

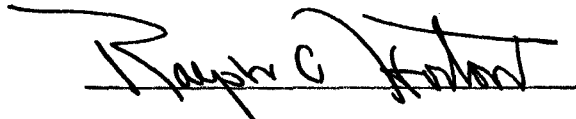


That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of December, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RALPH J. ARDOUREL, DOING BUSINESS )  
AS "ARDOUREL EXCAVATING COMPANY," )  
1952 SEVENTH STREET, BOULDER, COLO- )  
RADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 13859-PP

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December 2, 1955  
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Appearances: Ralph J. Ardourel, Boulder,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, Ralph J. Ardourel, doing business as "Ardourel Excavating Company," 1952 Seventh Street, Boulder, Colorado, seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; for the transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, and transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appro-

priate notice to all parties in interest, was heard at the Court House in Boulder, Colorado, on November 29, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he is engaged in the excavating and plumbing business as a contractor in the City of Boulder and vicinity. He has had many requests for the service applied for and owns four dump trucks and other equipment, to be more fully described in his Description of Equipment to be filed herein, which he will use in the proposed operation. The operation will consist largely of the transportation of sand, gravel and road-surfacing materials, from his own pits to his own contracting jobs. His net worth is between \$100,000 and \$125,000.

No one appeared to protest favorable action on the instant application, and the financial stability and experience of applicant were established to the satisfaction of the Commission.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the instant application should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Ralph J. Ardourel, doing business as "Ardourel Excavating Company," 1952 Seventh Street, Boulder, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; for the transportation of sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; transportation of sand,

gravel, dirt, stone and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, and transportation of insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.


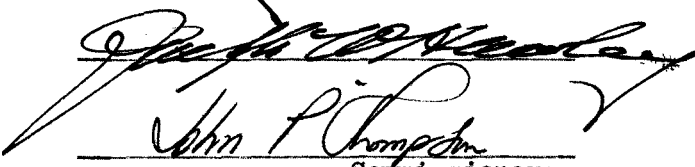
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of December, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WESLEY CONDA, ROUTE 1, BOULDER, )  
COLORADO, FOR AUTHORITY TO EXTEND ) APPLICATION NO. 13860-PP-Extension  
OPERATIONS UNDER PERMIT NO. B-2933. )  
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-----  
December 2, 1955  
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Appearances: Wesley Conda, Boulder, Colo-  
rado, pro se.

S T A T E M E N T

By the Commission:

Wesley Conda, Boulder, Colorado, is the owner of Private Car-  
rier Permit No. B-2933, authorizing:

transportation of sand, gravel, and other  
materials used in making up the surface  
of the roads, from pits and supply points  
in the State of Colorado, to road and  
building construction jobs within a radius  
of fifty miles of said pits and supply  
points; coal from mines in the northern  
Colorado coal fields to Boulder, to Val-  
mont Plant of Public Service Company lo-  
cated near Boulder, Colorado, and to  
points within a radius of ten miles of  
Boulder, Colorado.

By the instant application, he seeks an extension of his auth-  
ority under said permit to include the right to transport clay from pits  
and supply points in the State of Colorado, to brick and clay plants  
within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate  
notice to all parties in interest, was heard at the Court House in  
Boulder, Colorado, on November 29, 1955, and at the conclusion of the  
evidence, the matter was taken under advisement.

Applicant testified that he is presently engaged in hauling  
clay for himself under an M-permit to brick plants in Longmont, Boulder,



and other points. He owns excavating and loading equipment and two 1955 and one 1954 T-800 Ford trucks, and one 1954 International truck, which he intends to use in the proposed extended service. His net worth is \$100,000, and he knows of no competitor now operating and wishes to perform the proposed service for anyone requesting the same.

No one appeared in opposition to the granting of the instant application and, inasmuch as applicant's financial stability and experience were established to the satisfaction of the Commission, it appears that the application should be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the instant application should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Wesley Conda, Route 1, Boulder, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-2933 so that operating rights under said Permit No. B-2933, as extended, shall be as follows:

Transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points; coal from mines in the northern Colorado coal fields to Boulder, to Valmont Plant of Public Service Company located near Boulder, Colorado, and to points within a radius of ten miles of Boulder, Colorado; transportation of clay from pits and supply points in the State of Colorado, to brick and clay plants within a radius of fifty miles of said pits and supply points.

This Order is made a part of the permit granted to appli-

cant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton

John P. Thompson

Commissioners.

Dated at Denver, Colorado,  
this 2nd day of December, 1955.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ROY ARMSTEAD, DOING BUSINESS AS )	
"ARMSTEAD SCENIC COMPANY," 1110 - )	
THIRTEENTH STREET, BOULDER, COLO- )	
RADO, FOR AUTHORITY TO TRANSFER )	
PUC NO. 180 AND PUC NO. 180-I TO )	APPLICATION NO. 13857-Transfer
ANDREW J. OSTORERO AND VELMA M. )	
OSTORERO, CO-PARTNERS, DOING BUSI- )	
NESS AS "BILL'S CITY TAXI," 1402 )	
WALNUT STREET, BOULDER, COLORADO. )	
----- )	

-----  
December 2, 1955  
-----

Appearances: Ray A. Gunning, Esq., Boulder,  
Colorado, for Transferor;  
Charles E. Williams, Esq.,  
Boulder, Colorado, for  
Bill's City Taxi;  
I. B. James, Denver, Colorado,  
for Colorado Transportation  
Company.

S T A T E M E N T

By the Commission:

Roy Armstead, doing business as "Armstead Scenic Company,"  
Boulder, Colorado, is the owner of PUC No. 180 and PUC-180-I,  
authorizing the transportation of:

Transportation of passengers from Boulder to the  
various scenic attractions in the Boulder region,  
subject to:

- (a) All sightseeing and tourist operations shall  
be limited to round trip operations, originating  
and terminating at the point of origin of the  
service without stop-over privileges;
- (b) No one-way transportation of passengers is  
permitted between the City of Boulder and any  
point where there exists regular established  
transportation by either railroad or motor ve-  
hicle, or in part by one and in part by the other;
- (c) Limited to four (4) automobiles.

Decision No. 3540: Transportation of sightseeing  
passengers in interstate commerce only between  
Boulder and all points outside of the State of  
Colorado.

Decision No. 10175: Transferred use of one car from W. N. Clark with like authority.

Decision No. 10507: Supplemental order issued transferring car originally assigned to Fred Bonelli, making two cars from W. N. Clark.

Decision No. 1738: Authorizing use of one car in sightseeing business in the Boulder area.  
(THIS MAKES AUTHORITY FOR SEVEN CARS IN ALL).

Decision No. 26304: Transfers from PUC-179: Transportation of passengers on round trips from the City of Boulder, to the various scenic attractions in the Boulder region, subject to:

(a) All sightseeing and tourist operations shall be limited to round trip operations, originating and terminating at the point of origin of the service, without stop-over privileges;

(b) No one-way transportation of passengers shall be permitted between the City of Boulder and any points where there exists established transportation by either railroad or motor vehicle, or in part by one and in part by the other;

(c) Limited equipment to one automobile.

Decision No. 3557: Number of automobiles increased to two.

Decision No. 3540: Transportation of passengers in interstate commerce only between Boulder and all points outside of the State of Colorado.

Decision No. 2554: Transferred one automobile with same authority from PUC-174 (TOTAL OF THREE CARS).

By the instant application, said certificate-owner seeks authority to transfer said certificate to Andrew J. Ostorero and Velma M. Ostorero, co-partners, doing business as "Bill's City Taxi," Boulder, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House in Boulder, Colorado, on November 29, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

Ray A. Gunning, an attorney of Boulder, Colorado, appeared on behalf of transferor and filed with the Commission a general Power of Attorney from the certificate-owner to the witness, authorizing witness to represent him at the hearing and, generally, to act for said certificate-owner in all respects. Witness explained

that said certificate-owner was in ill health, his wife had recently sustained a stroke, and it became necessary for the parties to leave Colorado. It is doubtful if they will ever return.

Mr. Gunning identified the Agreement of Purchase and Sale executed by the parties to the proposed transfer and attached to the application herein, marked "Exhibit C," and marked as "Exhibit No. 2" at the instant hearing. Also, "Exhibit No. 1" being a Supplemental Agreement changing in some particulars the terms of the original agreement. By the terms of this agreement, as changed by the supplement thereto, the agreed purchase price for the certificate, including one 1941 and one 1947 Cadillac, 7-passenger automobiles, trade names, copyrights and good will, and certain office supplies and equipment, is \$4,750. In the contract, reference was made to a certain permit issued by the Interstate Commerce Commission, the agreed value of which was \$100. At the date the Agreement of Purchase and Sale was executed, to-wit: July 14, 1955, there was paid to the transferor the sum of \$1,000 on the agreed purchase price, and the further sum of \$100 to cover the value of the ICC permit, authority for the transfer of which has already been obtained. The balance of the purchase price is on deposit with Ray A. Gunning, Esq., transferor's attorney at Boulder, Colorado, and is to be paid transferor upon approval of the transfer by this Commission. Upon such approval all personal property above referred to will be transferred to the transferees, and transferor agrees not to enter into business in competition with transferees for the term of five years thereafter. This last provision is amended somewhat by a provision in the Supplemental Agreement providing for lease of the certificate from transferees back to transferor under certain conditions, it being agreed that in the event transferees exercise their option to lease said certificate in the future, the lease will not be consummated without approval by this Commission.

Andrew J. Ostorero, one of transferees herein, corroborated the testimony of Mr. Gunning. He, and his wife Velma M. Ostorero,

are partners operating a taxi service under the name of "Bill's City Taxi," and "DeLuxe Taxi," at Boulder, Colorado, operating under PUC-177, PUC-177-I and PUC-1198. Witness identified his financial statement on file with the application, showing a net worth of \$35,500 as of June 30, 1955, and testified that his financial status had improved since that date.

No one appeared to protest favorable action on the application, and the financial responsibility and experience of transferees were shown to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

### O R D E R

#### THE COMMISSION ORDERS:

That Roy Armstead, doing business as "Armstead Scenic Company," Boulder, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest in and to PUC-180 and PUC-180-I -- being the operating rights set forth in our Statement herein, which Statement is hereby made a part hereof -- to Andrew J. Ostorero and Velma M. Ostorero, co-partners, doing business as "Bill's City Taxi," Boulder, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effectively only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically

revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission upon proper application.

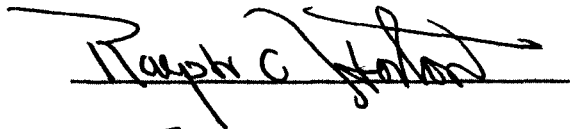


The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

The right of transferees to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

The transfer of interstate operating rights authorized herein is subject to the Federal Motor Carrier Act of 1935, as amended.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of December, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
FRANK J. DAVES, 500 WEST BASELINE )	
STREET, LAFAYETTE, COLORADO, FOR )	
AUTHORITY TO EXTEND OPERATIONS )	<u>APPLICATION NO. 13861-PP-Extension</u>
UNDER PERMIT NO. B-2203. )	
----- )	

-----  
December 2, 1955  
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Appearances: Frank J. Daves, Lafayette,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Frank J. Daves, Lafayette, Colorado, is the owner of Private  
Carrier Permit No. B-2203, authorizing:

Transportation of sand, gravel, and other road-surfacing  
materials used in the construction of roads and highways, from pits  
and supply points in the State of Colorado, to road jobs within a  
radius of fifty miles of said pits and supply points, and the trans-  
portation of sand, gravel, dirt, stone, and refuse from and to building  
construction jobs, to and from points within a radius of fifty miles  
of said jobs, excluding service in Boulder, Clear Creek, and Gilpin  
Counties; coal from northern Colorado coal fields to Valmont Plant of  
Public Service Company located near Boulder, Colorado, to Denver, Colo-  
rado, to plants of Great Western Sugar Company and Kurer-Empson Company  
located within a radius of fifty miles of Lafayette, Colorado, to Rocky  
Mountain Arsenal, and to the Federal Center located near Denver, Colorado.

By the instant application, he seeks an extension of his auth-  
ority under said permit to include the right to transport sand, gravel,  
and other road-surfacing materials used in the construction of roads and  
highways, from pits and supply points in the State of Colorado, to road-  
building and building construction jobs within a radius of fifty miles of  
said pits and supply points, extending present authority to Boulder County,  
but excluding service in Clear Creek and Gilpin Counties.



Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House in Boulder, Colorado, on November 29, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he is presently engaged in hauling sand, gravel and road-surfacing materials under his present Permit No. B-2203, but under his present authority operations in Boulder County are excepted and the purpose of the instant application is to include Boulder County in the territory in which he is authorized to serve. A list of his equipment is on file with the Commission and his net worth is \$10,000. He has received many requests for service under his present permit and also from those wishing service in Boulder County, and he wishes to serve any customers obtainable wherever located, except that he still agrees to an exclusion of service in Clear Creek and Gilpin Counties.

No one appeared in opposition to the granting of the instant extension of authority and, inasmuch as applicant's financial stability and experience were established to the satisfaction of the Commission, it appears that said extension should be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That the authority sought in the instant application should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

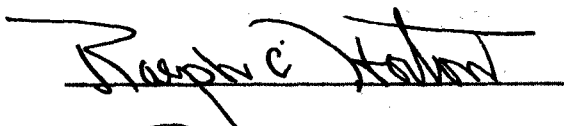
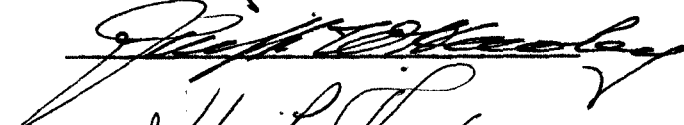
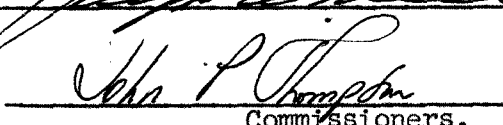
That Frank J. Daves, 500 West Baseline Street, Lafayette, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-2203, so that operating rights under said permit, as extended, shall be as follows:

Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and on highways, from pits and supply points in the State of Colorado, to road jobs within a radius of fifty miles of said pits and supply points, and the transportation of sand,

gravel, dirt, stone, and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs, excluding service in Clear Creek and Gilpin Counties; coal from northern Colorado coal fields to Valmont Plant of Public Service Company located near Boulder, Colorado, to Denver, Colorado, to plants of Great Western Sugar Company and Kumer-Empson Company located within a radius of fifty miles of Lafayette, Colorado, to Rocky Mountain Arsenal, and to the Federal Center located near Denver, Colorado; transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road-building and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Clear Creek and Gilpin Counties.

That this Order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of December, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GLEN S. KERSTING, 363 WEST EVANS, )  
DENVER, COLORADO, FOR A CLASS "B" ) APPLICATION NO. 13772-PP  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----)

-----  
December 2, 1955  
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Appearances: Glen S. Kersting, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of ready-mix concrete, from Walt Flanagan Mixer Plant, at Evans and South Santa Fe Drive, to points within a radius of ten miles of said plant.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 30, 1955, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified that he is the owner of a 1955 Reo truck, with concrete-mix body which he proposes to use in the conduct of his operations.

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

It did not appear that applicant's proposed service will tend to impair the efficiency of the service of any common carrier operating in the territory sought to be served by applicant.

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

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Glen S. Kersting, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of ready-mix concrete, from Walt Flanagan Mixer Plant, at Evans and South Santa Fe Drive, Denver, Colorado, to points within a radius of ten miles of said plant.


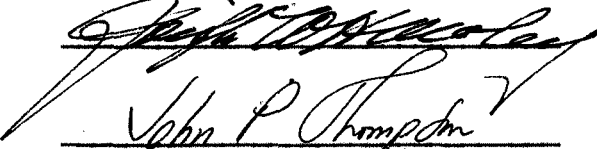
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of December, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
JAMES R. WARE, 90 SOUTH WADSWORTH )	
AVENUE, DENVER, COLORADO, FOR A )	
CLASS "A" PERMIT TO OPERATE AS A )	APPLICATION NO. 13864-PP
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
----- )	

-----  
December 2, 1955  
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Appearances: James R. Ware, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire, for the transportation of scrap iron, from Denver, Colorado, to Longmont, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 30, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant, appearing in his own behalf, testified that he is the owner of a 1950 Chevrolet two-ton dump truck, which he proposes to use in the conduct of his operation; that his net worth is \$1,000.00.

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

The operating experience and financial dependability of applicant were established to the satisfaction of the Commission.

It did not appear that applicant's proposed service will tend to impair the efficiency of any common carrier operation operating in the territory sought to be served by applicant.

F I N D I N G S

THE COMMISSION FINDS:

That permit should issue to applicant herein.

O R D E R

THE COMMISSION ORDERS:

That James R. Ware, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire, for the transportation of scrap iron, from Denver, Colorado, to Longmont, Colorado.

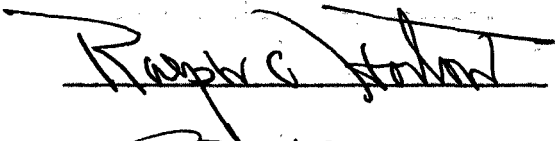
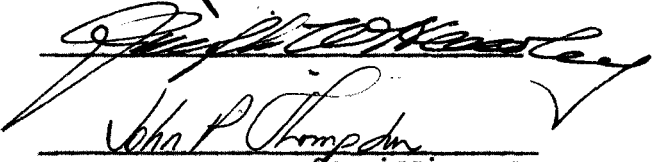
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of December, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
SYL CORTESE, 117 KELLY, PUEBLO,  
COLORADO.

PERMIT NO. M-710

December 7, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Syl Cortese

requesting that Permit No. M-710 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-710, heretofore issued to \_\_\_\_\_  
Syl Cortese \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 24, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
*John W. Hunsley*  
*John P. Thompson*  
Commissioners

Dated at Denver, Colorado,

this 7th day of December, 195 5.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

WALTER CASS, OAKLEY, KANSAS. )

PERMIT NO. M-3770 )

December 7, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Walter Cass

requesting that Permit No. M-3770 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3770, heretofore issued to \_\_\_\_\_

Walter Cass

be,

and the same is hereby, declared cancelled effective November 24, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*

*John P. Thompson*

*John P. Thompson*

Commissioners

Dated at Denver, Colorado,

this 7th day of December, 1955.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE RATE ON CEMENT, IN SACKS, )  
FROM PORTLAND TO CLIMAX, ) CASE NO. 1585  
COLORADO. )  
-----)

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December 2, 1955  
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Appearances: John M. Boyle, Esq.,  
Salida, Colorado, for  
Eveready Freight Service, Inc.;  
Stanley Blunt, Canon City,  
Colorado, for Southwestern  
Transportation Co., Inc.;  
A. L. Mueller, Esq.,  
T. S. Wood,  
S. J. Philippone, and  
Robert Payne, Denver, Colorado,  
for the staff of the Commission.

S T A T E M E N T

By the Commission:

On June 1, 1955, The Motor Truck Common Carriers' Association, as Agent, for and on behalf of the Eveready Freight Service, Inc., filed a petition with the Commission, requesting the Commission to prescribe a rate of 27 cents per 100 pounds on cement, in sacks, minimum weight 40,000 pounds, from Portland, Colorado, to Climax, Colorado. Said rate to be not subject to the 20 per cent penalty rule applicable to call and demand motor carriers, and to expire with December 31, 1955, unless sooner cancelled, changed or extended.

The petition states the following reasons in support of the application:

"Mr. Shirley Avery of the Eveready Freight Service, Inc. has listed the following as his reasons for requesting authority to publish the proposed rate:

'Due to the recently established rail rate of 22¢ on cement from Portland, Colorado, to Climax, Colorado, and the established truck rate of 24¢ on bulk cement from Portland, Colorado to Climax, Colorado, we propose that the rate on bag cement should also be lowered.

'This rate, if established, will give approximately the same revenue per truck mile, including the extra unloading expense, as the revenue per truck mile on bulk cement.' "

By its order dated June 6, 1955, Decision No. 44302, the Commission assigned the matter for hearing on June 21, 1955, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado. The hearing was held as assigned, and at its conclusion, the matter was taken under advisement.

At the hearing, Witness Shirley Avery, representing the Eveready Freight Service, Inc., testified that the present rail rate on cement from Portland to Climax was 22 cents per 100 pounds, that on rail shipments the industry at Climax performs the unloading of the freight cars at a cost of five (5) cents per 100 pounds; that for the Year 1954, his overall trucking cost was 27 cents per truck-mile, and his estimated cost on movement involved herein would be around 35 cents per truck-mile; that his present rate on cement, in bulk in tank trucks, minimum weight 42,000 pounds, from Portland to Climax is 24 cents per 100 pounds; that his bulk trailer cost, new, is \$8,500.00, and sack trailer cost, new, is \$7,500.00.

Witness Wm. H. Wilson, Comptroller, Climax-Molybdenum Company, testified that it cost his company five (5) cents per 100 pounds to unload a rail box car at Climax; that truck deliveries were more flexible than those by rail, due to smaller quantities and more prompt handling; that rail shipments were subject to demurrage charges unless the cars were unloaded within the free time allowed by the rail carriers; that his company could hardly justify the payment of a rate of 36 cents per 100 pounds (the present truck rate on cement, in sacks) as against a rail rate of 22 cents per 100 pounds.

Witness Stanley Blunt, President, Southwestern Transportation Company, Inc., testified that in the month of May, 1955, he transported 60 truckload shipments of sacked cement weighing a total of 1,999,750 pounds from Portland to Climax, with an average load of 33,300 pounds, which at 36 cents per 100 pounds produced \$119.88 per load; that according to his records, which covers about two years transporting cement from Portland to Climax, showed a total operating expense of 39.4 cents per truck-mile against a revenue of 42.3 cents per truck-mile, or a net of 2.9 cents per truck-mile; that for the month of May, 1955, his cement haul from Portland to Climax represented 32.4 per cent of his total business; that for the first five (5) months of 1955, he transported 11,060,644 pounds of sacked cement from Portland to Climax, which, on the basis of 40,000 pounds to the load would result in an average of 55 loads per month.

On Brief, the Eveready Freight Service, Inc., and the Southwestern Transportation Company argue in substance as follows:

Eveready Freight Service, Inc.

1. It is not soliciting this business and is not interested in securing the traffic unless and only in the event that any other truck operator refused to render the service would he consider rendering the service.

2. Due to the fact that the rail rate is 22 cents per 100 pounds, the trucking industry should meet that rate so far as possible by giving consideration to the additional unloading cost of five (5) cents per 100 pounds on rail shipments, and three (3) cents per 100 pounds on bag cement hauled by truck, which are borne by Climax Molybdenum.

3. A comparison of the 24 cent rate versus the proposed 27 cent rate would indicate that they are comparable and fair, competitive rates with the 22 cent rail rate in view of the unloading cost which, on rail shipments, must be assumed by the Climax people.

4. Due to the proposed short operating period (December 31, 1955), valuable information would be developed from which definite information could be secured as to the fixing of rates for the future; if the rate is fair and adequate, then it could be continued, and if it is too low, an adjustment could be made upon proper application, after December 31, 1955, and it would give any operator engaged in the transportation of bag cement a full and fair opportunity to make an accurate analysis of the cost and enable him to determine what would be a fair return on the operation.

5. That it was the opinion of Witness Avery that an operator would not make any money under the proposed 27 cent rate but he didn't feel he would lose on the operation, and if there was a loss at all, it would be very small and would create a more favorable feeling towards the trucking industry generally, and would, in his opinion, indicate that the industry was willing to render service at a rate competitive with rail rates.

6. It is not our position that any rates should be so fixed and rigid that they could not, or would not, be adjusted to a point where it would enable an operator to secure business and realize a fair rate on the operation.

7. According to our understanding, Mr. Blunt, in analyzing his operation which resulted in a net profit of 6.8% to his company, took into consideration his whole overall operation and not just the equipment employed in the transportation of bag cement from Portland to Climax, and that the equipment used by him on the Climax haul is not equipment which is adapted to the most efficient and profitable operation.

Southwestern Transportation Company, Inc.

There are three issues involved herein, viz:

1. Is the present rate unjust or unreasonable?
2. Is the proposed rate insufficient or non-compensatory?
3. What interest does the applicant have in the proposed rate and does he have the right to prosecute and pursue such an

application before this Commission?

"The issues raised in paragraphs 1 and 2 above are well founded in statute and precedent, and we believe it unnecessary for our purpose here to set forth any further detail on this point than to refer to Section 24 of Article 3 of Chapter 137, 1935 C.S.A., which requires that rates be just, reasonable and sufficient."

"There is some doubt in our mind as to just where the burden of proof lies in a protested rate case. However, it does seem that in rate cases the Commission is an investigating body charged with determining all the facts without regard to technical procedure, and is charged with determining that the present rate is reasonable or unreasonable, and that the proposed rate is sufficient or insufficient."

Considering first the level of the present rate, Witness Blunt presented detailed testimony based on his records which cover almost two years of transporting this commodity from Portland to Climax, which showed a total operating expense of \$.394 per mile against a revenue of \$.423 per mile for a net of \$.029 per mile, or a profit of six and eight-tenths per cent. We submit that these figures prove the present rate is reasonable.

Applicant did not present any factual evidence to show the present rate was unreasonable, and in this connection confined himself to a position that the present rate should be reduced because of a 24 cent rate on cement in bulk between these points by motor carrier and a 22 cent rate on cement, both in sacks and in bulk by railroad between said points. We admit there is some merit to this position as competitive rates must be considered in proper rate-making. However, we submit this in and of itself is not proof of the unreasonableness of the present rate and that applicant failed to show that the present rate is unreasonable.

Turning next to the question of the sufficiency of the proposed rate, applicant not only failed to prove that the rate was compensatory, but in fact admitted that he felt he might lose

a little money on the proposed rate.

The position of the Southwestern Transportation Company, Inc., in its brief, relative to the third issue, will be subsequently commented on in this Statement.

#### Our Summary and Observations

The present truck rates in cents per 100 pounds on cement from Portland, Colorado, to Climax, Colorado, are 24 cents, minimum weight 42,000 pounds, in bulk, in tank trucks, and 36 cents, minimum weight 20,000 pounds, in sacks. These rates and minimum weights would produce \$100.80 and \$72.00, respectively, which on the basis of 286 round-trip miles would result in 35.24 and 25.02 cents, respectively, per truck-mile.

On the basis of the shipments transported by the Southwestern Transportation Company in the month of May, 1955, viz.: 60 loads weighing 1,999,767 pounds at a rate of 36 cents per 100 pounds would produce \$7,199.16 revenue. The 60 trips on the basis of 286 miles per round-trip results in 17,160 truck-miles; \$7,199.16 for 17,160 truck-miles results in 41.95 cents revenue per truck-mile. However, as previously shown herein, the 24 cents bulk rate produces only 35.24 cents per truck-mile, or, according to Witness Blunt's testimony, 4.16 cents less than 39.4 cents, the cost per truck-mile.

On the basis of the proposed rate of 27 cents per 100 pounds and the minimum weight of 40,000 pounds, the truck-mile revenue for 286 miles would be 37.76 cents, or 2.52 cents more than the bulk rate produces, but 1.64 cents less than the purported 39.4 cents cost.

Mr. Blunt makes no objection to the level of the 24 cent rate, 42,000 pounds minimum weight, on bulk cement, and does not explain or justify the difference between his claimed average expense per mile and his revenue per mile when handling bulk cement. It is apparent from the discrepancies between these average operating costs for all equipment and the revenue from bulk shipments that such averages cannot be accurately used as a criterion on some

shipments. If we are to be ruled entirely by average costs and not furnished specific cost data, then many rates now used to the satisfaction of all must be re-evaluated. Nearly all of the specific bulk rates on cement would fall under this shadow. Mr. Blunt, the Protestant, offered no justification for a rate on sack cement considerably higher than the applicable rate on bulk cement, while testimony showed that the equipment for hauling bulk cement was more costly than that used for hauling sack cement. It was also pointed out in the testimony that the cement in both bulk and sack shipments was loaded by the consignee and unloaded by consignor, thereby entailing no handling expense for the carrier.

It would appear the length of time taken by a round-trip movement of cement, either bulk or sacked, would be approximately the same on minimum weights of 42,000 and 40,000 pounds, respectively, and the fuel costs would be similar on both shipments; therefore, the only noticeable factor which might differ between the two shipments would be the original cost of equipment, which would be in favor of the sacked shipment. It would therefore appear that any comparisons should be made between sacked and bulk shipments of approximately similar minimum weights, rather than with sacked shipments of lesser minimum weight or with generalized average cost figures.

In the brief, Mr. Blunt questions the authority of the applicant to file any rates on the movement in question. Mr. Blunt attempted to pursue this same tack in hearing, and was prevented from so doing by objection from applicant's attorney, which was sustained by the Commission. Therefore, to entertain this subject at this time would be improper.

Notwithstanding the foregoing facts, we will permit the rate to go into effect on an experimental basis only so that more precise data can be developed. Accordingly, we will allow the proposed rate of 27 cents per 100 pounds, minimum weight 40,000 pounds, from Portland, Colorado, to Climax, Colorado, to be

instituted on a temporary basis to expire with December 31, 1955.

"Appendix A" is a self-explanatory comparison of the present sacked cement rates and the proposed rate in question.

#### F I N D I N G S

##### THE COMMISSION FINDS, That:

1. The foregoing Statement is, by reference, incorporated hereinto.
2. A rate of 27 cents per 100 pounds on cement, in sacks, minimum weight 40,000 pounds, from Portland, Colorado, to Climax, Colorado, should be just, reasonable, and sufficient for a test period until December 31, 1955.
3. A separate and complete record of the revenue and cost covering the said test period should be maintained by all carriers performing the transportation, and a report be submitted to the Commission at the expiration of the test period.

#### O R D E R

##### THE COMMISSION ORDERS, That:

1. The Statement and Findings be, and they are hereby, made a part hereof.
2. This order shall become effective forthwith.
3. Eveready Freight Service, Inc., a co-partnership, shall publish or cause to be published, the charge per shipment hereinabove set forth in the Statement.
4. All private carriers by motor vehicle operating in competition with Eveready Freight Service, Inc., shall not henceforth publish, charge or collect rates and charges less than those herein prescribed for Eveready Freight Service, Inc.
5. The charge herein prescribed shall become effective on December 8, 1955, and shall be published in the manner prescribed by law and the rules and regulations of this Commission on one day's notice.
6. On and after December 8, 1955, Eveready Freight Service, Inc. shall cease and desist from demanding, charging and



collecting rates and charges that shall be greater or less than those herein prescribed.

7. Rates and charges herein prescribed shall expire December 31, 1955, unless sooner extended, changed or cancelled.

8. Carriers operating under said rate shall maintain separate and complete records as to revenue and cost of this movement for the period until December 31, 1955.

9. On and after December 8, 1955, all private carriers by motor vehicle operating in competition with Eveready Freight Service, Inc. shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.

10. This order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws or liabilities applicable to a motor vehicle common carrier.

11. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until the further order of the Commission.

12. Jurisdiction is retained to make such further orders as may be necessary and proper.

(S E A L)

ATTEST: A TRUE COPY

*J. J. Mahoney*  
Secretary.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
RALPH C. HORTON

*Joseph W. Hawley*  
JOSEPH W. HAWLEY

*John P. Thompson*  
JOHN P. THOMPSON

Commissioners.

Dated at Denver, Colorado,  
this 2nd day of December, 1955.

ea

# APPENDIX A

## RATES APPLICABLE ON SACKED CEMENT FROM PORTLAND, COLORADO

<u>TO</u>	<u>COLUMN NO. 1</u>	<u>COLUMN NO. 2</u>	<u>COLUMN NO. 3</u>	<u>COLUMN NO. 4</u>
FOWLER	61	14	\$ 56.00	91.8
MANZANOLA	70	15	60.00	85.7
ROCKY FORD	79	15	60.00	75.9
LA JUNTA	90	18	72.00	80.0
LAS ANIMAS	109	21	84.00	77.1
WILEY	140	24	96.00	68.6
LAMAR	145	24	96.00	66.2
GRANADA	162	25	100.00	61.7
HOLLY	173	25	100.00	57.8
HARTMAN	171	25	100.00	58.5
OLNEY SPRINGS	64	16	64.00	100.0
CROWLEY	69	16	64.00	92.7
ORDWAY	75	16	64.00	85.3
EADS	135	24	96.00	71.1
TOWNER	175	25	100.00	57.1
SPRINGFIELD	192	25	100.00	52.0
WALSH	213	26	104.00	48.8
PRITCHETT	208	30	120.00	57.6
* CLIMAX	143	27	108.00	75.5
SALIDA	70	(Note A) 18	63.00	90.0
COLORADO SPRINGS	38	(Note B) 14	70.00	18.4
ELBERT	74	(Note C) 20	100.00	13.5
ELIZABETH	85	(Note C) 20	100.00	11.7
KIOWA	84	(Note C) 20	100.00	11.9

Column No. 1 - Actual Highway Mileage

Column No. 2 - Rate in cents per 100 lbs., minimum weight 40,000 lbs.,  
on all except those rates showing Note A, B or C.

Note A - 35,000 lbs. minimum weight

Note B - 50,000 lbs. minimum weight

Note C - 30,000 lbs. minimum weight

Column No. 3 - Dollars of revenue per load (based on minimum weight)

Column No. 4 - Cents of revenue per one-way miles

\* Rate herein under consideration

APPENDIX B

<u>COMMODITY</u>	<u>FROM</u>	<u>TO</u>	<u>RATE IN CENTS PER CWT.</u>
Cement, in bags, Min. Wt. 40,000 Lbs. Not subject to Item No. 970	Portland, Colo.	Climax Colo.	27

To expire with December 31, 1955, unless sooner cancelled, changed, or extended.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE VARIOUS CHANGES IN RATES, RULES )  
AND REGULATIONS IN THE MOTOR TRUCK )  
COMMON CARRIERS' ASSOCIATION, AGENT, )  
FREIGHT TARIFF NO. 12, COLORADO P.U.C.)  
NO. 6, ISSUED BY J. R. SMITH, CHIEF )  
OF TARIFF BUREAU, 407 DENHAM BUILDING, )  
DENVER 2, COLORADO. )  
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CASE NO. 1585  
SUPPLEMENT ORDER TO  
DECISION NO. 44977  
DATED NOVEMBER 29, 1955

-----  
December 5, 1955  
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S T A T E M E N T

By the Commission:

Under the provisions of Rule 18, Paragraph C-(1)-(A), of the "Rules of Practice and Procedure" of the Commission, there were filed with the Commission on statutory notice schedules stating new rates, rules, regulations and charges advertised to become effective December 7, 1955, and by Decision No. 44977, dated November 29, 1955, an order was issued prescribing these rates, rules and charges; however, through inadvertence an omission was made; therefore, Decision No. 44977 should be, and the same is hereby, amended, nunc pro tunc, as of December 7, 1955.

Item No. 3717, for the account of Rio Grande Motor Way, Inc., direct, previously published and being amended to eliminate scrap metal, loose or in packages, and increase the rate from \$7.00 to \$8.05 per ton of 2,000 pounds on scrap or waste, viz.: paper, in machined pressed bales; rags, in machine pressed bales; tires, rubber pneumatic, old, second-hand, having value only for scrap, loose, wrapped or in packages. Subject to a minimum weight of 20,000 pounds and shipper loading and consignee unloading. Shipments to be made from Grand Junction, Colorado, to Denver, Colorado.

F I N D I N G S

THE COMMISSION FINDS:

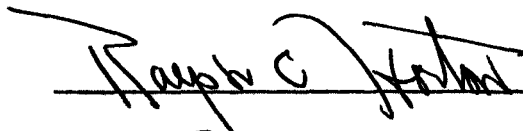
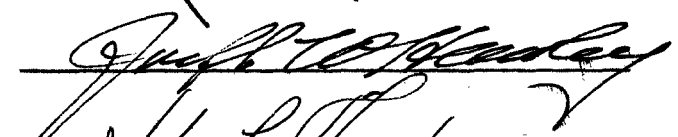
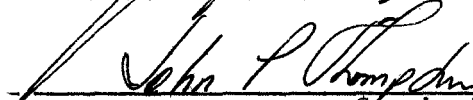
That Decision No. 44977 should be amended to reflect this change.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 44977, dated November 29, 1955, should be, and the same is hereby, amended, nunc pro tunc, as of December 7, 1955, by prescribing Item No. 3717, and that except as herein amended said Decision No. 44977 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 5th day of December, 1955.

mem

original

(Decision No. 44996)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF }  
ALEX MEISINGER, 7430 ONEIDA STREET, }  
DERBY, COLORADO, FOR A CLASS "B" }  
PERMIT TO OPERATE AS A PRIVATE CAR- }  
RIER BY MOTOR VEHICLE FOR HIRE. }

APPLICATION NO. 13868-PF

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December 6, 1955  
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Appearances: Alex Meisinger, Derby,  
Colorado, pro se;  
Clayton D. Knowles, Esq.,  
Denver, Colorado, for  
Union Pacific Railroad  
Co. and Colorado and  
Southern Railway Co.

S T A T E M E N T

By the Commission:

By application filed October 26, 1955, the applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to road building construction jobs, mixer plants, processing plants, railroad loading points, and small construction jobs within a radius of fifty miles of said pits and supply points; coal, from mines in the northern Colorado coal fields to Denver, and to points within a radius of ten miles of Denver, to Valmont Plant of Public Service Company, near Boulder, to Plants of Great Western Sugar Company and Kumer-Empson Company within a radius of fifty miles of said mines, and to the Rocky Mountain Arsenal, located near Denver.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and at the conclusion of the evidence, the matter was taken under ad-

visement.

It appears from the evidence that the applicant is a filling station operator with several years previous experience in this line of work. He has a customer who has been successful for several years in obtaining Government contracts for coal to be delivered at Lowry Air Force Base and the Denver Federal Center near Denver. This customer has asked the applicant to deliver this coal from two mines in the northern Colorado coal fields to these two points. The applicant has purchased equipment and hired a qualified driver to do this work. His net worth is approximately \$10,000. He does not intend to serve any other place, except these two Government installations.

Mr. John C. Jochim, Train-Master for the Union Pacific Railroad, appeared in protest to the extent that the applicant seeks authority to serve the Valmont Plant for Public Service Company and the plants of the Great Western Sugar Company and Kurer-Empson Company. His testimony was to the general effect that the companies and their plants are adequately served at the present time.

In view of the testimony, it appears that the authority issued to the applicant should be limited to serving only the two Government installations named above, for that is the only authority he actually wants or needs. An order will be entered accordingly.

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

It did not appear that the proposed service of applicant, as limited hereinbelow, will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Alex Meisinger, Derby, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to road-building construction jobs, mixer plants, processing plants, railroad loading points, and small construction jobs within a radius of fifty miles of said pits and supply points; coal, from mines in the northern Colorado coal fields to Denver, to Lowry Air Force Base and the Denver Federal Center near Denver, only.

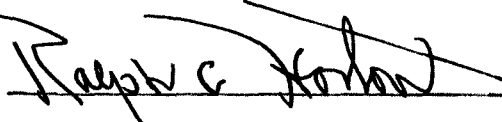
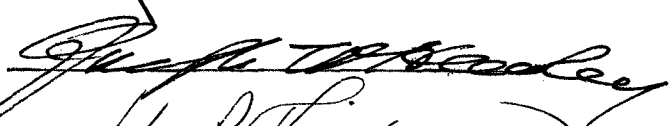
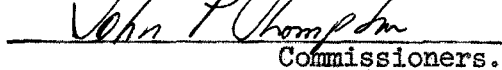
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of December, 1955.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EDWARD R. WALSH, 710 SOUTH VRAIN )  
STREET, DENVER, COLORADO, FOR AUTH- ) APPLICATION NO. 13869-PP-Extension  
ORITY TO EXTEND OPERATIONS UNDER )  
PERMIT NO. B-4434. )  
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December 6, 1955  
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Appearances: E. J. Trenberth, Idaho  
Springs, Colorado, for  
Curnow Livery & Trans-  
fer Co.

S T A T E M E N T

By the Commission:

By Decision No. 37765, dated November 19, 1951, Edward R.  
Walsh, Denver, Colorado, was authorized to operate as a Class "B"  
private carrier by motor vehicle for hire, for the transportation of:

sand, gravel and other road surfacing  
materials from pits and supply points  
in the State of Colorado to road and  
building construction jobs located  
within a radius of 50 miles of said  
pits and supply points, excluding ser-  
vice in Clear Creek, Gilpin and  
Boulder Counties, but including ser-  
vice on the Boulder Toll Road project  
in Boulder County; and coal from the  
mines in the northern Colorado coal  
fields to Denver, Colorado,

said operating rights being known as "Permit No. B-4434."

By Decision No. 38188, dated February 14, 1952, Edward R.  
Walsh, Denver, Colorado, was authorized to extend his authority under  
Permit No. B-4434, to include the transportation of:

coal to Valmont Plant of Public Service  
Company located near Boulder; plants of  
Great Western Sugar Company and Kuer-  
Empson Company located within a 50-mile  
radius of Denver, and to Rocky Mountain  
Arsenal, located just northeast of Den-  
ver City Limits.

By application filed October 25, 1955, applicant seeks authority to extend operations under Permit No. B-4434 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, and stone, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; ore, from mines in the State of Colorado within a radius of 150 miles of Gunnison, Colorado, to points in said area.

Said application was regularly set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 1, 1955, due notice of the time and place of the hearing being forwarded to all interested parties.

The matter was regularly called up for hearing, but the applicant did not appear.

Mr. E. J. Trenberth, President and General Manager of Curnow Livery and Transfer Company, Idaho Springs, moved to dismiss the application for failure to prosecute and also moved that any temporary authority heretofore granted be cancelled for the same reason. He also testified that his company has authority and equipment to serve and is now adequately serving the mining industry in the Counties of Clear Creek, Gilpin, Jefferson, Grand, and Summit.

The records of the Commission indicate that the day before the hearing the applicant telephoned the Secretary of the Commission,

stating that he was ill and unable to appear, and asking that the hearing be postponed. At that late date, it would not have been possible to notify all of the possible competitors of any postponement, and the matter therefore proceeded as noted above.

The authority sought by the applicant would encompass a substantial part of the mining industry in the entire State of Colorado, in addition to eliminating the three-county exclusion from the applicant's present sand and gravel authority. The Commission has no way of knowing what customer witnesses the applicant might produce to show need for his services. No reason appears, however, why the continuance sought should not be granted to whatever extent this can be done without undue prejudice to any person who appeared at the date and time set for hearing. We will therefore order that the matter be continued, but that at such continued hearing no evidence will be heard concerning any need for the applicant's service in hauling ore in the five Counties named above as served by Curnows and the application will be denied as to those five Counties, unless at least ten days prior to the date set for the continued hearing, the applicant shall notify the Commission and Curnow that he intends to prosecute his application as to all or part of those five Counties, and the names and address of witnesses he will produce at the continued hearing in support of his application in those Counties. If such notice should be forthcoming, the ore application will be heard in its entirety as filed, on the date to which the matter is continued hereinbelow. As Curnow had no objection to the sand and gravel extension, that will be approved, unless Curnow should see fit, on the date of continued hearing, to protest the matter further. If it should, then the sand and gravel authority extension will be disposed of on the basis of the evidence at that time.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That the continuance should be granted, consistent with the considerations set forth in the foregoing Statement.

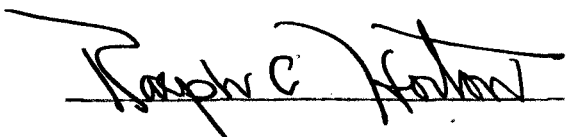
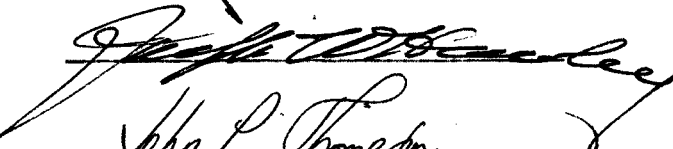

O R D E R

THE COMMISSION ORDERS:

The above and foregoing Statement and Findings, by reference, are incorporated hereinto.

That hearing on the instant application should be, and it hereby is, continued, to be heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at 11:00 o'clock A. M., December 21, 1955, with due notice to all interested parties.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of December, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLES WORTHMAN, 2251 WEST CENTER )  
AVENUE, DENVER, COLORADO, FOR AUTH- ) APPLICATION NO. 13870-PP-Extension  
ORITY TO EXTEND OPERATIONS UNDER )  
PERMIT NO. B-4039. )  
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December 6, 1955  
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Appearances: Charles Worthman, Denver,  
Colorado, pro se;  
Frank J. Byers, Dillon,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By our Decision No. 36731, dated May 18, 1951, the applicant was granted authority to operate as a private carrier by motor vehicle for hire, for the transportation of:

forest and sawmill products, including logs and timber, from Fraser and Winter Park, Colorado, and points within a five-mile radius of each of said towns, to Denver, Colorado.

This authority was assigned "Permit No. B-4039."

By Decision No. 36731, dated May 18, 1951, Charles Worthman, Denver, Colorado, was authorized to extend his authority under Permit No. B-4039, so that the extended authority will read:

forest and sawmill products, including logs and timber, from Fraser and Winter Park, Colorado, and points within a five-mile radius of each of said towns, to Denver, Colorado, and points within a radius of ten miles of Denver, Colorado.

By application filed August 22, 1955, the applicant seeks to have this authority extended so that he can transport the same

commodities from points within a radius of five-miles of Breckenridge, via Dillon, to Denver, including service to intermediate points.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 1, 1955, and at the conclusion of the evidence, the matter was taken under advisement.

In support of the application, the applicant testified that he has been hauling this type of lumber to Denver from the Winter Park and Fraser areas for several years. He owns three trucks suitable to the work. His net worth is about \$15,000. He has now been asked to do this same type of work as to lumber originating in the Breckenridge area in Summit County.

Mr. Ralph Robbins, of the Winter Park Lumber Company in Denver, appeared in support of the application. He stated that his Company is engaged in manufacturing, and selling lumber to manufacturing companies in Denver, and is now using the services of the applicant both in the upper Fraser River country and under temporary authority in the Breckenridge area. The applicant's services have been satisfactory and the Company wants and will use the applicant's service, if the authority is granted. The work consists principally of hauling rough lumber from sawmills to the Denver area, and requires special equipment.

Mr. Frank J. Byers, of Dillon, Colorado, appeared in protest. He stated that he owns PUC No. 1484, which authorizes the transportation of timber products, among other commodities, into and out of Summit County. Although his principal work is hauling livestock, he does do other work, including work of this type when he can get the business. There are no uniform or prescribed rates for this

type of work and, on the last occasion when Mr. Byers transported rough lumber, he charged the same rate which the applicant now would charge, if the applicant were granted authority. The operator of the mill in question has operated the mill for several years, but has always made other arrangements for the transportation of lumber. As a result, Mr. Byers has never hauled any lumber from this mill or for this customer. He would not therefore be directly injured, if the authority were granted. In view of the fact that there are no prescribed rates for this work, the matter boils down to one purely of price. If Mr. Byers wants this business, and has equipment suitable to handle it, he may be able to get it if he wishes to bid for it. It cannot be affirmatively said, however, that the granting of this application will tend to impair the existing service of any common carrier serving the area.

It appears that the applicant is qualified financially and by experience to carry on the extended operation.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incorporated hereinto.

That the instant application should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Charles Worthman, Denver, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-4039 to include the transportation of the above-named commodities from points within a radius of five-miles of Breckenridge, via Dillon, Colorado, including service to intermediate points.

This Order is made a part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
Joseph C. Kealey  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of December, 1955.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILBUR O. GOTTSCHALL, 1311 SOUTH )  
PATTON COURT, DENVER, COLORADO, FOR ) APPLICATION NO. 13865-PP-Extension  
AUTHORITY TO EXTEND OPERATIONS )  
UNDER PERMIT NO. B-3469. )  
----- )

-----  
December 6, 1955  
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Appearances: Wilbur O. Gottschall,  
Denver, Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 26279, dated July 23, 1946, Wilbur O.

Gottschall, Denver, Colorado, was authorized to operate as a Class

"B" private carrier by motor vehicle for hire, for the transportation of:

sand, gravel and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; grain from fields to market and storage points within a radius of one hundred miles of Denver, excluding service in the mountain area, during the harvest season, only; native lumber from points within a radius of 25 miles of Toponas, to Denver, Colorado, without the right to serve between towns in competition with line haul motor vehicle common carriers,

said operating rights being known as "Permit No. B-3469."

By Decision No. 28897, dated August 26, 1947, said authority was amended and limited to the transportation of:

sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to jobs within a radius of fifty (50) miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; grain from fields to market and storage points within a radius of fifty miles of Denver, excluding service in the mountain area, during the harvest

season, only. That, except as herein amended and limited, said Decision No. 26279 shall remain in full force and effect.

By application filed October 14, 1955, applicant seeks authority to extend operations under said Permit No. B-3469 to include the right to transport sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, including service in Boulder, Clear Creek, and Gilpin Counties.

The applicant only has authority, equipment and financial resources to do this work throughout the State, but is excluded from the three Counties named in the application. He has been in business since 1946 and for several years Brannan Sand & Gravel Co. has been his principal customer. That customer is now doing work in these Counties which requires the services of the applicant and the Company therefore asked the applicant to seek this extension of his authority.

No one appeared in opposition to the granting of the authority sought, and it did not appear that applicant's proposed extended operation will impair the efficiency of any motor vehicle common carrier service with which he will compete.

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

## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement is, by reference, incorporated hereinto.

That authority sought should be granted.

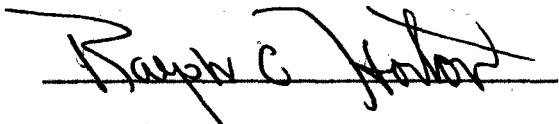
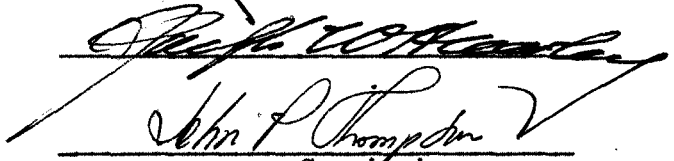
## O R D E R

### THE COMMISSION ORDERS:

That Wilbur O. Gottschall, Denver, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-3469 to include the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, including service in Boulder, Clear Creek, and Gilpin Counties.

That this order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of December, 1955.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLES T. HALL AND MILTON E. PAR- )  
KER, CO-PARTNERS, 5901 NORTH FEDER- )  
AL BOULEVARD, DENVER, COLORADO, FOR ) APPLICATION NO. 13866-PP  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

-----  
December 6, 1955  
-----

S T A T E M E N T

By the Commission:

By application filed October 26, 1955, applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, and stone, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, due notice of the time and place being forwarded to all parties in interest.

Notwithstanding said notice, applicant failed to appear either in person or by counsel at the time and place designated for hearing.

The files were made a part of the record and the matter was taken under advisement.

No one appeared in opposition to the granting of the authority sought, and it did not appear that the granting of said permit, and operations by applicant thereunder, will tend to impair the efficiency of any common carrier service with which he will compete.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the instant application should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That Charles T. Hall and Milton E. Parker, co-partners, Denver, Colorado, should be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer, and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, and stone, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulation rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

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

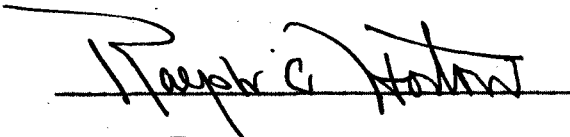
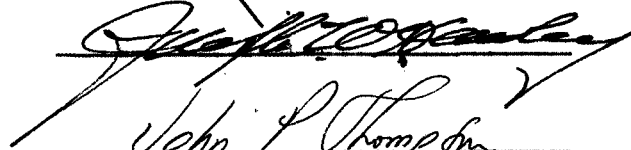
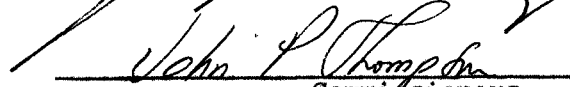
That this order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of

their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of December, 1955.

ea

original

(Decision No. 45001)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
RAYMOND A. CANNON, P. O. BOX 644, )	
MONTROSE, COLORADO, FOR A CLASS )	APPLICATION NO. 13796-PP
"B" PERMIT TO OPERATE AS A PRIVATE )	<u>SUPPLEMENTAL ORDER</u>
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
December 6, 1955  
-----

Appearances: Raymond A. Cannon, Montrose,  
Colorado, pro se;  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.;  
Orville Dunlap, Montrose,  
Colorado, pro se;  
John Bouchard, Gunnison,  
Colorado, pro se;  
C. J. Schuler, Telluride,  
Colorado, for Telluride  
Transfer.

S T A T E M E N T

By the Commission:

On November 17, 1955, Decision No. 44922 was entered by the Commission in the above-styled matter, granting to applicant a Class "B" permit to operate as a private carrier by motor vehicle for hire.

On December 5, 1955, applicant filed with the Commission his request for a re-hearing in said matter.

The Commission has carefully considered applicant's petition for rehearing, and is of the opinion that no useful purpose would be served by granting rehearing herein.

F I N D I N G S

THE COMMISSION FINDS:

That petition for rehearing filed by applicant herein on December 5, 1955, should be denied.

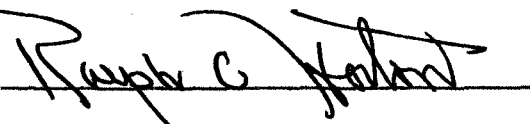
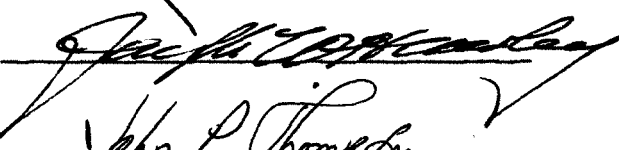

O R D E R

THE COMMISSION ORDERS:

That petition for rehearing filed herein by applicant  
should be, and the same hereby is, denied.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of December, 1955.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HAROLD E. DODGE, WALDEN, COLO- )  
RADO. )  
-----

PUC NO. 1236

-----  
December 7, 1955  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his PUC No. 1236 be suspended for six months from December 5, 1955.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Harold E. Dodge, Walden, Colorado, be, and he is hereby, authorized to suspend his operations under PUC No. 1236 until June 5, 1956.

That unless said permit-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said certificates, file insurance and otherwise comply with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Norton  
John P. Thompson  
John P. Thompson  
Commissioners

Dated at Denver, Colorado,  
this 7th day of December, 1955.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

L. J. ATTAWAY, 213 NO. PETROLEUM  
AVENUE, FLORENCE, COLORADO.

PERMIT NO. M-3010

December 7, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

L. J. Attaway

requesting that Permit No. M-3010 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3010, heretofore issued to \_\_\_\_\_

L. J. Attaway \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 24, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
*John W. Hawley*  
*John P. Thompson*  
Commissioner

Dated at Denver, Colorado,

this 7th day of December, 195 5.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
G. R. THOMPSON, DOING BUSINESS AS )  
"KRILLE-NICHOLS WOOL & HIDE CO.," )  
117 EAST RIVER, PUEBLO, COLORADO. )  
-----)

PERMIT NO. M-1888

-----  
December 9, 1955  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

G. R. Thompson, dba "Krille-Nichols Wool & Hide Co."

requesting that Permit No. M-1888 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1888, heretofore issued to \_\_\_\_\_

G. R. Thompson, dba "Krille-Nichols Wool & Hide Co.," \_\_\_\_\_

be,

and the same is hereby, declared cancelled effective December 8, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 9th day of December, 195 5.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

BYRON P. HALDEMAN, DOING BUSI- )  
NESS AS "TIMNATH GARAGE," )  
TIMNATH, COLORADO. )  
----- )

PERMIT NO. M-5057

-----  
December 7, 1955  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Byron P. Haldeman, dba "Timnath Garage,"

requesting that Permit No. M-5057 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5057, heretofore issued to \_\_\_\_\_

Byron P. Haldeman, dba "Timnath Garage," \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective December 5, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John P. Haldeman*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 7th day of December, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

RONALD M. NORTON, DOING BUSINESS )  
AS "NORTON FRUIT CO.," 290 WEST )  
6TH SOUTH, PROVO, UTAH. )  
-----)

PERMIT NO. M-5676

-----  
December 7, 1955  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

\_\_\_\_\_  
Ronald M. Norton, dba "Norton Fruit Co."

requesting that Permit No. M-5676 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5676, heretofore issued to \_\_\_\_\_

\_\_\_\_\_  
Ronald M. Norton, dba "Norton Fruit Co."

be,

and the same is hereby, declared cancelled effective December 6, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John W. Hawley*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 7th day of December, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE VARIOUS CHANGES IN RATES, RULES )  
AND REGULATIONS IN THE MOTOR TRUCK )  
COMMON CARRIERS' ASSOCIATION, AGENT, )  
FREIGHT TARIFF NO. 12, COLORADO )  
P.U.C. NO. 6, ISSUED BY J. R. SMITH, )  
CHIEF OF TARIFF BUREAU, 407 DENHAM )  
BUILDING, DENVER 2, COLORADO. )  
-----

CASE NO. 1585

-----  
December 8, 1955  
-----

S T A T E M E N T

By the Commission:

Under the provisions of Rule 18, Paragraph C-(1)-(A), of the "Rules of Practice and Procedure" of the Commission, there were filed with the Commission on statutory notice schedules stating new rates, rules, regulations and charges advertised to become effective December 16, 1955, and are designated as the prescribed rates, rules and regulations as set forth in "Appendix A," attached hereto and made a part hereof.

Under the provisions of Rule 18, paragraph C-(1)-(A) of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required to prescribe the changes set forth in the proposed new schedules.

No protests have been received in the office of the Commission relative to the proposed changes.

The rate department's investigations of the proposed changes developed the following information:

To add Maurice McKenna and Lawrence J. Beardsley, d/b/a McKenna and Beardsley, to the rule covering the Application of Classification Volume or Truckload Ratings. This rule has been in effect several years and will provide for this carrier volume minimum weights lower than in the National Motor Freight Classification and a basis for determining articles rated as fifth class which is not provided in the tariff for carriers not named in this item. It will reflect some reductions and be a benefit to the shippers.

In Item No. 1802-7, Salida Transfer Company, direct, has been added as a participant to the movement of cement, in bags or in bulk, in tank trucks, minimum weight 35,000 pounds, not subject to the 20% penalty clause for irregular route carriers, from Portland, Colorado, to Salida, Colorado, which will be a reduction and a benefit to the shippers via this carrier.

In Item No. 1802-8, Harold E. Watson, Jr., direct, has been added as a participant to the movement of cement, in bulk, in tank trucks, minimum weight 40,000 pounds, not subject to the 20% penalty clause for irregular route carriers, from Portland, Colorado, to Durango, Colorado, which will be a reduction and a benefit to the shippers via this carrier.

In Section No. 2, commodity rates on milk, Item No. 3135 and Item No. 3136, via Byers-Denver Truck Line, direct, carrier has published certain changes whereby Item No. 3135 is being eliminated which included rates from Byers to Denver (40) and Farms 50 miles or less to Denver (45) subject to a minimum charge of \$1.00 per day per shipper with the proviso if carrier or agent were required to open and pass through gate or gates in picking up milk an additional charge would be made of 5 cents per 100 pounds for each gate.

In Item No. 3136, two shippers, formerly listed in Item No. 3135, were transferred to this item with no change in rates due to the fact of being the only customers remaining under the old item. Also a change was made concerning the transportation of milk for L. Hasenbalg to a restriction on the pick-up to be made at a point located on county road two miles east of the L. Hasenbalg ranch with no change in rate, but reducing the minimum charge from \$1.20 to \$1.00 per shipment. This change in the minimum rate, as a change compensatory for different pick-up service, appears reasonable. Mr. Hasenbalg has been expressly advised by the Commission of his right to protest the change, and of the procedure for entering a protest. From the fact that he has evidenced no interest in protesting under these circumstances, we conclude that he, too, is content to have the change to go into effect. We will therefore authorize it.

## F I N D I N G S

### THE COMMISSION FINDS:

That the statement and "Appendix A," attached hereto, and made a part hereof, should be authorized and an order should be entered prescribing the said changes as set forth in "Appendix A."

## O R D E R

### THE COMMISSION ORDERS, That:

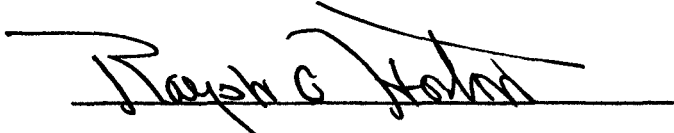
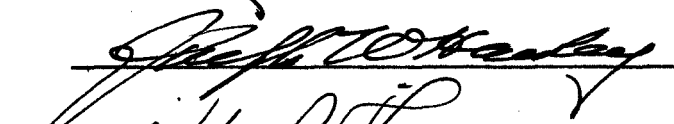
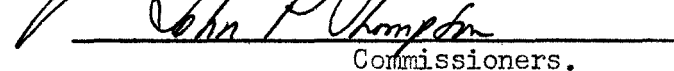
1. The statement, findings and "Appendix A," be, and the same are hereby made a part hereof.
2. This order shall become effective forthwith.
3. The rates, rules, regulations and provisions set forth in "Appendix A" shall on December 16, 1955, be the prescribed rates, rules, regulations and provisions of the Commission.
4. All private carriers by motor vehicle to the extent they are affected by the changes involved herein, shall publish, or cause to be published rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.
5. On and after December 16, 1955, the motor vehicle common carriers involved in the rates, rules, regulations and provisions set forth in "Appendix A" shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein set forth.
6. On and after December 16, 1955, all private carriers by motor vehicle, operating in competition with any motor vehicle common carrier affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed.
7. This order shall not be construed so as to compel a private carrier by motor vehicle to be, or become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.



8. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

9. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of December, 1955.

mem

"APPENDIX A"

20th Revised Page No. 83-A

For the account of Maurice McKenna and Lawrence J. Beardsley,  
d/b/a McKenna and Beardsley.

To add the above carrier to the rule "Application of Classification Volume or Truckload Ratings."

8th Revised Page No. 173-B

For the account of Salida Transfer Company, direct.

To add this carrier to Item No. 1802-7, cement, in bags or in bulk in tank trucks, minimum weight 35,000 pounds. Not subject to Item No. 970. From Portland, Colorado to Salida, Colorado at a rate of 18 cents per 100 pounds. This item expires with December 31, 1955, unless sooner canceled, changed or extended.

For the account of Harold E. Watson, Jr., direct.

To add this carrier to Item No. 1802-8, cement, in bulk in tank trucks, minimum weight 40,000 pounds. Not subject to Item No. 970. From Portland, Colorado to Durango, Colorado at a rate of 47 cents per 100 pounds.

7th Revised Page No. 210-A

For the account of Byers-Denver Truck Line, direct.

To add Roy Meredith and Ed Watson to Item No. 3136, milk, in shipping cans. (Rates include return of empty cans.) From farms to Denver, Colorado at a rate of 45 cents per 100 pounds with a minimum charge of \$1.00 per shipment.

To make change in the basis of transporting milk for:

L. Hasenbalg picked up at a point located on county road two miles east of L. Hasenbalg ranch at a rate of 50 cents per 100 pounds with a minimum charge of \$1.00 per shipment.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
EUGENE W. MALINEE, ROCKVALE, )  
COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-2456

-----  
December 9, 1955  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

\_\_\_\_\_  
Eugene W. Malinee

requesting that Permit No. M-2456 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2456, heretofore issued to \_\_\_\_\_

\_\_\_\_\_  
Eugene W. Malinee be,

and the same is hereby, declared cancelled effective December 1, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 9th day of December, 195 5.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

TRAIL CREEK LUMBER & MILLING CO., )  
401 SAULSBURY STREET, LAKEWOOD, )  
COLORADO. )  
----- )

PERMIT NO. M-5069

-----  
December 9, 1955  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Trail Creek Lumber & Milling Co.,

requesting that Permit No. M-5069 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5069, heretofore issued to \_\_\_\_\_  
Trail Creek Lumber & Milling Co. \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 6, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Norton*  
\_\_\_\_\_  
*John W. Hawley*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 9th day of December, 195 5.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

C. E. GILL, DOING BUSINESS AS )  
"UNIVERSAL MANUFACTURING CO.," )  
7610 WALLISVILLE ROAD, HOUSTON, )  
TEXAS. )  
-----

PERMIT NO. B-4658-I

-----  
December 9, 1955  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

C. E. Gill, dba "Universal Manufacturing Co.,"

requesting that Permit No. B-4658-I be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4658-I, heretofore issued to \_\_\_\_\_

C. E. Gill, dba "Universal Manufacturing Co.," \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 17, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 9th day of December, 195 5.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
AUDREY MILTON & MARY K. VALENTINE, )  
235 N. ELM, LITTLETON, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-2845

\_\_\_\_\_  
December 9, 1955  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Audrey Milton & Mary K. Valentine

requesting that Permit No. M-2845 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2845, heretofore issued to \_\_\_\_\_

Audrey Milton & Mary K. Valentine \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective December 8, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 9th day of December, 195 5.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
R. M. ANDERSON & PAUL BAKER, DOING )  
BUSINESS AS "A & B GAS & OIL CO.," )  
WELLINGTON, COLORADO. )  
----- )

PERMIT NO. M-103

-----  
December 9, 1955  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

R. M. Anderson & Paul Baker, dba "A & B Gas & Oil Co.,"

requesting that Permit No. M-103 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-103, heretofore issued to \_\_\_\_\_

R. M. Anderson & Paul Baker, dba "A & B Gas & Oil Co.,"

be,

and the same is hereby, declared cancelled effective December 9, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 9th day of December, 195 5.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
AUDREY MILTON VALENTINE AND )  
MARY K. VALENTINE, 235 N. ELM, )  
LITTLETON, COLORADO. )  
-----

PUC NO. 3080-I

-----  
December 9, 1955  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Audrey Milton Valentine and Mary K. Valentine, Littleton, Colorado, requesting that Certificate of Public Convenience and Necessity No. 3080-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O V R D E R

THE COMMISSION ORDERS:

That Certificate No. 3080-I, heretofore issued to Audrey Milton Valentine and Mary K. Valentine, Littleton, Colorado, be, and the same is hereby, declared cancelled effective December 8, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of December, 1955.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

VIRGIL WARREN, RED FEATHERS,  
COLORADO.

PERMIT NO. M-398

December 13, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Virgil Warren

requesting that Permit No. M-398 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-398, heretofore issued to \_\_\_\_\_

Virgil Warren \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 18, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
*John P. Thompson*  
Commissioners

Dated at Denver, Colorado,

this 13th day of December, 1955.

mls

original

(Decision No. 45015)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INVESTIGATION AND SUSPENSION OF )  
CERTAIN PROPOSED RATES OF PEETZ CO- )  
OPERATIVE TELEPHONE COMPANY, PEETZ, )  
COLORADO. )  
-----

INVESTIGATION AND SUSPENSION  
DOCKET NO. 381

-----  
December 13, 1955  
-----

S T A T E M E N T

By the Commission:

On June 28, 1955, Mr. Harvey J. Weeth, President of the Peetz Cooperative Telephone Company of Peetz, Colorado, filed with this Commission certain changes in its Colorado P. U. C. Tariff No. 1, proposing to increase telephone rates for its customers, to become effective on August 15, 1955. By this filing, the Company proposed to increase the rates on rural phones from \$3.00 to \$4.00 per month. The rate on private party phones would be increased from \$4.00 to \$5.00 per month.

On August 12, 1955, the Commission suspended the above rate filing for a period of one hundred and twenty (120) days from August 15, 1955, or until December 15, 1955, unless otherwise ordered. During the period of such suspension the suspended rates were to be made a subject of investigation by the Commission. The Commission has not as yet completed its investigation and therefore it will be necessary to suspend said rates for an additional sixty (60) days to allow sufficient time to complete the investigation.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed rates of the Peetz Cooperative Telephone Company, filed with the Commission on June 28, 1955, to become effective August 15, 1955, which were suspended by the Commission by

its order of August 12, 1955, Decision No. 44494, should be further suspended to enable the Commission to complete its investigation into the matter.

O R D E R

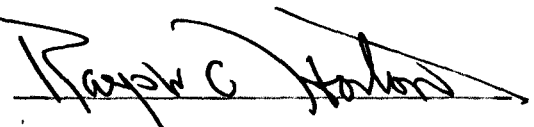
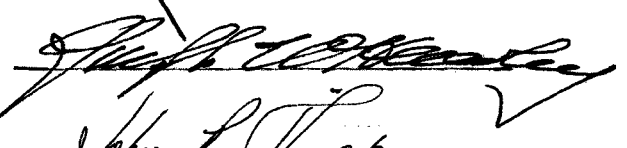
THE COMMISSION ORDERS:

That the effective date of the proposed changes in the rates of Peetz Cooperative Telephone Company in its Colorado P. U. C. Tariff No. 1, filed with the Commission on June 28, 1955, to become effective August 15, 1955, which were suspended until December 15, 1955, should be further suspended to February 15, 1955, unless otherwise ordered.

That the rates that are further suspended herein are those rates which were set out in the Commission's order of August 12, 1955, Decision No. 44494.

That a copy of this Order to be filed with the tariff sheets enumerated above and copies hereof be forthwith served on Maurice W. Konkel, 201 Foote Building, Sterling, Colorado, Attorney for the Peetz Cooperative Telephone Company; a copy be served on Harvey J. Weeth, Peetz, Colorado, President of the Peetz Cooperative Telephone Company; a copy to Mrs. Grace Bules, Peetz, Colorado, as a signer of the Petition; and a copy to each of the customers who made individual protest to the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of December, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

FRANK DeMARCO, 202 PUTNAM, PUEBLO, )  
COLORADO. )

PERMIT NO. M-1157

December 19, 1955

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Frank DeMarco

requesting that Permit No. M-1157 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1157, heretofore issued to \_\_\_\_\_

Frank DeMarco \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 18, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Norton  
John P. Thompson  
John P. Thompson  
Commissioners

Dated at Denver, Colorado,

this 19th day of December, 195 5.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BILLY H. GRAY, ROUTE 3, BIRCH TREE, )  
MISSOURI. )

PERMIT NO. M-1485

December 19, 1955

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Billy H. Gray

requesting that Permit No. M-1485 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-1485, heretofore issued to \_\_\_\_\_

Billy H. Gray be,

and the same is hereby, declared cancelled effective November 14, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
 Robert P. Thomas  
 Commissioners

Dated at Denver, Colorado,

this 19th day of December, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BUD NICHOLS, 1014 FAIRVIEW, CANON )  
CITY, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-1876

-----  
December 19, 1955  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Bud Nichols

requesting that Permit No. M-1876 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1876, heretofore issued to \_\_\_\_\_  
Bud Nichols \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective December 15, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
\_\_\_\_\_  
*John W. Hawley*  
\_\_\_\_\_  
*John P. Thompson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 19th day of December, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WILLIAM IRA CLARK, ROUTE I, )  
PALISADE, COLORADO. )

PERMIT NO. M-2042

December 19, 1955

## STATEMENT

**By the Commission:**

The Commission is in receipt of a communication from

William Ira Clark

requesting that Permit No. M-2042 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-2042, heretofore issued to \_\_\_\_\_

William Ira Clark

be,

and the same is hereby, declared cancelled effective November 5, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Norton  
J. W. H. H. H. H. H.  
R. P. H. H. H. H. H.  
Commissioners

Dated at Denver, Colorado,

this 19th day of December, 1955.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOHN J. KENSKA, 2037 GRAFTON RD., )  
ELYRIA, OHIO. )  
\_\_\_\_\_ )

PERMIT NO. M-5561

\_\_\_\_\_  
December 19, 1955  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
John J. Kenska

requesting that Permit No. M-5561 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5561, heretofore issued to \_\_\_\_\_  
John J. Kenska \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective November 21, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John E. Thompson  
Commissioners

Dated at Denver, Colorado,

this 19th day of December, 1955.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE THE MATTER OF ITEM NO. 3136, )  
7TH REVISED PAGE 210A, PUBLISHED )  
BY THE MOTOR TRUCK COMMON CARRIERS' )  
ASSOCIATION, AGENT, LOCAL AND )  
JOINT FREIGHT TARIFF NO. 12, )  
COLORADO P.U.C. NO. 6 )  
-----

CASE NO. 1585

-----  
December 15, 1955  
-----

S T A T E M E N T

By the Commission:

On behalf of Byers-Denver Truck Line, the Motor Truck Common Carriers' Association, Agent, Mr. J. R. Smith, Chief of Tariff Bureau, published in Local and Joint Freight Tariff No. 12, Colorado P.U.C. No. 6, an Amendment to Item No. 3136, 7th Revised Page 210A, issued November 11, 1955, and effective December 16, 1955, whereby Mr. L. Hasenbalg would be required to deliver his milk two miles east of his ranch for pickup by the Byers-Denver Truck Line, with a minimum charge of \$1.00 per shipment, but no change in the hundred weight rate.

Under the provision of Rule 18 C-(1)-(A) of the said rules of procedure, following the protest deadline (10 days prior to the proposed effective date) an order of the Commission is indicated, to prescribe the changes set forth in the proposed new schedules.

On December 8, 1955, by Decision No. 45007, the Commission prescribed Item No. 3136, 7th Revised Page No. 210A, for the above carrier. In the statement of this Decision the Commission was of the opinion that Mr. L. Hasenbalg had not formally protested this item. However, prior to this time Mr. Hasenbalg had made complaint, with the result of Mr. Tuxhorn of the Byers-Denver Truck Line being called by the Investigation Department of this Commission, and it was understood by the staff of the Investigation Department that Byers-Denver Truck Line would no longer insist, as it was then insisting, that Mr. Hasenbalg take his milk to a point two miles from his ranch for pickup. It now appears that there was

some misunderstanding of this matter by the Byers-Denver Truck Line, and as a result, the prescribing of this item by the Commission was in fact in error.

Through negotiations by the Commission's staff and The Motor Truck Common Carriers' Association, Agent, Mr. J. R. Smith, Chief of Tariff Bureau, the complaint has been remedied by Application No. 289, of The Motor Truck Common Carriers' Association, requesting authority to publish a less than statutory notice (Special Authority No. 13988), to be effective the 16th of December, 1955, whereby the Byers-Denver Truck Line (Mr. Ed Tuxhorn, d/b/a) has agreed to withdraw the provisions providing that Mr. L. Hasenbalg will deliver his milk to a point located on county road two miles east of his ranch for pickup with a minimum charge of \$1.00 per shipment and reinstate the provision as formerly published. That is, pickup at the ranch of L. Hasenbalg with a minimum charge of \$1.20 per shipment, with a rate of 50 cents per 100 pounds.

#### F I N D I N G S

##### THE COMMISSION FINDS:



That the statement and findings are made a part hereof, and an order should be entered whereby Item No. 3136, 7th Revised Page No. 210A, as prescribed in Decision No. 45007, dated December 8, 1955, will be vacated and set aside as for naught and revert to the provisions formerly published.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Byers-Denver Truck Line cause to be published through its agent correction to Item No. 3136 in The Motor Truck Common Carriers' Association, Agent, Local and Joint Freight Tariff No. 12, Colorado P.U.C. No. 6, as stated in the findings of this order. That this change will be effective on December 16, 1955.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dated at Denver, Colorado,  
this 15th day of December, 1955. 2  
mem

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE THE PRESCRIBED MILEAGE)  
BETWEEN GOLDEN, COLORADO )  
AND MORRISON, COLORADO. )  
-----

CASE NO. 1585

-----  
December 16, 1955  
-----

S T A T E M E N T

By the Commission:

We have been asked to prescribe mileages for shipments moving from Golden, Colorado, to or through Morrison, Colorado. We find the shortest practicable all-weather route between these two points to be eight miles. Any mileage greater than this appears to be unreasonable. That mileage will therefore be prescribed.

F I N D I N G S

THE COMMISSION FINDS:

That the changes set forth in "Appendix A," attached hereto, and made a part hereof, should be authorized and an order should be entered prescribing the said changes.

O R D E R

THE COMMISSION ORDERS, That:

1. The statement, findings and "Appendix A," be, and the same are hereby made a part hereof.
2. This order shall become effective forthwith.
3. The mileage set forth in "Appendix A" shall on December 23, 1955, be the prescribed mileage, between Golden, Colorado and Morrison, Colorado, of the Commission.
4. All private carriers by motor vehicle to the extent they are affected by the changes involved herein, shall publish, or cause to be published mileage which shall not be less than that herein prescribed for motor vehicle common carriers.

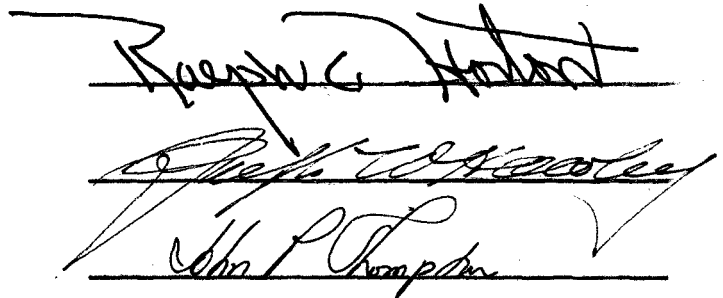
5. On and after December 23, 1955, the motor vehicle common carriers involved in the mileage set forth in "Appendix A" shall cease and desist from demanding, charging and collecting rates and charges based on mileages greater or less than those herein set forth.

6. On and after December 23, 1955, all private carriers by motor vehicle, operating in competition with any motor vehicle common carrier affected by this order, shall cease and desist from using mileages which shall be less than those herein prescribed.

7. This order shall not be construed so as to compel a private carrier by motor vehicle to be, or become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

8. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
The block contains three handwritten signatures, each written over a horizontal line. The signatures are in cursive and appear to be those of the commissioners of the Public Utilities Commission of the State of Colorado.

Dated at Denver, Colorado  
this 16th day of December, 1955.

mem

"APPENDIX A"

PREScribed DISTANCE BETWEEN -

GOLDEN, COLORADO AND MORRISON, COLORADO - - - 8 MILES

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
CORTEZ NATURAL GAS COMPANY, INC., )	
720 FARM CREDIT BUILDING, OMAHA, )	
NEBRASKA, FOR CERTIFICATE OF PUBLIC )	APPLICATION NO. 13863-Securities
CONVENIENCE AND NECESSITY AND ORDER )	
AUTHORIZING ISSUE OF 1,471 SHARES )	
OF COMMON STOCK, \$230,000 OF _____% )	
FIRST MORTGAGE BONDS. )	
----- )	

-----  
December 12, 1955  
-----

S T A T E M E N T

By the Commission:

Application was filed on November 17, 1955, by Cortez Natural Gas Company, seeking an Order from this Commission, granting a certificate of public convenience and necessity to Cortez Natural Gas Company, Inc., for the facilities contained in said application, and approving the rates and issuance of securities as set forth therein.

Said application was regularly set for hearing before the Commission on December 5, 1955, at ten o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

Prior to the date set for hearing, the Commission received a request from applicant herein that said hearing be vacated and said matter later set for hearing, in order to allow applicant time within which to retain counsel.

Thereafter, said hearing was duly vacated, with notice to all parties in interest.

Subsection (e) of Section 3, Chapter 137, 1935 Colorado Statutes Annotated, provides as follows:

"All applications for the issuance, assumption, or guaranty of securities shall be placed at the head of the Commission's docket and shall be disposed of promptly, and within thirty (30) days after petition is filed with the Commission unless it is necessary for good cause to continue same for a longer period. Whenever such application is continued beyond thirty (30) days after the time it is filed, the Commission shall enter an order making such continuance and stating fully the facts necessitating same."

Inasmuch as said matter cannot be concluded by December 17, 1955, being thirty days from the filing date of said application, due to the request of the applicant, it appears that said matter should be continued by the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above-styled application should be continued, as set forth in the Order following.

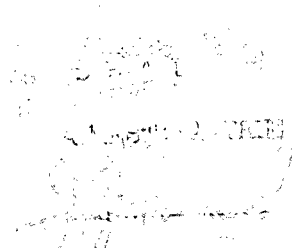
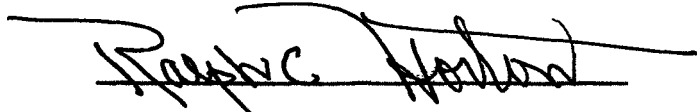
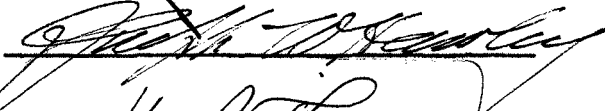

### O R D E R

#### THE COMMISSION ORDERS:

That application filed with the Commission on November 17, 1955, by Cortez Natural Gas Company, Inc., being Application No. 13863 hereinabove described, should be, and the same hereby is, continued until February 1, 1956.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of December, 1955.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
GOODALL PIPE LINE COMPANY, A COR-  
PORATION, P. O. BOX 460, INDEPEN-  
DENCE, KANSAS, FOR AUTHORITY TO  
TRANSFER TO ARAPAHOE PIPE LINE COM-  
PANY, P. O. BOX 460, INDEPENDENCE,  
KANSAS, ITS CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY FOR THE  
CONSTRUCTION AND OPERATION OF AN  
INTRASTATE GATHERING AND TRANSMISSION  
SYSTEM FOR THE TRANSPORTATION OF OIL  
BY PIPE LINE AS A COMMON CARRIER AND  
TO ADVISE IN REGARD TO THE SALES OF  
PHYSICAL ASSETS AND EQUIPMENT.

APPLICATION NO. 13842-Transfer

IN THE MATTER OF THE APPLICATION OF  
PAWNEE PIPE LINE COMPANY, A COR-  
PORATION, 35 EAST WACKER DRIVE,  
CHICAGO, ILLINOIS, FOR AUTHORITY  
TO TRANSFER TO ARAPAHOE PIPE LINE  
COMPANY, P. O. BOX 460, INDEPENDENCE,  
KANSAS, ITS CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY FOR THE  
CONSTRUCTION AND OPERATION OF AN  
INTRASTATE GATHERING AND TRANSMISSION  
SYSTEM FOR THE TRANSPORTATION OF OIL  
BY PIPE LINE AS A COMMON CARRIER AND  
TO ADVISE IN REGARD TO THE SALE OF  
PHYSICAL ASSETS AND EQUIPMENT.

APPLICATION NO. 13843-Transfer

December 21, 1955

Appearances: Akolt, Turnquist, Shepherd and  
Dick, Esqs., by  
Robert A. Dick and James L. Nelson,  
Esqs., Denver, Colorado, for  
applicants;  
A. L. Mueller, Esq., Denver,  
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

By Decision No. 41176, of date September 9, 1953, in  
Application No. 12072, R. A. Goodall (now deceased) obtained a  
Certificate of Public Convenience and Necessity from this Com-  
mission, authorizing applicant to:



"construct and operate an intrastate gathering and transmission system for the transportation of oil by pipe line as a common carrier from the oil fields now known as Little Beaver Creek, West Badger Creek, East Badger Creek, South Badger Creek, and Middlemist Oil Fields located in Washington and Adams Counties, State of Colorado, and the extensions thereof as hereafter may be defined by the Oil and Gas Commission of said State to a terminus located at or near Merino, in Logan County, Colorado."

By Decision No. 41676, of date December 9, 1953, in Application No. 12577, transfer of the aforesaid Certificate of Public Convenience and Necessity to Goodall Pipe Line Company was authorized by this Commission.

By Decision No. 42186, of date March 8, 1954, in Application No. 12778, Pawnee Pipe Line Company obtained a Certificate of Public Convenience and Necessity from this Commission, authorizing Pawnee Pipe Line Company to:

"construct and operate an intrastate gathering and transmission system for the transportation of oil by pipe line as a common carrier from the Adena Field and the territory contiguous thereto, defined as Ranges 57 West and 58 West, Townships 1 South and 2 South, and Townships 1 North and 2 North, all in Morgan and Adams Counties, Colorado, to a terminus located in Section 29, Township 1 North, Range 54 West, Logan County, Colorado."

On November 1, 1955, Goodall Pipe Line Company, by its attorneys, filed an application with this Commission, seeking authority to transfer and assign to Arapahoe Pipe Line Company its Certificate of Public Convenience and Necessity hereinabove identified.

On November 1, 1955, Pawnee Pipe Line Company, by its attorneys, filed an application with this Commission, seeking authority to transfer and assign to Arapahoe Pipe Line Company its Certificate of Public Convenience and Necessity hereinabove identified.

Both applications were set for hearing after due notice to all parties in interest, on November 18, 1955, at 2:00 o'clock P. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and were heard and taken under advisement.

On Motion of the attorneys for the applicants, Application No. 13842 and Application No. 13843 were consolidated for hearing.

At the hearing on the instant applications, applicants filed as "Exhibit A" a certified copy of the Articles of Incorporation of Arapahoe Pipe Line Company, a Delaware corporation, to which was attached a copy of the "Certificate of Authority" of said corporation to do business in the State of Colorado.

J. D. McConnell, President of Goodall Pipe Line Company, and Vice President of Pawnee Pipe Line Company, testified with regard to the proposed transfers of the aforesaid Certificates of Public Convenience and Necessity and testified that such proposed transfers had received the unanimous consent and approval of the stockholders of applicants and had been authorized by the unanimous action of the board of directors of applicants.

A certified copy of the "Consent and Approval of Stockholders to Sale of Corporate Assets" and a certified copy of the resolution of the board of directors of Pawnee Pipe Line Company approving the said proposed transfer, marked "Exhibit D," was offered and received in evidence.

A certified copy of the "Consent and Approval of Stockholders to Sale of Corporate Assets" and a certified copy of the resolution of the board of directors of Goodall Pipe Line Company approving the said proposed transfer, marked "Exhibit C," was offered and received in evidence.

J. D. McConnell further testified that both Goodall Pipe Line Company and Pawnee Pipe Line Company had, pursuant to the authority granted by this Commission, constructed oil pipe lines to serve the areas defined in said certificates and that both said companies were in full operation. He further testified that Arapahoe Pipe Line Company, an interstate pipe line carrier, had commenced operations in or near the areas served by applicants in the early part of the year 1955. A map, marked "Exhibit B," showing the locations of the pipe lines constructed and operated

by applicants and the pipe line constructed and operated by Arapahoe Pipe Line Company, was then offered and received in evidence.

Further testimony revealed that Arapahoe Pipe Line Company would acquire for cash all the physical assets of Goodall Pipe Line Company and Pawnee Pipe Line Company.

J. D. McConnell also testified that in his opinion the transfer of the certificates by applicants to Arapahoe Pipe Line Company would result in more efficient and more economical service to the public.

Earl Unruh, President of Arapahoe Pipe Line Company, testified that Arapahoe by action of its board of directors had been authorized to acquire all physical assets of Goodall Pipe Line Company and Pawnee Pipe Line Company and, subject to the approval of this Commission, the Certificates of Public Convenience and Necessity heretofore issued to applicants by this Commission as aforesaid. A certified copy of the resolution of the board of directors of Arapahoe Pipe Line Company, authorizing the acquisition of the properties of applicants herein, marked "Exhibit F," was offered and received in evidence.

Further testimony at the hearing revealed that the major stockholders of Arapahoe Pipe Line Company are Sinclair Pipe Line Company and Pure Oil Company.

Mr. Unruh testified as to the financial structure of Arapahoe Pipe Line Company and in connection with his testimony a balance sheet as of September 30, A. D. 1955, marked "Exhibit E," was filed and appears below.

ARAPAHOE PIPE LINE COMPANY

A S S E T S

Investments

Investment in Carrier Property	\$23,091,663.63	
Cost of Organization	3,612.94	
Miscellaneous Physical Property	<u>32,078.35</u>	\$23,127,354.92

Current Assets

Cash - in Banks	3,484,586.86	
Special Deposits	464,520.00	
Notes Receivable	2,986,080.00	
Revenue Receivable	625,565.27	
Accounts Receivable	10,194.68	
Material and Supplies	32,631.11	
Interest and Dividends Receivable	8,719.12	
Other Current Assets	<u>315,045.47</u>	7,927,342.51

Deferred Charges

Working Fund Advances	199.90	
Rents and Insurance Premiums		
Paid in Advance	700.50	
Discount on Funded Debt	153,482.42	
Other Deferred Debits	<u>163.15</u>	154,545.97

Total Assets -

\$31,209,243.40

L I A B I L I T I E S

Stock

Capital Stock		
Authorized	35,000 Shares at	
	\$100 Per Share	\$3,500,000.00
Less - Unissued	<u>6,000 Shares</u>	<u>600,000.00</u>
Issued and Out-		
standing	29,000 Shares	\$2,900,000.00

Long Term Debt

Funded Debt Unmatured		
25 year 3.80% First Mortgage Pipe Line Bonds		26,000,000.00
Metropolitan Life Insurance Company		

Current Liabilities

Accounts Payable	52,012.64	
Unmatured Interest Accrued	164,666.66	
Taxes Accrued	259,194.43	
Other Current Liabilities	<u>2,253.84</u>	478,127.57

Deferred Credits and Reserves

Accrued Depreciation		
Carrier Property	657,363.70	
Miscellaneous Physical Property	<u>11.00</u>	657,374.70

Surplus

Earned Surplus - Balance		
December 31, 1954 -	54,704.16	
Income Balance	<u>1,119,036.97</u>	<u>1,173,741.13</u>

Total Liabilities -

\$31,209,243.40

Mr. Unruh further testified that if the transfer of the Certificates is authorized that there would be no diminution in services in so far as intrastate transporters are concerned.

If the transfers are authorized, Arapahoe Pipe Line Company plans to adopt the rates, rules and regulations of Goodall Pipe Line Company and Pawnee Pipe Line Company, the applicants herein, now on file with this Commission, all in accordance with Rule No. 21 of the Commission's Rules of Practice and Procedure.

After discussion of the application, the testimony at the hearing and statements of counsel, the Commission believes that the request for authority to transfer the Certificates of Public Convenience and Necessity hereinabove mentioned should be granted.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That applicants herein in the construction and operation of intrastate pipe lines as common carriers of oil are public utilities as defined in Section 115-1-3, Colorado Revised Statutes, 1953.

That this Commission has jurisdiction over said applicants and of the subject matter of the instant applications.

That the Commission is fully advised in the premises.

That the above Statement be made a part of these Findings, by reference.

That the authority sought herein is consistent with the public interest, and should be granted.

That Arapahoe Pipe Line Company should adopt the rates, rules and regulations of Goodall Pipe Line Company and Pawnee Pipe Line Company now on file with the Commission, in accordance with the Rules of Practice and Procedure.

That Arapahoe Pipe Line Company should within thirty (30) days after completion of the transactions herein authorized file with this Commission a written report advising as to completion, and showing by accounts the dollar amounts involved in the transfers authorized herein.

O R D E R

THE COMMISSION ORDERS:

The foregoing Statement and Findings are, by reference, incorporated hereinto.

That Goodall Pipe Line Company and Pawnee Pipe Line Company be, and they are hereby, authorized to transfer and assign to Arapahoe Pipe Line Company the Certificates of Public Convenience and Necessity heretofore issued by this Commission in Application No. 12072, Decision No. 41176, of date September 9, 1953 (Goodall Pipe Line Company) and in Application No. 12778, Decision No. 42186, of date March 8, 1954 (Pawnee Pipe Line Company).


That Arapahoe Pipe Line Company shall within thirty (30) days from and after the completion of the transactions herein authorized file with the Commission a written report as to the completion thereof, and showing by accounts the dollar amounts involved in the transfers authorized herein.

That Arapahoe Pipe Line Company, in so far as its intrastate operations are concerned, shall keep its books and accounts as they pertain to the construction and operation of an intrastate pipe line system under the certificates heretofore granted as aforesaid by the Commission and now transferred to Arapahoe Pipe Line Company in accordance with the Uniform System of Accounts for pipe line companies, as prescribed by this Commission.

That Arapahoe Pipe Line Company in conducting intrastate business shall otherwise and at all times comply with the rules and regulations of this Commission.

This Order shall become effective as of the day and date

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Ralph C. Holcomb  
John P. Thompson  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of December, 1955.