

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
YUMA COUNTY TRANSPORTATION CO., OR )  
HIGHWAY MOTOR FREIGHT, INC., EAST )  
52ND AVENUE AND COLORADO BOULEVARD, )  
DENVER, COLORADO, FOR AUTHORITY TO )  
TRANSFER PUC NO. 2642 AND PUC NO. )  
2642-I TO BUCKINGHAM TRANSPORTATION, )  
INC., EAST 52ND AVENUE AND COLORADO )  
BOULEVARD, DENVER, COLORADO. )  
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APPLICATION NO. 15117-Transfer

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April 2, 1957  
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Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for Transferors  
and Transferee.

S T A T E M E N T

By the Commission:

Yuma County Transportation Co., a corporation, Yuma, Colo-  
rado, is the owner of PUC No. 2642 and PUC No. 2642-I, authorizing:

transportation of freight between Akron  
and Sterling and intermediate points;

transportation of freight between Sterl-  
ing, Otis, Yuma, Eckley, Wray, and inter-  
mediate points;

transportation of freight from Akron to  
Denver, and from Denver to Akron, but not  
between any intermediate points;

transportation of freight between Denver,  
Colorado, and Wray, Colorado;

transportation of freight between Denver,  
Sterling, Akron and Wray, Colorado, and  
the Colorado-Nebraska State line where  
State Highway No. 54, east of Wray crosses  
the same, and between intermediate points  
and said line in interstate commerce, only,  
subject to the provisions of the Federal  
Motor Carrier Act of 1935, as amended;

transportation of freight in intrastate com-  
merce between the City of Denver, Colorado,  
and the Towns of Otis, Yuma and Eckley, and



between Brush, Colorado, and all points east thereof on U. S. Highway No. 34 (which is through Akron and Wray);

interstate authority extended to: between all points in Colorado and the Colorado State boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Said certificates are now under lease to Highway Motor Freight, Inc.

By the instant application, the certificate-owner and the lessee join in seeking authority to transfer all operating rights under said certificates to Buckingham Transportation, Inc., a corporation, 52nd and Colorado Boulevard, Denver, Colorado.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 11, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings.

The Report of the Examiner states that it appears from the evidence given at the hearing and from the records of the Commission that the certificate-owner, Yuma County Transportation Co., on January 15, 1953, executed a lease and option (on file with the Commission), whereby it leased to Highway Motor Freight, Inc., a Nebraska corporation, the certificates above mentioned, at an agreed rental with option to purchase, the lease and option being authorized and approved by Commission Decision No. 41592, of date November 24, 1953. Application was filed with the Interstate Commerce Commission for the approval of the lease and for authority to Donald W. Clarke, of Hastings, Nebraska, to acquire control of said properties through the lease (MC-F-5409). The lease of the interstate operating rights of the two companies on a temporary basis was approved.



Yuma County Transportation Company, in addition to its operating rights under the two named certificates, operating generally between Denver and the Colorado Nebraska State line, with certain intermediate points, was also the owner of certificate issued by the Interstate Commerce Commission authorizing service between Denver, Colorado, and McCook, Nebraska, covering the same intermediate points authorized by and served under the Colorado certificates. Highway Motor Freight, Inc., owns other intrastate operating rights in Nebraska and interstate rights granted by the Interstate Commerce Commission.

On January 3, 1957, Highway Motor Freight, Inc., leased to Buckingham Transportation, Inc., all its intrastate and interstate operating rights for a period of 180 days, pending approval by the Interstate Commerce Commission of a certain contract of purchase, (Exhibit No. 1 herein). This contract was for the sale of said operating rights (the certificates being valued at \$16,271.40) and personal property, materials and supplies.

By order of January 30, 1957, under MC-F-6492, the Interstate Commerce Commission authorized the lease for a period of 180 days and the original application awaits final action.

The Examiner's Report further states that at the hearing, Paul Hickman, record owner of the two certificates, testified that he had contracted to sell the certificates to Highway and the latter has been operating the same under lease. He is an officer, director and stockholder in Highway and has already sold to that company his interstate operating rights and that company has contracted to sell all its operating rights, intrastate and interstate, to Buckingham. Application was filed with the regulatory body in Nebraska to sell all of Highway intrastate operating rights in Nebraska to Buckingham and the transfer has been authorized. Buckingham has been operating under the two Colorado certificates since February 11, 1957, by agree-



ment with Highway and Yuma. Any debts against the two certificates here involved or operations thereunder are to be assumed by Buckingham or paid from the proceeds of the sale.

John A. Walker, District Manager for Buckingham, identified the contract for sale (Exhibit 1), a financial statement of Buckingham (Exhibit 2), and its operating statement for the years 1954, 1955 and the first ten months of 1956 (Exhibit 3). He stated that his company is now operating under all of the Yuma County and Highway authorities, intrastate in Nebraska and Colorado and interstate. A list of equipment of his company, on file with the Commission, was made a part of the record by reference. Buckingham has other operating rights that will fit in with the operations under the two Colorado certificates to be transferred.

No one appeared in opposition to the proposed transfer.

The Report of the Examiner states that in his opinion the proposed transfer is in the public interest and should be authorized.

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

##### THE COMMISSION FINDS:

That the Report of the Examiner referred to in the above and foregoing Statement should be approved.

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

#### 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 hereby is, approved.

That Yuma County Transportation Co., or Highway Motor Freight, Inc., Denver, Colorado, should be, and is hereby, authorized to transfer all their right, title, and interest in and to PUC No. 2642 and PUC No. 2642-I -- being the operating rights set forth in the preceding Statement, which is made a part hereof by reference -- to Buckingham Transportation, Inc., Denver, Colorado, subject to pay-



ment 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 transferors and transferee, in writing, have advised the Commission that said certificates 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 within thirty (30) days from the date of final action by the Interstate Commerce Commission on the application now pending, in which approval of the transfer is sought, 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 up to the time of transfer of said certificates.

That 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

*Ralph C. Foster*  
*John P. Thompson*  
*W. H. ...*  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of April, 1957.

mls



original



The evidence at the hearing disclosed that Ordinance No. 215 was duly passed and adopted by the Board of Trustees of the Town of La Veta on May 8, 1956. Ordinance No. 215 is entitled as follows:

AN ORDINANCE GRANTING TO SAN ISABEL ELECTRIC ASSOCIATION, INC., A COLORADO CORPORATION, AND ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND LICENSE TO ERECT, CONSTRUCT, OPERATE AND MAINTAIN IN THE TOWN OF LA VETA, COLORADO, AN ELECTRIC PLANT AND SYSTEM FOR THE MANUFACTURE, GENERATION, DISTRIBUTION AND SALE OF ELECTRICITY, AS THE SAME IS NOW OR MAY HEREAFTER BE CONSTRUCTED, TOGETHER WITH A RIGHT OF WAY FOR POLES, WIRES, BUILDINGS AND OTHER EQUIPMENT NECESSARY FOR THE DELIVERY OF ELECTRICITY FOR LIGHT, HEAT AND POWER AND FOR OTHER PURPOSES TO THE TOWN OF LA VETA IN ITS MUNICIPAL CAPACITY AND TO THE INHABITANTS OF THE TOWN OF LA VETA FOR THE PERIOD OF TWENTY-FIVE YEARS.

A copy of said franchise, together with the Letter of Acceptance of the franchise by Applicant, were introduced at the hearing as Exhibits "A" and "D" respectively, and said exhibits are, by reference, made a part hereof.

The records of the Commission reveal Applicant has been rendering electric service in the Town of La Veta under a certificate of public convenience and necessity issued to the La Veta Light, Heat and Power Company and acquired by Applicant by order of this Commission in Application No. 13617, Decision No. 44620, under date of September 15, 1955.

Further testimony at the hearing revealed that the population of La Veta was estimated to be 1,000, and that Applicant at the present time is serving 330 electric customers in said Town. Applicant expects to expend \$45,400 for capital additions within the Town of La Veta during the life of the franchise. Applicant further proposes to continue rendering electric service in the Town under the rates, rules and regulations presently on file with this Commission until changed in accordance with the law and rules and regulations of the Commission. A map showing the layout of the electric system of Applicant in the Town of La Veta, together



with the location of its customers was introduced at the hearing as Exhibit "C." Exhibit "B" introduced at the hearing was a key map of Applicant's entire system showing the relationship of the Town of La Veta to said system.

There are no other electric utilities engaged in the business of selling electricity in the Town of La Veta or in the area adjacent thereto.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

That the foregoing Statement should be made a part hereof by reference.

That the public convenience and necessity require, and will require, the exercise by San Isabel Electric Association, Inc., of the franchise rights granted to it in and by Ordinance No. 215, dated as of May 8, 1956, for the manufacture, generation, distribution and sale of electricity by San Isabel Electric Association, Inc., in said Town.

That the figure of \$45,400 should be used to determine the fee for the issuance of the certificate sought herein, but shall not be binding upon the Commission in any subsequent investigation where valuation may become an issue.

### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the exercise by San Isabel Electric Association, Inc., of the franchise rights granted in and by Ordinance No. 215 of the Town of La Veta, Huerfano County, Colorado, dated as of May 8,



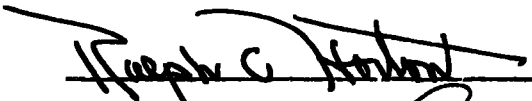

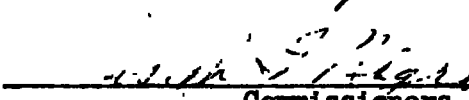
1956, marked Exhibit "A" which, by reference is made a part hereof, for the manufacture, generation, distribution and sale of electricity by San Isabel Electric Association, Inc., in said Town, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That San Isabel Electric Association, Inc., shall install, operate and maintain its electric system and supply service in said Town in accordance with its schedules of electric rules and regulations now on file with this Commission or as the same may be changed according to law and the rules and regulations of this Commission.

That San Isabel Electric Association, Inc., shall maintain its books and accounts in accordance with the Uniform System of Accounts; its practices as to testing, consumers' deposits and operations, records of meters and complaints, in accordance with the Commission's requirements.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of April, 1957.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
PUBLIC SERVICE COMPANY OF COLORADO  
FOR CLARIFICATION AND RATIFICATION  
OF ITS EXISTING RIGHTS TO SERVE THE  
TERRITORY KNOWN AS ITS DENVER DIS-  
TRICT; FOR CONSOLIDATION INTO ONE  
CERTIFICATE OF CONVENIENCE AND NE-  
CESSITY OF EXISTING CERTIFICATES OF  
CONVENIENCE AND NECESSITY IN SAID  
TERRITORY OF THE AREA SERVED AND TO  
BE SERVED; AND FOR EXTENSION OF  
SERVICE THEREIN.

APPLICATION NO. 9451

IN THE MATTER OF THE APPLICATION OF  
OSCAR R. GOODSON, FREDDA V. GOODSON,  
ET AL, FOR AN ORDER PERMITTING APPLI-  
CANTS TO OBTAIN SERVICE FROM THE PUB-  
LIC SERVICE COMPANY OF COLORADO, AND  
TO DISCONTINUE SERVICE FROM THE UNION  
RURAL ELECTRIC ASSOCIATION, AND TO  
REQUIRE THE PUBLIC SERVICE COMPANY OF  
COLORADO, A CORPORATION, TO SUPPLY  
ELECTRIC SERVICE TO APPLICANTS.

APPLICATION NO. 9453

April 2, 1957

Appearances: Lee, Bryans & Kelly, Esqs.,  
Denver, Colorado, for  
Public Service Company  
of Colorado;  
George Fischer, Esq., Brighton,  
Colorado, for Union Rural  
Electric Association, Inc.;  
L. E. Gorrin, Esq., Washington,  
D. C., for Union Rural  
Electric Association, Inc.;  
J. W. Hawley, Denver, Colo-  
rado,  
C. L. Flower, Denver, Colorado,  
and  
J. M. McNulty, Denver, Colorado,  
for the Commission.

S T A T E M E N T

By the Commission:

The above-entitled applications were filed with this  
Commission and hearings were held on both matters. To date, no  
final order has been issued by the Commission on said applications.



Subsequent to the filing and hearing on the above-entitled applications, Application No. 13576 and Case No. 5108 were filed with the Commission and duly heard, and the Order of the Commission issued. By its decision in the latter two matters, the questions raised in Application No. 9451 and No. 9453 were rendered moot, and therefore these applications should be dismissed.

F I N E I N G S

THE COMMISSION FINDS:

That Applications Nos. 9451 and 9453 should be dismissed for the reason outlined in the preceding Statement.

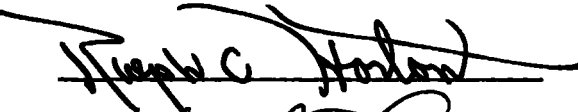

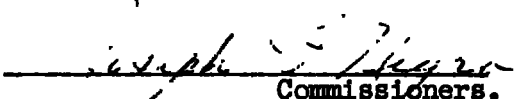
O R D E R

THE COMMISSION ORDERS:

That Applications Nos. 9451 and 9453 be, and they hereby are, dismissed.

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 2nd day of April, 1957.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
IOWA ELECTRIC LIGHT AND POWER COM- )  
PANY, A CORPORATION, CEDAR RAPIDS, ) APPLICATION NO. 15190-Securities  
IOWA, FOR AUTHORITY TO ISSUE SECUR- )  
ITIES. )  
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March 28, 1957  
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Appearances: Oswald Maland, Esq., of  
Chapman and Cutler, Esqs.,  
Chicago, Illinois, and  
John R. Barry, Esq., of  
Barry, Hupp and Dawkins,  
Esqs., Denver, Colorado,  
for Applicant;  
J. M. McNulty, Denver, Colo-  
rado, and  
E. R. Thompson, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

Iowa Electric Light and Power Company, an Iowa corpora-  
tion, herein seeks an order authorizing it to issue and sell,  
pursuant to 115-1-4, Colorado Revised Statutes, 1953, additional  
shares of its common stock, having a par value of \$5.00 per share.

Public hearing was held on said application in the  
Hearing Room of the Commission, 330 State Office Building, Denver,  
Colorado, on March 26, 1957, at ten o'clock A. M., and at the  
conclusion thereof, the matter was taken under advisement by the  
Commission.

No protests were filed with the Commission prior to the  
hearing, and no protestants appeared at the hearing.

Applicant is a corporation existing under and by virtue  
of the laws of the State of Iowa, and is qualified to do business  
in Colorado and has its principal place of business in the State



of Colorado, located in the City of Sterling, and has its principal executive offices in the Security Building in the City of Cedar Rapids, Iowa.

Applicant is engaged in the business of distributing natural gas to the public in the City of Sterling, Colorado, and in the vicinity thereof, and owns properties useful for the purpose located in the State of Colorado; it is also engaged in the business of distributing natural gas to the public in the State of Nebraska and owns properties useful for that purpose located in the State of Nebraska; it is also engaged in the business of manufacturing and distributing gas and electricity to the public in the State of Iowa and owns properties located in said State useful for that purpose; and it is also engaged in the business of distributing natural gas in one city in the State of Minnesota and owns properties located in that state useful for that purpose.

The gas properties located in the City of Sterling, Colorado, above referred to, are relatively a very small part of the properties now owned by the applicant, constituting less than one per cent of the total gross utility plant of the Company.

The issue and sale of said shares of said Common Stock is necessary for the acquisition of property, for the construction, completion, extension or improvement of the facilities of the Applicant, and for the reimbursement of moneys actually expended for such purposes from income or from other moneys in the treasury not secured or obtained from the issuance of securities within five years next prior to the filing of this application with the Commission, and that the proceeds derived from the sale of said shares of Common Stock will be used by Applicant for such purposes.

The instant application seeks authority of this Commission for Iowa Electric Light and Power Company to issue not to exceed 220,000 shares of its Common Stock having a par value of \$5.00 per share. The Applicant's witness testified that the



Company desired to issue this Common Stock at a price of not less than \$25 per share and further stated that it proposed to enter into a contract with certain underwriters providing for the sale of not to exceed 220,000 shares at a price to be fixed later which would be not less than \$25 per share.

On December 31, 1956, the Company had outstanding 146,407 shares of its 4.80% Cumulative Preferred Stock having a par value of \$50 per share, 120,000 shares of its 4.30% Cumulative Preferred Stock having a par value of \$50 per share, and 1,544,264 shares of Common Stock having a par value of \$5 per share. The authorized 4.80% Cumulative Preferred Stock of the Petitioner consists of 146,578 shares, the authorized 4.30% Cumulative Preferred Stock of the Petitioner consists of 120,000 shares, and the authorized Common Stock of the Petitioner consists of 2,000,000 shares.

In support of the financial status of the company, balance sheets and operating statements were introduced as exhibits. The Iowa Electric Light and Power Company balance sheet, December 31, 1956, and the income statement for the years 1955-56 and the statement of earned surplus for the 12 months ending December 31, 1956 were introduced as Exhibit No. 4. The pro forma balance sheet of Iowa Electric Light and Power Company reflecting the proposed sale of 220,000 shares of Common Stock, par value \$5.00, December 31, 1956, and a pro forma statement of income and a pro forma statement of earned surplus reflecting the proposed sale of 220,000 shares of Common Stock, par value \$5.00, were introduced as Exhibit No. 3. Exhibits Nos. 3 and 4 are hereby incorporated in this Statement by reference.

The applicant's witness testified that the earnings per common share in 1956 were \$2.25 and that the earnings per share after the sale of the 220,000 shares would be \$1.97, based on the 1956 earnings. The debt ratio of the Company on December 31, 1956



was 52.5%, and that after the sale of Common Stock it would be 48.9%. The applicant's witness further testified that the Company's earnings after taxes covered its interest requirements approximately four times, and that they covered its preferred stock requirements seven times. The Company is currently paying dividends at the rate of \$1.50 per year per share on Common Stock.

The witness testified that Company has a tentative agreement with the First Boston Corporation and G. H. Walker & Company for the underwriting of this 220,000 shares of Common Stock to be issued. This agreement is to be closed April 9, 1957, and the proposed sale is expected April 16, 1957. The underwriters have agreed to a minimum of \$25.00 per share, however, the applicant's witness testified that the current market price is approximately \$29.50 bid, and that the price used in preparing the pro forma balance sheet was \$26.75 per share of Common Stock, after underwriters' commission. Under present market conditions, Applicant's witness stated that the selling price might be higher than \$26.75. He also stated that the expected underwriting cost would be in an amount no greater than 3% of the selling price. Other expenses of the issue and sale is estimated to be \$50,000.

The evidence further disclosed that neither the Board of Directors or the Stockholders had taken formal action in regard to the proposed sale of 220,000 shares of Common Stock. This final approval and authorization is to be given at the meetings of the Stockholders and Directors on April 9, 1957. Also, the Company expects approval of its registration statement filed with the Securities Exchange Commission by this date, April 9, 1957. The applicant's witness brought out the fact that the approval by the Public Utilities Commission of the State of Colorado, as well as the approval by the commission in the State of Nebraska, is necessary prior to the action to be taken by the Stockholders and the Board of Directors on April 9, 1957.



Exhibit No. 2 is a Certificate of Amended and Substitute Articles of Incorporation of Iowa Electric Light and Power Company. The applicant's witness testified that this Amended Certificate of Articles of Incorporation, when finally approved and adopted, will be filed with the Secretary of State of the State of Colorado. The Applicant will file with this Commission as a late-filed exhibit a copy of the Amended Articles, certified to by the Secretary of State of the State of Colorado.

### F I N D I N G S

#### THE COMMISSION FINDS:

That Applicant, Iowa Electric Light and Power Company, a corporation, is a public utility as defined by 115-1-3, Colorado Revised Statutes, 1953.

That this Commission has jurisdiction of said Applicant and the subject matter of the application herein.

That the Commission is fully advised in the premises.

That the issuance by Iowa Electric Light and Power Company of 220,000 shares of Common Stock at a price of not less than \$25 per share is proper and reasonably required and necessary for said Company to finance its construction program and other purposes heretofore stated.

That the proposed securities transactions on the terms and conditions cited herein, and for the purpose stated, are not inconsistent with the public interest, are permitted by, and are consistent with the provisions of 115-1-4, Colorado Revised Statutes, 1953, and the order sought should issue and should be made effective forthwith.

### O R D E R

#### THE COMMISSION ORDERS:

That Iowa Electric Light and Power Company, an Iowa corporation, authorized to do business in the State of Colorado, be, and it is hereby, authorized to issue and sell 220,000 shares



of Common Stock having a par value of \$5 per share, at a subscription price not less than \$25.00 per share, final price to be determined by the underwriters at the time of sale in accordance with an agreement with the underwriters as may be approved by the Stockholders and by the Board of Directors.

That the Applicant is hereby authorized to take such further steps, actions and proceedings as may, in conformity with applicable sale and regulations, be necessary, incidental, or appropriate to the full accomplishment of the transaction hereinabove approved and authorized, subject to the fulfillment of the conditions cited heretofore.

That the stock certificates to be issued pursuant to said plan shall bear on the face thereof a serial number for the proper and easy identification thereof, and that, within ninety (90) days from date of issue, applicant shall make a verified report to the Commission of such number which is placed on said certificates.

That, within thirty (30) days from the date of final agreement with the underwriters, the Company shall file with this Commission a copy of the Final Prospectus to sell 220,000 shares of Common Stock.

That the Company shall make a verified report to this Commission within ninety (90) days from the date hereof, showing (1) detail of expenses including commission to the underwriters in connection with the issuance and sale of said additional Common Stock, and (2) the journal entries for the accounting of the transactions thereof in accordance with the NARUC Uniform System of Accounts prescribed by this Commission.

That, within thirty (30) days, Applicant shall file with this Commission a copy of the Amended and Substitute Articles of Incorporation of Iowa Electric Light and Power Company, certified to by the Secretary of State of the State of Colorado.



That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, issuance of the aforementioned Capital Stock on the part of the State of Colorado.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

                      
*Joseph C. Horton*  
                      
*John P. Thompson*  
                      
*Elizabeth S. Hagan*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1957.

ca



reynold

(Decision No. 47624)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PETE LOPEZ, 2625 SPRAGUE STREET, )  
PUEBLO, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 15139

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April 2, 1957  
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Appearances: Pete Lopez, Pueblo,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, Pete Lopez, 2625 Sprague Street, Pueblo, 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, ashes and waste material from point to point within the city of Pueblo, Colorado, and from said points to the Pueblo city dumps, wherever located.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard on March 15, 1957, at the Court House in Pueblo, Colorado, and was taken under advisement.

At the hearing, applicant testified that he has been engaged in the transportation of trash, ashes and waste material within the City of Pueblo, Colorado, for the past fifteen years, and was so engaged continuously up to and including January 1, 1955, the effective date of Amendment XXV to the Constitution of the State of Colorado granting to this Commission jurisdiction over common carriers operating within home-rule cities, such as Pueblo, and filed this application to establish his "Grandfather Rights." He owns a 1945 Dodge pickup



truck; his net worth is \$1,000, and he has been serving 150 customers in Pueblo.

Applicant appears to be well qualified by experience and financially to carry on his operations in the City of Pueblo, and has established "Grandfather Rights" to the proposed operation 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 to applicant.

#### O R D E R

##### THE COMMISSION ORDERS:

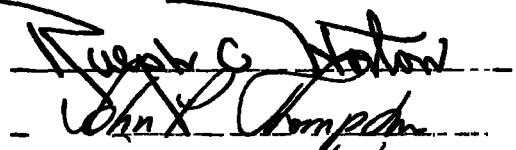
That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of Pete Lopez, 2625 Sprague Street, Pueblo, Colorado, for the transportation from point to point in the City of Pueblo of trash, ashes and waste material, and from said points to the Pueblo city dumps, wherever located, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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 2nd day of April, 1957.



original

(Decision No. 47625)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ROBERT E. REHM AND MILDRED REHM, CO- PARTNERS, DOING BUSINESS AS "KIOWA TRUCK LINE," EADS, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 890 AND PUC NO. 890-I TO LEROY FOSTER, EADS, COLORADO.	}	<u>APPLICATION NO. 15136-Transfer</u>
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April 2, 1957  
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Appearances: Robert E. Rehm, Eads, Colo-  
rado, for Transferors;  
Leroy Foster, Eads, Colo-  
rado, for Transferee.

S T A T E M E N T

By the Commission:

Robert E. Rehm and Mildred Rehm, co-partners, doing business  
as "Kiowa Truck Line," Eads, Colorado, are the owners of PUC No. 890  
and PUC N . 890-I, authorizing:

Transportation on call and demand of farm products  
(including livestock) farm supplies, used furniture,  
and farm equipment, from point to point within Kiowa  
County and from ranches in Kiowa County to points  
outside thereof, in irregular service, all for cus-  
tomers residing in Kiowa County, no transportation  
of freight generally between points along line of  
scheduled common carriers now serving Kiowa County;

Extended to include transportation on call and demand  
of all commodities.

Transportation of farm products, including livestock,  
farm machinery, farm supplies, and emigrant moveables,  
between points within that portion of Cheyenne County  
lying west of Highway No. 59, and between ranches in  
the above described portion of Cheyenne County, on  
the one hand, and all points in the State of Colorado,  
on the other, without the right to haul commodities  
ordinarily transported by line-haul operators, between  
points served singly or in combination, on schedule.

Interstate authority issued May 19, 1950: Between all  
points in Colorado and the Colorado state boundary  
lines where all highways cross same in interstate com-



merce only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended;

Call and demand transportation of presently-authorized commodities from points outside Kiowa County to points therein.

By the instant application, they seek authority to transfer their operating rights under said certificates to Leroy Foster, Eads, Colorado.

The application was regularly set for hearing, after appropriate notice to all interested parties, for March 14, 1957, at the Court House, in Lamar, Colorado, at ten o'clock A. M., and was there heard and taken under advisement.

Robert E. Rehm, one of the certificate owners, identified a contract attached to the application, by the terms of which transferors agreed to borrow the sum of \$6,480 from one Prentice L. Reed, payable at the rate of \$100 per month, with interest at 6% per annum, any balance due payable five years from and after January 1, 1953. The loan was to be secured by a chattel mortgage upon the two certificates. This mortgage was executed, and by agreement between the parties to this transfer, the transferee is to assume the mortgage. There are no debts against the certificates or operations thereunder.

The transferee corroborated the testimony of Mr. Rehm, stating that he is the owner of two Diamond T trucks, a list of the equipment being on file, and operates one Fruehauf trailer which is leased from the transferors. He has had six years experience in the trucking business in the Eads, Colorado, area, largely in the transportation of grain. His net worth is between \$25,000 and \$26,000. While the original mortgage of the certificates to Reed by transferors was not approved by the Commission, transferee will assume the mortgage referred to.

No one appeared at the hearing to protest favorable action on the instant application, and the proposed transfer appears to be



in the public interest.

Transferee should be granted authority to assume the payment of the present outstanding mortgage on said certificate held by one Prentice L. Reed, of Haswell, Colorado, in accordance with the terms of an agreement between the said Reed and transferee on file with the application.

### 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 Robert E. Rehm and Mildred Rehm, co-partners, doing business as "Kiowa Truck Line," Eads, Colorado, should be, and are hereby, authorized to transfer all their right, title and interest in and to PUC No. 890 and PUC No. 890-I -- being the operating rights set forth in the above and foregoing Statement, which is made a part hereof by reference -- to Leroy Foster, Eads, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transferee be, and is hereby, authorized to assume the payment of the present outstanding mortgage on said certificate, held by one Prentice L. Reed, of Haswell, 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 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 transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

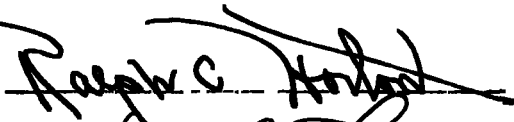

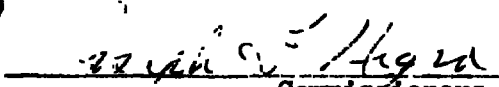
The tariff of rates, rules, and regulations of transferors shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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 up to the time of transfer of said certificates.

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 April, 1957.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION  
OF GREELEY GAS COMPANY, 1930  
SHERMAN STREET, DENVER, COLORADO,  
FOR AN ORDER AUTHORIZING THE  
ISSUANCE OF CERTAIN SECURITIES  
-----

APPLICATION NO. 15234  
Securities

S T A T E M E N T

By the Commission:

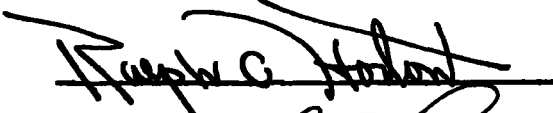


Upon consideration of the application filed March 28, 1957, by  
Greeley Gas Company, a corporation, in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on April 8, 1957, at  
9:30 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  
proceedings. Intervention petitions should be filed with the Commission  
on or before April 3, 1957, and should set forth the grounds of the pro-  
posed intervention, and the position and interest of the petitioners, in the  
proceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 29th day of March, 1957.



Original

(Decision No. 47627)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) CARL A. LUEHRING, DOING BUSINESS AS ) "CARL'S SAND AND GRAVEL," 325 NORTH ) BONFOY STREET, COLORADO SPRINGS, ) COLORADO, FOR A CLASS "B" PERMIT TO ) OPERATE AS A PRIVATE CARRIER BY ) MOTOR VEHICLE FOR HIRE. )	<u>APPLICATION NO. 15106-PP</u>
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April 2, 1957  
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Appearances: Carl A. Luehring, Colorado  
Springs, 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; 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; insul-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 City Auditorium, Colorado Springs, Colorado, March 12, 1957, and at the conclusion of the evidence, the matter was taken under advisement.



The applicant testified in support of his application. He stated that he has in mind only to operate dump trucks and consented to having the authority, if granted, limited to the use of dump trucks only. He has four pieces of equipment and work to do, if the authority is granted. His net worth is approximately \$10,000. He has no other authority to haul for hire.

No one appeared in protest and no reason appears why the authority sought should not be granted.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

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 herein.

That authority sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Carl A. Luehring, doing business as "Carl's Sand and Gravel," Colorado Springs, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation, in dump trucks only, 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; 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.

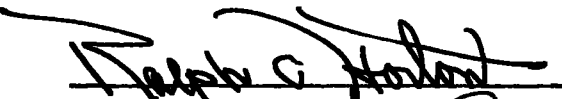

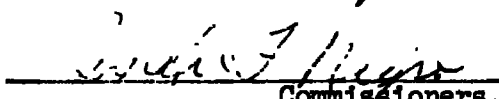
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

Dated at Denver, Colorado,  
this 2nd day of April, 1957.

mls



original

(Decision No. 47628)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DAVID H. JOHNSON, 1126 PANDO STREET, )  
COLORADO SPRINGS, COLORADO, FOR A ) APPLICATION NO. 15108-PP  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
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April 2, 1957  
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Appearances: David H. Johnson, Colorado  
Springs, 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; 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; 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.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the City Auditorium, Colorado Springs, Colorado, March 12, 1957, and at the conclusion of the evidence, the matter was taken under advisement.



The applicant testified in support of his application. He stated that he has in mind only a dump truck operation and consented to the limitation of the authority, if granted, so as to permit only the operation of dump trucks. He has one vehicle and work to do, if the authority is granted. His net worth is approximately \$8,000. He has no other authority to engage in transportation for hire.

No one appeared in protest and no reason appears why the authority sought should not be granted.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

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 should be made a part hereof by reference.

That the authority sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That David H. Johnson, Colorado Springs, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation, in dump trucks only, 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; 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.

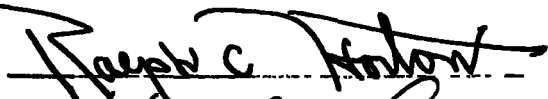

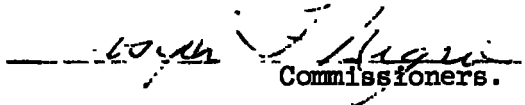
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

Dated at Denver, Colorado,  
this 2nd day of April, 1957.

mls



Original

(Decision No. 47629)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ROY V. LIKENS, 411 NORTH MELDRUM )	
STREET, FORT COLLINS, COLORADO, FOR )	
A CERTIFICATE OF PUBLIC CONVENIENCE )	APPLICATION NO. 15035
AND NECESSITY TO OPERATE AS A COMMON )	<u>ORDER DENYING REHEARING</u>
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

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April 2, 1957  
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Appearances: Kenneth H. Gross, Esq.,  
Fort Collins, Colorado,  
for Applicant;  
Gene E. Fischer, Esq.,  
Fort Collins, Colorado,  
for Francis D. Rickard,  
et al.

S T A T E M E N T

By the Commission:

By Decision No. 47519, of date March 13, 1957, the Commission granted to Roy V. Likens, Fort Collins, Colorado, a certificate of public convenience and necessity authorizing the transportation of ashes and trash between points within the city limits of the City of Fort Collins, Colorado, a home-rule city, and to regularly designated and approved dumps and disposal places within the County of Larimer, State of Colorado.

Petition for Rehearing has been filed by applicant through his counsel, based on failure of the Examiner to recommend authority for this operation between points not exceeding three to five miles beyond the corporate limits of the City of Fort Collins, Colorado.

The Examiner before whom the hearing was held, which resulted in the entry of said Decision No. 47519, reports to the Commission that in the original application this applicant sought only authority to haul "ash and trash in the City of Fort Collins, Colorado," and no authority beyond the city limits. Applicant



established "Grandfather Rights" in Fort Collins and said decision ratified such rights. The question of service outside the city limits was never raised in the application or at the hearing.

The only recourse for applicant is to file application for extension of the authority granted by Decision No. 47519 to include the transportation of ashes and trash between points within a specified radius of the city limits of Fort Collins.

The Examiner recommends that Petition for Rehearing be denied.

### 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 Petition for Rehearing filed herein should be denied.

### O R D E R

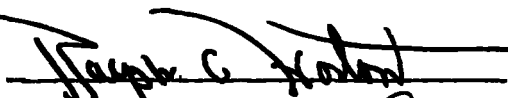

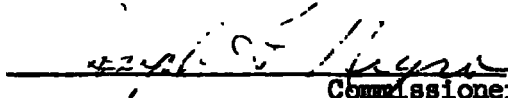
#### THE COMMISSION ORDERS:

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

That Petition for Rehearing filed herein should be, and is hereby, denied.

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 2nd day of April, 1957.

ea



original

(Decision No. 47630)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
WILLIAM H. HOPKINS AND C. WAYNE )	
SHINN, DOING BUSINESS AS "H. & S. )	
WATER SERVICE," 406½ DEUEL, FORT )	APPLICATION NO. 15052-PP-Extension
MORGAN, COLORADO, FOR A CLASS "B" )	
PERMIT TO OPERATE AS A PRIVATE )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
- - - - - )	

- - - - -  
April 2, 1957  
- - - - -

Appearances: Wells and Snyder, Esqs.,  
Fort Morgan, Colorado  
by Max Snyder, Esq.,  
for Applicant;  
J. R. Arnold, Denver, Colo-  
rado, for North Eastern  
Motor Freight, Inc.;  
Marion F. Jones, Esq., Denver,  
Colorado, and  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for R. B.  
"Dick" Wilson, Inc., et al;  
Barry and Hupp, Esqs., Denver,  
Colorado, for Basin Truck  
Company.

S T A T E M E N T

By the Commission:

William H. Hopkins and C. Wayne Shinn, co-partners,  
doing business as "H. & S. Water Service," Fort Morgan, Colo-  
rado, are the owners of Private Permit No. B-4923, authorizing:

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.

By the instant application, the permit holders seek  
authority to extend operations under said permit to include the



transportation of drilling and production fluid, water, crude oil and drilling mud between points within a radius of 150 miles of Fort Morgan, Colorado.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Court House in Fort Morgan, Colorado, on February 20, 1957, at ten o'clock A. M., with due notice to all interested parties, where the matter was heard and taken under advisement.

The Examiner has submitted his Report of the proceedings.

Report of the Examiner states that William H. Hopkins, one of applicants, appeared and testified that he and his partner have been operating under authority of Private Permit No. B-4923 for the past  $1\frac{1}{2}$  years, a list of their equipment on file with the Commission being made a part of the record by reference. They have \$35,000 invested in equipment, subject to mortgage of \$7,000; \$3,000 in the bank; and \$5,000 in accounts receivable. Applicants have been largely engaged in hauling drilling rigs (authority for this transportation not shown), and oil for base mud, for the two customers they are authorized to serve within the radius of 50 miles of Fort Morgan, there having been no complaints on their service. When the permit was granted, the two customers named, Cactus Drilling Company and the Lion Oil Division of Monsanto Chemical Company, did not operate beyond the radius authorized, but since that date they have expanded their operations to points beyond that radius. Also, since that date, other drilling companies, mostly wild-catters, have begun operations beyond this radius, and there is a need for applicants' service in the expanded area. The operators beyond the authorized limit have been served by applicants under a commercial permit. They have hauled crude oil and water for the Hunt Oil Company and Petroleum, Inc. The crude oil has been hauled from Brush to the Hunt drilling site at an agreed price per barrel, and water and mud have been hauled to other sites



not specified. The drilling mud has been moved in liquid form in tanks. Applicant agreed that in any additional authority granted, the transportation of drilling mud should be restricted to its transportation in liquid or bulk form in tank trucks.

Report of the Examiner further states that Guy H. Allbritton, Field Superintendent of Hunt Oil Company, testified his company is not now engaged in drilling operations beyond the 50-mile limit. It has leases between the 50 and 150-mile radii but no present plans for development in that area. Applicants have rendered good service to his company within the authorized limit. There are no drilling operations by any company at the present time beyond the 50-mile limit, and drilling operations have definitely declined even within that area. Witness has used the service of Basin Truck Company, which was not satisfactory, and he was never contacted or solicited for business by any of the other protesting common carriers.

Report of the Examiner further states that John McGuire, Production Foreman for Petroleum, Inc., testified that when applicants have served his company the service and their equipment have been adequate. His company has leases in the Akron area, one well near Akron and drilling and production beyond the 50-mile radius of Fort Morgan and within the 150-mile radius applicants seek to serve. probably more wells will be drilled in the Akron area and his company would use applicants' service if available, as such service is needed.

Report of the Examiner further states that Charles B. Smith, operating the Ace Well Service, is in the business of cleaning out and maintaining wells, and operates all the way from Craig to Lamar. Applicants have good equipment and give good service which has been used occasionally by his company, and would be used in the future if available. However, he has found no use for this service during the past six months as business is slack in the Fort Morgan area, having decreased at least one-fourth during



the past six months, and the work of his company is now outside this district.

Report of the Examiner further states that J. C. Booth, District Production Superintendent of the Lion Oil Division of Monsanto Chemical Company, one of the customers applicants are now authorized to serve under their present authority within the 50-mile radius, testified that the service and equipment have been satisfactory in the hauling of water, crude oil, base mud, etc. At this time his company has production at Walden and Pierce, Colorado. The oil produced at Walden is purchased by the Frontier Oil Company and transported by the M. & M. Truck Line, a common carrier. Stanolind purchases the oil produced in the Pierce area and transports same by common carriers. The company has had no need for applicants' service since December, 1956. Crude oil and oil base mud necessary in this company's operation in eastern Colorado are transported from Sterling to Yuma by Basin Truck Company or R. B. "Dick" Wilson, Inc., a common carrier. In the area between the 50-mile radius and 150-mile radius of Fort Morgan, drilling activity has "slacked off." His company has no definite plans to operate in this area and has no present need for applicants' service therein.

Report of the Examiner further states that several common carriers appeared at the hearing in opposition to favorable action on the instant application. Dean Resler, operating the Basin Truck Company under PUC-2709, testified that his company has terminals at Denver, Sterling and Brush; that it operates 25 tank trucks of 65 to 160-barrel capacity, and is much interested in the transportation of crude oil and water. Business in such transportation has steadily declined in the Fort Morgan area during the past 10 months, and since his company started business there have been 3 major pipelines constructed which has cut down their operations and the transportation of crude oil by motor carriers. His company has no request for such service in the Fort Morgan area, sometimes for weeks at a time, and



always had idle from 4 to 6 pieces of equipment used in such service. It can provide all the service required by the companies represented by the witnesses who appeared for applicant. It now serves Petroleum, Inc., represented by Witness McGuire, two or three times per month, and rendered service to Lion Oil, represented by Witness Booth. It contacts all prospective customers in the area; has \$140,000 invested in its equipment, but recently has been forced to lay off 20 employees because of the decrease in business.

Report of the Examiner further states that Ernie Neff, one of the partners operating under PUC-2359, testified that his company has a terminal at Sterling and owns and operates 13 tank trucks, five or six of which have been idle for the past 10 months because of decreasing business in the transportation of water, crude oil, mud, etc. It has between \$70,000 and \$80,000 invested in its equipment but is operating only at about 50% capacity and has been forced to lay off 5 employees. It has served all the witnesses who appeared in support of the application.

Report of the Examiner further states that B. F. Smith, Traffic Manager of R. B. "Dick" Wilson, Inc., operating under PUC-1515, testified his company is not particularly interested in the transportation of water or mud but is interested particularly in the transportation of crude oil. It has no small equipment such as is used in the transportation of water and mud based in the Fort Morgan area. He offered in evidence Exhibit A, a list of equipment showing 22 tank trucks for crude oil service based at Sterling, 8 at Greeley, and 62 at Denver, all within the area applicants seek to serve under the proposed extension. His company has \$500,000 invested in its equipment.

The lists of equipment and financial statements of protestants were made a part of the record by reference, and all protestants testified that the granting of the instant application would adversely affect their own ability to serve the public.



Applicants seek to serve under their proposed extended service an area 100 miles in width encircling Fort Morgan and 50 miles distant therefrom. The evidence is to the effect that their service in their presently certificated area has been satisfactory and they have ample and proper equipment to perform the same. While they express a desire to serve the additional area, the supporting witnesses have failed to show public convenience and necessity for the extension. Witness Allbritton states there are no drilling operations being conducted by anyone in this additional territory applicants seek to serve. Witness Smith has had no business in this area for the past six months and has removed his operations from this area. Witness Booth's company has no plans for drilling in the area. Witness McGuire only supports the application in a half-hearted way, stating his company may drill additional wells in the Akron area and would use applicants' service there if available.

The common carriers opposing the application all have authority to conduct in the area in question the same operations proposed by applicants. They all have ample equipment and are able and willing to perform any service requested. In the face of this evidence by the certificated common carriers, and in view of the fact that but one witness supporting the application testified that he might have occasion to use applicants' service at some indefinite time in the future, the only witness who went even that far in this vast area applicants seek to serve under the proposed extension, the Examiner is of the opinion that the instant application should be denied, and has so recommended in his Report.

#### 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 instant application for extension should be denied.

O R D E R

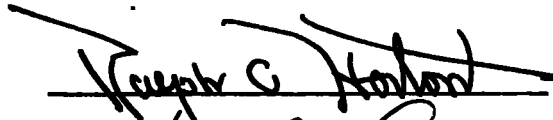

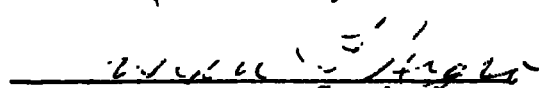
THE COMMISSION ORDERS:

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

That the instant application should be, and is hereby, 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 2nd day of April, 1957.

ea



0-92-10  
(Decision No. 47631)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ERNEST FORAKER AND FRED A. KELLEY, )  
CO-PARTNERS, DOING BUSINESS AS )  
"CANON CABS COMPANY," HOTEL CANON, )  
CANON CITY, COLORADO, FOR AUTHORITY )  
TO TRANSFER PUC NO. 1525 TO ARTHUR )  
L. BABB, DOING BUSINESS AS "CANON )  
CABS COMPANY," 703 RIVER STREET, )  
CANON CITY, COLORADO. )  
- - - - -

APPLICATION NO. 15098-Transfer

- - - - -  
April 1, 1957.  
- - - - -

Appearances: Roger M. Breyfogle, Canon City,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Ernest Foraker and Fred A. Kelley, doing business as "Canon Cabs,"  
Canon City, Colorado, are the owners and operators of PUC No. 1525, authorizing:

Transportation of passengers within the confines  
of the City Limits of the City of Canon City,  
Colorado, and within a radius of ten (10) miles  
from the City Limits thereof, subject to the  
following limitations:

1. Operations to be limited to within a ten-mile radius of the City Limits of Canon City proper;
2. Service excluded, insofar as sightseeing operations are concerned;
3. Service to be confined to ordinary taxi operations, operating cars with a capacity of not to exceed six, including the driver, and carrying no more than such seated capacity;
4. Rates shall be forty cents (\$0.40) per car-mile (loaded movement) with a minimum of thirty-five cents (\$0.35);
5. No application for increase of rates shall be made, except on notice to all protestants;
6. Service shall be limited to the use of one taxi in operation at any given time by applicant.



Operation of separate taxicab and sightseeing service between points within a fifteen-mile radius of Canon City, Colorado;

Operation of separate taxi and sightseeing service between points and places within a fifteen-mile radius of Canon City, Colorado, on the one hand, and, on the other hand, points and places within a fifty-mile radius of Canon City, subject to the following restrictions:

1. That service be confined to cars of a capacity of not to exceed six, and carrying no more than such seated capacity;
2. Rates for taxi service shall be forty cents (\$0.40) per car mile (loaded movement), with a minimum charge of thirty-five cents (\$0.35).
3. Service shall be limited to the use of two cars for taxi and sightseeing operations by each applicant.

Passenger fare between the taxicab stands of the applicant in Canon City, Colorado, and the Canon City Airport shall be \$1.00 per passenger.

Use of a station wagon of a seating capacity of eight persons, exclusive of driver, for sightseeing service, only, in addition to the two cabs now authorized for use.

By the instant application, said certificate-holders seek authority to transfer their operating rights under said certificate to Arthur L. Babb, doing business as "Canon Cabs Company," Canon City, Colorado.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Court House, Canon City, Colorado, March 8, 1957, at ten o'clock A. M., and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings.

Report of the Examiner states that transferee, Arthur L. Babb, appeared in support of the application, testifying that he has had three years' experience in a similar business; that his net worth is approximately \$19,500; that he expects to operate the same equipment formerly operated by transferors, and that an equipment list is on file with the application.

The Report of the Examiner further states that the transferee identified the Contract of Sale attached to the application. By its terms, the agreed purchase price of the certificate, including two Ford cabs, is \$2,200, payable on the date transfer is approved by the Commission. Witness has been operating the business since January 31, 1957, by agreement with the transferors.



Report of the Examiner further states that the transferee is qualified, by experience and financially, and is a fit and proper person to conduct the operation authorized by the certificate; that the proposed transfer is in the public interest, and should be authorized.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the Report of the Examiner referred to in the above and foregoing Statement should be approved.

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

That Ernest Foraker and Fred A. Kelley, co-partners, doing business as "Canon Cabs," Canon City, Colorado, should be, and they are hereby, authorized to transfer all their right, title, and interest in and to PUC No. 1525 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Arthur L. Babb, doing business as "Canon Cabs Company," Canon City, 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 transferors 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, unless such time shall be extended by the Commission, upon proper application, shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission.

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 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 date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Heston  
John P. Thompson  
Frank E. Heston  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of April, 1957.

END



*Original*

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ARTHUR BAWDEN,  
DOING BUSINESS AS "ARTHUR SIGHTSEEING SERVICE,"  
433 SEVENTEENTH STREET, DENVER, COLORADO, FOR AU-  
THORITY TO TRANSFER PUC NO. 87 TO AIRPORT LIMOUSINE  
SERVICE, INC., 3455 WEST ARKINS COURT, DENVER, COLORADO.)  
-----

APPLICATION NO.  
15078--Transfer

IN THE MATTER OF THE APPLICATION OF ARTHUR BAWDEN,  
DOING BUSINESS AS "ARTHUR SIGHTSEEING SERVICE," 433  
SEVENTEENTH STREET, DENVER, COLORADO, FOR AUTHORITY  
TO TRANSFER PUC NO. 87 TO YELLOW CAB TOURWAYS, INC.,  
3455 WEST ARKINS COURT, DENVER, COLORADO.)  
-----

APPLICATION NO.  
15078--Transfer-  
AMENDED

-----  
April 1, 1957  
-----

Appearances: Arthur Bawden, Denver, Colorado,  
pro se;  
Walter Simon, Esq., Denver, Colo-  
rado, for Transferee;  
I. B. James, Denver, Colorado,  
for Colorado Motor Way, Inc.;  
Ralph L. Wolff, Denver, Colorado,  
for A A Sightseeing Tours.

S T A T E M E N T

By the Commission:

Arthur Bawden, doing business as "Arthur Sightseeing Service,"  
Denver, Colorado, is the owner of PUC No. 87, authorizing:

Transportation of passengers over the following  
routes:

- (a) Denver to Pikes Peak;
- (b) Denver to Georgetown Loop;
- (c) Denver to Echo Lake and Mt. Evans;
- (d) Denver to Denver Mountain Parks, subject  
to the following terms and conditions:
  - (a) no transportation of passengers to any  
intermediate points;
  - (b) all operations limited to sightseeing,  
round-trip one-day operations;
  - (c) equipment limited to one automobile;

Transportation of passengers over the following  
routes:

- (a) Denver to Pikes Peak;



- (b) Denver to Denver Mountain Parks;
- (c) Denver to Echo Lake and Mt. Evans;

Transportation, by the use of one car, only, of passengers over the following routes:

- (a) Denver to Pikes Peak;
- (b) Denver to Denver Mountain Parks;
- (c) Denver to Georgetown Loop;
- (d) Denver to Echo Lake and Mt. Evans;
- (e) Denver to Estes Park, north trip;
- (f) Denver to Estes Park, south trip, subject to the following terms and conditions:
  - (a) no transportation of passengers to any intermediate points;
  - (b) all operations limited to sightseeing, round-trip, one-day operations;
  - (c) equipment limited to one automobile;

Extended to transportation of passengers on sightseeing trips from Denver to various scenic attractions in the State of Colorado:

- Trip 1 - Gold Patch Trip, reaching Nederland, Central City and Idaho Springs;
- Trip 2 - Jarre Canon Trip, covering section of South Platte and Jarre Canon;
- Trip 3 - Part of Denver Mountain Parks, including Mt. Evans and Leadville, Fairplay section;
- Trip 4 - Peak to Peak Trip -- extends from Long's Peak to Pikes Peak;
- Trip 5 - Mesa Verde Trip -- reaches most of the major scenic attractions in Colorado mining areas; mountainous districts of the State, and points of interest on the Western Slope;
- Trip 6 - Denver to Colorado Springs;

Extended to include the right to operate from point to point within the corporate limits of the City and County of Denver, subject, however, to the same limitations as to type and quantity of motor vehicle equipment heretofore imposed as to service outside the City Limits of Denver.

By the instant application, as amended at the hearing, said certificate-holder seeks authority to transfer his operating rights under said certificate to Yellow Cab Tourways, Inc.



The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, February 28, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings.

Report of the Examiner states that the transferee originally named in the application, to-wit: "Airport Limousine Service, Inc.," appeared by Walter Simon, Esq., and filed application for amendment, so that in all respects "Yellow Cab Tourways, Inc.," shall be substituted for the transferee originally named; that the original contract for purchase of the authority between the transferor and the Airport Limousine Service, Inc. has been assigned to Yellow Cab Tourways, Inc.; and that as there were no objections, the proposed amendment was allowed, and Mr. Simon entered his appearance for the newly-named transferee.

Report of the Examiner further states that Arthur Bawden, transferor, testified that he has been conducting the operations authorized by the certificate since 1919; that a list of equipment operated was made a part of the record by reference; that witness identified Exhibit No. 1, the agreement for sale and purchase executed between himself and Airport Limousine Service, Inc. on January 22, 1957, the agreed purchase price covering all right, title, and interest of transferor in the certificate, a 1946 Cadillac Sedan, a 1949 Packard Sedan, and the name and good will of the business being \$4,500, of which \$500 has been paid, and the balance will be payable if and when the proposed transfer is approved and authorized by the Commission. Attached to the agreement is the assignment from Airport Limousine Service, Inc., to Yellow Cab Tourways, Inc. There is no indebtedness against the certificate or operations thereunder.

The Report of the Examiner further states that Myron Emrich, President of Yellow Cab, Inc., and of Yellow Cab Tourways, Inc., testified that the latter corporation has been organized to operate a sightseeing service, and the stockholders, officers and directors of the two companies are identical; that the company will operate in the sightseeing service air-conditioned Cadillacs, capacity seven passengers and driver; and will add to its present equipment any additional equipment needed. A certified copy of the Certificate of Incorporation



poration of the new company was received in evidence as Exhibit 2, and a pro-forma balance sheet, as of February 28, 1957, received as Exhibit No. 3.

The Examiner's Report further states that no one appeared in protest, and in his opinion, the proposed transfer is in the public interest, and should 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 Report of the Examiner referred to therein should be approved.

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

That the name "Yellow Cab Tourways, Inc.," should be substituted for the transferee, in lieu of Airport Limousine Service, Inc.

### O R D E R

#### THE COMMISSION ORDERS:

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

That the name "Yellow Cab Tourways, Inc.," should be, and the same hereby is, substituted for the transferee herein, in lieu of "Airport Limousine Service, Inc."

That Arthur Bawden, doing business as "Arthur Sightseeing Service," Denver, Colorado, should be, and hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 87 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Yellow Cab Tourways, Inc., 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



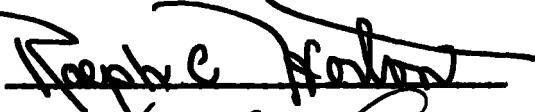


to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order, unless such time shall be extended by the Commission, upon proper application, shall automatically revoke the authority herein granted to make the transfer, without further Order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

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 date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 1st day of April, 1957.

mm



Original

(Decision No. 47633)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) HAROLD HEIDENREICH, 21 WEST 70TH ) AVENUE, DENVER, COLORADO, FOR A ) CLASS "B" PERMIT TO OPERATE AS A ) PRIVATE CARRIER BY MOTOR VEHICLE ) FOR HIRE. ) ----- )	APPLICATION NO. 14937-PP
--	--------------------------

-----  
April 2, 1957  
-----

Appearances: Harold Heidenreich, 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 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; 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.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 27, 1956, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.



On December 24, 1956, 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 states that at the hearing, applicant testified that he is presently engaged in transportation of sand, gravel, and other road-surfacing materials, under Temporary Authority issued by this Commission; that he has had many requests for said service; that he is the owner of a 1947 one and one-half-ton Ford Dump Truck, and has a net worth of \$9,000.

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

Report of said Examiner further states that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the service sought by the instant application.

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.

It did not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory 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 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 Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Harold Heidenreich, 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; 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; 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, provided there shall be no transportation of road oil requiring the use of tank trucks.

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

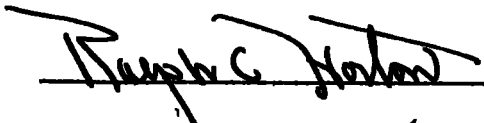
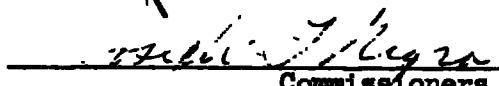
That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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.

COMMISSIONER THOMPSON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 2nd day of April, 1957.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E. W. MADDOX COMPANY, 6308 EAST 72ND )  
AVENUE, DERBY, COLORADO, FOR A CLASS ) APPLICATION NO. 15132-PP  
"B" PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
- - - - - )

- - - - -  
April 2, 1957  
- - - - -

Appearances: Berger and Cutler, Esqs.,  
Denver, Colorado, by  
David Berger, Esq.,  
for Applicant;  
Howard Hicks, Denver, Colo-  
rado, for Weicker Transfer  
and Storage Company;  
Marion Smyser, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc., and Larson  
Transportation Company;  
J. R. Arnold, Denver, Colo-  
rado, for North Eastern  
Motor Freight, Inc.;  
Marion F. Jones, Esq., Denver,  
Colorado, and  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for R. B.  
"Dick" Wilson, Inc., et al;  
Robert Lalich, Esq., Denver,  
Colorado, for Barlow's  
Service, Inc.

S T A T E M E N T

By the Commission:

By the instant application, E. W. Maddox Company, a  
Colorado corporation, Derby, Colorado, seeks authority to operate  
as a Class "B" private carrier by motor vehicle for hire, for the  
transportation of gasoline, fuel oil and oil supplies, materials,  
equipment, good and articles of all descriptions; and hardware  
and automotive supplies, parts, materials, equipment, goods and  
articles of all descriptions, between points within a radius of  
100 miles of number 6308 East 72nd Avenue, Derby, Colorado.

The application was assigned for hearing before Examiner  
Joseph W. Hawley, at the Hearing Room of the Commission, 330 State



Office Building, Denver, Colorado, March 13, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings.

The Report of the Examiner states that at the hearing applicant requested that its application be amended to request the transportation of auto parts and supplies, and petroleum products handled by Maddox Oil Company, only, for delivery to individual customers of said Company, and service stations owned and leased by said Company. There were no objections and the application was amended accordingly.

The Report of the Examiner further states that Elliott W. Maddox, Jr., Secretary-Treasurer of applicant corporation, identified a copy of the Certificate of Incorporation of the Company attached to the application, and offered same in evidence as Exhibit No. 1; also, its list of equipment, consisting of eight pieces, including four tank trucks. He testified that before January 1, 1957, two of these tankers were used by applicant, and two were used and owned by Maddox Oil Company; that it is the plan of applicant to own its own trucks to be used in the delivery of gasoline, fuel oil, and grease from refineries, and auto parts and supplies from supply points to its customers; that Maddox Oil Company owns but one service station at the present time, but others are now owned by Elliott W. Maddox, Sr., and by himself, who are the principal stockholders in the applicant corporation, and also in the Maddox Oil Company, and that other service stations are operated by them under lease.

The Report of the Examiner further states that witness also offered in evidence Exhibit No. 2, a balance sheet of the applicant corporation, as of January 1, 1957, showing net worth of \$61,557.93; that applicant presently needs service from and to the Denver area, to and from four service stations in Derby, Colorado,



one at the city limits of Denver on North Washington Street, one at Aurora, one at Fort Lupton, one at Brighton, and one at Hudson; that it has farm accounts at Hudson and points east as far as 60 miles east of Derby, and is developing its business beyond said points; that there are farmers formerly customers in the Derby area and now residing south of Wiggins and east of Hudson and northeast of Derby, the farthest being 65 miles east of Derby; that the farm accounts are largely in the Derby, Thornton and Brighton area; and that applicant has no present customers west of U. S. Highway No. 287, or south of Denver.

The Examiner's Report further states that no evidence was given on behalf of protestants, but it was stipulated and agreed that should the Commission act favorably on the application, the authority granted should authorize the transportation of petroleum products, excluding road oil and liquid asphalt, and auto parts and supplies handled by Maddox Oil Company, only, for delivery to individual customers of said Company and to service stations owned or leased by said Company, with no service authorized to points west of U. S. Highway No. 287, or south of Denver, Colorado; that all transportation of petroleum products in tank trucks shall be limited to the use of tank trucks of not more than 4,000 gallon capacity; and that service shall be limited to one customer, only, to-wit: Maddox Oil Company, without the right to add to the number of customers served except upon authority so to do first had and obtained from this Commission.

The Examiner's report further states that in his opinion the instant application should be granted, and that the authority issued should be limited, as set forth in the preceding paragraph.

#### 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 instant application should be granted, as limited 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 E. W. Maddox Company, 6308 East 72nd Avenue, Derby, Colorado, should be, and it hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of petroleum products, excluding road oil and liquid asphalt, and auto parts and supplies, handled by Maddox Oil Company, only, for delivery to individual customers of said Company and to service stations owned or leased by said Company, with no service authorized to points west of U. S. Highway No. 287, or south of Denver, Colorado; provided, however, that all transportation of petroleum products in tank trucks shall be limited to the use of tank trucks of not more than 4,000 gallon capacity; and that service shall be limited to one customer only, to-wit: Maddox Oil Company, without the right to add to the number of customers served, except upon authority 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.

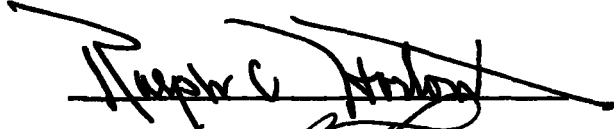

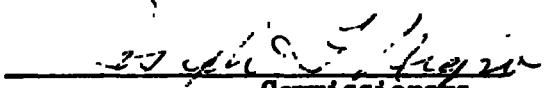
That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of its customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon its 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 April, 1957.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) P. S. BLAKESLEE, STAR ROUTE 2, ) MORRISON, COLORADO, FOR AUTHORITY ) TO TRANSFER PERMIT NO. B-4947 TO ) CHARLES E. ROWELL, STAR ROUTE 2, ) MORRISON, COLORADO. ) ----- )	APPLICATION NO. 15080-PP-Transfer
--	-----------------------------------

-----  
April 2, 1957  
-----

S T A T E M E N T

By the Commission:

P. S. Blakeslee, Star Route 2, Morrison, Colorado, is  
the owner and operator of Private Permit No. B-4947, authorizing:

transportation of milk from farms and ranches,  
within an area of five miles on either side of  
U. S. Highway No. 285, extending from Morrison  
to Bailey, Colorado, and from a point on U. S.  
Highway No. 40 where it is intersected by Colo-  
rado Highway No. 93 to Denver, Colorado, with  
return of empty cans.

By the instant application, the permit-owner seeks  
authority to transfer his operating rights under said permit to  
Charles E. Rowell, of the same address.

The application was assigned for hearing before Examiner  
Joseph W. Hawley, at the Hearing Room of the Commission, 330 State  
Office Building, Denver, Colorado, February 28, 1957, with due  
notice to all interested parties.

The Examiner has submitted his Report of the proceedings.

The Report of the Examiner states that neither trans-  
feror or transferee appeared either in person or by counsel, nor  
did any protestant appear; and that the files were made a part of  
the record and the matter was taken under advisement.

The Report of the Examiner further states that it appears  
from the records and files of the Commission that there is no out-  
standing indebtedness against the permit or operations thereunder;



that no consideration is involved, the transfer being strictly a gift from the transferor to the transferee; that transferee is the owner of a 1951 GMC truck and a 1952 Chevrolet truck; and that his net worth is \$7,100.

The Examiner's Report further states that in his opinion the Commission is justified by the record in authorizing the proposed transfer without a formal hearing, no protestant appearing, there being no consideration involved, and transferee having the equipment and financial stability to properly continue to serve the public under the 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 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 the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That P. S. Blakeslee, Star Route 2, Morrison, Colorado, should be, and he is hereby, authorized to transfer all his right, title and interest in and to Permit No. B-4947, with authority as set forth in the preceding Statement, which is made a part hereof by reference, to Charles E. Rowell, Star Route 2, Morrison, Colorado, subject to the payment of outstanding indebtedness against said permit, 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,

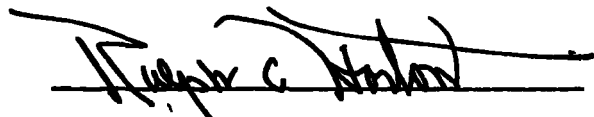


to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the 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 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

  
\_\_\_\_\_  
3424 15 1957  
\_\_\_\_\_  
Commissioners.

COMMISSIONER THOMPSON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 2nd day of April, 1957.

ea



original

(Decision No. 47636)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
BERTON GROVES, 156 EL PASO BOULE- )	
VARD, MANITOU SPRINGS, COLORADO, FOR )	
AUTHORITY TO TRANSFER PERMIT NO. )	<u>APPLICATION NO. 15107-PP-Transfer</u>
B-1501 TO THEODORE GROVES, ELIZABETH )	
GROVES, AND BERTON GROVES, CO-PART- )	
NERS, DOING BUSINESS AS "GROVES CON- )	
STRUCTION CO.," 5 UTE TRAIL, )	
MANITOU SPRINGS, COLORADO. )	
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April 3, 1957  
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Appearances: Theodore Groves, Manitou  
Springs, Colorado, for  
Applicants.

S T A T E M E N T

By the Commission:

Berton Groves, Manitou Springs, Colorado, is the owner and  
operator of Permit N . B-1501, with authority as follows:

- Transportation of coal from Denver & Rio Grande freight yards at Manitou and Colorado Springs, and the Pike View Mine to Colorado Springs, Manitou and Lake George; sand, gravel, and rock, brick, reinforcing iron, and building contractors' equipment from Manitou to Colorado Springs, or from Manitou and Colorado Springs to mountain cabins, suburban towns, and summer resorts in the vicinity thereof; fertilizer from dairies and ranches within a radius of 50-miles of Colorado Springs to Colorado Springs and its suburban towns; white quartz from Divide to Colorado Springs for Manitou-Greenston Company; posts, piling and poles from points on Highway No. 50 within a radius of 50 miles of Colorado Springs to Colorado Springs;
- transportation of sand, gravel, rock, clay products and dirt from point to point within a radius of 50 miles of Colorado Springs, native rough lumber and slabs from mills to summer resorts located within a 20 mile radius of Colorado Springs; lumber and building materials from yards at Colorado



Springs to points west thereof, not exceeding 20 miles distant and excluding Manitou; and cement from Colorado Springs and railroad points to highway jobs under construction within 50 miles of Colorado Springs, provided, however, that the applicant shall not engage in any transportation service transporting finished lumber between points on U. S. Highways Nos. 85 and 24.

By the instant application filed January 29, 1957, Berton Groves, Manitou Springs, Colorado, seeks authority to transfer Permit No. B-1501 to Theodore Groves, Elizabeth Groves, and Berton Groves, co-partners, doing business as "Groves Construction Co.," Manitou Springs, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the City Auditorium, Colorado Springs, Colorado, March 12, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

Mr. Theodore Groves testified in support of the application. He stated that he had operated this authority himself for many years before transferring it to his son; the son now seeks to transfer the authority back to a partnership consisting of father, mother and son. The principal business of the partnership is excavation and the transportation of sand and gravel. In addition to the motor vehicle equipment shown by existing equipment lists, it is planned to add two more dump trucks. The partnership net worth is approximately \$30,000. It appears that the partnership is qualified financially and by experience and has equipment suitable to the work.

No one appeared in opposition to the transfer and no reason appears why the same should not be granted.

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

##### THE COMMISSION FINDS:

That the above and foregoing Statement should be made a part hereof by reference.



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 Berton Groves, Manitou Springs, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest in and to Permit No. B-1501, with authority as set forth in the preceding Statement, which is made a part hereof by reference, to Theodore Groves, Elizabeth Groves, and Berton Groves, co-partners, doing business as "Groves Construction Co.," Manitou Springs, Colorado, subject to payment of outstanding indebtedness against said permit, 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 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 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 transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

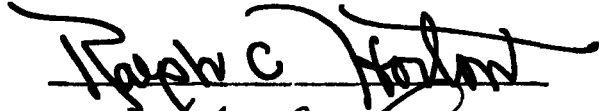


This Order is made a part of the permit authorized to be



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 3rd day of April, 1957.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FLOYD D. ARNOLD, BOX 1180, KIOWA, )  
COLORADO, FOR AUTHORITY TO EXTEND ) APPLICATION NO. 15105-PP-Extension  
OPERATIONS UNDER PERMIT NO. B-4476. )  
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April 3, 1957  
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Appearances: Floyd D. Arnold, Kiowa,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

The applicant presently has intrastate authority as a motor vehicle private carrier for the transportation of eggs from point to point within the State of Colorado. By the present application filed January 25, 1957, the applicant seeks to have this authority extended to permit him to transport empty egg cases and egg cartons within the same territory.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the City Auditorium, Colorado Springs, Colorado, March 12, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of his application. He stated that he is engaged in the business of transporting eggs in interstate commerce principally from Minnesota, delivery them along local routes within the State of Colorado. It is an ordinary and necessary part of the business that at the time of delivery he pick up empty cases from previous deliveries and return to the supplier. Through oversight, he failed to obtain this additional authority at the time of his original application. He would use his same equip-



ment and conduct only his present operation, if the authority is granted. He has no other authority to engage in transportation for hire within the State. It appears that he is qualified financially and by experience and has equipment suitable to the work.

No one appeared in protest and no reason appears why the authority sought should not be granted. It does not appear that the granting of the extension sought will tend to impair the efficient service of any common carrier.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement should be made a part hereof by reference.

That the extension sought should be granted.

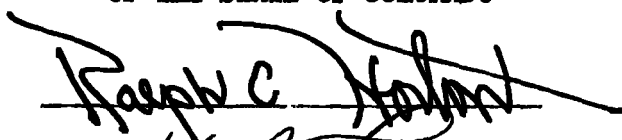


### O R D E R

#### THE COMMISSION ORDERS:

That Floyd D. Arnold, Kiowa, Colorado; should be, and he is hereby, authorized to extend operations under Permit No. B-4476 to include the right to transport empty egg cases and egg cartons, from point to point within the State of 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.

Dated at Denver, Colorado,  
this 3rd day of April, 1957.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT D. CUMMING, DOING BUSINESS )  
AS "DISPOSAL SERVICE COMPANY," 8 )  
BROADMOOR ROAD, COLORADO SPRINGS, )  
COLORADO, FOR A CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY TO OP- )  
ERATE AS A COMMON CARRIER BY MOTOR )  
VEHICLE FOR HIRE. (APPLICANT RE- )  
QUESTS THAT IN THE EVENT AUTHORITY )  
HEREIN SOUGHT IS GRANTED, OPERATING )  
RIGHTS BEAR THE NUMBER "PUC 2130," )  
BEING THE NUMBER OF A CERTIFICATE )  
FORMERLY HELD BY HIM). )

APPLICATION NO. 15103

-----  
April 3, 1957  
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Appearances: C. Lee Goodbar, Jr., Esq.,  
Colorado Springs, Colo-  
rado, for Applicant.

S T A T E M E N T

By the Commission:

By application filed January 24, 1957, the applicant seeks authority as a motor vehicle common carrier for the transportation of waste materials, within the area more particularly described in the following Order.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the City Auditorium, Colorado Springs, Colorado, March 12, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

It appears from the evidence that the applicant has engaged in this business pursuant to the authority of PUC No. 2130 for many years and is now President of the local Ash and Trash Haulers Association in Colorado Springs. For failure to keep a current list of his equipment on file with the Commission, the applicant's authority was



revoked on or about January 4, 1957. The present application is in reality a request that the former authority be reinstated.

It appears from the evidence that the applicant is qualified financially and by experience and has equipment suitable to the work. There was testimony sufficient to warrant the conclusion that public convenience and necessity requires the service proposed and that no local carrier will be injured by the granting of the authority sought.

No one appeared in protest and no reason appears why the authority sought should not be granted. An Order will be entered accordingly.

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

##### THE COMMISSION FINDS:

That the above and foregoing Statement is, by reference, incorporated herein.

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant.

#### 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 Robert D. Cumming, doing business as "Disposal Service Company," Colorado Springs, Colorado, for the transportation, in pickup and delivery service, of ashes, trash, rubbish and other waste material, to and from points within a radius of ten miles of the Post Office, in the City of Colorado Springs, Colorado, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That the authority granted above shall bear the number PUC 2130, being the number previously held by said certificate-holder.

That applicant shall operate his carrier system in accord-

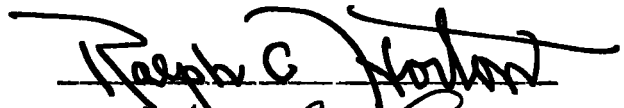

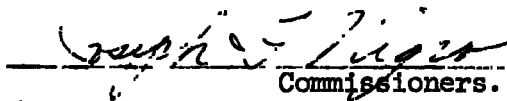


ance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

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 3rd day of April, 1957.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

DOYLE M. MORRIS, PAUL V. SIMMONS,  
FRED SCHMIDT, JR., GUS B. ZELENKA,  
MRS. S. L. ARMSTRONG, FRED SCHU-  
MACHER, WILBUR OLTSSEN, NORMAN E.  
NORDBY, DON BAKER, MARRENE GIFFINS,  
WILLIAM H. FEHR, JAMES H. MC QUAY,  
VINCENT B. LUCAS, LEONA R. BOHLE,  
R. J. OLSON, LEON J. WINKELMAN,  
LEONARD W. GERDER, DANIEL J. COOPER,  
DONALD L. ESTES, ALICE J. HERB,  
CLYDE TREVENA, CARL BROWN, GRAYCE  
SOLL, K. L. SALA, MRS. B. M. COWLEY,  
W. S. TUCKER, MRS. E. H. STOVER,  
EDWARD L. ROSE AND JOHN C. CAMPBELL,

Complainants,

vs.

THE CONSOLIDATED MUTUAL WATER COMPANY,

Defendant.

CASE NO. 5091

April 3, 1957

S T A T E M E N T

By the Commission:

The above-entitled complaint was filed with the Commission on November 3, 1954, and the Commission issued its Order to Satisfy or Answer to said complaint on November 4, 1954. Defendants filed an Answer to the complaint on November 4, 1954, and asked that the matter be set down for hearing. The complaint was set for hearing on December 21, 1954, but the hearing was vacated at the request of the Attorneys for Complainants, to be reset at a later date. On February 15, 1956, the Secretary for the Commission inquired of the Complainants when they wished this matter to be reset, but to date no reply has been received.

In view of the fact that no action has been taken by the Complainants, we feel that this complaint should be dismissed



without prejudice for lack of prosecution.

F I N D I N G S

THE COMMISSION FINDS:

That Case No. 5091 should be dismissed without prejudice for lack of prosecution.

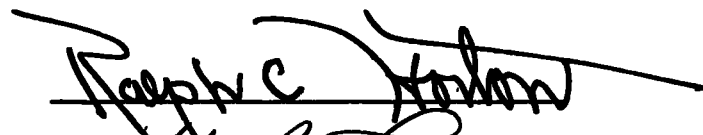


O R D E R

THE COMMISSION ORDERS:

That Case No. 5091 be, and it hereby is, dismissed without prejudice.

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 3rd day of April, 1957.

ea



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IN THE MATTER OF THE APPLICATION OF  
GLEN BROLLIER AND FRANCES BROLLIER,  
CO-PARTNERS, DOING BUSINESS AS  
"BROLLIER TRUCK LINE," KIOWA, COLO-  
RADO, FOR AUTHORITY TO TRANSFER PUC  
NO. 459 AND PUC NO. 459-I TO ELBERT  
TRANSFER CO., A CORPORATION, BOX  
574, ELBERT, COLORADO.

April 3, 1957

**Appearances:** Merle Jessup, Elbert,  
Colorado, for Transferee;  
Glen Brollier, Kiowa, Colo-  
rado, for Transferors.

## S T A T E M E N T

**By the Commission:**

The transferor partners, with an office at Kiowa, presently hold the following motor vehicle common carrier operating authority under PUC No. 459 and PUC No. 459-I:

Transportation of freight generally from point to point within a radius of 25 miles of Kiowa, of livestock from points within said radius to Denver, and miscellaneous farm supplies from Denver to farmers only living within said radius subject to the conditions hereinafter stated:

- (1) The applicant shall not operate on schedule between any points.
- (2) The applicant shall charge the same rates as those contained in the tariff of rates filed by Lee Whitney until such time as the rates of said Whitney may be held to be unreasonable.
- (3) The applicant's equipment shall be limited to one truck until and unless further ordered by this Commission.

Transportation of freight, excluding milk or dairy products and furniture and household goods (except household goods and furniture transported in connection with the moving of farmers), into, out of and between points within a radius of 25 miles of Kiowa, Colorado; horses in less-than-truckload lots between ranches in Kiowa, Lincoln,



and Crowley Counties, and Denver, for customers residing within a radius of 25 miles of Kiowa, Colorado; provided, however, that the applicant under this, his extended authority, shall not engage in the transportation of dead freight between points along the line of scheduled common carriers now serving the above described Kiowa area. Applicant is authorized to put on as many trucks as he may desire in the conduct of this operation and the authority hereby given is in addition to the authority granted in Decision No. 2780.

Transportation of freight between all points in Colorado and the Colorado State boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

The transferee corporation, with an office at Elbert, now has the following motor vehicle common carrier authority under PUC No. 322 and PUC No. 322-I:

Transportation of agricultural products, including livestock, between Elbert and Table Rock territory and Colorado Springs, not on schedule.

Transportation of all freight from within a radius of 10 miles of Elbert to and from Denver, except service between Kiowa and Elizabeth and intermediate points in competition with any scheduled carrier.

Transportation on call and demand of farm products, farm supplies, livestock and farm equipment from point to point in a radius extending 18 miles north, 18 miles east, and 18 miles south and 15 miles west of Elbert and between points in said area and points outside thereof; all of which transportation service shall be for customers residing in the above Elbert area as described.

Decision No. 15126 eliminates the transportation of dairy products from the Kiowa-Elizabeth territory now covered by Certificate No. 378, which is: "Beginning at a point 6 miles north of Kiowa, thence north to Kiowa and thence west through Elizabeth."

Interstate authority as follows:

Between all points in Colorado and the Colorado State boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

The following authority transferred from PUC-421 & PUC-421-I and consolidated herewith by Decision No. 36392:



Transportation, moving and general cartage business in the County of El Paso and between points in the County of El Paso and other points in the State of Colorado, PROVIDED, transportation of commodities other than household goods between points served by scheduled carriers, applicant shall charge rates in excess of 20% in all cases than those charged by scheduled carriers and applicants shall not operate on schedule between any points and applicants shall not establish a branch office or have an agent in any other town or city than Colorado Springs for the purpose of developing business.

Decision No. 38208 transfers all authority granted under Decision No. 4438 to PUC-611 specifically excluding the right to transport livestock and farm produce.

Decision No. 40916, as amended by Decision No. 40983, dated July 24, 1953, extended as follows:

Transportation of general commodities excepting petroleum products in bulk, in tank vehicles, and excluding household goods except in connection with a complete farm movement between points within an area bounded as follows: Beginning at a point on the north El Paso County line 1 mile east of U. S. Highway 85; thence northerly paralleling U. S. Highway 85, 1 mile east thereof to the intersection of Colorado State Highway No. 214; thence along Colorado State Highway No. 214 and Colorado State Highway No. 83 to the south Arapahoe County line; thence east along the south Arapahoe County line to Comanche Creek; thence north along Comanche Creek a distance of 4 miles, more or less to a point; thence due east to the intersection of Colorado State Highway No. 81; thence along Colorado State Highway No. 81 to its intersection with Colorado State Highway No. 86; thence west along Colorado State Highway No. 86 to its intersection with a road running south to Ramah, Colorado; thence south along said road to the north El Paso Line; thence west along the north El Paso County line to the point of beginning.

That the restriction in Decision No. 32735 granting PUC-421 to Wesley Weide, and providing that he not be permitted without further authority from the Commission, to establish a branch office or to have an agent employed in any other town than Colorado Springs for the purpose of developing business, be, and the same is hereby, eliminated from the present authority to applicant under PUC-322, and said applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have an agent employed in any other town or city than Elbert, Colorado, for the purpose of developing business.

By the instant application, the Company operating out of Elbert seeks authority to buy the similar and substantially duplicat-



ing authority of the carrier operating at Kiowa, the County seat, some ten miles away. Both communities are in Elbert County, an area of small population.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the City Auditorium, Colorado Springs, Colorado, March 12, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

It appears from the evidence that neither carrier is busy full time and that the consolidation of the authorities will permit the remaining carrier to make more effective use of its personnel and equipment, thus tending to give better service to the public at lower unit costs.

It appears from the evidence that the transferor partnership has no indebtedness, but agrees to discharge any indebtedness which should arise during the term of their ownership. They have no other authority to engage in transportation for hire, and have no financial interest in the transferee corporation. No equipment is being transferred, nor is the authority to be mortgaged in connection with the transaction.

It also appears that the transferee corporation is entirely controlled by a mother and son, who presently operate the Company. They are familiar with the authority and for the present plan to render substantially the same service now being rendered under the authority. They propose to adopt the same rate schedule; action concerning such adoption will require as much of the Company's existing authority and rates, and no decision is made at this time concerning such rate schedules. The Company asks that the authority be tacked to the end of its existing authority and that the present number of the authority be cancelled. It appears that the transferee Company has equipment and finances suitable to the work.

No one appeared in protest and no reason appears why the



transfer should not be permitted.

## F I N D I N G S

### THE COMMISSION FINDS:

That the above and foregoing Statement should be made a part hereof by reference.

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 Glen Brollier and Frances Brollier, co-partners, doing business as "Brollier Truck Line," Kiowa, Colorado, should be, and they are hereby, authorized to transfer all their right, title and interest in and to PUC No. 459 and PUC No. 459-I, with authority as set forth in the preceding Statement, which is made a part hereof by reference, to Elbert Transfer Co., a corporation, Elbert, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

That the authority under PUC No. 459 and PUC No. 459-I so transferred should be, and the same hereby is, added to the authority of Elbert Transfer Co., a corporation, Elbert, Colorado, under PUC No. 322 and PUC No. 322-I.

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 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 (3) 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 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.

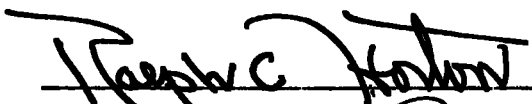


The right of transferee to operate under this Order shall depend upon the prior filing by transferors of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

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 numbers PUC No. 459 and PUC No. 459-I should be, and the same hereby are, cancelled.

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 3rd day of April, 1957.

ea



Original

(Decision No. 47641)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DANIEL QUENTIN MATHEY, DOING BUSI- )	
NESS AS "DURANGO TRANSFER & STORAGE )	
CO.," DURANGO, COLORADO, FOR AUTHOR- )	APPLICATION NO. 15169-Transfer
ITY TO TRANSFER PUC NO. 1886 TO J. H. )	
STRAHAN, DURANGO, COLORADO. )	
- - - - - )	

- - - - -  
April 3, 1957  
- - - - -

Appearances: McKelvey and McKelvey, Esqs.,  
Durango, Colorado, for  
Transferor and Transferees.

S T A T E M E N T

By the Commission:

By Decision No. 30526, of date May 19, 1948, James R. Vannorsdel and Dorothy T. Vannorsdel, co-partners, doing business as "Vann's Transfer & Storage Company," Durango, Colorado, were authorized to operate as common carriers by motor vehicle for hire for the transportation of:

household goods between points in the area embraced or covered by the five counties in the Sixth Judicial District of Colorado, consisting of Archuleta, La Plata, Dolores, Montezuma, and San Juan Counties,

said operating rights being designated "PUC No. 1886."

Pursuant to authority contained in Decision No. 33685, of date November 3, 1949, said certificate-holders transferred said operating rights to Dorothy T. Vannorsdel, doing business as "Vann's Transfer and Storage," Durango, Colorado, who, by Decision No. 33850, of date December 16, 1949, transferred said operating rights to E. O. Johns and Katherine H. Johns, co-partners, doing business as "Vann's Transfer and Storage," Durango, Colorado, the trade name being later changed to "Durango Transfer and Storage Co."



By Decision No. 39351, of date September 23, 1952,  
said certificate was extended to include the transportation of:

household goods and used office equipment,  
store equipment, and fixtures and trunks  
and baggage, from and to points in the  
area embraced in the Sixth Judicial District  
of Colorado, viz.: Archuleta, La Plata, Dolores,  
Montezuma and San Juan Counties, to and from  
points in the State of Colorado.

By Decision No. 41529, of date November 16, 1953, said  
certificate was further extended to include the transportation of:

general commodities in the Counties of  
Archuleta, La Plata, Dolores, Montezuma  
and San Juan, Colorado, excluding trans-  
portation between towns on U. S. Highways  
Nos. 550 and 160, and Colorado Highway No.  
172, served by Rio Grande Motor Way, Inc.,  
and excluding transportation from point to  
point in San Juan County, Colorado, and ex-  
cluding transportation of oil and gas well  
equipment and supplies and cement and gas  
and drilling mud within a radius of  
15 miles of Ignacio, Colorado.

By Decision No. 44444, of date July 25, 1955, E. O.

Johns and Katherine H. Johns, co-partners, doing business as  
"Durango Transfer and Storage Co.," Durango, Colorado, were author-  
ized to transfer operating rights under PUC No. 1886 to Daniel  
Quentin Mathey, doing business as "Durango Transfer and Storage Co.,"  
Bayfield, Colorado, who, by Decision No. 45468, of date March 12,  
1956, was authorized to lease PUC No. 1886 to J. H. Strahan, Dur-  
ango, Colorado, with option to purchase.

By the instant application, J. H. Strahan, Durango, Colo-  
rado, seeks authority to exercise the lease and option and become  
the outright owner of the authority under PUC No. 1886.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the District  
Court Room, Durango, Colorado, March 21, 1957, and at the conclusion  
of the evidence, the matter was taken under advisement.

It appeared from the testimony of the applicant that the  
applicant has operated the present authority pursuant to lease and  
option for approximately one year and has now, with the consent of



the lessor, exercised his option to purchase. He has executed a promissory note and other instruments necessary to complete the transaction and delivered them to a transfer agent for delivery upon Commission approval of the transfer. The transferor has similarly delivered the instruments required of him to the same transfer agent, subject to the same conditions.

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

No one appeared in opposition and no reason appears why the transfer should not be approved, subject to outstanding indebtedness, if any.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

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 Daniel Quentin Mathey, doing business as "Durango Transfer & Storage Co.," Durango, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest in and to PUC No. 1886, with authority as set forth in the preceding Statement, which is made a part hereof by reference, to J. H. Strahan, Durango, 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Holman  
John P. Thompson  
Joseph L. Brown  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of April, 1957.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
JOE A. HOTTER AND ALOIS F. HOTTER,  
CO-PARTNERS, DOING BUSINESS AS  
"HOTTER BROTHERS," P. O. BOX 1308,  
DURANGO, COLORADO, FOR AUTHORITY TO  
TRANSFER PUC NO. 2033 TO JOHN B.  
ABLE, DOING BUSINESS AS "MONTEZUMA  
TRUCK LINE," DURANGO, COLORADO.

APPLICATION NO. 15176-Transfer

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April 3, 1957  
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Appearances: McKelvey and McKelvey, Esqs.,  
Durango, Colorado, for  
Transferors and Transferee.

S T A T E M E N T

By the Commission:

By Decision No. 32413, of date September 6, 1949, Joe Hotter, Carl Hotter, Henry Hotter, and Alois Hotter, doing business as "Hotter Brothers," Durango, Colorado, were granted a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of:

livestock, livestock feeds, and farm produce between points within La Plata County, Colorado, with no town-to-town service, equipment to be used in said operation to be limited to two two-ton straight trucks,

said operating rights being designated "PUC No. 2033."

Pursuant to authority contained in Decision No. 40415, of date May 4, 1953, said certificate-holders transferred said PUC No. 2033 to Joe A. Hotter, Henry M. Hotter, and Alois F. Hotter, co-partners, doing business as "Hotter Brothers," Durango, Colorado, who, by Decision No. 43463, of date October 20, 1954, transferred said PUC No. 2033 to Joe A. Hotter and Alois F. Hotter, co-partners, doing business as "Hotter Brothers," Durango, Colorado.



By the instant application, said certificate-holders seek authority to transfer PUC No. 2033 to John B. Able, doing business as "Montezuma Truck Line," Durango, Colorado.

The matter was regularly set for hearing on March 21, 1957, at the District Court Room, Durango, Colorado, due notice of the time and place of hearing being forwarded to all parties in interest.

The matter being called up for hearing the Attorney representing both applicants asked that the application be dismissed and that the certificate be cancelled. He stated that he had personally discussed the matter with both the Hotter brothers, who proposed to sell the authority, and with Mr. Able, who proposed to buy it, and that all were in accord that the certificate should be cancelled and hereafter held for naught.

No one appeared in protest.

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

##### THE COMMISSION FINDS:

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

That Certificate No. 2033 should be cancelled, at the request of applicants.

That the instant application should be dismissed.

#### O R D E R



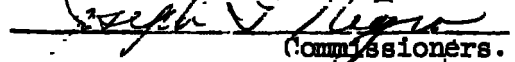
##### THE COMMISSION ORDERS:

That Certificate No. 2033 be, and the same hereby is, declared cancelled.

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

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 3rd day of April, 1957.  
mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LYNN C. GEORGE, PAGOSA SPRINGS, )  
COLORADO, FOR A CERTIFICATE OF PUB- ) APPLICATION NO. 15168  
LIC CONVENIENCE AND NECESSITY TO )  
OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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-----  
April 3, 1957  
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Appearances: McKelvey and McKelvey, Esqs.,  
Durango, Colorado, for  
Applicant;  
R. E. Turano, Denver, Colo-  
rado, and  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.

S T A T E M E N T

By the Commission:

By his application filed December 5, 1956, the applicant seeks common carrier authority as set forth in the following Order, but in general, as explained at the hearing, to engage in regular route operations between Colorado points along U. S. Highway No. 84, between Pagosa Springs and Chama, New Mexico; and to engage in call and demand emergency service between points which are themselves between Pagosa Springs and South Fork.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the District Court Room, Durango, Colorado, March 21, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of his application. As to his regular route service southward from Pagosa Springs, the applicant stated he intends primarily a substituted service for the less



car load service of the Rio Grande Railroad in that area, but will also make delivery of goods brought from east and west to Pagosa Springs by other line haul carriers, and will also make delivery along this route for merchants in Pagosa Springs. He has a truck-tractor and semi-trailer suitable to the work and proposes a schedule twice a week each way, arranged so as to meet trucks coming into Pagosa Springs from the east and west. He has an interest in a grocery store at Pagosa Springs and is well acquainted with the area. He appears to have finances sufficient to the work.

Several prospective customer witnesses testified in support of his application, as did an official of the Railroad and one of the line-haul carriers serving Pagosa Springs.

Concerning the emergency service north out of Pagosa Springs towards South Fork, the applicant stated that this is a service he now renders and has for many years in connection with wrecking and salvage operations on and near Wolf Creek Pass. He has specially rigged equipment for use in this salvage work and is occasionally required to salvage the cargo from an immobilized vehicle and take it either to South Fork or to Pagosa Springs, where the owner can claim it for sale or other transportation. He has been informed by the Highway Patrol that he must have authority from this Commission to do this salvage work, and he has accordingly included this call and demand service in his application.

No one testified in protest of any part of the application. It appears that the applicant is well qualified financially and by experience to perform the service sought.

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

##### THE COMMISSION FINDS:

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

That public convenience and necessity require the granting



of the proposed motor vehicle common carrier service of applicant.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed regular route common carrier motor vehicle service of Lynn C. George, Pagosa Springs, Colorado, for the transportation of general commodities between the Colorado points along the highway from Pagosa Springs, Colorado, to Chama, New Mexico and Dulce, New Mexico, and all intermediate points, and the off-route point of Edith, Colorado; and call and demand service from points on U. S. Highway No. 160, between the points of Pagosa Springs, Colorado, and South Fork, Colorado, to Pagosa Springs, Colorado, or South Fork, Colorado, and intermediate points, but not between the two terminus points of Pagosa Springs, Colorado, and South Fork, 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 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.

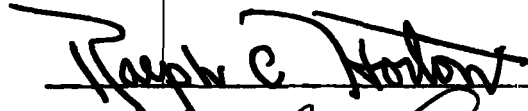


That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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 shall become effective twenty-one days  
from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of April, 1957.

mls



*Emigh*

(Decision No. 47644)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
L. E. HESTER, DOING BUSINESS AS )  
"AQUA TRUCK COMPANY," BOX 82, FARM- )  
INGTON, NEW MEXICO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR FINE. )  
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APPLICATION NO. 15170-PP

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April 3, 1957  
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Appearances: Emigh and Emigh, Esqs., Durango,  
Colorado, by A. M. Emigh, Esq.,  
for Applicant;  
McKelvey and McKelvey, Esqs.,  
Durango, Colorado, for Monte-  
zuma Truck Line, and Durango  
Transfer and Storage;  
G. W. Hoy, Esq., Farmington, New  
Mexico, for L. B. Petty, Inc.;  
Donovan M. Hoover, Esq., Santa Fe,  
New Mexico, for Box Bar Trans-  
portation Company.

S T A T E M E N T

By the Commission:

By the present application, filed January 25, 1957, the applicant seeks authority as a motor vehicle private carrier for the transportation of water, from point to point within the Counties of Dolores, Montezuma, La Plata, and Archuleta, and into and out of such Counties.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the District Court Room, Durango, Colorado, March 21, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

For reasons not now significant, this Company's applications have unfortunately been in a state of confusion for some time. Counsel for the applicant in the present matter, after presenting



some of his evidence, stated that it would be advisable, from his view point, and would certainly put the Commission in a better position to decide the matter, if he could start fresh with a new application, rather than to clutter the record by going back to explain the series of unfortunate circumstances which had brought the matter to its present condition. He therefore asked leave to withdraw the application, and consented to having it dismissed without prejudice so that this might be done. There was no objection to this method of procedure, and the docket may now be cleared of the present matter. An Order will be entered accordingly.

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

##### THE COMMISSION FINDS:

That the above and foregoing Statement should be made a part hereof by reference.

That the instant application should be dismissed without prejudice, at the request of the applicant.

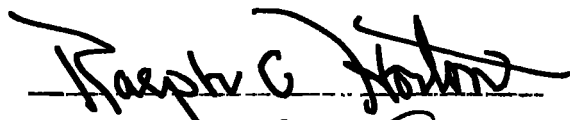


#### O R D E R

##### THE COMMISSION ORDERS:

That the above-styled application should be, and the same hereby is, dismissed without prejudice.

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 3rd day of April, 1957.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LOIS K. LOGSTON, P. O. BOX 236, )  
DURANGO, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 15171-PP

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April 3, 1957  
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Appearances: Robert C. Duthie, Esq., Durango,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

By the present application filed November 14, 1956, the applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and dirt, from point to point within the State of Colorado, within a radius of fifty miles of the Four Corners.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the District Court Room, Durango, Colorado, March 21, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of his application. He stated that he has in mind only to operate dump trucks and consented to having the authority, if granted, limited to the use of dump trucks. He has one piece of such equipment at present and work available to be done, if authority is granted.

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

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating



in the territory which applicant seeks to serve.

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

The territorial description sought is difficult of enforcement, as it is not easy for an officer on the highway to be certain whether he is within 50 miles of the inaccessible southwest corner of the State. Reference to a map indicates that this area includes Montezuma County, extending beyond it only in minor respects. No request for service outside that County was shown. The authority granted should be limited to that County.

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

##### THE COMMISSION FINDS:

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

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

#### O R D E R

##### THE COMMISSION ORDERS:

That Lois K. Logston, Durango, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation, in dump trucks only, of sand, gravel, and dirt, from point to point within Montezuma County, Colorado.

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

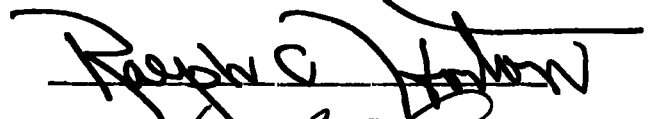

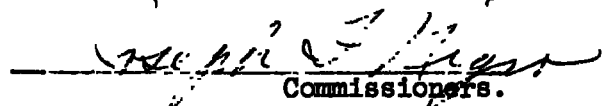
That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.



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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners.

Dated at Denver, Colorado,  
this 3rd day of April, 1957.

mls



Original  
(Decision No. 47646)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DENNIS D. SMITH, DOING BUSINESS AS )  
"SMITH TRUCK LINE," 519 NORTH CEDAR, ) APPLICATION NO. 15109-PP-Extension  
COLORADO SPRINGS, COLORADO, FOR )  
AUTHORITY TO EXTEND OPERATIONS UNDER )  
PERMIT NO. B-2209. )  
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April 4, 1957  
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Appearances: Dennis D. Smith, Colorado  
Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

The applicant presently has authority in general to operate as a motor vehicle private carrier transporting milk and cream and certain other commodities in a small area lying generally north and east of Colorado Springs.

By the present application, filed January 22, 1957, he seeks to have this authority clarified so that there may be no doubt that he may haul milk in bulk in the territory heretofore authorized.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the City Auditorium, Colorado Springs, Colorado, March 12, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of his application. He stated that until recently his milk producing customers have been shipping their milk to the creamery in cans. Some ten of his customers now have made installations of equipment on their farms suitable to the handling of milk in bulk and have asked him to carry their milk in bulk hereafter. He has obtained a vehicle suitable to the work,



of 1,800 gallons capacity. He will continue to serve those of his customers who ship their milk in cans. He has no common carrier competitors. It appears that he is qualified financially and by experience and has equipment suitable to the work. No reason appears why his authority should not be restated, as set forth in the following Order.

No one appeared in protest.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the above and foregoing Statement should be made a part hereof by reference.

That the authority sought should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That Dennis D. Smith, doing business as "Smith Truck Line," Colorado Springs, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-2209, so that operations under said Permit No. B-2209 shall read as follows:

Transportation of milk and cream, in bulk and in cans, to Colorado Springs from Elbert, and from farmers residing within the area extending 3 miles south, 11 miles north, and 11 miles west of his home, and the east boundary of said area being a line drawn north and south through his home, which is located about 11 miles southwest of Elbert, and the transportation of sacked feeds from Colorado Springs, and coal from mines in Elbert County to said milk customers.

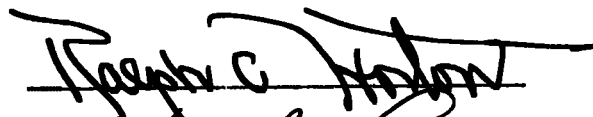

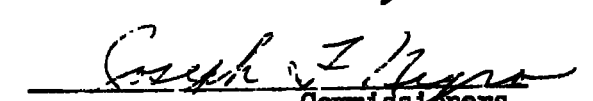
Transportation of same commodities now authorized, and in the same manner, between points and over route or routes within the area extending 20 miles south, 3 miles east, 11 miles north and 11 miles west of his home, which is located about 11 miles southwest of Elbert, including transportation of sacked feeds from Colorado Springs, and coal from mines in Elbert County, to milk customers in said described area.

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

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of April, 1957.

mls



Original

(Decision No. 47647)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LEONARD B. MARSHALL, 107 EAST EATON, )  
CRIPPLE CREEK, COLORADO, FOR AUTHOR- ) APPLICATION NO. 15173-PP-Extension  
ITY TO EXTEND OPERATIONS UNDER PER- )  
MIT NO. B-4956. )

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April 4, 1957  
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Appearances: Leonard Marshall, Cripple  
Creek, Colorado, pro se;  
McKelvey and McKelvey, Esqs.,  
Durango, Colorado, for  
Montezuma Truck Line.

S T A T E M E N T

By the Commission:

The applicant presently holds what is generally described as sand and gravel authority. By his present application, as orally restricted at the hearing of the matter, he seeks to have this authority extended to permit him, as a motor vehicle private carrier, to engage in the transportation of raw ore, from mines within a 50 mile radius of Naturita, to smelters at Naturita, Durango, Grand Junction, and Uravan, Colorado, with back-haul to the mines of mine props, timbers and supplies, from all points named, except Durango, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the District Court Room, Durango, Colorado, March 21, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified in support of his application. He stated that he has in mind using only a dump truck, and consented to having the authority, if granted, limited to the use of such equipment. He has one dump truck at present and has work available



to be done, if the authority is granted. His net worth is approximately \$10,000. He elaborated as to the type of materials he plans to transport back to the mines from the Towns mentioned (except Durango) by saying that the mining company or miner makes out a list of things for him to pick up on his way back to the mine, which ordinarily includes timbers, light rail, and such items used in mining, but does not include mining machinery. All of the goods he had in mind could be carried in his dump truck without special alteration of any kind.

In view of the restriction placed upon the application by the applicant, no one testified in protest. It does not appear that the granting of the authority as set forth in the following Order will impair existing common carrier service. No reason appears why the extension sought should not be granted.

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

##### THE COMMISSION FINDS:

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

That the extension sought should be granted as restricted by the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

That Leonard B. Marshall, Cripple Creek, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-4956, to include the transportation, in dump trucks only, of raw ore, from mines within a 50 mile radius of Naturita, to smelters at Naturita, Durango, Grand Junction, and Uravan, Colorado, with back-haul to the mines of mine props, timbers, light rail and mining supplies, not including mining machinery, from all points named, except Durango, 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

Ralph E. Horton  
Walter P. Thompson  
Joseph F. Higgins  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of April, 1957.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRANCIS E. DAVIS, DOING BUSINESS AS )  
"SLIM'S GROCERY SERVICE," 3033 WEST ) APPLICATION NO. 15175-Extension  
THIRD AVENUE, DURANGO, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY, AUTHORIZING )  
EXTENSION OF OPERATIONS UNDER PUC )  
NO. 1794. )  
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April 4, 1957  
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Appearances: McKelvey and McKelvey, Esqs.,  
Durango, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

The applicant presently has authority as a common carrier  
by motor vehicle for the conduct of a package delivery service; that  
is, the transportation of:

packages having a maximum weight of 100  
pounds, in the City of Durango, and the  
Town of Animas City, and into, out of  
and between points within a 2 mile  
radius of the City of Durango, and of  
the Town of Animas City, Colorado.

By the present application, he seeks to have confirmed his  
"Grandfather Rights" to engage in this same transportation within the  
home-rule City of Durango, Colorado, which now includes the Town of  
Animas City, recently annexed.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the District  
Court Room, Durango, Colorado, March 21, 1957, and at the conclusion  
of the evidence, the matter was taken under advisement.

The applicant testified in support of his application. He



stated that he has continuously operated in the home-rule city of Durango, including what was formerly Animas City, since July, 1957. He seeks now only to obtain recognition of his existing service and does not seek authority to extend or expand his service in any respect.

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.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That public convenience and necessity require the proposed extended service of 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 Francis E. Davis, doing business as "Slim's Grocery Service," Durango, Colorado, so that as amended, it shall read as follows:

package delivery service, of packages having a maximum weight of 100 pounds, within the City of Durango, and into, out of and between points within a 2 mile radius of the City of Durango, including as a part of Durango the area formerly known as Animas City,

and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor. The description of authority previously used in connection with this authority number shall from the effective date of this Order be held for naught.



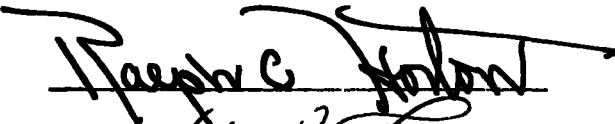
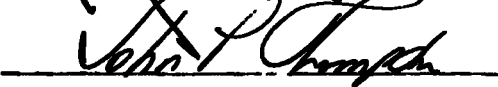

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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 4th day of April, 1957.

mls



original

(Decision No. 47649)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
WILLIAM MC LINDEN, 860 SOUTH LIPAN  
STREET, DENVER, COLORADO, FOR AUTH-  
ORITY TO TRANSFER CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY  
GRANTED BY DECISION NO. 47278, IN  
APPLICATION NO. 14948, TO ALEX FOOS  
AND HERMAN FOOS, CO-PARTNERS, 1555  
EATON STREET, LAKEWOOD, COLORADO.

APPLICATION NO. 15077-Transfer

-----  
April 4, 1957  
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Appearances: William McLinden, Denver,  
Colorado, pro se;  
Alex Foos, Lakewood, Colo-  
rado, pro se;  
Herman Foos, Lakewood,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By Decision No. 47278, of date February 4, 1957, the Com-  
mission granted William McLinden, 860 South Lipan Street, Denver,  
Colorado, a certificate of public convenience and necessity author-  
izing:

transportation of ashes, trash, and other  
waste materials between points in the City  
and County of Denver, and from points and  
places therein, to regularly-designated  
and approved dumps and disposal places in  
the Counties of Adams, Arapahoe and Jeffer-  
son, State of Colorado.

By the instant application, said William McLinden, Denver,  
Colorado, seeks authority to transfer the operating rights so  
granted to Alex Foos and Herman Foos, co-partners, Lakewood, Colo-  
rado.

The application was assigned for hearing before Examiner  
Joseph W. Hawley, at the Hearing Room of the Commission, 330 State



Office Building, Denver, Colorado, February 28, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings.

The Report of the Examiner states that transferor testified that he has been engaged in the ash, trash and waste material disposal business in Denver, Colorado, under appropriate City licenses since 1949, and Decision No. 47278, supra, was entered into to establish his "Grandfather Rights;" that he has found it necessary to sell his operating rights because of ill health; that there are no debts against the certificate granted by the Decision referred to or the operations thereunder; and that the consideration for the transfer is \$870, which has been paid in full.

The Examiner's Report further states that Alex Foos, one of transferees, corroborated the above testimony, and testified that he and his partner have been engaged in the trucking business since 1948; that they own a 1949 Pontiac truck, a 1951 Chevrolet truck, a 1953 Chevrolet truck, and a 1954 Chevrolet truck, and that their net worth is \$24,800.

The Examiner's Report further states that no one appeared in protest to the proposed transfer, and that in his opinion the transferees are well qualified to conduct the operation authorized by the Decision referred to, by experience and financially, and that the proposed transfer is in the public interest and should 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 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 the Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That William McLinden, 860 South Lipan Street, Denver, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest in and to certificate of public convenience and necessity granted to him by Decision No. 47278, of date February 4, 1957, with authority as set forth in the preceding Statement, which is made a part hereof by reference, to Alex Foos and Herman Foos, co-partners, 1555 Eaton Street, Lakewood, 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 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 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.

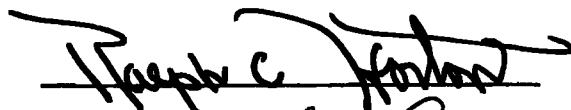


The right of transferees to operate under this Order shall



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.

Dated at Denver, Colorado,  
this 4th day of April, 1957.

mls



original

(Decision No. 47650)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
HOME LIGHT & POWER COMPANY, 810  
NINTH STREET, GREELEY, COLORADO, FOR  
APPROVAL OF METHOD OF ACCOUNTING FOR  
FEDERAL INCOME TAX RESULTS FROM AC-  
CELERATED DEPRECIATION OF DEPRECI-  
ABLE PROPERTY PURSUANT TO PROVISIONS  
OF SECTION 167 OF THE INTERNAL  
REVENUE CODE OF 1954.

APPLICATION NO. 15030

-----  
April 5, 1957  
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Appearances: Warren A. Terry, Greeley,  
Colorado, and  
Clayton and Gilbert, Esqs.,  
Greeley, Colorado, by J.  
R. Clayton, Esq., for  
Applicant;  
J. M. McNulty, Denver, Colo-  
rado, and  
E. R. Thompson, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

The instant application of Home Light and Power Company was filed on February 1, 1957, and pursuant to notice of hearing issued by the Commission, was duly heard by the Commission on February 18, 1957, at 9:00 o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and was taken under advisement.

No petitions of intervention were filed with the Commission prior to the hearing, and no protestants appeared at the hearing.

Application in the instant matter was filed by Home Light and Power Company, pursuant to Article 4, of Chapter 115, Colorado Revised Statutes 1953. Said application seeks approval of this Com-



mission of a proposed method of accounting for the Federal Income Tax resulting from the accelerated depreciation of depreciable property, pursuant to the provisions of Section 167 of the Internal Revenue Code of 1954.

Applicant is a corporation organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility, subject to the jurisdiction of this Commission, engaged in the purchase, transmission, distribution, and sale of electric energy in Weld County, Colorado.

Applicant is a Class A electric utility, and is required to keep its books of accounts in accordance with the Uniform System of Accounts for Class A and Class B electric utilities heretofore prescribed by this Commission. Said Uniform System of Accounts does not specifically prescribe a method of accounting for the Federal Income Tax results from accelerated depreciation of depreciable property pursuant to the provisions of Section 167 of the Internal Revenue Code of 1954. However, this Commission, by Order and Decision No. 41748, dated December 15, 1953, in Application No. 12631 (Public Service Company of Colorado), prescribed a method of accounting for the Federal Income Tax results of accelerated amortization of the cost of certificated emergency facilities under the provisions of Section 124A of the Internal Revenue Code of 1939, as amended (Section 168 of the Internal Revenue Code of 1954); Applicant, in its application herein, seeks authorization to follow and apply such similar principles and methods of accounting for Federal Income Tax results of accelerated depreciation under said Section 167.

Section 167 of the Internal Revenue Code provides, with certain limitations, that depreciation allowances for income tax purposes, computed under any of the following methods, are to be considered reasonable for new property acquired or constructed after December 31, 1953:



- (a) The straight line method;
- (b) The declining balance method, using not more than twice the straight line rate;
- (c) The sum of the years-digits method; and
- (d) Any other method consistently applied which will not, during the first two-thirds of the useful life of the property, result in a total allowance in excess of the allowance which would have been accrued during such period under the declining balance method.

The general purpose in allowing said alternative methods is to permit businesses, for Federal Income Tax purposes, to write off a greater portion of depreciation expense in the early years of the life of depreciable property, with the result that a portion of Federal Income Taxes, which would ordinarily be paid in the early part of the depreciation period, may be deferred to the later portion of said period. There is no question that Congress intended to allow all persons investing in new depreciable property after December 31, 1953, more liberal deductions for depreciation expense in the determination of taxable income. The allowance of more depreciation than results from the use of the straight line method was considered to help lessen the risk inherent in investment in depreciable facilities by permitting more rapid recovery thereof, thus permitting quicker reduction in debt, aiding in the financing of new plant, making more working capital available, and possibly conforming more nearly with actual depreciation for some classes of property.

M. A. Smith, Secretary and General Auditor of Home Light and Power Company, testified at the hearing that the purpose of the application was to obtain Commission approval of a method of accounting, not specifically provided by the Uniform System of Accounts, in order to effect normalization of the Income Tax results of accelerated depreciation permitted by Section 167 of the Internal Revenue Code of 1954. He asked that the Company be permitted to follow the accounting



procedure set forth below in paragraphs (a), (b) and (c):

- (a) Applicant shall account for property with respect to which accelerated depreciation is taken pursuant to its election under Section 167 of the Internal Revenue Code of 1954 in the same manner as other utility property of the Applicant and shall accrue depreciation of such facilities on its books at the normal rates of depreciation.
- (b) Applicant, during the period when the allowances for accelerated depreciation of property under Section 167 of the Internal Revenue Code of 1954 are more than the deduction allowable under the tax depreciation method heretofore followed, shall charge to a special operating deduction account to be entitled "Provision for Deferred Federal Income Taxes" (said account to appear in the income statement directly following Account 507 - Taxes), an amount for each year equal to the reduction in Federal Income Taxes payable for that year due to the fact that allowances for accelerated depreciation of property are in excess of what would be allowed under the tax depreciation method heretofore used, with a corresponding credit to a special balance sheet account to be entitled "Earned Surplus Restricted for Future Federal Income Taxes" (said account to appear in the balance sheet directly following Account 271 - Earned Surplus).
- (c) Applicant, during the period when the allowances for accelerated depreciation of property under Section 167 of the Internal Revenue Code of 1954 are less than the deduction that would be allowable under the tax depreciation method heretofore used, shall charge to "Earned Surplus Restricted for Future Income Taxes," until such account is exhausted, and credit to a special operating deductions account to be entitled "Federal Income Taxes Deferred in Prior Years" (said account to appear in the income statement directly following Provision for Deferred Federal Income Taxes) an amount for each year equal to the increase in Federal Income Taxes payable for that year due to the fact that allowances for accelerated depreciation of property are less than what would be allowable under the tax depreciation method heretofore used.

Mr. Smith stated that the Applicant had tentatively determined to employ the declining balance method of accelerated depreciation. He stated that this method permitted larger depreciation allowances during the early years of useful life of the property and



smaller write-offs during the later years. The net effect would be to reduce income taxes during the earlier years and increase the income taxes during the later years.

Applicant's position is that accelerated depreciation be considered as resulting in a tax deferral rather than a tax saving. He stated that proponents of the "tax saving" theory argue that continuous expansion of plant and property will create accumulations which will never be used as offsetting income tax payments and that the taxpayer will permanently retain such funds thereby saving equivalent income taxes. However, in order to substantiate this argument, Mr. Smith states that the following assumptions must be made: (1) property additions each year will always be as great or greater than retirements; (2) the taxpayer will continue indefinitely to use an accelerated depreciation method; (3) the provision for liberalized depreciation in Section 167 of the Internal Revenue Code of 1954 will continue in effect indefinitely, and (4) the current corporation tax rate will remain unchanged. All of these assumptions must become reality to support a contention that a permanent tax saving will result. It is improbable that any one of these assumptions will materialize and there is only the remotest possibility that all will materialize, he said.

The Applicant's witness further pointed out that restricting of surplus in lieu of setting up a reserve had certain possible advantage: (1) In case of future excess profit tax similar to the last, the restricted surplus accounting would result in substantial savings in excess profit taxes; (2) Restricted surplus instead of a reserve would result in a lower ratio of debt to total capital; (3) The accounting for the tax deferrals as restricted surplus would result in these deferrals being included as part of the capital structure which seems to be in line with the stated intent of Congress - namely to "increase available working capital and materially aid



growing businesses in financing their expansion."

Applicant's witness, Mr. Smith, explained that Applicant had accrued Federal Income Taxes, using the tax depreciation heretofore used, for the year 1956 on certain facilities to which Section 167 of the Internal Revenue Code of 1954 might be applied, and that, in the interest of consistency, it desired to adjust its accounting entries in order to reflect as a deferral the amount, estimated to be approximately \$6,000, which would have been deferred had the accelerated depreciation methods permitted by Section 167 been applied for the year 1956. In order to effect this adjustment, the Company proposed to transfer the approximate \$6,000 item from the account "Taxes Accrued-Federal Income" to the account "Earned Surplus Restricted for Future Federal Income Taxes."

The Commission has reviewed the evidence presented by the Applicant and other information available representing the thinking on this subject. Certain facts appear to stand out as being fundamental and are so considered by this Commission. These quite apparent facts are: (1) The actual effects of the application of liberalized depreciation as provided in Section 167 of the Internal Revenue Code are historically unknown at this time; (2) the application of liberalized depreciation, as permitted under Section 167, may extend over the service lives of depreciable property much of which may range around 30 years in contrast to the situation with regard to the five-year amortization provided under Section 168 of the Internal Revenue Code of 1954; (3) under certain combination of factors, outlined in the assumptions set forth earlier herein, the use of liberalized depreciation may result in actual tax savings and not in mere deferment of payment of tax. In view of these facts and the indeterminate possibilities of the ultimate effect of the utilization of the liberalized depreciation under Section 167, this Commission is of the opinion the public interest will best be served by causing the Company



to record on its books amounts representing the difference in taxes computed by using regularly applied book depreciation and by using the liberalized method elected by the Company under Section 167, as set forth in the general method of accounting requested by Applicant. No one at this moment can say positively that the use of liberalized depreciation will result in what would amount to tax deferral or tax saving and therefore this Commission holds that the proposed accounting by applicant should not bind this Commission in any way as to future treatment for rate-making purposes the funds which will be accounted for in the account entitled "Earned Surplus Restricted for Future Federal Income Taxes." The funds so accounted for in this restricted surplus account shall, of course, not be available for dividends.

The Commission is of the opinion that the order sought by Applicant should be granted.

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

##### THE COMMISSION FINDS:

That Home Power and Light Company is a public utility, as defined in Article 1, Section 3, Chapter 115, Colorado Revised Statutes 1953.

This Commission has jurisdiction over said Company and of the subject matter herein.

That the Commission is fully advised in the premises.

That the method of accounting for the Federal Income Tax results from accelerated depreciation of depreciable property pursuant to the provisions of Section 167 of the Internal Revenue Code of 1954 proposed by Applicant, as set forth in the foregoing Statement, which, by reference, is made a part hereof, is in the public interest, and should be approved.

That the Commission should retain jurisdiction of the matter so that in event circumstances in the future would warrant



the Commission could reopen the matter and, in the light of the then known circumstances, make a further determination at such time as to whether or not a tax saving or a deferral of such taxes has taken effect, it being especially understood also that the method of accounting prescribed herein should not be binding on the Commission, either as to ultimate disposition of restricted surplus, or in a rate case or in any matters where rates are involved.

O R D E R

THE COMMISSION ORDERS:

That Home Light and Power Company be, and it is hereby, authorized to adopt the following method of accounting for the Federal Income Tax results from the accelerated depreciation of depreciable property pursuant to the provisions of Section 167 of the Internal Revenue Code of 1954:

(a) That Applicant shall account for property with respect to which accelerated depreciation is taken pursuant to its election under Section 167 of the Internal Revenue Code of 1954 in the same manner as other utility property of the Applicant and shall accrue depreciation of such facilities on its books at the normal rate of depreciation.

(b) That Applicant, during the period when the allowances for accelerated depreciation of property under Section 167 of the Internal Revenue Code of 1954 are more than the deduction allowable under the tax depreciation method heretofore followed, shall charge to a special operating deduction account to be entitled "Provision for Deferred Federal Income Taxes" (said account to appear in the income statement directly following Account 507 - Taxes), an amount for each year equal to the reduction in Federal Income Taxes payable for that year due to the fact that allowances for accelerated depreciation of property are in excess of what would be allowable under the tax depreciation method heretofore used, with a corresponding credit



to a special balance sheet account to be entitled "Earned Surplus Restricted for Future Federal Income Taxes" (said account to appear in the balance sheet directly following Account 271 - Earned Surplus).

(c) That Applicant, during the period when the allowances for accelerated depreciation of property under Section 167 of the Internal Revenue Code of 1954 are less than the deduction that would be allowable under the tax depreciation method heretofore used, shall charge to "Earned Surplus Restricted for Future Federal Income Taxes," until such account is exhausted, and credit to a special operating deductions account to be entitled "Federal Income Taxes Deferred in Prior Years" (said account to appear in the income statement directly following Provision for Deferred Federal Income Taxes) an amount for each year equal to the increase in Federal Income Taxes payable for that year due to the fact that allowances for accelerated depreciation of property are less than what would be allowable under the tax depreciation method heretofore used.

(d) That the item of Deferred Federal Income Taxes of Applicant resulting from the accelerated depreciation of property under Section 167 of the Internal Revenue Code of 1954, which was included in the accrual for Federal Income Taxes on the books of Applicant for the year 1956 and credited to Taxes Accrued - Federal Income, be transferred to Earned Surplus Restricted for Future Federal Income Taxes.

(e) That the Commission shall retain jurisdiction of this matter so that in event circumstances in the future would warrant the Commission can reopen the matter and, in the light of the then known circumstances, make a further determination at such time as to whether or not a tax saving or a deferral of such taxes has taken effect, it being especially understood also, that the method of accounting prescribed herein shall not be binding on the Commission

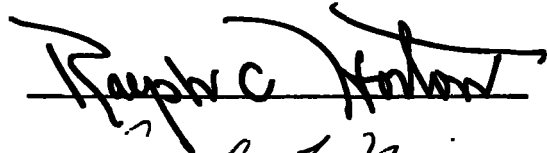
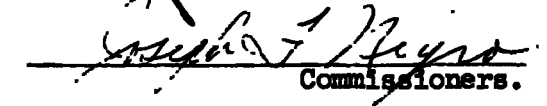


either as to the ultimate disposition of the restricted surplus, or in a rate case or in any matter where rates or valuation are involved.

That Applicant shall notify this Commission of the method or methods of accelerated depreciation it initially elects to use under the provisions of Section 167 of the Internal Revenue Code of 1954, within thirty (30) days of said election.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER THOMPSON DISSENTING.

Dated at Denver, Colorado,  
this 5th day of April, 1957.

mls



Commissioner Thompson dissenting.

I concur with the majority, that the applicant should be authorized to make provision for expected future income tax liability in this matter by making charges against current revenues. I do not agree that the balance sheet account should be denominated as earned surplus. This is not a matter merely of semantics. Words express thoughts; these words do not characterize my thinking on the matter.

The 1954 Internal Revenue Code permits all taxpayers to reduce their immediate taxes by increasing their depreciation expense charges as to certain properties. This increases the taxpayer's current net income after taxes by the amount of the immediate tax reduction. In the case of public utilities, whose rates are regulated, this would tend to result in reduced rates, although in the present case the reduction at most would not amount to more than a few cents per year per customer.

Further, it is expected that the taxes saved now will have to be paid later, because the Code provisions only change the emphasis of the depreciation charge to the early years of the property's life. The applicant here merely seeks to level out this tax situation so that over the coming years its net income will be normalized. To do this, it wants to set aside money from its present revenues, as though the full tax expense were currently payable, so that it will have money to pay the higher future tax. This seems to me to be sound accounting procedure, and good business practice.

The justification for this procedure is the expectation of a future tax expense. We are merely permitting a normalizing charge as a bookkeeping expense now, to provide money for the expense when it actually arises. The effect is to overcharge rate-payers now in some slight degree, so that they will bear a fair share of the true



burden of expense to be incurred. This expense is a true operating expense -- it is not a deduction from surplus. It is not an expense the stockholder must pay, but it one the rate-payer must pay. The money set aside is a provision for a future expense -- in truth, a reserve; it is not something temporarily withheld from stockholders, which otherwise they would ordinarily receive -- that is, it is not a surplus item, restricted or otherwise.

There has of course been extensive discussion in the industry and in trade journals, concerning the proper designation of the fund to be set up for this purpose. Among experts, opinions differ. An industry survey, the results of which are published in the December 8, 1955 issue of Public Utilities Fortnightly, indicates that of the utility companies themselves which have decided on one of the two alternatives, three-fourths consider the fund a tax reserve account, while only one-fourth consider it a restricted surplus account. The reason seems clear to me. I, too, would designate the balance sheet account a tax reserve account.

  
Commissioner.

Dated at Denver, Colorado,  
this 5th day of April, 1957.

mls



Original

(Decision No. 47651)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
W. D. ELLETT, 790 KENTON STREET,  
AURORA, COLORADO, FOR A CLASS "B"  
PERMIT TO OPERATE AS A PRIVATE CAR-  
RIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 15124-PP

April 4, 1957

Appearances: W. D. Ellett, Aurora,  
Colorado, pro se;  
Robert E. McLean, Esq.,  
Denver, Colorado,  
for Associated Rub-  
bish Removal, et al.

S T A T E M E N T

By the Commission:

By the instant application, W. D. Ellett, 790 Kenton Street, Aurora, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of rubbish and fill dirt, from point to point within a radius of ten miles of Denver, cleaning up around construction jobs requiring the use of a front-end loader.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 11, 1957, at 10:00 o'clock A. M., with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings.

It appears from the Report of the Examiner that applicant appeared in support of his application, testifying that he has been operating under a "M" permit; that his main business has been "finish grading" and the use of a front-end loader in cleaning up



around construction jobs and also in transporting "fill dirt" to these jobs. However, he had no authority to haul the rubbish to City dumps; hence his present application. Applicant further testified that, on January 1, 1957, he purchased his present equipment, a 1955 Chevrolet 2-ton dump truck and a 1956 International tractor and loader, and his net worth is \$5,000.

The Report of the Examiner further states that a brother-in-law of applicant, one J. M. Anderson, appeared in support of the application, testifying that he is construction Superintendent for three companies: Country Squire Homes, Inc., Burlingame Builders, and Custer Builders; that these firms now have 45 homes under construction, all in one location; that they formerly did all their own hauling of this nature, but preferred to have the same done on contract or by carriers operating on an hourly basis; that the service of applicant has been used in cleaning up the building sites and grading and doing the finish grading and cleaning up the premises after grading.

It appears from the Report of the Examiner that W. J. Weber, doing business as "Weber's Hauling Service, under PUC No. 2127, appeared in protest, testifying that he has been engaged in rubbish removal in the Denver area for the past seven years, using six trucks, a front-end loader, and other equipment; that he has never refused anyone requesting this type of service; that he advertises in the yellow pages of the telephone directory and various local papers, and by hand bills, etc., and solicits work from building contractors; that he estimates that there are at least 50 front-end loaders used by the certificated carriers in Denver and the surrounding area; and that the granting of the instant application would seriously affect his business.

The Report of the Examiner further states that Harry R. Ellis, PUC No. 2858, appeared in protest, testifying that he is



President of the Associated Rubbish Removal, with 87 common carrier members in the Denver area, all with authority to furnish the service proposed by applicant; that his equipment is not busy all of the time and there is no need for an additional carrier in this field; and that a large number of these carriers own and use front-end loaders.

It appears from the Report of the Examiner that it was stipulated between the parties that the following witnesses, if called and sworn, would testify to the same general effect as had witness Ellis, to-wit: Harvey C. Davis, PUC No. 2097; Dick Akeman, PUC No. 2042; Glen Wetmore, PUC No. 1956; Fred a Schroeder, PUC No. 2086; O. W. Mathews, PUC No. 1996; and Lawrence J. Ebert, PUC No. 2271.

The Report of the Examiner further states that but one customer witness was produced by applicant, a brother-in-law, who shows a possible need of applicant's proposed service, at one location only, in the Denver Metropolitan area. On the other hand, there is opposition by at least 87 common carriers, all of whom can now perform under their certificates the same type of service in the same area, have the proper equipment, and are willing and able to furnish this type of service on request, and that they claim that the granting of this application would adversely affect the adequate service of common carriers within the area, and the Examiner agrees with their contention.

The Report of the Examiner states that in his opinion the instant application should be denied.

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

##### THE COMMISSION FINDS:

That the Report of the Examiner referred to in the above and foregoing Statement should be approved.

That the instant application should be denied.



O R D E R

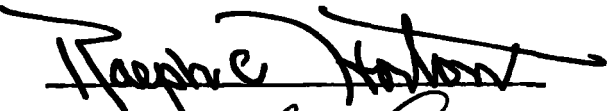


THE COMMISSION ORDERS:

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

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

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 4th day of April, 1957.

mls



original

(Decision No. 47652)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLIE WEST, 3379 SOUTH ELIOT )  
STREET, ENGLEWOOD, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 15125-PP

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April 4, 1957  
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Appearances: Charlie West, Englewood,  
Colorado, pro se;  
Robert E. McLean, Esq.,  
Denver, Colorado, for  
Associated Rubbish Re-  
moval.

S T A T E M E N T

By the Commission:

By the instant application, Charlie West, 3379 South Eliot Street, Englewood, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of trash, from the premises of Montgomery Ward and Company, Denver, Colorado, only, to regularly authorized dumps within the Denver Metropolitan area.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 11, 1957, at 10:00 o'clock A. M., with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings.

It appears from the Report of the Examiner that applicant appeared in support of his application, testifying that he was working for one O. W. Mathews, under PUC No. 1996, a so-called ash and trash



authority, up to December 27, 1956; that one Goodall had been doing the trash disposal business for Montgomery Ward and Company, both from its main store at 555 South Broadway, Denver, and from its warehouse; that Goodall died three years ago and the operation has been conducted by his widow; that one McMillan then worked for her, but later she arranged with applicant to haul rubbish from the store premises, while she continued to haul from the warehouse; that he uses a 1945 one-half-ton Chevrolet truck; and that his net worth is \$2,000.

The Report of the Examiner further states that applicant produced no contract for service and no customer witnesses; that Harry R. Ellis, President of the Associated Rubbish Removal, and operating under PUC No. 2858, appeared in protest, testifying that the 87 common carrier members of the Association in the Denver area all are authorized to furnish the service proposed by the applicant; that their equipment is not busy all of the time; and that there is no need for an additional carrier in the field.

The Report of the Examiner further states that, since applicant produced no customer witnesses and the evidence shows that the granting of the application would adversely effect the adequate service of common carriers certificated to perform the same service in the same area, it is his opinion that the instant application should be denied.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the Report of the Examiner referred to in the above and foregoing Statement should be approved.

That the instant application should be denied.

### 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 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

Ralph C. Horton  
John P. Thompson  
Joseph E. Sigler  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of April, 1957.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
CHARLES WILKINSON, 2593½ PIERCE  
STREET, DENVER, COLORADO, FOR A  
CLASS "B" PERMIT TO OPERATE AS A  
PRIVATE CARRIER BY MOTOR VEHICLE  
FOR HIRE.

APPLICATION NO. 15129-PP

-----  
April 8, 1957  
-----

Appearances: Charles Wilkinson, Denver,  
Colorado, pro se;  
Marion Smyser, Esq., Den-  
ver, Colorado, for Rio  
Grande Motor Way, Inc.,  
and Larson Transporta-  
tion Company.

S T A T E M E N T

By the Commission:

By the instant application, Charles Wilkinson, 2593½  
Pierce Street, Denver, Colorado, seeks authority to operate as a  
Class "B" private carrier by motor vehicle for hire, for the trans-  
portation of brick and tile from: (1) Summit Pressed Brick & Tile  
Company, Pueblo, Colorado; (2) National Clay Products Company, Colo-  
rado Springs, Colorado; and (3) Brick, Inc., Denver, Colorado, to all  
points within the State of Colorado, for Brick, Inc., only.

The application was assigned for hearing before Examiner  
Joseph W. Hawley, at the Hearing Room of the Commission, 330 State  
Office Building, Denver, Colorado, March 13, 1957, with due notice  
to all interested parties, and was there heard and taken under ad-  
visement.

The Examiner has submitted his Report of the proceedings.

The Report of the Examiner states that applicant testified  
that he has been operating under his Private Permit No. B-4894,



which was granted by Decision No. 44483, of date August 8, 1955, and which authorized transportation of brick and tile from point to point in Denver, Colorado, and within a radius of 15 miles of Denver, Colorado, for Brick, Inc., only, without the right to add to the number of customers served, except upon authority so to do first had and obtained from the Commission; that his intention in filing the instant application was to obtain an extension of the authority granted under said Decision No. 44483, supra. It is the Examiner's opinion that it should be considered as an application for an extension rather than as application for a separate permit.

The Report of the Examiner further states that applicant also testified that Brick, Inc., has requested that he obtain the additional authority so that he can transport brick and tile from the Companies named in the application and located at Pueblo, Colorado, and Colorado Springs, Colorado, to Brick, Inc., in Denver, and distribute these products from the latter to its customers throughout Colorado; that he has had requests to deliver these products as far distant as Wiggins from Denver; that he owns a 1957 Chevrolet  $1\frac{1}{2}$ -ton Standard Truck, a 1957 2-ton Straight Truck; and that his net worth is \$7,500.

The Examiner's Report further states that Worth Rees, a partner in Brick, Inc., appeared in support of the application and testified that his firm delivers brick and tile to school and construction jobs at Grand Junction, Colorado; to Court House and school jobs at Leadville, Colorado; to schools and contractors at Cortez; to a Motel job at Limon; to a school job at Wiggins; and to brick and tile dealers at various points in the State; that the service of applicant within his authority has been satisfactory and is needed State-wide; that his Company routes the shipments; that, up to date, deliveries to points west of Denver have been made in the Company's own trucks; that the service of Motor Way, the other common carrier



to these western points, has been used, but these carriers are not particularly interested in this type of work because of the fact that they must employ extra help in loading and unloading the products and packing the products, and that it requires additional expense; that even if the instant application is denied, his Company will not use common carrier service, but will use its own equipment to make delivery to these western points; and that only about one percent of his Company's business is on the western slope.

The Examiner's Report further states that no evidence was offered in protest to favorable action on the application; and that it is his opinion that the applicant is well qualified to conduct the additional operation for which he seeks authority and the same should be granted as an extension of his authority under Private Permit No. B-4894.

#### 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 authority sought should be granted as an extension of his authority under Private Permit No. B-4894.

#### 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 Charles Wilkinson, 2593 $\frac{1}{2}$  Pierce Street, Denver, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-4894, to include the transportation of brick and tile for Brick, Inc., only, from: (1) Summit Pressed Brick & Tile Company, Pueblo, Colorado; (2) National Clay Products Company, Colo-



rado Springs, Colorado; and (3) Brick, Inc., Denver, Colorado, to all points within the State of 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

Ralph C. Horton  
John P. Thompson  
Joseph F. Higgins  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of April, 1957.

mls



original

(Decision No. 47654)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LOIS K. LOGSTON, 477 FOURTH AVENUE, )  
DURANGO, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 15172-PP

-----  
April 8, 1957  
-----

Appearances: Robert C. Duthie, Esq.,  
Durango, Colorado, for  
Applicant;  
Emigh and Emigh, Esqs.,  
Durango, Colorado, by  
A. M. Emigh, Esq., for  
Aqua Truck Company;  
McKelvey and McKelvey,  
Esqs., Durango, Colorado,  
for Montezuma Truck Line,  
and Durango Transfer and  
Storage;  
Donovan M. Hoover, Esq.,  
Santa Fe, New Mexico, for  
Box Bar Transportation Co.;  
G. W. Hoy, Esq., Farmington,  
New Mexico, for L. B. Petty,  
Inc.

S T A T E M E N T

By the Commission:

By his application filed December 3, 1956, as restricted and explained at the hearing of the matter, the applicant seeks authority as a motor vehicle private carrier for the transportation of water between points in Colorado, located within a radius of 50 miles of the southwest corner of the State.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the District Court Room, Durango, Colorado, March 21, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of his application. He



stated that he has lived in that part of the State for several years from time to time and is generally familiar with the area. His net worth is approximately \$12,000. He has no equipment suitable to the work at present, but has ordered a vehicle, which, when equipped with a water tank, would be suitable to the work. He stated that a great many companies are drilling oil and gas wells in this area and will need drilling water for their operation. He intends to serve only one well at a time. He has no hauling contracts or operations as yet, but has talked to people in the business who have told him they will need many trucks this summer.

Five existing carriers testified in protest. All stated that at this time of year drilling operations are curtailed due to weather conditions, but operations are expected to commence shortly in the Cortez area on a substantial scale. In all, approximately 45 pieces of equipment were represented by the protestants who appeared. Each of the carriers stated that it could obtain additional equipment if it should be needed, but that at present virtually all of their equipment is idle.

It will be noted that no one appeared who testified that the service was needed or would be used if authorized. There was no showing that the existing service is inadequate in any respect. In short, the evidence boils down to merely the applicant's desire to enter this business in that area. In view of the equipment testified to as available to serve the area, it would appear that any business the applicant would obtain would be at the expense of the existing common carriers in the area. On the basis of this evidence, no reason appears justifying a division of revenues with still another carrier in that area. The application therefore must be denied.

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

##### THE COMMISSION FINDS:

The above and foregoing Statement is, by reference, incor-



porated herein.

That the instant application should be denied.

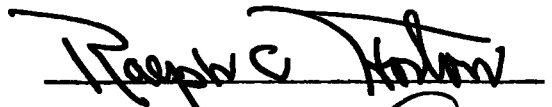

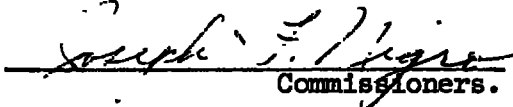
O R D E R

THE COMMISSION ORDERS:

That the above-styled application 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 8th day of April, 1957.

mls



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MELVIN L. ELLIS, P. O. BOX 302, )  
HAXTUN, COLORADO. )

**PERMIT NO. M-194**

**April 12, 1957**

## STATEMENT

**By the Commission:**

**The Commission is in receipt of a communication from**

**Melvin L. Ellis**

requesting that Permit No. M-194 be cancelled.

## FINDINGS

## **THE COMMISSION FINDS:**

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

**That Permit No. M-194** , heretofore issued to

**Melvin L. Ellis**

**be,**

**and the same is hereby, declared cancelled effective March 24, 1957.**

**THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

[Signature]  
 John P. Thompson  
 Joseph F. Negro  
 Commissioners

**Dated at Denver, Colorado,**

**this 12th day of April, 1957.**



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
VICENTE G. AZALA, 1702 EAST 16th )  
STREET, PUEBLO, COLORADO. )

**PERMIT NO. M-906**

**April 12, 1957**

## STATEMENT

**By the Commission:**

The Commission is in receipt of a communication from \_\_\_\_\_  
Vicente G. Ayala

**requesting that Permit No. M-906 be cancelled.**

## FINDINGS

## THE COMMISSION FINDS:

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-906, heretofore issued to \_\_\_\_\_  
Vicente G. Ayala \_\_\_\_\_ be.

**and the same is hereby, declared cancelled effective April 1, 1957.**

**THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

Thomas C. Thront  
 John P. Thompson  
 Joseph F. Tiers  
 Commissioners

**Dated at Denver, Colorado,**

**this 12th day of April, 1957.**



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ROBERT B. CARAGHER, 454 SOUTH EATON )  
STREET, DENVER 14, COLORADO. )

**PERMIT NO. M-1116**

**April 12, 1957**

**STATEMENT**

**By the Commission:**

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

**Robert B. Caragher**

**requesting that Permit No. M-1116 be cancelled.**

## **FINDINGS**

**THE COMMISSION FINDS:**

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-1116, heretofore issued to \_\_\_\_\_

Robert B. Caragher be,

**and the same is hereby, declared cancelled effective March 28, 1957.**

**THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

Robert C. Stewart  
 John P. Thompson  
 Joseph F. Negro  
 Commissioners

**Dated at Denver, Colorado,**

this 12th day of April, 1957.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOE E. CHAMBERS, DOING BUSINESS AS )  
"CHAMBERS MILL," EAGLE, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-1840

-----  
April 12, 1957  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Joe E. Chambers dba Chambers Mill

requesting that Permit No. M-1840 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

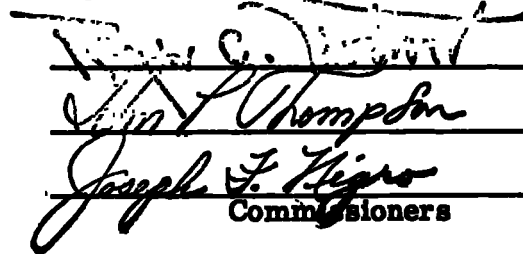
ORDER

THE COMMISSION ORDERS:

That Permit No. M-1840, heretofore issued to \_\_\_\_\_  
Joe E. Chambers dba Chambers Mill \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective January 1, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 12th day of April, 1957.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FRANK J. TORTORICE, 220 WHITE AVENUE, )  
TRINIDAD, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-1916

April 12, 1957

STATEMENT

By the Commission:

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

Frank J. Tortorice

requesting that Permit No. M-1916 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1916, heretofore issued to \_\_\_\_\_

Frank J. Tortorice \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective March 19, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ray C. [Signature]*  
*John P. Thompson*  
*Joseph E. [Signature]*  
Commissioners

Dated at Denver, Colorado,

this 12th day of April, 195 7.

ma



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HENRY M. WHEELWRIGHT, DOING BUSINESS )  
AS "H & J DISTRIBUTORS," 1840 )  
NEWPORT STREET, DENVER, COLORADO. )  
-----)

PERMIT NO. M-3519

-----  
April 12, 1957  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Henry M. Wheelwright dba H & J Distributors

requesting that Permit No. M-3519 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3519, heretofore issued to \_\_\_\_\_  
Henry M. Wheelwright dba H & J Distributors \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective December 1, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*John P. Thompson*  
*Joseph F. Hegner*  
Commissioners

Dated at Denver, Colorado,

this 12th day of April, 195 7.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WILLIAM T. BERRY, DOING BUSINESS AS )  
"BILL BERRY MOTOR COMPANY," 910 MAIN )  
STREET, CANON CITY, COLORADO. )  
-----)

PERMIT NO. M-5237

-----  
April 12, 1957

STATEMENT

By the Commission:

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

William T. Berry dba Bill Berry Motor Company

requesting that Permit No. M-5237 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5237, heretofore issued to \_\_\_\_\_

William T. Berry dba Bill Berry Motor Company be,

and the same is hereby, declared cancelled effective March 22, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\_\_\_\_\_  
John P. Thompson  
\_\_\_\_\_  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 12th day of April, 1957.

ma



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CHARLES JAMESON, JR., 3800 DAHLIA, )  
DENVER 7, COLORADO. )

**PERMIT NO. M-6943**

April 12, 1957

**STATEMENT**

**By the Commission:**

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

**Charles Jameson, Jr.**

requesting that Permit No. M-6943 be cancelled.

## FINDINGS

## THE COMMISSION FINDS:

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

**That Permit No. M-6943**, heretofore issued to \_\_\_\_\_

Charles Jameson, Jr. be,

**and the same is hereby, declared cancelled effective February 28, 1957.**

**THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

Robert C. Johnson  
John Thompson  
Joseph Thompson

**Dated at Denver, Colorado,**

**this 12th day of April , 1957.**



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HOWARD W. AND FLORENCE E. GRAHAM, )  
DOING BUSINESS AS "TONEY LA SALLE )  
FURNITURE COMPANY," 820 MAIN STREET, )  
LOUISVILLE, COLORADO. )  
-----)

PERMIT NO. M-7036

-----  
April 12, 1957

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Howard W. and Florence E. Graham dba Toney La Salle Furniture Company  
requesting that Permit No. M-7036 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7036, heretofore issued to \_\_\_\_\_  
Howard W. & Florence E. Graham dba Toney La Salle Furniture Company be,  
and the same is hereby, declared cancelled effective March 1, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*John Thompson*  
*Joseph F. Negro*  
Commissioners

Dated at Denver, Colorado,  
this 12th day of April, 1957.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ERVIN E. SMITH, MILNER, COLORADO. )  
 )  
 )  
 )  
 )  
-----)

PERMIT NO. M-7959

-----  
April 12, 1957  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Ervin E. Smith

requesting that Permit No. M-7959 be cancelled.

FINDINGS


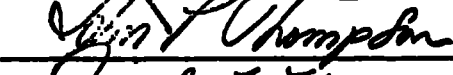

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7959, heretofore issued to \_\_\_\_\_  
Ervin E. Smith \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective March 5, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
  
  
  
Commissioners

Dated at Denver, Colorado,  
this 12th day of April, 1957.  
ma



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
E. W. MADDOX, JR., DOING BUSINESS AS )  
"HUDSON OIL COMPANY," 6308 EAST 72ND )  
AVENUE, DERBY, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-8441

\_\_\_\_\_  
April 12, 1957  
\_\_\_\_\_

STATEMENT

By the Commission:

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

E. W. Maddox, Jr. dba Hudson Oil Co.

requesting that Permit No. M-8441 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

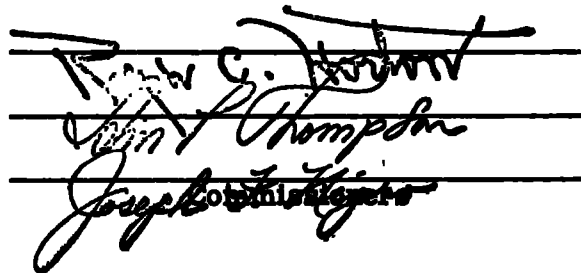
That Permit No. M-8441, heretofore issued to \_\_\_\_\_

E. W. Maddox Jr. dba Hudson Oil Co. \_\_\_\_\_

be,

and the same is hereby, declared cancelled effective February 20, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Dated at Denver, Colorado,

this 12th day of April, 1957.



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
C. E. DARNELL, 7101 WEST 61ST AVENUE, )  
ARVADA, COLORADO. )

**PERMIT NO. M-9089**

**April 12, 1957**

**STATEMENT**

**By the Commission:**

**The Commission is in receipt of a communication from**

**C. E. Darnell**

**requesting that Permit No. M-9089 be cancelled.**

## FINDINGS

### **THE COMMISSION FINDS:**

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

**That Permit No. M-9089**, heretofore issued to

**C. E. Darnell**

be,

**and the same is hereby, declared cancelled effective March 28, 1957.**

**THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

Wm. C. Horton  
John P. Thompson  
Joseph F. Higgins  
Commissioners

**Dated at Denver, Colorado,**

this 12th day of April, 1957.

**INB**



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
THOMAS F. PEARSON, 1850 WEST 51ST )  
AVENUE, DENVER 11, COLORADO. )

**PERMIT NO. M-9297**

April 12, 1957

**STATEMENT**

**By the Commission:**

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

**Thomas F. Pearson**

requesting that Permit No. M-9297 be cancelled.

## FINDINGS

**THE COMMISSION FINDS:**

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-9297, heretofore issued to \_\_\_\_\_

Thomas <sup>2</sup>. Pearson be,

**and the same is hereby, declared cancelled effective April 4, 1957.**

**THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

Robert C. Hodson  
John P. Thompson  
Joseph F. Negro  
Commissioners

**Dated at Denver, Colorado,**

**this 12th day of April , 1957.**

**III.**



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CHARLES I. FROMAN, 417 HOSPITAL ROAD,) )  
BRUSH, COLORADO. )

**PERMIT NO. M-9617**

April 12, 1957

## STATEMENT

**By the Commission:**

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

**Charles I. Froman**

**requesting that Permit No. M-9617 be cancelled.**

## FINDINGS

### THE COMMISSION FINDS:

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

**That Permit No. M-9617, heretofore issued to**

Charles I. Froman \_\_\_\_\_ be,

**and the same is hereby, declared cancelled effective March 15, 1957.**

**THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

Robert C. McComb  
John P. Thompson  
Joseph F. Negro  
Commissioners

**Dated at Denver, Colorado,**

**this 12th day of April , 1957.**

**MA**



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ALBERT E. HAERTHER, ROUTE 3, BOX )  
216, LONGMONT, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-10835

-----  
April 12, 1957

STATEMENT

By the Commission:

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

Albert E. Haerther

requesting that Permit No. M-10835 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10835, heretofore issued to \_\_\_\_\_

Albert E. Haerther \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective March 28, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Frank C. Brown*  
*John P. Thompson*  
*Joseph F. Negro*  
Commissioners

Dated at Denver, Colorado,

this 12th day of April, 1957.

ma



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DARRELL L. EARL, ROUTE 2, FT. MORGAN, )  
COLORADO. )  
 )  
 )  
----- )

PERMIT NO. M-11040

-----  
April 12, 1957  
-----

STATEMENT

By the Commission:

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

Darrell L. Earl

requesting that Permit No. M-11040 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

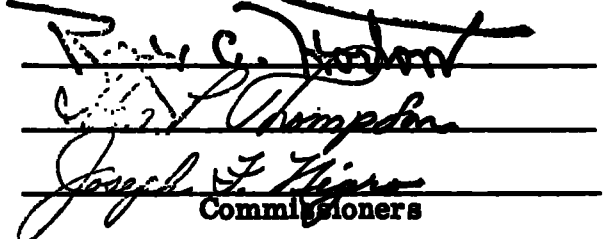
THE COMMISSION ORDERS:

That Permit No. M-11040, heretofore issued to \_\_\_\_\_

Darrell L. Earl \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective March 12, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,

this 12th day of April, 195 7.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
SAMUEL R. SCHARF AND EDWARD E. SWIM, )  
110 TELLER, GRAND JUNCTION, COLORADO. )  
\_\_\_\_\_) )  
\_\_\_\_\_)

PERMIT NO. M-11742

\_\_\_\_\_  
April 12, 1957  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Samuel R. Scharf and Edward E. Swim

requesting that Permit No. M-11742 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11742, heretofore issued to \_\_\_\_\_  
Samuel R. Scharf and Edward E. Swim be,

and the same is hereby, declared cancelled effective March 11, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Wm C. Brown*  
\_\_\_\_\_  
*John Thompson*  
\_\_\_\_\_  
*Joseph F. Negro*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 12th day of April, 1957.



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) GORDON W. BENNETT, 1065 SOUTH AMES, ) DENVER, COLORADO, FOR AUTHORITY TO ) EXTEND OPERATIONS UNDER PERMIT NO. ) B-4900. ) ----- )	APPLICATION NO. 15123-PP-Extension
--	------------------------------------

-----  
April 9, 1957  
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Appearances: Gordon W. Bennett, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Gordon W. Bennett, 1065 South Ames, Denver, Colorado,  
is the owner of Private Permit No. B-4900, authorizing:

Transportation of water and water glass, from  
point to point within a radius of ten miles  
of Denver, Colorado.

By the instant application, he seeks an extension of  
said permit to include the transportation of water and water glass,  
from point to point within a radius of 100 miles of Denver, Colo-  
rado.

The application was assigned for hearing before Examiner  
Joseph W. Hawley, at the Hearing Room of the Commission, 330 State  
Office Building, Denver, Colorado, March 11, 1957, at ten o'clock  
A. M., with due notice to all interested parties, and was there  
heard and taken under advisement. The Examiner has submitted his  
Report of the proceedings.

It appears from the Report of the Examiner that applicant  
appeared in support of his application, testifying that he has had  
several requests for service under the original permit from pros-  
pective customers beyond the presently-authorized area of service.  
The latest was a call from Hudson, Colorado. The water glass he



purchases from the Denver Fire Clay Company in Denver and this product is used largely to make a firm footing for foundations where the ground is sandy and it also prevents the heaving characteristics in white soil. The water itself is transported to construction jobs. There are no other carriers offering the same type of service within the radius of 100 miles of Denver. In this type of work, he uses an International diesel twin-screw truck and two tank trailers, with a capacity of 5,000 and 4,250 gallons, respectively, and his net worth is \$10,000.

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

The Report of the Examiner states that in his opinion the applicant is a fit and proper person to conduct the proposed extended operation, and is qualified by experience and financially.

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

##### THE COMMISSION FINDS:

That the Report of the Examiner referred to in the above and foregoing Statement should be approved.

That the authority sought 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 is hereby, approved.

That Gordon W. Bennett, 1065 South Ames, Denver, Colorado, should be, and he is hereby, authorized to extend operations under permit No. B-4900 to include the transportation of water and water glass, from point to point within a radius of 100 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

*Joseph C. Hartman*  
*John P. Thompson*  
*Joseph F. Tignor*  
Commissioners

Dated at Denver, Colorado,  
this 9th day of April, 1957.



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) RAILWAY EXPRESS AGENCY, INCORPORATED, ) DENVER UNION TERMINAL, DENVER, COLO- ) RADO, FOR A CERTIFICATE OF PUBLIC ) CONVENIENCE AND NECESSITY AUTHORIZ- ) ING EXTENSION OF OPERATIONS UNDER ) PUC NO. 1467. ) ----- )	APPLICATION NO. 15179-Extension
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-----  
April 9, 1957  
-----

Appearances: Grant, Shafroth and Toll,  
Esqs., Denver, Colorado,  
by Douglas McHendrie, Esq.,  
for Applicant;  
John B. Windecker, Pine, Colo-  
rado, for Windecker Truck  
Line.

S T A T E M E N T

By the Commission:

Railway Express Agency, Incorporated, is the owner and operator of PUC No. 1467 and PUC No. 1467-I, authorizing its operations as a common carrier of express matter by rail and other facilities throughout the State of Colorado.

By the instant application, as elucidated at the hearing, the certificate-owner seeks an extension to its authority under said certificate to include the transportation of general commodities, including Class A and B explosives moving in express service over a regular route between Denver, Colorado, and the Glenn L. Martin Company plant, (opposite the community of Kassler-Waterton, both in the State of Colorado) over and upon the main highways between the said points, to-wit: U. S. Highway No. 85 from Denver, Colorado, to its junction with Colorado State Highway No. 75; thence over Colorado State Highway No. 75 to the Glenn L. Martin Company plant opposite the community of Kassler-Waterton, Colorado, returning over the same route; the service



to be limited to that which is auxiliary to or supplemental of air or rail express service, and limited to shipments moving under regular Railway Express Agency through Bills of Lading, and further restricted to shipments having either a prior or subsequent rail or air movement into or out of Denver, Colorado, except for possible occasional shipments from an origin or to a destination not served by rail or air.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 28, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings.

The Report of the Examiner states that H. J. Clagett, Colorado General Agent of applicant, appeared in support of the application, testifying that the area involved in the proposed extension lies in the district over which he has jurisdiction; that Glenn L. Martin Company has been awarded a Government contract for the construction of guided missiles, and its plant is about to be completed near Kassler, Colorado, on Colorado State Highway No. 75; that many strategic and confidential materials will be used in the construction of these missiles, and will move under protective signature, armed surveillance, or armed guard protection, by express, from numerous points in the United States, including points within the State of Colorado; that his company provides this service for all Government installations, and has been requested to provide the same by the Glenn L. Martin Company to its new plant; that his company has been transporting express shipments in its service between Denver, Colorado, and points of origin and destination for this Company, the shipments being picked up and delivered to applicant's offices in the City of Denver, or Martin warehouses in Englewood, by said Glenn L. Martin Company;



that since February 20, 1957, the service for which authority is now sought has been conducted under temporary authority both from the Interstate Commerce Commission and from this Commission, and an application is pending before the Interstate Commerce Commission for an order making its temporary authority permanent; that there is no similar service available from any other common carrier authorized to serve this area; that the commodities to be transported will include all commodities usually moved in express service in addition to those requiring special handling and protection; that in this operation, applicant will use a Chevrolet 2-ton truck with stake body and standby equipment, consisting of one  $1\frac{1}{2}$ -ton truck with closed body that can be locked from the inside, this equipment being already available and in use under the temporary authority; that his company will operate a daily schedule from Denver to the plant and return, except on Saturdays, Sundays and Holidays.

The financial statement of applicant on file with the Commission was made a part of the record by reference. A map of the proposed route is attached to the application marked Exhibit A and was received in evidence at the hearing.

The Report of the Examiner further states that John H. Anderson, Traffic Manager of Glenn L. Martin Company, corroborated the testimony of Mr. Clagett and emphasized that express shipments to and from his plant will be of a nature requiring special handling, including large volume shipments of a fragile nature requiring careful handling, traffic requiring expeditious handling, and shipments to and from Government installations which are required to be moved under protective signatures, armed guard, or armed surveillance; that these shipments formerly moved to and from applicant's storage facilities in Englewood, but recently have been moving direct to the plant under the temporary authority referred to, after his Company had authorized witness to request



this service from applicant; that he anticipates an increase in volume of express shipments as the plant expands; that the Company now receives shipments under Government Bills of Lading to its test sites, considered a part of the plant, and needs the supplemental express service requested; that shipment of these shipments may be called for on short notice, and an occasional shipment of a classified nature. Witness explained the need for the requested authority to transport explosives.

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

It is the opinion of the Examiner that the proposed extension should be granted, 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 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 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 proposed extended motor vehicle common carrier call and demand service of Railway Express Agency, Incorporated, Denver Union Terminal, Denver, Colorado, under PUC No. 1467, to include the transportation of general commodities, including Class A and B explosives moving in express service, over a regular route between Denver, Colorado, and the Glenn L. Martin Company plant, (opposite the community of Kassler-Waterton, both in the State of Colorado) over and upon the



main highways between the said points, to-wit: U. S. Highway No. 85 from Denver, Colorado, to its junction with Colorado State Highway No. 75; thence over Colorado State Highway No. 75 to the Glenn L. Martin Company plant opposite the community of Kassler-Waterton, Colorado, returning over the same route; the service to be limited to that which is auxiliary to or supplemental of air or rail express service, and limited to shipments moving under regular Railway Express Agency through Bills of Lading, and further restricted to shipments having either a prior or subsequent rail or air movement into or out of Denver, Colorado, except for possible occasional shipments from an origin or to a destination not served by rail or air, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

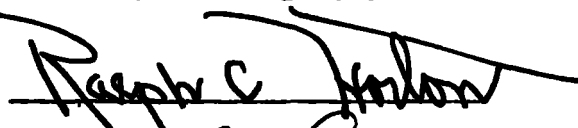


That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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.

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 9th day of April, 1957.



(Decision No. 47674)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

IN THE MATTER OF THE APPLICATION OF  
PEARL A. LUCERO, DOING BUSINESS AS  
"RED CLIFF TRANSPORTATION CO.," BOX  
322, REDCLIFF, COLORADO, FOR AUTHOR-  
ITY TO TRANSFER FUC NO. 697 TO RALPH  
B. HENDERSON AND RALPH P. HENDERSON,  
JR., CO-PARTNERS, DOING BUSINESS AS  
"RALPH E. HENDERSON & SON," REDCLIFF,  
COLORADO.

**APPLICATION NO. 15097-Transfer**

April 9, 1957

Appearances: A. J. Laing, Esq.,  
Leadville, Colorado,  
for Transferor;  
Pearl A. Lucero, Red-  
cliff, Colorado, pro se;  
Ralph B. Henderson, Jr.,  
Redcliff, Colorado,  
for Transferees.

S T A T E M E N T

By the Commission:

D. H. Lucero, sometimes known as Dick H. Lucero, is the record owner of PCU No. 697, authorizing passenger bus service between Redcliff and Gilman, Colorado.

By the instant application, Pearl A. Lucero, as Administratrix of the Estate of D. H. Lucero, sometimes known as Dick H. Lucero, now deceased, seeks authority to transfer the operating rights of decedent under said PUC No. 697 to Ralph B. Henderson and Ralph B. Henderson, Jr., co-partners, doing business as "Ralph B. Henderson & Son," Redcliff, Colorado.

The application was assigned for hearing before Examiner Joseph W. Hawley, on March 7, 1957, at 330 State Office Building, Denver, Colorado, where the matter was heard and taken under advisement, said Examiner submitting his Report of the proceedings to the Commission.



Report of the Examiner states that Pearl A. Lucero appeared and testified that her husband D. H. Lucero, sometimes known as Dick H. Lucero, conducted the operations under said certificate from the Year 1944 up to the time of his death in April, 1956. She continued the operation up to the time she contracted to sell the operating rights under said certificate to Ralph B. Henderson on January 11, 1957. Since March 7, 1957, the transferees have conducted operations under temporary authority issued by this Commission.

Report of Examiner further states that the witness, Pearl A. Lucero, was appointed Administratrix of her husband's estate by the County Court of Eagle County, Colorado. On January 11, 1957, she, as such Administratrix, contracted to sell the operating rights under said certificate, together with one Chevrolet Bus, one Ford Bus, and miscellaneous equipment, to Ralph B. Henderson, one of the transferee co-partnership, for the agreed purchase price of \$1,800.00, and executed Bill of Sale, a copy of which is attached to the application. On January 15, 1957, she obtained from the County Court an order authorizing her to sell the two buses and other personal property to Ralph B. Henderson for the sum of \$2,300. A certified copy of this Order is also attached to the application. Inadvertently, however, the certificate itself was not included in the description of the property she was authorized to sell. A late-filed exhibit is a copy of an order of said Court, of date March 14, 1957, remedying this defect, and authorizing the sale of the certificate. The full consideration agreed upon has been paid by transferees, and there are no debts against said certificate or operations thereunder. Transferees have also purchased her garage under separate contract. Mrs. Lucero is not able to drive the buses and does not have sufficient personal experience in the operation to continued to give the public proper service under the certificate, hence her decision to sell.



Report of Examiner further states that Ralph B. Henderson, Jr., testified he and his father constitute the partnership to whom the transfer is to be made. He has had ten months experience in driving the buses used in the operation, and transferees will continue to use the same buses purchased under the contract. Their net worth is approximately \$25,000.

Report of the Examiner states that there were no protests to the instant application and is of the opinion that transferees are well qualified by experience and financially; are fit and proper persons to conduct the operation authorized by said certificate; and that the proposed transfer is in the public interest and should be authorized.

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

##### THE COMMISSION FINDS:

That Report of the Examiner referred to in the above and foregoing Statement should be approved.

That the proposed transfer is compatible with the public interest and should be authorized.

#### O R D E R

##### THE COMMISSION ORDERS:

That the Report of the Examiner be, and is hereby, approved.

That Pearl A. Lucero, doing business as "Red Cliff Transportation Co.," Box 322, Redcliff, Colorado, should be, and is hereby, authorized to transfer all right, title, and interest in and to PUC No. 697 -- being the authority set forth in the above and foregoing Statement, which is made a part hereof by reference -- to Ralph B. Henderson and Ralph B. Henderson, Jr., co-partners, doing business as "Ralph B. Henderson & Son," Redcliff, Colorado.

That said transfer shall become effective 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



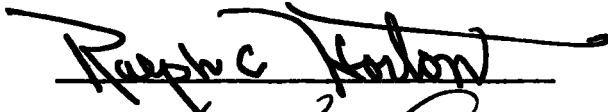


will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted 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 the 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.

Dated at Denver, Colorado,  
this 9th day of April, 1957.

ea



(Decision No. 47675)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DWAIN W. FRENCH, DOING BUSINESS AS )  
"FRENCHIE'S CLEAN-UP SERVICE," 2101 )  
WILLOW CREEK COURT, GOLDEN, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC )  
NO. 2605 TO DONALD L. CHIDO AND )  
EDITH JOYCE CHIDO, CO-PARTNERS, )  
DOING BUSINESS AS "FRENCHIE'S CLEAN- )  
UP SERVICE," ROUTE 3, BOX 645-C, )  
GOLDEN, COLORADO. )

APPLICATION NO. 15178-Transfer

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April 8, 1957  
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Appearances: Dwain W. French, Golden,  
Colorado, pro se;  
Donald L. Chido, Golden,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, Dwain W. French, doing business as "Frenchie's Clean-Up Service," Golden, Colorado, owner and operator of PUC No. 2605, seeks authority to transfer said operating rights to Donald L. Chido and Edith Joyce Chido, co-partners, doing business as "Frenchie's Clean-Up Service," Golden, Colorado, said PUC No. 2605 being the right to operate as a common carrier by motor vehicle for hire, for the transportation, on call and demand, of:

ashes, trash, topsoil, and fertilizer, in the City of Golden, Colorado, and a radius of five miles thereof;

garbage, in the area described as follows: The City of Golden, Colorado, and a radius of five miles from the center thereof, excluding an area described as follows: Extending from the line commonly designated as the center of Kipling Street, which line is the most easterly boundary line of said excluded area, to a line one mile east of the City of Golden, which said line is the



most westerly boundary of said excluded area and extending from a line 300 feet north of and paralleling west 26th Avenue, which said last line is the most northerly boundary line of the excluded area, to a line 2,000 feet south of and paralleling West Alameda Avenue, which said line is the most southerly boundary line of the excluded area.

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, March 19, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, transferor testified that the consideration of said operating rights and equipment is the sum of \$24,000; that all equipment is to be transferred free and clear of any encumbrance; that authorization of mortgage of said operating rights in the amount of \$4,000 is requested, to secure payment of balance of purchase price; that there are no outstanding unpaid operating obligations against said operation.

Transferee testified that his net worth is approximately \$60,000.

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.

#### 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 operating rights, if any there be.

#### O R D E R

##### THE COMMISSION ORDERS:

That Dwain W. French, doing business as "Frenchie's Clean-



Up Service," Golden, Colorado, should be, and he hereby is, authorized to transfer all right, title, and interest in and to PUC No. 2605 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Donald L Chido and Edith Joyce Chido, co-partners, doing business as "Frenchie's Clean-Up Service," Golden, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.



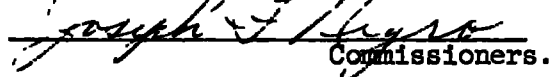
That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements 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 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.

Dated at Denver, Colorado,  
this 8th day of April, 1957.  
mls



original

(Decision No. 47676)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
IOWA ELECTRIC LIGHT AND POWER COM- )  
PANY, A CORPORATION, CEDAR RAPIDS, ) APPLICATION NO. 15190-Securities  
IOWA, FOR AUTHORITY TO ISSUE SE- ) SUPPLEMENTAL ORDER  
CURITIES. )  
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-----  
April 5, 1957  
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Appearances: Chapman and Cutler, Esqs.,  
Chicago, Illinois, by  
Oswald Maland, Esq., and  
Barry, Hupp and Dawkins,  
Esqs., Denver, Colorado,  
by John R. Barry, Esq.,  
for Applicant;  
J. M. McNulty, Denver, Colo-  
rado, and  
E. R. Thompson, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

Applicant, Iowa Electric Light and Power Company, through its counsel, set forth above, declares that strict compliance with the wording of the paragraph contained within the Lines 12 to 17, inclusive, Page 6 of Decision and Order No. 47623, of date March 28, 1957, would cause Applicant undue trouble and expense. The principal reasons are that the Applicant's common stock is actively traded and that the transfer agent will simultaneously handle certificates of previously issued common stock as well as certificates of the proposed issue and that the reporting to this Commission of possibly a great number of serial numbers identifying individual or groups of consecutively numbered certificates would entail considerable expense. Therefore, the Applicant, through counsel, requests that there be substituted for the Lines 12 to 17, inclusive, Page 6 of the Decision and Order No. 47623, the following:



"That within ninety (90) days from and after the consummation of the transaction proposed, and in any event on or before June 30, 1957, the Applicant shall file its report with this Commission, showing the number of shares of Common Stock issued pursuant to this order and the consummation of the transactions herein authorized.

"That each certificate of Common Stock of the Applicant issued by the Applicant as proposed, shall bear a distinguishing serial number or other appropriate symbol, which may consist of the distinguishing serial numbers affixed thereto at the time of issuance in order to identify the same and similar distinguishing serial numbers affixed to stock certificates on the transfer of the stock certificates issued in accordance with this order."

In view of the above, the Statement by the Commission should be amended as indicated above.

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

##### THE COMMISSION FINDS:

That Decision No. 47623, of date March 28, 1957, should be amended nunc pro tunc as of said 28th day of March, 1957, to delete such words and paragraphs and to insert and substitute such words and paragraphs as are set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Decision No. 47623, of date March 28, 1957, should be, and the same hereby is, amended, nunc pro tunc, as of said 28th day of March, 1957, by deleting the words and paragraph:

"That the stock certificates to be issued pursuant to said plan shall bear on the face thereof a serial number for the proper and easy identification thereof, and that, within ninety (90) days from date of issue, applicant shall make a verified report to the Commission of such number which is placed on said certificates."

appearing in Lines 12 to 17, inclusive, Page 6, of said Decision, and inserting therein and substituting therefore the words and paragraphs to-wit:

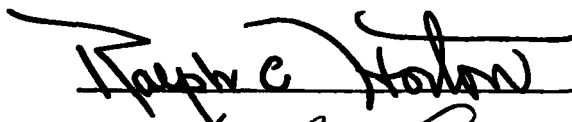


"That within ninety (90) days from and after consummation of the transaction proposed, and in any event on or before June 30, 1957, the Applicant shall file its report with this Commission, showing the number of shares of Common Stock issued pursuant to this order and the consummation of the transactions herein authorized.



"That each certificate of Common Stock of the Applicant issued by the Applicant as proposed, shall bear a distinguishing serial number or other appropriate symbol, which may consist of the distinguishing serial numbers affixed thereto at the time of issuance in order to identify the same and similar distinguishing serial numbers affixed to stock certificates on the transfer of the stock certificates issued in accordance with this order."

That, except as herein amended, Decision No. 47623 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 April, 1957.

mls



original

(Decision No. 47677)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THOMAS C. EPSON AND LOUIS PONZEY, )  
CO-PARTNERS, DOING BUSINESS AS "JEEP )  
TRAILS AND SCENIC DRIVES," P. O. BOX )  
3, LEADVILLE, COLORADO, FOR A CERTI- )  
FICATE OF PUBLIC CONVENIENCE AND NE- )  
CESSITY TO OPERATE AS A COMMON CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 15099

-----  
April 9, 1957  
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Appearances: Thomas C. Epson, Leadville,  
Colorado, for Applicants;  
Boyle and Witty, Esqs.,  
Salida, Colorado, for  
Yellow Cab.

S T A T E M E N T

By the Commission:

By the instant application filed January 28, 1957, Thomas C. Epson and Louis Ponzey, co-partners, doing business as "Jeep Trails and Scenic Drives," Leadville, Colorado, seek authority to operate as a common carrier by motor vehicle for hire, for the transportation of passengers for hire between Leadville and points of interest in parts of Lake, Eagle, Garfield, Summit, Pitkin, Park and Chaffee Counties.

The application was assigned for hearing before Examiner Joseph W Hawley, at the Court House, Canon City, Colorado, March 8, 1957, at ten o'clock A. M., and was there heard and taken under advisement.

The Examiner has now submitted his Report of the proceedings.

It appears from the Report of the Examiner that applicants were not advised as to the provisions of the rules and regulations



of the Commission, and through ignorance appeared without customer witnesses, or evidence other than a statement of Mr. Epton, one of applicants. Protestant, Yellow Cab, of Leadville, Colorado, has authority under PUC No. 1185 for the transportation of passengers and baggage for hire in Leadville, Colorado, and between Leadville and other points outside thereof, with no sightseeing authority, being strictly a taxicab operation. The records of the Commission show that operations under protestant's certificate were suspended at its request from June 19, 1956, to September 15, 1956, during the season in which applicants seek authority to operate.

It appears from the Examiner's Report that an informal discussion was held between the interested parties, but no working agreement was reached.

In view of the unsatisfactory state of the record and the situation disclosed at the informal hearing referred to, the Examiner has recommended that the application be amended and be continued for further hearing, either at Leadville or Salida, Colorado, at some time convenient to the Commission.

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

##### THE COMMISSION FINDS:

That the Report of the Examiner referred to in the above and foregoing Statement should be approved.

That the instant application should be amended as suggested in the Examiner's Report.

That the hearing on the amended application should be continued to some future hearing, either at Leadville, Colorado, or Salida, Colorado, at some date convenient to 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 it is hereby, approved.

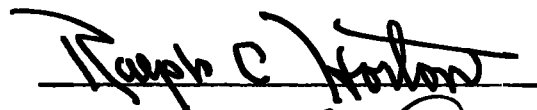

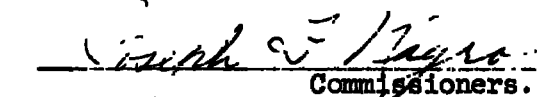
That the prayer of the instant application be, and hereby is, amended to read as follows:

"WHEREFORE, applicants pray that the Commission issue to them:

"(1) A certificate of public convenience and necessity authorizing the transportation of passengers and their hand baggage in sightseeing service only, between Leadville, Colorado, and scenic points within a 25-mile radius of Leadville, Colorado, restricted as against any taxicab service, and limited to the use of jeeps only, the public roads to be used only when necessary to reach the destination scenic points."

That hearing on the amended application be, and is hereby, continued to some future date convenient to the Commission, the hearing to be held either at Leadville, Colorado, or Salida, Colorado, with due notice to all interested parties.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of April, 1957.

mls



original

(Decision No. 47678)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE R. MACK, 1114 SOUTH FIRST )  
STREET, CANON CITY, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 15100

-----  
April 9, 1957  
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Appearances: Robert G. Frederillon, Esq.,  
Canon City, Colorado, for  
Applicant;  
Stanley Blunt, Canon City,  
Colorado, for Southwestern  
Transportation Company.

S T A T E M E N T

By the Commission:

By the instant application, George R. Mack, 1114 South First Street, Canon City, Colorado, seeks a certificate of public convenience and necessity authorizing the transportation of ashes and trash, from point to point within the limits of Canon City, and South and East Canon, Fremont County, Colorado.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Court House, Canon City, Colorado, March 8, 1957, at ten o'clock A. M., with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings.

It appears from the Report of the Examiner that applicant testified that he has had three years experience in the operation of trucks; that he owns a one-ton Ford Pickup; that his net worth is \$5,000; that he has been engaged in the business of hauling ashes and trash from point to point within the limits of Canon City, Colorado,



and in South and East Canon for the past three years, and was so engaged continuously prior to and including January 1, 1955, the effective date of Amendment XXV to the Constitution of the State of Colorado, granting to this Commission jurisdiction over common carrier operations within the home-rule cities, such as Canon City, and has established his "Grandfather Rights" to the certificate sought. South and East Canon are not embraced within the home-rule city. However, in the three areas, he has been serving fifty regular customers and others occasionally.

The Report of the Examiner further states that no one appeared in protest to the granting of the application, and that applicant is a fit and proper person to conduct the business for which he seeks authority, and is qualified by experience and financially to conduct the proposed operation, and that a certificate should issue to said applicant.

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

##### THE COMMISSION FINDS:

That the Report of the Examiner herein should be approved.

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant.

#### 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 proposed common carrier motor vehicle, call and demand service of George Mack, Canon City, Colorado, for the transportation of ashes and trash, from point to point within the limits of Canon City, and South and East Canon, Fremont County, Colorado, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

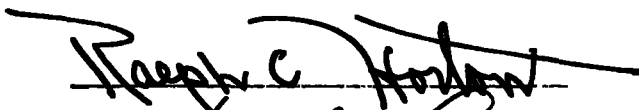




That applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

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 9th day of April, 1957.

mls



original

(Decision No. 47679)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. W. DAWSON, JR., DOING BUSINESS )  
AS "BILLY DAWSON," BRANDON, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO OPERATE )  
AS A COMMON CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 15135

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April 9, 1957  
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Appearances: Harlan Johnson, Esq., Lamar,  
Colorado, for Applicant;  
Jack Bohs, Esq., Cheyenne Wells,  
Colorado, for Claude  
Schmatjen;  
T. L. Tucker, Lamar, Colorado,  
pro se;  
Robert Rehm, Eads, Colorado,  
for Kiowa Truck Line;  
W. E. Taulman, Lamar, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

Applicant seeks a certificate of public convenience and ne-  
cessity, to engage in the business of transportation, as a common car-  
rier by motor vehicle for hire, of farm products, livestock, farm  
supplies, farm equipment, building supplies and equipment and appli-  
ances, between points in Kiowa County and the south ten miles of  
Cheyenne County, to include the Town of Eads, and all points within  
the State of Colorado.

Upon due notice to all parties, the matter was duly heard  
on the 14th day of March, A. D., 1957, at ten o'clock A. M., in the  
District Court Room, Prowers County, Lamar, Colorado, and at the con-  
clusion of the evidence, the matter was taken under advisement.

J. W. (Billy) Dawson appeared and testified on behalf of



his application, stating he is located at Brandon, Colorado, which is in Kiowa County, twenty miles east of Eads, twenty miles west of the Kansas-Colorado Border, thirty-five miles northeast of Lamar, and thirty-five miles from Cheyenne Wells. He stated he had been engaged in the cattle and trucking business from 1931 to 1937, and that he had hauled cattle since October, 1955.

The Commission took official notice of Description of Equipment filed by the applicant, who testified that in addition to said equipment, he is the owner of a 1947 one and one-half-ton Ford Truck, long wheelbase, with grain sides or stack rack, a house trailer, and a 1951 G.M.C. Truck, on lease.

Mr. Dawson further testified that he proposed to headquarter at Brandon, and at Eads, if necessary. He further gave detailed testimony of his experience in hauling cattle while working under the certificates or permits of authorized carriers.

It was the opinion of Mr. Dawson that the Kiowa Truck Line, of Eads, Colorado, had been rendering inadequate service since 1955, basing this opinion upon the fact that a customer had ordered a truck at eleven o'clock in the morning from the Kiowa Truck Line, and all cattle were not moved until three o'clock the following morning. He further testified that there was no established carrier within twenty miles of Brandon.

J. E. Chronister, of Kiowa County, appeared on behalf of the applicant, and testified that he was a stockman who shipped cattle. He testified that during the Fall of 1955, the Kiowa Truck Line hauled a couple of loads of his cattle to Denver; that they did not give good service, in that the driver stopped for forty-five minutes for breakfast while hauling the cattle; that he has not used the Kiowa Truck Line since, and that Dawson had the experience and ability to give good service, and had rendered good service to him when Dawson operated under



other authorized carriers.

James E. Meeks, of Chivington, a rancher from the Brandon area, testified on behalf of applicant that applicant was a good person to have a permit, and that Dawson would provide an operation more convenient for witness. Mr. Meeks further testified he had used the Kiowa Truck Line up to 1955, and had always found their service adequate.

Al C. Bowen, a rancher residing thirty-five miles north of Lamar, in Kiowa County, owner of six hundred head of cattle, who ships generally in the fall of the year, testified that Dawson was a good trucker, and a reliable person. He stated he had used Kiowa Truck Line service in the past, and service had been satisfactory, although, on one occasion, they had an accident which damaged his stock. He also testified that he had used Mr. Tucker, Mr. Hayes, Mr. Taulman, and Mr. Walker to haul his cattle.

G. L. King, of Eads, likewise appeared for the applicant.

All testimony of all public witnesses in support of the application was to the effect that applicant was a competent hauler and reliable person, and that his proposed service would be more convenient for them, but that Kiowa Truck Line had rendered adequate service in the area, except on some occasions during the past six months, and that there probably is no need for two truck lines in the area.

Claude Schmatjen, of Cheyenne Wells, holder of PUC No. 1314, and PUC No. 1314-I, testified in protest to the application, and stated that he had been a trucker, operating under Public Utilities Commission authority for one year, eight months; that he had never refused service; that he was capable of handling more business; that he would get more equipment, if needed; that the people were adequately served; that he had available equipment from other carriers. He stated he could serve only one of applicant's witnesses.



William L. White and Merel K. White, of Arapahoe, in Cheyenne County, appeared as public witnesses in protest to the application, stating that the area had been well served by existing truckers.

Wilbur Summers, who lives twelve miles south of Arapahoe, Colorado, five miles from the Kiowa County Line, who is a rancher, testified that the area was well served.

Paul Pollreis, of Kit Carson, in Cheyenne County, stated he had used the Martin, Schremp and Kiowa Truck Lines, and that the area was adequately served.

Hubert L. Martin and Curtis Schremp both likewise appeared as public witnesses, and testified that the area was being adequately served by existing authorized carriers.

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

##### THE COMMISSION FINDS:

That it is fully advised in the premises.

That the area sought to be served by the present application is currently served by the Kiowa Truck Lines, holder of PUC No. 890 and PUC No. 890-I, who are adequately serving the territory.

That there is no evidence that the Kiowa Truck Line has ever refused service to anyone who requested it, or that their equipment was inadequate.

That other parts of the area are adequately served by existing common carriers.

That from the evidence adduced by applicant's witnesses, there is no need for an additional common carrier in Kiowa County at this time.

That two competing common carrier truck lines could not co-exist in Kiowa County.

That applicant has failed to show public convenience and necessity require the services sought by this application.

That granting such authority would not be compatible with



the public interest.

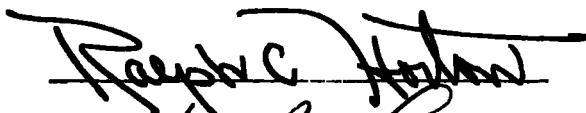

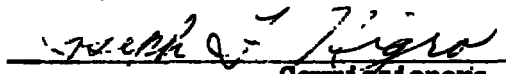
O R D E R

THE COMMISSION ORDERS:

That the application of J. W. Dawson, Jr., Brandon, Colorado, for a certificate of public convenience and necessity under Application No. 15135, 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 9th day of April, 1957.

mls



original

(Decision No. 47680)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHESTER C. KELLY, 1204 MAIN STREET, )  
EADS, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY ) APPLICATION NO. 15137  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
----- )

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April 10, 1957  
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Appearances: Edward C. Hastings, Esq.,  
Eads, Colorado, for  
Applicant;  
T. L. Tucker, Lamar, Colo-  
rado, pro se;  
Robert Rehm, Eads, Colo-  
rado, for Kiowa Truck  
Line;  
W. E. Taulman, Lamar,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

This matter came on for hearing on the 14th day of  
March, 1957, at the hour of ten o'clock A. M., in the District  
Court Room of Prowers County, Lamar, Colorado, upon the appli-  
cation of Chester C. Kelly, Eads, Colorado, for authority to  
engage as a common carrier in the transportation of all com-  
modities, on call and demand, between points in Colorado, to  
points in Kiowa County, and a portion of Cheyenne County lying  
west of Highway No. 59.

Due notice of said hearing having been given to all  
interested parties, testimony of all present in behalf of the  
applicant and protestants was duly taken and the matter was  
thereupon taken under advisement.

Chester R. Kelly, of Eads, Colorado, appeared in  
support of his application, and stated that he was experienced



in the trucking and hauling business, having been so engaged since 1941, continuously, in the business of buying and selling commodities, primarily grain and feed; that he was the owner of several trucks, as appeared on Exhibit A, which he duly identified, and which was admitted into evidence; that he was worth in excess of \$26,000, as was evidenced by Exhibit B, which was duly admitted into evidence.

He further testified that he leased his equipment to various truck lines, including Kiowa Truck Line, at Eads, Goldstein, and Wheelock Brothers, of Kansas City, and that in leasing said equipment, he drove the trucks for the lessee. He further testified that several customers have requested service of him in the territory now sought to be served, and that under temporary authority from the Commission, he had hauled eight to ten loads, some of which consisted of thirteen head of cattle to the Lamar sales ring, cement from Portland, Colorado, to Sheridan Lake, Colorado, and three tons of feed from Walsh to Eads.

Applicant further testified that he was also in the hardware business; that there was no carrier based at Eads. He admitted that Taulman and Tucker operated in Kiowa County, but stated that their service was inconvenient to the residents of that county.

Leonard Greenwell, a resident of Kiowa County, residing twelve and one-half miles northwest of Eads, stated he had resided in the area for forty years; that he was engaged as a farmer and rancher; that the service of Kiowa Truck Line was inadequate; that he knew of an instance where a Mr. Sallee was unable to get a truck from Kiowa Truck Line in the past six months for a period of two weeks.

Jack McNeill, of Eads, Colorado, engaged in the farm machinery and servicing business for nine years, testified that Kiowa Truck Line provided poor facilities for the last six months, but that when he had used Kiowa Truck Line services he had found them to be satisfactory.



Loren Fox, of Eads, Colorado, engaged in farming and ranching in Kiowa County, testified that permit should be issued; that service in 1956 from Kiowa Truck Line was fair.

Kerwin Briegel, a rancher from Cheyenne County, testified in favor of the applicaion, and stated that Kiowa Truck Line had furnished satisfactory service in the past.

Maurice Ure, Kit Carson Manager for Denver Elevators, stated he did not know the situation in Kiowa County, but that applicant had rendered satisfactory service in the past six months; that previously, when he had used Kiowa Truck Line service, it was satisfactory. Mr. Ure further testified that business had declined in the area.

Robert Rehm appeared as a protestant, as owner of Kiowa Truck Line, based at Eads, Colorado, holding PUC No. 890 and PUC No. 890-I. He testified that he maintained offices in Eads, Colorado, during business hours, and that he maintained tractors and trailers at Eads, and a pick-up driver; that his office had been in Eads since July 19, 1951; that during the fall rush season, he required additional equipment, and that he called upon other carriers to help; that he has never refused service, and that business had declined badly during the past six months.

T. L. Tucker, of Lamar, Colorado, appeared on behalf of protestants, holding PUC No. 1407. He testified Rehm had always given service, and had always cooperated and responded.

### F I N D I N G S

#### THE COMMISSION FINDS:

That it is fully advised in the premises.

That the area sought to be served by the present application currently is being served by Kiowa Truck Line, holder of PUC No. 890 and PUC No. 890-I, which is adequately serving the territory.

That there is no evidence said Kiowa Truck Line has ever refused service to anyone who requested it, or that their equipment



was inadequate.

That other parts of the area are adequately served by existing common carriers.

That from the evidence adduced by applicant's witnesses, there is no need for an additional common carrier in Kiowa County at this time.

That two competing common carrier truck lines could not co-exist in Kiowa County.

That applicant has failed to show public convenience and necessity require the services sought by this application.

That granting such authority would not be compatible with the public interest.

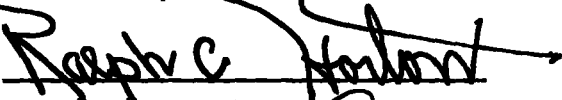


O R D E R

THE COMMISSION ORDERS:

That the application of Chester C. Kelly, Eads, Colorado, for a certificate of public convenience and necessity under Application No. 15137, 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 10th day of April, 1957.

ea



original

(Decision No. 47681)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HENRY G. GILMORE, DOING BUSINESS AS )	
"GILMORE TRUCKING COMPANY," 1337 )	
LONGWOOD, PUEBLO, COLORADO, FOR A )	APPLICATION NO. 15145-PP
CLASS "B" PERMIT TO OPERATE AS A )	
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
- - - - - )	

- - - - -  
April 10, 1957  
- - - - -

Appearances: Lattimer, Craddock and Robb,  
Esqs., Pueblo, Colorado,  
by Warren W. Lattimer, Esq.,  
for Applicant;  
Robert Lalich, Esq., Denver,  
Colorado, for Goldstein  
Transportation and  
Storage, Inc.

S T A T E M E N T

By the Commission:

Henry G. Gilmore, doing business as "Gilmore Trucking Company," 1337 Longwood, Pueblo, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of earth, water, sand, gravel, mixed aggregate with either oil or asphalt, nonferrous metals, prepared scrap iron or steel, from points within a radius of 15 miles of the City of Pueblo, Colorado, to points within a radius of 160 miles thereof.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Pueblo, Colorado, March 15, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he has had 24 years experience in construction and trucking business and his net worth is \$350,000. He has \$110,000 invested in his trucks and equipment, a list thereof being attached to the application and admitted in evidence as Exhibit No. 1 at the hearing. He has just purchased three new



Ford dump trucks of 2 and 2½-ton capacity.

Applicant named several Pueblo shippers whom he has been serving in Pueblo and vicinity, among whom are Broderick & Gibbons, Inc.; Fountain Sand & Gravel Company, Central States Roofing Company; Certified Concrete Company; Speken Wrecking Company; Colorado Iron Metal & Machinery Company; and Pueblo Iron Metal & Salvage Company. These shippers have customers beyond the radius of 15 miles of Pueblo, mostly contractors on construction jobs and desire applicant's service to make delivery of their products to these customers. These products will be transported in dump trucks or tank wagons. No C. O. D. shipments will be handled. Moreover, some of the sand pits, supply points for sand and gravel for these jobs, are from 10 to 15 miles outside the corporate limits of Pueblo. Witness stated that the proposed operation will in no way affect the motor vehicle operations of protestant Goldstein. There is no motor vehicle carrier in the area using the same type of equipment.

As to the transportation of scrap iron, applicant agreed to a restriction in any authority issued, limiting such transportation to movements from sites where structures are being dismantled. Whereupon, the protest of Goldstein was withdrawn. This transportation of scrap iron is the only transportation applicant wishes authority for that is not involved in movements to construction jobs.

Three shipper witnesses appeared in support of the application, to-wit: Harold A. Jones, Office Manager for Broderick & Gibbons, Inc., using applicant's service for delivery of dirt, sand and gravel and plant mix; L. D. Merrill, Sales Manager for Fountain Sand & Gravel Company; and Herman Speken, a partner in the operation of Speken Wrecking Company. All witnesses reside in Pueblo. All have used applicant's service, which has been satisfactory. Such service is needed and they would use the service from points inside the 15-mile radius of Pueblo, and to points within the 160-mile radius requested, when available.



No testimony was given in protest and applicant proved to the satisfaction of the Commission that his proposed service is needed and that he is well qualified in every way to perform the same.

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 made a part of these Findings by reference.

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

### O R D E R

#### THE COMMISSION ORDERS:

That Henry G. Gilmore, doing business as "Gilmore Trucking Company," 1337 Longwood, Pueblo, 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 earth, water, sand, gravel, mixed aggregate with either oil or asphalt, nonferrous metals, prepared scrap iron or steel, from points within a radius of 15 miles of the City of Pueblo, Colorado, to points within a radius of 160 miles thereof; the transportation of scrap iron being limited to movements from sites where structures are being dismantled.

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.

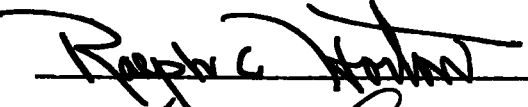
That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and



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

  
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Commissioners.

Dated at Denver, Colorado,  
this 10th day of April, 1957.

ea



(Decision No. 47682)

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

\* \* \*

**IN THE MATTER OF THE APPLICATION OF  
LOUIS N. ALBRIGHT, BAYFIELD, COLO-  
RADO, FOR AUTHORITY TO EXTEND OPER-  
ATIONS UNDER PERMIT NO. B-1629..**

APPLICATION NO. 14467-Extension  
AMENDED

**April 10, 1957**

**Appearances:** Byron B. Bradford, Esq.,  
Durango, Colorado,  
for Applicant;  
McKelvey & McKelvey, Esqs.,  
Durango, Colorado, for  
Montezuma Truck Line  
and David Baker;  
R. E. Turano, Denver, Colo-  
rado, and  
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 motor vehicle private carrier permit involved in this proceeding, Permit No. B-1629, was issued in 1936; at that time and until extended in 1955, it authorized the holder thereof to operate as a Class "B" private carrier by motor vehicle for the transportation of farm products, including livestock, from point to point within a radius of 25 miles of Durango. The present applicant obtained this authority by purchase in October, 1954. In November, 1954, he filed application to have the authority expanded to permit him to operate in and out of his base territory to and from all other points in the State of Colorado. The evidence at the hearing of that matter (our Decision No. 43977) was in substance that there are not enough small trucks available in that area for the transportation of small loads of livestock to and from the sales ring at Durango to points sometimes farther than 25 miles from Durango. On the basis of this testimony,



which related to livestock only, an extension of the authority was granted in February, 1955, authorizing transportation of livestock only into and out of the base territory, provided no livestock load should exceed 7,500 pounds per truck. Petition for rehearing timely filed was denied.

Three months later, on May 25, 1956, the present application was filed, again seeking authority to transport authorized commodities into and out of the base territory to all points in the State of Colorado, the only load limit to be 23,000 pounds per load. It is this application with which we are presently concerned.

After being successively set and continued a number of times, the matter finally came on for hearing at the Court House in Durango, Colorado, on March 21, 1957. The matter was then heard, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of his application. He stated that he presently owns one truck, which has a 16-foot bed; we have given him temporary authority to operate this truck to its capacity, pending disposition of this matter. He does not have equipment large enough to handle a 23,000-pound load, but would get a truck-tractor-and-trailer combination to do this work. If the authority is granted, he plans to obtain such equipment; he has the finances to do so. The people to whom he would render the enlarged service are all ranchers; he would like to be able to handle a rail carload of cattle with his present equipment and the 23,000 pound trailer he would buy, if the authority is granted. He has in the past from time to time allowed his equipment to be used in conjunction with that of the local common carriers of livestock to their mutual satisfaction. He stated that witnesses had appeared in support of his application, but had been compelled to leave before the matter could be heard. It is not certain what those witnesses



would have said had they testified.

Three local common carriers testified in protest of the application. Two of them, John Able, operator of Montezuma Truck Line, and David Baker, are actively engaged in serving the public in this area, they testified. They said the nature of their livestock business is such that there is a great rush for service at shipping time in the fall and for the other ten months of the year half or more of their equipment is idle. They know of no way that any carrier or combination of carriers could with economic reality provide enough equipment during the rush periods to meet all the demands during that short period, without any delay at all. Both stated that the granting of the application in the terms sought would tend to impair their ability to render efficient service to the public, as it would merely divide further the already limited revenues in the area. Both stated, however, that the applicant's present equipment had not adversely affected their operations.

A representative of Rio Grande Motor Way, Inc., testified in protest. That Company does not handle livestock in the Durango area at present, but is actively engaged in the transportation of feeds for both poultry and livestock. The handling of this traffic constitutes an important part of their business in that area, he said.

A review of the circumstances of the operation of this authority may be of assistance to the reader. The authority was operated only within the San Juan Basin, and principally in Durango, for some 18 years before the present owner acquired it. During that entire time, there was no indication that the authority was too narrow or restrictive. There is nothing now to indicate that livestock conditions there have changed materially in any respect from what they were during the period before the present owner acquired the authority. During this interval, the owners of the authority, and the common carriers in the area as well, have made their investment in equipment and facilities on the basis of the



existing economic situation in that area. The applicant now seeks, and has sought at all times since he obtained the authority, to have it enlarged so that he can obtain a re-distribution of revenues. There being no change shown in the economic conditions in the area, it would appear that any gain of this application must be at the expense of the existing common carriers. This applicant is not a common carrier holding himself out as willing to serve and dedicating his equipment to the service of the general public in that area. Instead, he is a private carrier serving only as his convenience or the requirements of his voluntary agreements demands that he serve. It is not apparent why the Commission should allow him to encroach upon the revenues of the other carriers who had dedicated their equipment and facilities to the service of the public. It will be noted that no rancher or other person wanted his proposed service badly enough to appear and testify in his behalf. There is thus no evidence, except his own statement, that anyone wants his proposed service or will use it, if it is authorized. Instead, it would appear that the granting of the authority would merely give the applicant a license to go out and develop whatever business he could, without any corresponding legal duty to serve the public upon demand.

One matter does appear to warrant correction, however. The selection of a load limit of 7,500 pounds for service into and out of the base territory appears to have been ill-advised; it must be obvious that neither truck inspectors on the road, nor the Highway Patrolmen, have scales with which to determine whether the carrier is operating within his authority as presently worded. The limit should therefore be corrected to some method easily determinable by any enforcement officer who should stop the carrier on the highway. The protestants indicated that the applicant's present equipment, a 16-foot bed straight truck, had



not affected their operation. This description will therefore be substituted in lieu of the 7,500-pound limitation.

The applicant complains that he is not able to do the most efficient job of transporting livestock with his present equipment, and for that reason seeks authority to have larger equipment. It will be noted from the foregoing Statement that the Commission has considered this matter on several occasions. Its opinion is the same now as it was at all times heretofore. No cause is shown for allowing the applicant to commence large scale hauling of livestock or feeds, which would be possible if larger equipment could be used. The size of the applicant's present equipment imposes an economic limitation upon the type of transportation he can feasibly do, and in general has the economic effect of limiting his transportation into and out of the territory to small loads moving on an emergency basis. It is the considered opinion of the Commission that this authority be limited to this type of transportation, unless or until it can be shown that service provided by existing common carriers is not adequate to the needs of the territory. The mere desire of the applicant to expand his operation is not sufficient in our opinion to warrant granting the enlarged authority. An order will be entered accordingly.

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

##### THE COMMISSION FINDS:

That the above and foregoing Statement should be made a part hereof by reference.

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

#### O R D E R

##### THE COMMISSION ORDERS:

That Louis N. Albright, Bayfield, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-1629, so that as extended his intrastate operating rights shall



read as follows:

Transportation of farm products, including livestock, from point to point within a radius of 25 miles of Durango, Colorado; and livestock only to and from points within the said 25-mile radius of Durango, Colorado, from and to other points in the State of Colorado; provided, however, that no livestock load shall be hauled by the permit-holder outside the 25-mile radius described above, in any vehicle except a straight truck having a bed 16 feet or shorter in length.

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.

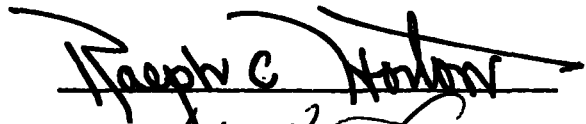


That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

The presently existing description of the applicant's intrastate authority shall be cancelled as of the effective date of this Order.

That in all other respects the instant application 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 10th day of April, 1957.

ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
DENVER-LIMON-BURLINGTON TRANSFER	)	
CO., 1420 EIGHTEENTH STREET, DENVER,	)	
COLORADO, FOR A CERTIFICATE OF PUB-	)	APPLICATION NO. 15064-Extension
LIC CONVENIENCE AND NECESSITY TO	)	
OPERATE AS A COMMON CARRIER BY	)	
MOTOR VEHICLE FOR HIRE.	)	
-----	)	

-----  
April 10, 1957  
-----

Appearances: Wayne D. Williams, Esq.,  
Denver, Colorado, and  
Howard E. Erickson, Esq.,  
Denver, Colorado, for  
Applicant;  
Frank T. Link, Simla, Colo-  
rado, for Link Truck Line.

S T A T E M E N T

By the Commission:

Denver-Limon-Burlington Transfer Co. is the owner of  
PUC No. 699 authorizing extensive service from Denver to points  
in eastern Colorado, as shown by the records of the Commission.

By the instant application, as amended at the hearing  
hereinafter referred to, the certificate owner seeks an extension  
of its authority to include the transportation of:

1. Freight between Denver, Colorado, and Genoa,  
Colorado, over U. S. Highways Nos. 40 and 24.
2. Freight between Denver, Colorado, on the one  
hand, and, on the other hand, Kit Carson,  
Eads, and Sugar City, and all intermediate  
points between Kit Carson and Sugar City,  
Colorado, service in the last named base  
area to be over Colorado State Highways Nos.  
59 and 96.
3. Sugar from Sugar City, Colorado, to Denver,  
Colorado, over Colorado State Highways Nos.  
71 and 109, and from said highways over  
other of applicant's authorized routes,  
and as an alternate route, until such time  
as the bridges on said Colorado State Highways



Nos. 71 and 109 are placed in a safe condition for the transportation of ordinary loads from Sugar City, Colorado, to Denver, Colorado, over Colorado Highway No. 96 and U. S. Highway No. 85.

4. Freight and express between Denver, Colorado, and Hale, Colorado, and between Denver, Colorado, and Bonny Dam, near Hale, Colorado, and all intermediate points between Burlington, Colorado, and Hale, Colorado, and between Burlington, Colorado, and said Bonny Dam.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, February 25, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings.

The Report of the Examiner states that Henry Orender, President of applicant company, appeared in support of the application, and described the present operations of the company in eastern Colorado and to and from that area, from and to Denver. He testified that the company has present authority to serve the nearby points west, south and east of Genoa; that the company has had several requests for service to and from Genoa; that the prospective customers at that place are Continental Oil Company, International Harvester Company, Foster Lumber Company, and others; that it seeks no extension to cover the area surrounding Genoa, as originally requested in the application, as it can now serve said area on a call and demand basis under PUC No. 699; that the company has been hauling sugar from Sugar City to Denver, over Colorado State Highway No. 96 and U. S. Highway No. 85 since August 28, 1952; that on that date the State Highway Engineer advised the Commission that the bridges on Colorado State Highways Nos. 71 and 109, over which the company had authority to make hauls, were low capacity structures not capable of supporting loads that it would be profitable to transport and that temporary authority was granted the company to use the other highways for their sugar haul and as an alternate route, until such time as such bridges might be



safely used for ordinary loads; that the bridges are still in bad shape, and that if the extension is granted that it should contain the same provisions set out in the temporary authority (Exhibit 1).

The Report of the Examiner further states that the witness stated that the company seeks but to conduct the same service it has been providing in the past; that it has construed its authority as authorizing the transportation of freight between Denver and Hale, and Denver and Bonny Dam, and between Burlington and said points and has been serving these points from Denver to Burlington for a long time past; that, in fact, the second, third and fourth paragraphs of the company's proposed extension were requested for the purpose of clarifying the authority and validating its prior operations which were conducted under a possible misconception of the certificate; that the same equipment will be used as heretofore, if the extension is granted; and that the company will furnish service both ways, each day.

The Examiner's Report further states that Robert P. Peterson, Secretary-Treasurer of applicant corporation, corroborated the testimony of Mr. Orender; and that the list of equipment and financial statement of the applicant, on file with the Commission, were made a part of the record by reference.

No one appeared in opposition to the proposed extension.

The Report of the Examiner further states that in his opinion the applicant is entitled to favorable action on the instant application, and that the proposed extension 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 public convenience and necessity require the granting of 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 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 proposed extended motor vehicle common carrier call and demand service of Denver-Limon-Burlington Transfer Co., Denver, Colorado, under PUC No. 699 to include the transportation of:

1. Freight between Denver, Colorado, and Genoa, Colorado, over U. S. Highways Nos. 40 and 24.
2. Freight between Denver, Colorado, on the one hand, and, on the other hand, Kit Carson, Eads, and Sugar City, and all intermediate points between Kit Carson and Sugar City, Colorado, service in the last named base area to be over Colorado State Highways Nos. 59 and 96.
3. Sugar from Sugar City, Colorado, to Denver, Colorado, over Colorado State Highways Nos. 71 and 109, and from said Highways over other of applicant's authorized routes, and as an alternate route, until such time as the bridges on said Colorado State Highways Nos. 71 and 109 are placed in a safe condition for the transportation of ordinary loads, from Sugar City, Colorado, to Denver, Colorado, over Colorado Highway No. 96 and U. S. Highway No. 85.
4. Freight and express between Denver, Colorado, and Hale, Colorado, and between Denver, Colorado, and Bonny Dam, near Hale, Colorado, and all intermediate points between Burlington, Colorado, and Hale, Colorado, and between Burlington, Colorado, and said Bonny Dam;

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.

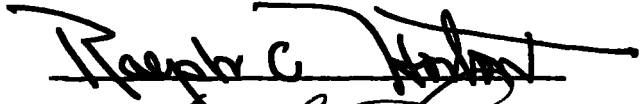


That applicant shall operate its carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.



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

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 April, 1957.

ea



original

(Decision No. 47684)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RAY I. COLLINS AND JAMES A. HOUGHTON, )  
CO-PARTNERS, DOING BUSINESS AS "C & H )  
TRANSFER COMPANY," WALSENBURG, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER PUC ) APPLICATION NO. 15198-Transfer  
NO. 351 TO JAMES A. HOUGHTON, DOING )  
BUSINESS AS "C & H TRANSFER COMPANY," )  
BOX 365, WALSENBURG, COLORADO. )  
- - - - - )

- - - - -  
April 10, 1957  
- - - - -

Appearances: James A. Houghton, Walsenburg,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Ray I. Collins and James A. Houghton, co-partners,  
doing business as "C & H Transfer Company," Walsenburg, Colorado,  
owners and operators of PUC No. 351, being the right to operate  
as a common carrier by motor vehicle for hire, for the conduct of:

a transfer, moving, and general cartage business  
in the Counties of Huerfano, and Las Animas, in  
the State of Colorado, and for occasional service  
throughout the State, and in each of the Counties  
thereof, subject to the following terms and con-  
ditions:

for transportation of commodities other than  
household goods between points served singly or  
in combination by scheduled carriers, applicant  
shall charge rates which shall be as much as  
twenty per cent higher in all cases than those  
charged by scheduled carriers;

applicant shall not operate on schedule between  
any points;

applicant shall not be permitted, without further  
authority from the Commission, to establish a  
branch office, or to have an agent employed in  
any other city or town than Walsenburg for the  
purpose of developing business,

by the above-styled application, seek authority to transfer said  
operating rights to James A. Houghton, doing business as "C & H



Transfer Company," Walsenburg, Colorado, said Ray I. Collins being desirous of withdrawing from said partnership.

Said application was regularly set for hearing, and heard, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 27, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, James A. Houghton, transferee herein, testified that the consideration for transfer of said operating rights is the sum of \$800, which has been paid by him to Ray I. Collins; that there are no outstanding unpaid operating obligations against said certificate; that he has had several years' experience in the trucking business; that his net worth is \$50,000.

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, whether secured or unsecured.

#### O R D E R

##### THE COMMISSION ORDERS:

That Ray I. Collins and James A. Houghton, co-partners, doing business as "C & H Transfer Company," Walsenburg, Colorado, should be, and they hereby are, authorized to transfer all right, title, and interest in and to PUC No. 351 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to James A. Houghton, doing business as "C & H Transfer Company," Walsenburg, Colorado, said Ray I. Collins being hereby authorized to withdraw from said partnership.



That transfer herein authorized is subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

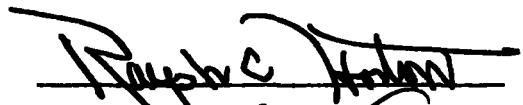


That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements 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 transferors shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of the Commission.

The right of transferee to operate under this Order shall depend upon the prior filing by transferors 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.

Dated at Denver, Colorado,  
this 10th day of April, 1957.

ea



original

(Decision No. 47685)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MIDWEST NATURAL GAS, INC., A COLO- )  
RADO CORPORATION, FLORENCE, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CON- )  
STRUCT, INSTALL, MAINTAIN AND OP- )  
ERATE A GAS TRANSMISSION AND DISTRI- )  
BUTION SYSTEM FOR THE SERVICE OF )  
THE COMMUNITIES OF LOUVIERS, SEDALIA, )  
LARKSPUR, PALMER LAKE, MONUMENT, )  
HUSTED, AIR FORCE ACADEMY SITE, THE )  
BLACK FOREST AREA, AND ADJOINING )  
AREAS, EL PASO AND DOUGLAS COUNTIES, )  
COLORADO )  
-----)

APPLICATION NO. 13209

-----  
April 10, 1957  
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Appearances: Akolt, Turnquist, Shepherd  
and Dick, Esqs., by  
Robert A. Dick, Esq.,  
Denver, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

Heretofore, Midwest Natural Gas, Inc., Florence, Colo-  
rado, filed with the Commission its application for a certificate  
of public convenience and necessity, authorizing it to construct,  
install, maintain and operate a gas transmission and distribution  
system for the service of the communities of Louviers, Sedalia,  
Larkspur, Palmer Lake, Monument, Husted, Air Force Academy Site,  
the Black Forest Area, and adjoining areas, El Paso and Douglas  
Counties, State of Colorado.

The Commission is now in receipt of a communication from  
Robert A. Dick, Attorney for Applicant herein, requesting dis-  
missal of said application.



F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

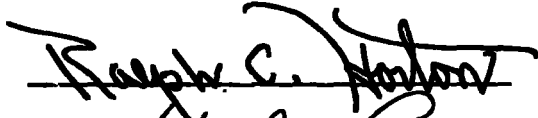


O R D E R

THE COMMISSION ORDERS:

That Application No. 13209 should be, and the same hereby is, dismissed, at request of Attorney for Applicant herein.

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 10th day of April, 1957.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
UNION RURAL ELECTRIC ASSOCIATION,  
INC., BRIGHTON, COLORADO, FOR AUTH-  
ORITY TO EXTEND FACILITIES IN SEC-  
TION 2, TOWNSHIP 2 SOUTH, RANGE 67  
WEST.

APPLICATION NO. 15215-Extension

April 10, 1957

S T A T E M E N T

By the Commission:

On March 21, 1957, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application for authority to extend its facilities and to construct 1,070 feet of new line. The extension is to serve Pete, James and Chuck Erger, at a location in Section 2, Township 2 South, Range 67 West. The extension consists in the building of 1,070 feet of pole line and the setting of a transformer to render electric service to two irrigation pumps. The estimated cost of construction is \$1,747.40.

This application was filed pursuant to the Commission's order in Application No. 13576 - Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected, by the instant application, plan (b) of said Order, which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

The Commission has examined the record and files herein and believes that this matter is one which can be decided without a formal hearing and being fully informed in the matter will issue its order



granting the construction as requested. The Commission has received a letter from the Public Service Company of Colorado, dated March 27, 1957, and a letter from the Colorado Central Power Company, dated March 21, 1957, both of said letters stating, in effect, that the respective companies have no objection to the granting of the authority sought by Union in the instant application.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That Applicant has complied with the Commission's Order in Decision No. 47074, previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to Pete, James and Chuck Erger, at a location in Section 2, Township 2 South, Range 67 West, and that Union Rural Electric Association, Inc., should be authorized to render said service.

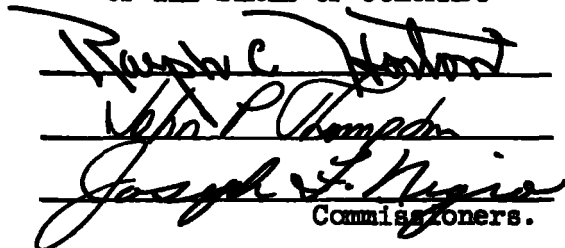
### O R D E R

#### THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to serve Pete, James and Chuck Erger, at a location in Section 2, Township 2 South, Range 67 West, all in accordance with the application for Electric Service signed by and between the parties, a copy of which was filed with the Commission in the instant matter, and which, by reference, is made a part hereof.

That this application 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 10th day of April, 1957.  
mls



original

(Decision No. 47687)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
UNION RURAL ELECTRIC ASSOCIATION, )  
INC., BRIGHTON, COLORADO, FOR AUTH- )  
ORITY TO EXTEND FACILITIES IN THE )  
SOUTHEAST QUARTER OF SECTION 8, )  
TOWNSHIP 2 SOUTH, RANGE 67, WEST. )  
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APPLICATION NO. 15216-Extension

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April 10, 1957  
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S T A T E M E N T

By the Commission:

On March 21, 1957, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities and to construct 1396 feet of new line. The extension is to serve T. Inouye at a location in Section 8, Township 2 South, Range 67 West. The extension consists in the building of 1,346 feet of primary line and the setting of a transformer and the extension of 50 feet of secondary line to serve an electric pump. The estimated cost of construction is \$570.00.

This application was filed pursuant to the Commission's order in Application No. 13576 - Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application plan (b) of said Order, which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

The Commission has examined the record and files herein and believes that this matter is one which can be decided without a formal hearing and being fully informed in the matter will issue its order granting the construction as requested. The Commission has received a



letter from the Public Service Company of Colorado, dated March 27, 1957, and a letter from the Colorado Central Power Company, dated March 21, 1957, both of said letters stating, in effect, that the respective companies have no objection to the granting of the authority sought by Union in the instant application.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That Applicant has complied with the Commission's Order in Decision No. 47074, previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to T. Inouye at a location in Section 8, Township 2 South, Range 67 West, and that Union Rural Electric Association, Inc., should be authorized to render said service.

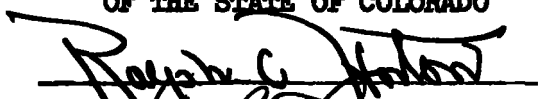

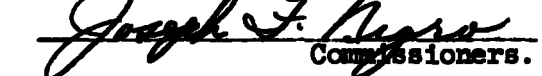
### O R D E R

#### THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to serve T. Inouye at a location in Section 8, Township 2 South, Range 67 West, all in accordance with the application for Electric Service signed by and between the parties, a copy of which was filed with the Commission in the instant matter, and which, by reference, is made a part hereof.

That this application 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 10th day of April, 1957.  
mls



(Decision No. 47688)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
UNION RURAL ELECTRIC ASSOCIATION,  
INC., BRIGHTON, COLORADO, FOR AUTH-  
ORITY TO EXTEND FACILITIES IN SEC-  
TION 26, TOWNSHIP 3 NORTH, RANGE 67  
WEST.

APPLICATION NO. 15231-Extension

April 10, 1957

S T A T E M E N T

By the Commission:

On March 26, 1957, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities and to construct 1,550 feet of new line. The extension is to serve Jack Miller at a house located in Section 26, Township 3 North, Range 67 West. The extension consists of poles and the stringing of wire over a distance of 1,550 feet at a cost of \$565.66.

This application was filed pursuant to the Commission's order in Application No. 13576 - Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application plan (b) of said Order, which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

The Commission has examined the record and files herein and believes that this matter is one which can be decided without a formal hearing and being fully informed in the matter will issue its order granting the construction as requested. The Commission has received a letter from the Public Service Company of Colorado, dated March 27, 1957, and a letter from the Colorado Central Power Company, dated March



26, 1957, both of said letters stating, in effect, that the respective companies have no objection to the granting of the authority sought by Union in the instant application.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That Applicant has complied with the Commission's Order in Decision No. 47074, previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to Jack Miller at a house located in Section 26, Township 3 North, Range 67 West, and that Union Rural Electric Association, Inc., should be authorized to render said service.

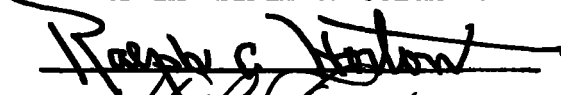
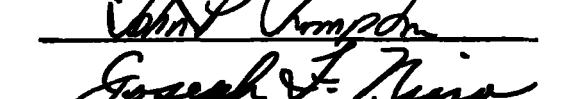
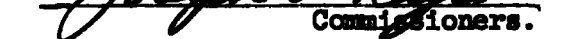
O R D E R

THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to serve Jack Miller at a house located in Section 26, Township 3 North, Range 67 West, all in accordance with the application for Electric Service signed by and between the parties, a copy of which was filed with the Commission in the instant matter, and which, by reference, is made a part hereof.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of April, 1957.  
mls



original

(Decision No. 47689)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF UNION RURAL ELECTRIC ASSOCIATION, INC., BRIGHTON, COLORADO, FOR AUTH- ORITY TO EXTEND FACILITIES IN SEC- TION 29, TOWNSHIP 3 NORTH, RANGE 66 WEST.	} } } } }	<u>APPLICATION NO. 15232-Extension</u>
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-----  
April 10, 1957  
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S T A T E M E N T

By the Commission:

On March 26, 1957, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities and to construct 1,347 feet of new line. The extension is to serve an electric pump to be located in the Northwest quarter of Section 29, Township 3 North, Range 66 West, owned by S. J. Miller. The extension consists in the building of 1,287 feet of primary line, the setting of a transformer, and the extension of secondary service 60 feet in length. The estimated cost is \$1,552.61.

This application was filed pursuant to the Commission's Order in Application No. 13576 - Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application plan (b) of said Order, which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

The Commission has examined the record and files herein and believes that this matter is one which can be decided without a formal hearing and being fully informed in the matter will issue its order granting the construction as requested. The Commission has received a



letter from the Public Service Company of Colorado, dated March 27, 1957, and a letter from the Colorado Central Power Company, dated March 26, 1957, both of said letters stating, in effect, that the respective companies have no objection to the granting of the authority sought by Union in the instant application.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That Applicant has complied with the Commission's Order in Decision No. 47074, previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to a pump to be located in the Northwest quarter of Section 29, Township 3 North, Range 66 West, owned by S. J. Miller, and that Union Rural Electric Association, Inc., should be authorized to render said service.

### O R D E R

#### THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to serve an electric pump to be located in the Northwest quarter of Section 29, Township 3 North, Range 66 West, owned by S. J. Miller, all in accordance with the application for Electric Service signed by and between the parties, a copy of which was filed with the Commission in the instant matter, and which, by reference, is made a part hereof.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Stanton*  
*John F. Thompson*  
*Joseph L. Harris*  
Commissioners.

Dated at Denver, Colorado,  
this 10th day of April, 1957.  
mls



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)
LORAN L. LAUGHLIN, GOODLAND, KANSAS,	)
FOR A CERTIFICATE OF PUBLIC CONVEN-	)
IENCE AND NECESSITY TO CONSTRUCT,	)
INSTALL, MAINTAIN, AND OPERATE A	)
NATURAL GAS TRANSMISSION AND DISTRI-	)
BUTION SYSTEM IN THE TOWN OF BUR-	)
LINGTON, KIT CARSON COUNTY, COLORADO,	)
AND IN THE IMMEDIATE ENVIRONS OF SAID	)
TOWN.	)
- - - - -	-

APPLICATION NO. 15271

- - - - -  
April 11, 1957  
- - - - -

Appearances: Akolt, Turnquist, Shepherd and  
Dick, Esqs., by Robert A.  
Dick, Esq., Denver, Colo-  
rado, for Applicant.

S T A T E M E N T

By the Commission:

Heretofore, Loran L. Laughlin, Goodland, Kansas, filed with the Commission his application for a certificate of public convenience and necessity, authorizing him to construct, install, maintain, and operate a natural gas transmission and distribution system in the Town of Burlington, Kit Carson County, Colorado, and in the immediate environs of said town.

The Commission is now in receipt of a communication from Robert A. Dick, Attorney for Applicant herein, requesting that said application be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.



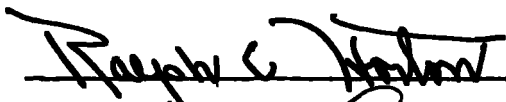


O R D E R

THE COMMISSION ORDERS:

That Application No. 15271 should be, and the same hereby is, dismissed, at request of Attorney for Applicant herein.

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 11th day of April, 1957.

ea



original

(Decision No. 47691)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CLAIR WEIR, DOING BUSINESS AS )  
"EAGLE TRUCK LINE, INC.," BOX 24, )  
NEWCASTLE, WYOMING, FOR A CLASS "B" ) APPLICATION NO. 15051-PP  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
- - - - - )

- - - - -  
April 11, 1957  
- - - - -

Appearances: Clair Weir, Newcastle,  
Wyoming, pro se, and  
for Leo Aimenetto;  
Marion F. Jones, Esq.,  
Denver, Colorado, and  
Alvin J. Meiklejohn, Jr.,  
Esq., Denver, Colorado,  
for R. B. "Dick" Wilson,  
Inc., et al;  
Barry and Hupp, Esqs.,  
Denver, Colorado, for  
Basin Truck Company et al.

S T A T E M E N T

By the Commission:

By the instant application, Eagle Truck Line, Inc.,  
a Wyoming corporation, seeks authority to operate as a Class "B"  
private carrier by motor vehicle for hire, for the transportation  
of oil field equipment and petroleum products between points in  
the eastern half of the State of Colorado, for the C. R. McKay  
Drilling Company and Black Hills Drilling Company, both of New-  
castle, Wyoming, only.

The application was assigned for hearing before Examiner  
Joseph W. Hawley, at the Court House, Fort Morgan, Colorado, on  
February 20, 1957, with due notice to all interested parties, and  
was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings,  
as follows:



Clair Weir, of Newcastle, Wyoming, appeared in support of the application, he being the President and owner of one-third of the capital stock of the applicant corporation, and representing one Leo Aimenetto, of Newcastle, Wyoming, the principal stockholder of applicant corporation and the owner of the C. R. McKay Drilling Company and Black Hills Drilling Company, the prospective customers of applicant named in the application.

Mr. Weir identified the Certificate of Incorporation of applicant attached to the application. He stated that applicant and the two customer drilling companies named are all under the same ownership and the application was filed for authority to haul their own oil field equipment and petroleum products and service their own rigs while operating in Colorado.

Applicant has state-wide authority in Wyoming to transport oil field equipment and petroleum products and move drilling rigs. It has no interstate authority and no intrastate authority in Colorado. It owns and operates 9 tractors and ample equipment, including two tank trucks and flat bed equipment, all valued at \$80,000, and there is no indebtedness against any of the operations referred to. No equipment is based in Colorado and no property, except one drilling rig operated by McKay Drilling Company. The McKay Drilling Company owns leases in eastern Colorado and is now drilling in the Last Chance area. Black Hills Drilling Company also owns leases and is operating four drilling rigs and has a contract to drill 40 wells in eastern Colorado for Davis Oil Company of Denver, Colorado.

No officer or director of either McKay or Black Hills was produced as a witness.

Several common carriers with authority to transport the same commodities and in the same area appeared in protest.

S. W. Cook, Safety Director of Rogers Truck Line of Sidney, Nebraska, operating under PUC No. 756 and 756-I, identified protestants Exhibits Nos. 1 and 2, being a list of equipment of his



Company as of June 1, 1956, and January 1, 1957, respectively.

The latter list shows 39 tractors of various ton ratings, floats, pole trailers, low-boys, tank trailers, etc., with special equipment to render a complete oil field hauling service, and also other equipment. Some of this equipment is now being used in the Julesburg Basin, but there has been a steady decline in drilling operations in eastern Colorado. Sixty-five per cent of his equipment is idle and the number of his employees has been cut from 131 to 82. The decline has amounted to 50% in the past six months. This equipment is available for service throughout eastern Colorado on call daily. The Company's investment in equipment is \$800,000. The Last Chance area referred to in Mr. Weir's testimony is located south of Woodrow and 19 miles south of Brush, and the Rogers Truck Line is serving all the major operators in that area.

Ernie Neff, of Sterling, Colorado, a partner in the operations under PUC No. 2359 and 2359-I, stated that he is engaged in oil field hauling (Mercer description), has a terminal at Sterling, and has an investment of \$300,000 in terminal and equipment. He has 23 units of equipment operating in the Julesburg Basin, with an average of 7 units idle daily. Some equipment is based at Sterling, 50 miles distant from the Last Chance area. Although he engages actively in the solicitation of business in eastern Colorado, his company's revenues have declined 20% and the number of his employees reduced from 67 to 43 in the past six months.

Loren Moss, Terminal Superintendent at Sterling, for L. E. Whitlock Truck Service, Inc., operating under PUC No. 2407, and interstate authority, with authority for the transportation of the commodities named in the "Mercer Description," stated that the investment of his company in the terminal and equipment based in Colorado is \$500,000. He offered in evidence as protestants' Exhibit No. 3, a list of the equipment based at Sterling, consisting of 2 Tandem-bed trucks, 15 single-axle trucks, 8 Tandem-axle trucks, 2 single-axle trailers (including one tank trailer), 27 Tandem-axle



trailers, and rig-skidding equipment. He emphasized the decline in drilling operations in eastern Colorado. He is now operating in that area 8 less units of equipment and with 14 less employees than a year ago. Several wells were completed in the Last Chance area a few months ago and one more has just been completed, and his company is available for all service in that area.

Arthur Keseling, an oil field truck operator, with authority similar to the other protestants, operates under PUC No. 1649 and PUC No. 1649-I, and has a terminal in Sterling. He has 12 trucks and 11 trailers, all adapted for this type of service, and an investment of \$142,000 in the terminal and equipment. The drilling business has declined 50% in the past six months in eastern Colorado. Within the past sixty days, he has moved two rigs for the Logan Drilling Company in the Last Chance area, and service to that area from Sterling can be furnished in three hours.

E. E. Turner, one of the partners in the firm of Turner Brothers Trucking Company, operating under Permit No. B-4766, offered in evidence Exhibits Nos. 4 and 5, being a list of his equipment. The company has a terminal at Fort Morgan, 47 miles from the Last Chance area, and moved a rig to that area a week prior to hearing. It has 11 trucks and 11 trailers based at the terminal and an investment of \$150,000; offers service generally throughout eastern Colorado. He corroborated the testimony of other protestants relative to recent decline in business, his own loss amounting to \$15,000, or about 50% during the past year. Being a private carrier, he asked to be considered as a public witness, his evidence not being admissible otherwise.

D. F. Smith, Traffic Manager of R. B. "Dick" Wilson, Inc., operating under PUC No. 1515, offered in evidence Exhibit No. 6, a list of equipment, showing available for the transportation of crude oil, 62 units in Denver and some equipment based at Sterling and La Junta. The company has an investment of \$500,000 in terminals and equipment and offers service generally in eastern Colorado.



The equipment list and annual report of Basin Truck Company, on file with the Commission, were made a part of the record by reference.

W. L. Cornelius, Sales Manager for Cornelius Transfer and Storage Company, operating under PUC No. 1310 and 1310-I, and Cornelius Van & Heavy Hauling Company, operating under PUC No. 343, authorizing transportation of all commodities to and from southeastern Colorado, testified that the company has terminals at Lamar and La Junta, with oil field equipment based at each point. It has an investment of \$118,000. He corroborated the testimony of the other witnesses for protestants as to the decline of business in eastern Colorado. Recently, he had moved one drilling rig from the Last Chance area to McClave, Colorado.

All protesting witnesses, representing companies with authority to provide the same type of service in eastern Colorado as applicant seeks to provide for his two customers, have ample equipment and are qualified financially to provide adequate service. All are willing and able to perform the service and feel that the granting of the instant application would seriously and adversely affect their ability to serve the public adequately.

Here we have a proposed intertwined operation by a truck line and two customers all under the same individual ownership. This owner seeks authority to transport his own oil field equipment and the crude oil, drilling mud, etc., necessary for use in drilling operations from point to point as required by his own two drilling companies now operating in eastern Colorado. In the opinion of your Examiner, the doctrine of free enterprise requires the granting of the application, in part, to authorize this service.

However, the transportation of petroleum products, after production at the drilling site, raises another problem. The two customers hold their own leases upon which, theoretically, they expect to continue drilling operations. Any petroleum products resulting from these operations would belong to the drilling companies



themselves as lessees, and the applicant seeks authority to transport these products from the drilling sites to market. However, it appears that most of the operations of these two customers will consist of the drilling of 40 wells for the Davis Oil Company in Denver and for other firms. In these instances the production will belong to the lease-holder at the well-head, in the absence of any contract to the contrary, and the owner of the petroleum products will make his own arrangements for their transportation and disposition. The production will not be the property of the drilling company. The applicant seeks authority to serve the drilling company only and such authority would be of no value to applicant if the drilling operations are contracted for others. The only value to applicant under the circumstances would be in the transportation of these products from the well-head to markets from drilling sites owned or leased by the drilling companies themselves. There are several common carriers with authority to operate in eastern Colorado, who are willing and able to perform the service from drilling sites not owned or leased by these drilling companies, and whose service to the public might be impaired if applicant is authorized to perform this portion of his proposed service.

The Examiner is of the opinion that the interest of applicant and its associates, as well as the interest of the common carriers with authority and equipment to perform the same service, will be served by the granting of the instant application in part, only, and that the authority to be granted should be limited, 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 the authority sought should be granted as limited 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 Eagle Truck Line, Inc., a Wyoming corporation, Newcastle, Wyoming, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of oil field equipment and petroleum products, to and from points in the eastern half of the State of Colorado, being that portion of Colorado lying east of the Continental Divide, from and to the drilling sites of the C. R. McKay Drilling Company and Black Hills Drilling Company, only, in said area, the equipment and petroleum products being only such as are to be used by said drilling companies in their drilling operations up to the time of production; and the transportation of petroleum and petroleum products owned by said drilling companies at the time of production, from their drilling sites to other points in the eastern half of 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 applicant has filed a statement of its customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

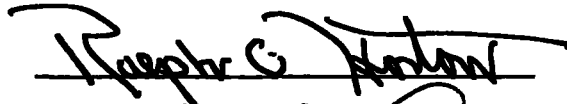
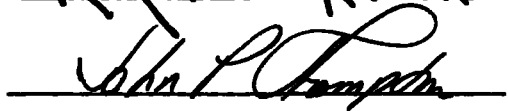

That the right of applicant to operate hereunder shall depend upon its compliance with all present and future laws and rules and regulations of the Commission.

That in all other respects the instant application 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 11th day of April, 1957.

ea



original

\* \* \*

**APPLICATION NO. 13208**

Apr 11 11, 195

## S T A T E M E N T

The Commission is now in receipt of a communication from Robert A. Dick, Attorney for Applicant herein, requesting dismissal of said application.

That said request should be granted.



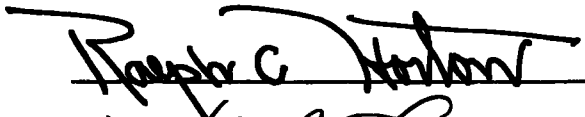

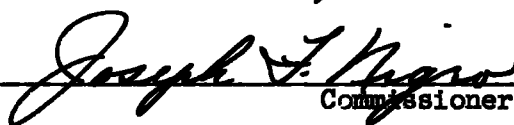
O R D E R

THE COMMISSION ORDERS:

That Application No. 13208 should be, and the same hereby is, dismissed, at request of Attorney for Applicant herein.

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 11th day of April, 1957.

ea



original

(Decision No. 47693)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
PIKES PEAK NATURAL GAS CO., A COLO-  
RADO CORPORATION, LIMON, COLORADO,  
FOR A CERTIFICATE OF PUBLIC CONVEN-  
IENCE AND NECESSITY TO CONSTRUCT,  
INSTALL, MAINTAIN AND OPERATE GAS  
TRANSMISSION AND DISTRIBUTION  
SYSTEMS IN THE INCORPORATED TOWN  
OF BENNETT, ADAMS COUNTY, COLORADO,  
IN THE INCORPORATED TOWN OF DEER-  
TRAIL, ARAPAHOE COUNTY, COLORADO,  
AND IN THE UNINCORPORATED TOWNS OF  
BYERS, ARAPAHOE COUNTY, COLORADO, AND  
STRASBURG, WHICH LIES IN BOTH ADAMS  
AND ARAPAHOE COUNTIES, COLORADO.  
- - - - -

APPLICATION NO. 15272

- - - - -  
April 11, 1957  
- - - - -

Appearances: Akolt, Turnquist, Shepherd and  
Dick, Esqs., by Robert A.  
Dick, Esq., Denver, Colo-  
rado, for Applicant.

S T A T E M E N T

By the Commission:

Heretofore, Pikes Peak Natural Gas Co., a Colorado cor-  
poration, Limon, Colorado, filed with the Commission its appli-  
cation for a certificate of public convenience and necessity,  
authorizing it to construct, install, maintain, and operate gas  
transmission and distribution systems in the incorporated Town  
of Bennett, Adams County, Colorado, in the incorporated Town of  
Deertrail, Arapahoe County, Colorado, and in the unincorporated  
Towns of Byers, Arapahoe County, Colorado, and Strasburg, which  
lies in both Adams and Arapahoe Counties, State of Colorado.

The Commission is now in receipt of a communication from  
Robert A. Dick, Attorney for Applicant herein, requesting dismissal  
of said application.



F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

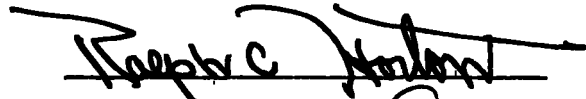


O R D E R

THE COMMISSION ORDERS:

That Application No. 15272 should be, and the same hereby is, dismissed, at request of Attorney for Applicant herein.

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 11th day of April, 1957.

ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
OTIS R. ALBIN, DOING BUSINESS AS )  
"PARKER FRANKTOWN TRANSFER," FRANK- )  
TOWN, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 15060-Transfer  
TRANSFER PUC NO. 37 TO JESSE V. )  
MC KINSTER, PARKER, COLORADO. )  
- - - - - )

- - - - -  
April 11, 1957  
- - - - -

Appearances: Otis R. Albin, Franktown,  
Colorado, pro se;  
Jesse V. McKinster, Parker,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Otis R. Albin, doing business as "Parker Franktown  
Transfer," Franktown, Colorado, is the owner and operator of  
PUC No. 37, authorizing:

transportation of farm products, including  
livestock, but excluding milk and cream,  
between points within a 15-mile radius of  
Parker, Colorado, and from and to points  
in said area, to and from points in the  
State of Colorado; extended to include  
the transportation of rock from quarries  
within a radius of 25 miles of Castle Rock,  
Colorado, between points in said area, and  
from said area to Denver and Colorado Springs,  
Colorado, and a five-mile radius of each of  
the above cities.

By the instant application, the certificate-owner seeks  
authority to transfer his operating rights under said certificate  
to Jesse V. McKinster, Parker, Colorado.

The application was assigned for hearing before Examiner  
Joseph W. Hawley, at the Hearing Room of the Commission, 330 State  
Office Building, Denver, Colorado, February 25, 1957, with due  
notice to all interested parties, and was there heard and taken  
under advisement.

The Examiner has submitted his Report of the proceedings.



The Report of the Examiner states transferor appeared in support of his application, testifying that he has been conducting operations under said certificate continuously since the year 1954; that the consideration for the proposed transfer is the sum of \$1,500, which has been paid in full; and that there is no indebtedness against the certificate or operations thereunder.

The Report of the Examiner further states that transferee corroborated the testimony of the transferor, and testified that he has been in the trucking business for the past twenty-five years; that he is now operating under PUC No. 491, the area served thereunder being largely the same area authorized to be served under said PUC No. 37; that he is purchasing the latter certificate to eliminate competition; that his present net worth is approximately \$15,000; that he has been familiar with all of the area authorized to be served under the present certificate since 1928; and that he is willing and able to serve the residents therein adequately. His financial statement and list of equipment filed under PUC No. 491 were made a part of the record by reference.

The Examiner's Report further states that in his opinion transferee is well qualified to conduct the operations authorized by PUC No. 37; and that the proposed transfer is in the public interest and should be authorized.

No one appeared in opposition to the proposed transfer.

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

That Otis R. Albin, doing business as "Parker Franktown Transfer," Franktown, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest in and to PUC No. 37 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Jesse V. McKinster, Parker, Colorado, subject to the 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.

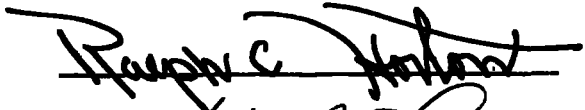


The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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.



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 11th day of April, 1957.

ea



original

(Decision No. 47695)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
THOMAS L. JOHNSTON, ROUTE 1, BOX	)	
146, DERBY, COLORADO, FOR A CERTIFI-	)	
CATE OF PUBLIC CONVENIENCE AND NECES-	)	APPLICATION NO. 15121
SITY TO OPERATE AS A COMMON CARRIER	)	
BY MOTOR VEHICLE FOR HIRE.	)	
- - - - -	)	

- - - - -  
April 11, 1957  
- - - - -

Appearances: Thomas L. Johnston, Derby,  
Colorado, pro se;  
Chesney R. Lappin, Boulder,  
Colorado, for L & T  
Sanitation Company.

S T A T E M E N T

By the Commission:

By the instant application, as amended at the hearing,  
Thomas L. Johnston, Route 1, Box 146, Derby, Colorado, seeks a  
certificate of public convenience and necessity authorizing the  
cleaning, removing and disposal of the contents of septic tanks,  
grease traps and cesspools, within a 150-mile radius of Fort  
Lupton, Colorado.

The application was assigned for hearing before Examiner  
Joseph W. Hawley, at the Hearing Room of the Commission, 330 State  
Office Building, Denver, Colorado, March 11, 1957, with due notice  
to all interested parties, and was there heard and taken under  
advisement.

The Examiner has submitted his Report of the proceedings.

The Report of the Examiner states that applicant appeared  
in support of the application, testifying that he has been oper-  
ating a service similar to that applied for under temporary authority  
from this Commission, however, no special authority appears of  
record; that he operates a 1951 Ford 2-ton truck with vacuum-type  
tank, and his net worth is \$4,000; that he expects to continue



the proposed operation personally with the assistance of his father-in-law; that there is no other motor vehicle common carrier offering similar service in the area, except L & T Sanitation Company, at Boulder.

Applicant produced no customer witnesses.

The Examiner's Report further states that Chesney R. Lappin, one of the co-partners operating the L & T Sanitation Company at Boulder, testified in protest, testifying that his company operates under PUC No. 3417, authorizing service similar to that proposed by applicant in Boulder, Weld and Morgan Counties, Colorado; that they operate a 1941 International one-ton truck with trailer tank of 500-gallon capacity, and the net worth of the partners is \$5,000; that his company objects to the issuance of any authority to applicant for service in Boulder County on the ground that his company is now providing adequate service in that county and the service of no additional carrier with similar authority is needed; that he had no objection to the granting of any such authority in any other area than Boulder County.

The Report of the Examiner further states that in his opinion the applicant is a fit and proper person to conduct the operation and is qualified by experience and financially to do so, but that a presently certificated carrier should be protected as to any service in Boulder County by the exclusion of that county from the area authorized to be served.

#### 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 the granting of the proposed motor vehicle common carrier service of applicant, as limited 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.

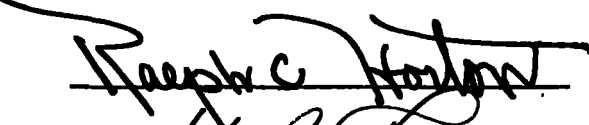


That public convenience and necessity require the proposed common carrier motor vehicle, call and demand service of Thomas L. Johnston, Route 1, Box 146, Derby, Colorado, authorizing the cleaning, removing and disposal of the contents of septic tanks, grease traps, and cesspools, within a 150-mile radius of Fort Lupton, Colorado, except that no service shall be performed in the County of Boulder, 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 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 11th day of April, 1957.



original

(Decision No. 47696)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) LLOYD G. FOWLER, 3034 SOUTH ELM ) STREET, DENVER, COLORADO, FOR A ) CERTIFICATE OF PUBLIC CONVENIENCE ) AND NECESSITY TO OPERATE AS A COM- ) MON CARRIER BY MOTOR VEHICLE FOR ) HIRE. ) ----- )	APPLICATION NO. 15120
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-----  
April 11, 1957  
-----

Appearances: Lloyd G. Fowler, Denver,  
Colorado, pro se;  
Robert E. McLean, Esq.,  
Denver, Colorado, for  
Associated Rubbish  
Removal.

S T A T E M E N T

By the Commission:

By the instant application, Lloyd G. Fowler, 3034 South Elm Street, Denver, Colorado, seeks a certificate of public convenience and necessity authorizing the transportation of ashes and trash in the territory described in the application as that part of the City and County of Denver, Colorado, encompassed by East Hampden Avenue West to South University Boulevard, North on South University Boulevard to East Evans Avenue, East on East Evans Avenue to South Colorado Boulevard, North on South Colorado Boulevard to East Mississippi Avenue, and West on East Mississippi to the City Limits.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 11, 1957, with due notice to all interested parties, and was there heard and taken under advisement.



The Examiner has submitted his Report of the proceedings.

The Report of the Examiner states that applicant appeared in support of his application, testifying that he has had 15 years experience as a driver for Interstate Motor Lines and other motor carriers; that he has purchased a 1950 3/4-ton Chevrolet truck; that his net worth is \$10,000; that he has been hauling ashes and trash for a few neighbors recently for hire, but without authority.

The Examiner's Report further states that applicant produced no customer witnesses; that Fred A. Schroeder, Jr., with ash and trash authority under PUC No. 2086, appeared in protest, testifying that he has been adequately serving the area applicant now seeks to serve, for the past eleven years continuously without complaint; that his service is available on call at all times and he serves the area daily, advertises in the yellow pages of the Telephone Directory, and in the Englewood Herald; that he is thoroughly familiar with the needs of the area; that there is no need for the service of another carrier with similar authority in the area; and that the granting of the authority sought would adversely affect his own business and service. His list of equipment on file with the Commission was made a part of the record by reference.

The Examiner's Report further states that the testimony of Harry R. Ellis, operating under PUC No. 2858, given at a hearing on the same day, on Application No. 15124, W. D. Ellett, was made a part of the record by reference; and that Mr. Ellis had testified that he is President of Associated Rubbish Removal, with 87 common carrier members in the Denver area, all with authority to furnish the service requested by applicant; that they have adequate equipment, which is not busy all of the time; and that there is no need for an additional carrier in the field.

The Report of the Examiner further states that, in view of the fact that applicant produced no customer witnesses and the application was vigorously opposed by carriers with authority to



furnish the service applicant proposes, and in the same area, it is his opinion that the Commission should follow precedent in such cases and deny the application.

### 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 instant application should be denied.

### 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 instant application should be, and hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Hobart  
John P. Thompson  
Joseph F. Negro  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of April, 1957.

ea



original

(Decision No. 47697)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF LEROY H. VOLK, 5191 ELIOT STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3321 TO LEROY H. VOLK AND HERBERT C. FRIEDL, CO- PARTNERS, DOING BUSINESS AS "A.R.V. HAULING SERVICE," 5191 ELIOT STREET, DENVER, COLORADO.	} } } } } }	<u>APPLICATION NO. 15116-Transfer</u>
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-----  
April 11, 1957  
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Appearances: Robert E. McLean, Esq., Denver,  
Colorado, for Transferor and  
Transferees.

S T A T E M E N T

By the Commission:

Leroy H. Volk, 5191 Eliot Street, Denver, Colorado, is the  
owner and operator of PUC No. 3321, authorizing:

Transportation of ashes, trash, and other  
refuse, between points in the City and  
County of Denver, and from points in the  
City and County of Denver, to regulary-  
designated and approved dumps and disposal  
places in the Counties of Adams, Arapahoe,  
and Jefferson, State of Colorado.

By the instant application, the certificate-holder seeks  
authority to transfer his operating rights under said certificate to  
Leroy H. Volk and Herbert C. Friedl, co-partners, doing business as  
"A. R. V. Hauling Service," 5191 Eliot Street, Denver, Colorado.

The application was assigned for hearing before Examiner  
Joseph W. Hawley, at the Hearing Room of the Commission, 330 State  
Office Building, Denver, Colorado, March 11, 1957, with due notice  
to all interested parties, and was there heard and taken under ad-  
visement.



The Examiner has submitted his Report of the proceedings.

The Report of the Examiner states that Transferor testified that he has been conducting operations under the certificate since it was issued to him on January 25, 1956; that since that date, Herbert C. Friedl, his brother-in-law, has been assisting him in the operation and the two men have agreed to an oral partnership on a fifty-fifty basis; that there is no indebtedness against the certificate or the operations thereunder; that they own and use a 1955 Chevrolet 1½-ton truck; and that his net worth is \$15,000.

The Report of the Examiner further states that Herbert C. Friedl, one of the transferees, corroborated the testimony of the Transferor, and gave his net worth as \$15,000.

No one appeared in opposition to the granting of the transfer.

It is the opinion of the Examiner that the Transferees are fit and proper persons to conduct the operations under the certificate, and are well qualified by experience and financially, and that the proposed transfer is in the public interest and should be authorized.

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

##### THE COMMISSION FINDS:

That the Report of the Examiner herein should be approved.

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

#### 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 hereby is, approved.

That Leroy H. Volk, 5191 Eliot Street, Denver, Colorado, should be, and he is hereby, authorized to transfer all his right,



title, and interest in and to PUC 3321 -- being the operating rights set forth in the preceding Statement, which is made a part hereof by reference -- to Leroy H. Volk and Herbert C. Friedl, co-partners, doing business as "A. R. V. Hauling Service," 5191 Eliot Street, 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 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 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

*Ralph C. Holm*  
*John P. Thompson*  
*Joseph L. Nigro*  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of April, 1957.  
mls



(Decision No. 47698)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ELMER CARLSON, 3770 FRANKLIN STREET, )  
DENVER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 15118

-----  
April 11, 1957  
-----

Appearances: Elmer Carlson, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, Elmer Carlson, 3770 Franklin Street, Denver, Colorado, seeks a certificate of public convenience and necessity authorizing transportation of trash from point to point within the City of Denver, Colorado.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 11, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has now submitted his Report of the proceedings.

The Report of the Examiner states that the applicant appeared in support of his application, testifying that he has been in the business of hauling ashes and trash from point to point within the City of Denver, Colorado, and from Denver to the established and recognized City dumps for the past thirty years under appropriate City licenses and was so engaged continuously up to and includ-



ing January 1, 1955, the effective date of Amendment XXV to the Constitution of the State of Colorado, granting this Commission jurisdiction over the operations of common carriers by motor vehicle for hire in home-rule cities, such as Denver; that the instant application is for the purpose of establishing his "Grandfather Rights" to the certificate applied for; and that he has established his "Grandfather Rights" to the certificate sought; that he has been serving about sixty regular customers with a Ford 3/4-ton Pickup Truck; and that his net worth is \$4,000.

No one appeared in opposition to the granting of the instant application.

The Examiner's Report further states that applicant is a fit and proper person and is well qualified by experience and financially and is entitled to the certificate applied for.

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

##### THE COMMISSION FINDS:

~~That~~ the Report of the Examiner herein should be approved.

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant.

#### 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 proposed common carrier motor vehicle call and demand service of Elmer Carlson, 3770 Franklin Street, Denver, Colorado, for the transportation of ashes and trash, between points within the City and County of Denver, and from points in the City and County of Denver, to regularly-designated and approved dumps and disposal places 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 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 L. Thompson  
Joseph F. Harris  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of April, 1957.

mls



original

(Decision No. 47699)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF RUBEN VIGIL, 3264 WEST CUSTER PLACE, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3552 TO CLARENCE C. CARTER, 3248 WEST CUSTER PLACE, DENVER, COLORADO.	}	<u>APPLICATION NO. 15119-Transfer</u>
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-----  
April 11, 1957  
-----

Appearances: Ruben Vigil, Denver, Colo-  
rado, pro se;  
Clarence C. Carter, Denver,  
Colorado, pro se;  
Robert E. McLean, Esq., Den-  
ver, Colorado, for Associ-  
ated Rubbish Removal, et al.

S T A T E M E N T

By the Commission:

Ruben Vigil, 3264 West Custer Place, Denver, Colorado, is  
the owner of PUC No. 3552, authorizing:

Transportation of ashes, trash, and other  
waste materials, between points within the  
City and County of Denver described as  
follows:

All that part of said City lying south of  
Alameda Avenue and West of Federal Boule-  
vard, and from said described area to regu-  
larly-designated and approved dumps and  
disposal places in the Counties of Adams,  
Arapahoe, and Jefferson, State of Colorado;  
applicant to be limited to the use of one  
three-fourth-ton truck in the conduct of  
said operation.

By the instant application, he seeks authority to transfer  
his operating rights under said certificate to Clarence C. Carter,  
3248 West Custer Place, Denver, Colorado.

The application was assigned for hearing before Examiner  
Joseph W. Hawley, at the Hearing Room of the Commission, 330 State



Office Building, Denver, Colorado, March 11, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings.

The Report of the Examiner states that Transferor appeared in support of the application, testifying that he operated an ash and trash disposal in Denver for about one and one-half years prior to September, 1956, on which date he was granted his certificate by Decision No. 46531 of the Commission; that he served about thirty customers prior to that date, but being physically handicapped has not operated since December 31, 1956; that Transferee is his next door neighbor and offered him \$190.00 for the truck and certificate and he wishes to accept the offer. There are no debts against the certificate or the operations thereunder.

The Report of the Examiner further states that Transferee appeared in support of the application, testifying that he has been warehouse foreman for the West Disinfecting Company in Denver for the past two and one-half years, but, because of lack of business, is about to lose his job; that his net worth is \$5,500, and that he is confident he can give the proposed service.

No evidence was offered by protestants.

It is the opinion of the Examiner that Transferee is qualified to perform the service he wishes to provide and that the proposed transfer is in the public interest and should be authorized.

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

##### THE COMMISSION FINDS:

That the Report of the Examiner referred to in the above and foregoing Statement should be approved.

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



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 Ruben Vigil, 3264 West Custer Place, Denver, Colorado, should be, and he is hereby, authorized to transfer all his right, title and interest in and to PUC No. 3552 -- being the operating rights set forth in the preceding Statement, which is made a part hereof by reference -- to Clarence C. Carter, 3248 West Custer Place, 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 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 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 days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Hinton  
John P. Thompson  
Joseph F. Negro  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of April, 1957.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
THOMAS A. WOOD, JOPLIN, MONTANA. )

PERMIT NO. M-1649

April 17, 1957

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Thomas A. Wood

requesting that Permit No. M-1649 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1649, heretofore issued to \_\_\_\_\_  
Thomas A. Wood \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective March 18, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
*John T. Thompson*  
*Joseph F. Higgs*  
Commissioners

Dated at Denver, Colorado,  
this 17th day of April, 1957.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CHARLES A. SMOOT, 10TH AVENUE AND )  
3RD STREET, GREELEY, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-1978

-----  
April 17, 1957  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Charles A. Smoot

requesting that Permit No. M-1978 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1978, heretofore issued to \_\_\_\_\_  
Charles A. Smoot \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective March 15, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 17th day of April, 1957.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
EARL STUM DOING BUSINESS AS, "STUM )  
LP GAS," TOWNER, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-8815

-----  
April 17, 1957  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Earl Stum dba Stum LP Gas

requesting that Permit No. M-8815 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8815, heretofore issued to \_\_\_\_\_  
Earl Stum dba Stum LP Gas be,

and the same is hereby, declared cancelled effective March 19, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. [Signature]*  
*John [Signature]*  
*Joseph F. [Signature]*  
Commissioners

Dated at Denver, Colorado,

this 17th day of April, 195 7.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MILO TORRES, BOX 305, ANTONITO, )  
COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-9319

-----  
April 17, 1957  
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STATEMENT

By the Commission:

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

requesting that Permit No. M-9319 be cancelled.

FINDINGS

THE COMMISSION FINDS:

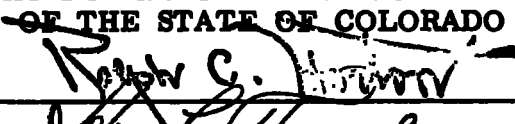
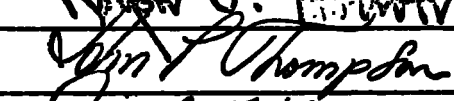
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9319, heretofore issued to \_\_\_\_\_  
Milo Torres \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective March 13, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
  
  
  
Commissioners

Dated at Denver, Colorado,  
this 17th day of April, 1957.



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JIM GOMEZ, 2635 WEST HOLDEN PLACE, )  
DENVER 4, COLORADO. )

**PERMIT NO. M-11032**

**April 17, 1957**

## STATEMENT

**By the Commission:**

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

requesting that Permit No. M-11032 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-11032, heretofore issued to \_\_\_\_\_

Jim Gomez \_\_\_\_\_ be.

**and the same is hereby, declared cancelled effective March 21, 1957.**

**THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

Walter C. Vincent  
John P. Thompson  
Joseph F. Higgins  
Commissioners

**Dated at Denver, Colorado,**

**this 17th day of April , 195 7.**

119.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
EDWIN J. LANGLEY, P. O. BOX 173, )  
GLENWOOD SPRINGS, COLORADO. )  
 )  
 )  
----- )

PERMIT NO. M-11070

-----  
April 17, 1957

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Edwin J. Langley

requesting that Permit No. M-11070 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11070, heretofore issued to \_\_\_\_\_  
Edwin J. Langley \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective March 24, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph C. Thompson*  
\_\_\_\_\_  
*Joseph F. Negro*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 17th day of April, 1957.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CECIL M. MAGEE, 4436 OSCEOLA STREET )  
DENVER, COLORADO. )  
-----

PERMIT NO. B-5065

-----  
April 17, 1957  
-----

S T A T E M E N T

By the Commission:

On January 8, 1957, the Commission authorized Cecil M. Magee to suspend operations under his Permit No. B-5065 until June 17, 1957.

The Commission is now in receipt of a communication from the above-named permittee requesting that his permit be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

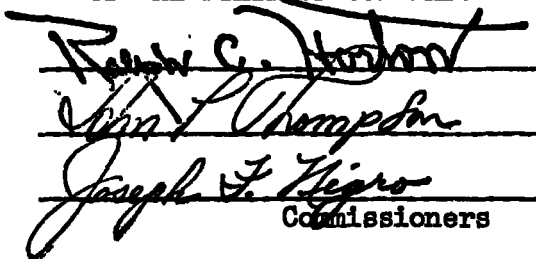
That the request should be granted.

O R D E R

THE COMMISSION ORDERS

That Permit No. B-5065 should be, and the same hereby is, reinstated as of March 26, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 17th day of April 1957.

ma



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LLOYD T. EGAN, 531 WEST 11TH AVE., )  
DENVER, COLORADO. )  
-----

PERMIT NO. B-5158

-----  
April 17, 1957  
-----

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-5158 be suspended for six months from April 8, 1957.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.


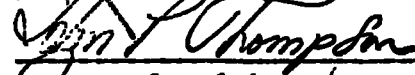
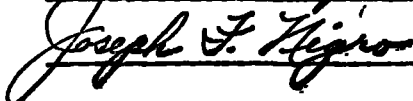
O R D E R

THE COMMISSION ORDERS:

That Lloyd T. Egan be, and he is hereby, authorized to suspend his operations under Permit No. B-5158 until October 8, 1957.

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 of the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_

Dated at Denver, Colorado,  
this 17th day of April 1957.



Original

(Decision No. 47708)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
900 FIFTEENTH STREET, DENVER, COLO- )  
RADO, FOR AUTHORITY TO EXTEND )  
ELECTRIC LINES AND FACILITIES IN )  
SECTION 10, TOWNSHIP 2-SOUTH, RANGE )  
67-WEST, ADAMS COUNTY, COLORADO, TO )  
SERVE MOUNTAIN AIR COOLERS, INC., )  
1547 BLAKE STREET, DENVER, COLORADO. )  
-----

APPLICATION NO. 15075-Extension

IN THE MATTER OF THE APPLICATION OF )  
UNION RURAL ELECTRIC ASSOCIATION, )  
INC., BRIGHTON, COLORADO, FOR AUTH- )  
ORITY TO EXTEND FACILITIES IN SEC- )  
TION 10, TOWNSHIP 2-SOUTH, RANGE 67- )  
WEST, TO SERVE PROPOSED PLANT TO BE )  
CONSTRUCTED UPON RIGHT-OF-WAY OF THE )  
UNION PACIFIC RAILROAD BY MOUNTAIN )  
AIR COOLERS, INC., 1547 BLAKE )  
STREET, DENVER, COLORADO. )  
-----

APPLICATION NO. 15149-Extension

-----  
April 11, 1957  
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S T A T E M E N T

By the Commission:

The above-entitled applications were set for hearing by the Commission on April 12, 1957, at ten o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado. Prior to the hearing, the Commission received letters from both Applicants requesting that these applications be withdrawn for the reason that the customer desiring electric service had decided not to locate in the area set forth in said applications. In view of the circumstances, we feel that the request of Applicants should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That Application No. 15075 of Public Service Company of Colo-



radio, and Application No. 15149 of Union Rural Electric Association, Inc., should be permitted to be withdrawn.

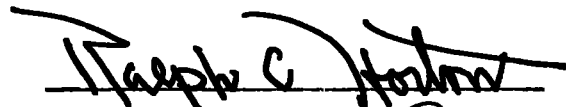


O R D E R

THE COMMISSION ORDERS:

That Application No. 15075 of Public Service Company of Colorado, and Application No. 15149 of Union Rural Electric Association, Inc., be, and they hereby are, withdrawn.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of April, 1957.

mls



Original

(Decision No. 47709)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
HARVEY C. DAVIS, 3055 SOUTH BANNOCK,  
STREET, ENGLEWOOD, COLORADO, FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY AUTHORIZING EXTENSION  
OF OPERATIONS UNDER PUC NO. 2097. }  
APPLICATION NO. 15184-Extension

IN THE MATTER OF THE APPLICATION OF  
EVERETT E. MARSHALL AND JOSEPH  
ELWYN HERRICK, CO-PARTNERS, DOING  
BUSINESS AS "ENGLEWOOD PICK-UP SER-  
VICE," 3755 SOUTH SHERMAN STREET,  
ENGLEWOOD, COLORADO, FOR A CERTIFI-  
CATE OF PUBLIC CONVENIENCE AND  
NECESSITY, AUTHORIZING EXTENSION OF  
OPERATIONS UNDER PUC NO. 1966. }  
APPLICATION NO. 15186-Extension

IN THE MATTER OF THE APPLICATION OF  
FRED A. SCHROEDER, JR., DOING BUSI-  
NESS AS "FREDDIE'S RUBBISH REMOVAL,"  
310 SHADYCROFT DRIVE, LITTLETON,  
COLORADO, FOR A CERTIFICATE OF PUB-  
LIC CONVENIENCE AND NECESSITY AUTH-  
ORIZING EXTENSION OF OPERATIONS  
UNDER PUC NO. 2086. }  
APPLICATION NO. 15187-Extension

IN THE MATTER OF THE APPLICATION OF  
DICK AKEMAN, 4451 SOUTH PENNSYLVANIA  
STREET, ENGLEWOOD, COLORADO, FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY AUTHORIZING EXTENSION  
OF OPERATIONS UNDER PUC NO. 2042. }  
APPLICATION NO. 15217-Extension

April 15, 1957

Appearances: Robert E. McLean, Esq., Denver,  
Colorado, for Applicants;  
John B. Windecker, Pine, Colo-  
rado, for Windecker Truck Line.

STATEMENT

By the Commission:

Harvey C. Davis is authorized under PUC No. 2097 to conduct  
a trash and fertilizer removal service in Denver and certain adjacent



territory. By Application No. 15184, he seeks an extension of authority under said certificate.

Everett E. Marshall and Joseph Elwyn Herrick, co-partners, doing business as "Englewood Pick-Up Service," are authorized under PUC No. 1966 to conduct an ash, trash and garbage removal service in Englewood, Littleton, Denver, and surrounding territory. By Application No. 15186 they seek an extension of authority under said certificate.

Fred A. Schroeder, Jr., doing business as "Freddie's Rubbish Removal," is authorized under PUC No. 2086 to conduct a trash, fertilizer and garbage disposal service in, roughly, the same area. By Application No. 15187, he seeks an extension of authority under said certificate.

Dick Akeman, doing business as "Arapahoe Rubbish Removal," is authorized under PUC No. 2042 to conduct an ash, trash, fertilizer, garbage, and dirt removal service within Denver, Colorado, and within a ten-mile radius of Englewood, Colorado, with exceptions. By Application No. 15217, he seeks an extension of authority under said certificate.

The area of these applicants seek to serve under their applications for extension is described in each of the applications identically, as follows:

"Beginning at Broadway and Belleview Streets in Littleton, Colorado, thence due east to Colorado State Highway No. 83; thence south on Colorado State Highway No. 83 to the Douglas County Line Road; thence west on said Douglas County Line Road to Palmer Lake; thence north from Palmer Lake on Colorado State Highway No. 105 to Sedalia, Colorado; thence southwest on Colorado State Highway No. 67 to Deckers; thence following along Colorado State Highway No. 126 to where Colorado State Highway No. 126 intersects with U. S. Highway No. 285; thence in a northeasterly direction on U. S. Highway No. 285 to Morrison, Colorado; thence directly due east to the Denver City limits. However, excluding herefrom any territory that may be presently served by Sam Basile, d/b/a Sam's Ash and Trash Service or by Clarence Cook, d/b/a Cook's Disposal."



The four applications were assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on March 25, 1957, at ten o'clock A. M., after due notice to all interested parties, and were there heard on a consolidated record, and taken under advisement.

The Examiner has submitted his Report of the proceedings, as follows:

Glen Watmore, one of the parties now operating under PUC No. 1966, testified that the equipment of the partners consists of four trucks, not busy all the time, and the net worth of the partners is \$29,000. He has made a survey of the additional territory they wish to serve, during the past six months. Maps of this area were attached to each application for extension, and identified by the various witnesses. Mr. Watmore had contacted people residing in said area from time to time. The area is sparsely populated and residents do not now have available a disposal service such as is operated by these applicants. He expressed the belief that there will be a substantial growth in population and a definite need for the service of applicants in the near future, and if the growth materializes, the applicants will be in a position to furnish and maintain the proposed service.

Dick Akeman, operating under PUC No. 2042, corroborated the testimony of the previous witness as to the expected growth in population. He has made a survey of a large part of the area aside from the mountainous section of Deckers and Conifer, and has had requests for service from some of the residents. There is no similar service now available to them. A list of his equipment on file with the Commission was made a part of the record by reference. He has had 12 years experience in this business, and his net worth is approximately \$19,000.

Harvey C. Davis, operating under PUC No. 2097, stated he



had made a survey of the area west of Tiny Town and south to the Castle Rock territory, and gave similar testimony. He had never received requests for service in the Tiny Town territory. He described his equipment and gave his net worth as \$25,000.

Fred A. Schroeder, Jr., operating under PUC No. 2086, testified that he had had 11 years experience in this business, has ample equipment, and his net worth is \$40,000. He has made a survey of a part of the area described in the application, about one a day per week, during the past six months. He stated that the growth in population is very noticeable. At the present time the people have to haul their own ashes, trash and garbage or bury it, as there is no disposal service available and a definite need for the proposed service.

Two prospective customers appeared in support of the applications. George B. Creider, who has lived near Morrison for the past 11 years, appeared at the request of Applicant Davis (Application No. 15184). He stated that on occasion he and his neighbors are visited by health authorities who require that they clean up their premises, and on such occasions it becomes necessary for them either to bury their ashes and trash and garbage or dispose of them in some other way as there is no trucker in the area upon whom they can call. He feels there is a need for the proposed service of applicants. He had never requested service of Windecker Truck Line which has authority to perform the service in his area.

Mrs. Marie Yeaton, residing 11 miles south of Englewood on U. S. Highway No. 85, in Douglas County, appeared at the request of Applicant Schroeder (Application No. 15187). She stated that there is no dump in her vicinity and she and her neighbors must bury their rubbish or haul it off themselves as no service such as is here proposed is available. She stated there is a definite need for the proposed service and she would use the same if it is made available.



In protest, John B. Windecker, owner and operator of PUC No. 996, with general freight authority in a large part of the area applicants seek to serve, testified that since 1936 he has given to the residents of his certificated area, if requested, the same type of service proposed by applicants. The list of his equipment on file with the Commission was made part of the record by reference, and he testified that this equipment was of a proper type to provide a disposal service. He has collected approximately \$250 for such services on call during the past six months, using dump trucks. He offers no service, however, on Colorado Highway No. 83, and U. S. Highway 85-87. He served generally the territory west of Sedalia. He named certain points in the mountains in the west part of the area applicants wish to serve, some of which he can serve and some of which he has no authority to serve. He operates schedules in his territory three days per week. His contention was that his certificated area should be excluded from any area of service granted to applicants.

The map attached to the respective applications delineated the area these applicants wish to serve under their proposed extensions. The area is bounded on the east by Colorado Highway No. 83 from a point opposite Littleton, south to the Douglas County line. U. S. Highway 85-87 extends through the area from Littleton southeast to Sedalia, thence south to Castle Rock, Larkspur, Greenland to the Douglas County line. The area is bounded on the west between Sedalia and the Douglas County line by the old highway west of U. S. Highway 85-87 and now known as Colorado Highway No. 105. From Sedalia, the west boundary line runs southwest to Deckers; thence northwest to Pine to the junction of U. S. Highway 285; thence northeast through Conifer to Morrison. The north boundary extends east from Morrison, and the south boundary line is along the Douglas County line through Palmer Lake. The length of the area is approximately 34 miles north



and south, and 3<sup>1</sup>/<sub>4</sub> miles wide at the widest point between Parker and Pine. The area contains approximately 759 square miles. Witness Creider resides in the extreme northwest corner and Witness Yeaton only 11 miles south of Englewood on U. S. Highway 85-87.

These applications are based upon the belief on the part of applicants that this vast area will become more heavily populated, and additional population and business enterprises will justify their proposed service. They evidently wish to get in "on the ground floor" so that if the development of the area which they hope for is realized, any certificate they may obtain will have a substantial value. The scheme is ambitious to say the least, but somewhat fantastic. For example: should the applications be granted and a customer at Palmer Lake or Conifer seek the service of one of these carriers to remove his trash or garbage and call applicant at Denver or Englewood, we can only surmise if the service would be economically feasible.

But two possible prospective customers appeared in an effort to show public convenience and necessity for the extended service of applicants in an area comprising 759 square miles.

The said Examiner does not recommend the granting of these four applications for extension and states that the showing made by these witnesses, in his opinion, does not justify the granting of the extensions sought, and recommended that the applications, and each of them, be denied.

## 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 do not require the granting of the four above-captioned applications for extension.



O R D E R

THE COMMISSION ORDERS:

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

That Application No. 15184 for extension of authority under PUC No. 2097, of Harvey C. Davis, 3055 South Bannock Street, Englewood, Colorado, be, and is hereby, denied.

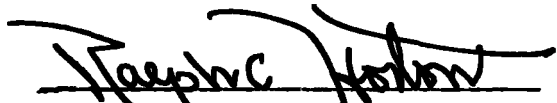


That Application No. 15186 for extension of authority under PUC No. 1966, of Everett E. Marshall and Joseph Elwyn Herrick, co-partners, doing business as "Englewood Pick-Up Service," 3755 South Sherman Street, Englewood, Colorado, be, and is hereby, denied.

That Application No. 15187 for extension of authority under PUC No. 2086, of Fred A. Schroeder, Jr., doing business as "Freddie's Rubbish Removal," 310 Shadycroft Drive, Littleton, Colorado, be, and is hereby, denied.

That Application No. 15217 for extension of authority under PUC No. 2042, of Dick Akeman, 4451 South Pennsylvania Street, Englewood, Colorado, be, and is hereby, 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 15th day of April, 1957.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE THE PUBLICATION OF LESS-THAN- )  
TRUCKLOAD, 5,000 AND 10,000 POUND )  
CLASS RATES BETWEEN DENVER ON THE )  
ONE HAND AND ANTON, BROOMFIELD, )  
LAFAYETTE AND LOUISVILLE ON THE )  
OTHER HAND. )  
-----

INVESTIGATION  
AND  
SUSPENSION  
DOCKET NO. 397

-----  
April 11, 1957  
-----

S T A T E M E N T

By the Commission:

On March 13, 1957, The Motor Truck Common Carriers' Association, as Agent, by J. R. Smith, Chief of Tariff Bureau, Denver, Colorado, by its Local and Joint Freight Tariff No. 12, Colorado P.U.C. No. 6, filed on statutory notice, issued March 13, 1957, and effective April 16, 1957, for and on behalf of Carroll Ross, 26th Revised Page No. 108, reduced class rates on L. T. L., 5,000 and 10,000 pounds between Denver and Anton, Colorado. The following is a comparison of the rates, present and proposed, between the points involved:

Class Rates in Cents per 100 Pounds

Denver, Colorado														
Between And	L. T. L.				Minimum Weight 5,000 Pounds				Minimum Weight 10,000 Pounds				Route No.	
	1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th		
Anton	Present	147	125	102	81	141	120	97	75	136	114	91	69	114
	Proposed	128	109	89	70	123	104	84	65	118	99	79	60	166
Route 114 - Interstate Motor Lines, Inc., direct														
Route 166 - Carroll Ross, direct														

For and on behalf of Overland Motor Express, 36th Revised Page No. 109, 34th Revised Page No. 113 and 21st Revised Page No. 113-A, increased class rates on L. T. L., 5,000 and 10,000 pounds between the following respective points showing a comparison of the rates involved present and proposed.



Class Rates in Cents per 100 Pounds

Denver, Colorado														
And	Between	L. T. L.				Minimum Weight 5,000 Pounds				Minimum Weight 10,000 Pounds				Route No.
		1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th	
Broomfield	Present	79	67	55	44	55	47	40	32	36	30	24	20	7
	Present	79	67	55	44	74	61	49	38	68	55	44	32	34
	Proposed	83	70	58	46	78	64	51	40	71	58	46	34	34
Lafayette	Present	85	70	60	46	62	52	44	33	37	33	26	21	7
	Present	85	70	60	46	79	64	54	40	74	59	48	35	34
	Proposed	89	74	63	48	83	67	57	42	78	62	50	37	34
Louisville	Present	81	68	56	45	56	51	41	32	36	32	26	20	7
	Present	81	68	56	45	75	62	51	39	69	56	45	33	34
	Proposed	85	71	59	47	79	65	54	41	72	59	47	35	34
Route 7 - McKenna and Beardsley - direct Route 34 - Overland Motor Express - direct														

By these proposed publications a disparity of rates will exist between the same two points via two different carriers serving them.

F I N D I N G S

THE COMMISSION FINDS:

1. That an investigation should be held into the reasonableness of the rates between the points involved. That the carriers involved should prepare information to submit to this Commission wherein a just and reasonable rate may be determined for the transportation of commodities between the points involved for L. T. L., 5,000 and 10,000 pounds, minimum class rates.

2. That the effective date of said schedules should be postponed pending the said hearing and decision thereon.

O R D E R

THE COMMISSION ORDERS, That:

1. Upon the Commission's own motion, it enter upon a hearing concerning the lawfulness and reasonableness of the rates and charges in 26th Revised Page No. 108, class rates between Denver and Anton, Colorado; 36th Revised Page No. 109 between Denver and Broomfield, Colorado; 34th Revised Page No. 113, between Denver and Lafayette, Colorado, and 21st revised Page No. 113-A, between Denver and Louisville, Colorado, to The Motor Truck Common Carriers' Association, Agent, Local and Joint Freight Tariff No. 12, Colorado P.U.C. No. 6, as fully set forth in the statement and made a part hereof.



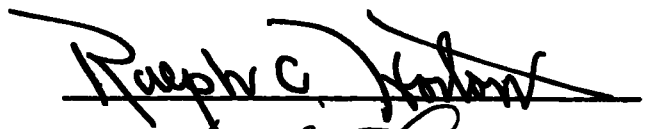


2. The operation of said schedules contained in said tariff be suspended and that the use of rates, charges, regulations and practices therein stated be deferred 120 days, or until the 17th day of August, 1957, unless otherwise ordered by the Commission, and no change shall be made in said rates, charges, regulations and practices during the said period of suspension.

3. The rates and charges and the regulations and practices thereby sought to be altered shall not be changed by any subsequent tariff or schedule until this investigation and suspension proceeding has been disposed of or until the period of suspension or any extension thereof has expired.

4. A copy of this Order be filed with said schedule in the office of the Commission and that a copy hereof be forthwith served upon J. K. Smith, Chief of Tariff Bureau, The Motor Truck Common Carriers' Association, 4060 Elati Street, Denver 16, Colorado; L. C. Austin, President, Overland Motor Express, Inc., 2709 Spruce St., Boulder, Colorado; Carroll Ross, Elba, Colorado; Maurice McKenna and Lawrence Beardsley, McKenna and Beardsley Truck Line, 1901 Division St., Denver 2, Colorado; Richard Tull, Agent, Interstate Motor Lines, Inc., 320 Denver Club Bldg., Denver 2, Colorado; John Norman, 205 Mint Bldg., 1410 16th St., Denver 2, Colorado.

5. This proceeding be, and the same is hereby assigned for hearing on May 13, 1957, at 10:00 O'Clock A.M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 11th day of April, 1957.

mem



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RUFUS SHAYLOR, 4834 KNOX COURT, )  
DENVER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 15122

-----  
April 15, 1957  
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Appearances: Rufus Shaylor, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, Rufus Shaylor, 4834 Knox Court, Denver, Colorado, seeks a certificate of public convenience and necessity, authorizing the transportation of ashes from point to point within the City limits of Denver, Colorado, and from said points to dumps in Adams, Arapahoe, and Jefferson Counties, Colorado.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 11, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings.

It appears from the Report of the Examiner that applicant appeared in support of his application, testifying that he has been engaged in ash hauling in Denver since the year 1943, operating about half time and was so engaged continuously up to and including January 1, 1955, the effective date of Amendment XXV to the Constitution of the State of Colorado, granting this Commission jurisdiction over the operations of common carriers by motor vehicle for hire in home-rule cities, such as Denver, and has established his "Grandfather Rights"



to the certificate sought.

The Report of the Examiner further states that applicant testified that he has had a 1948 Chevrolet 3/4-ton truck; that since 1950, he has regularly served but three customers; one weekly, one monthly, and one every two months, but has served 15 or 20 customers on an occasional basis; that his net worth is \$5,500; and that he has no other business.

No one appeared in opposition to the granting of the instant application.

The Examiner's Report further states that in his opinion the applicant is entitled by experience and financially to the certificate applied for.

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

##### THE COMMISSION FINDS:

That the Report of the Examiner herein should be approved.

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant.

#### 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 proposed common carrier motor vehicle call and demand service of Rufus Shaylor, 4834 Knox Court, Denver, Colorado, for the transportation of ashes from point to point within the City limits of Denver, Colorado, and from said points to dumps in Adams, Arapahoe, and Jefferson Counties, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

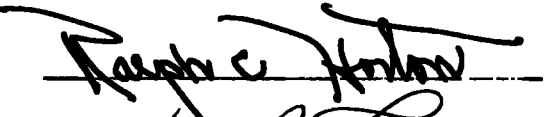


That applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.



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 15th day of April, 1957.

mls



(Decision No. 47712)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
NORTH PARK TRANSPORTATION COMPANY,  
A CORPORATION, 1434 - 29TH STREET,  
DENVER, COLORADO, FOR A CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY  
AUTHORIZING EXTENSION OF OPERATIONS  
UNDER PUC NO. 1600.

APPLICATION NO. 15059-Extension

April 15, 1957

Appearances: Marion F. Jones, Esq., Den-  
ver, Colorado, and  
Alvin J. Meiklejohn, Jr.,  
Esq., Denver, Colorado,  
for Applicant, and for  
Clear Creek Transportation  
Company.

S T A T E M E N T

By the Commission:

- North Park Transportation Company, a corporation, is the  
owner of PUC No. 1600, with authority so far as the instant applica-  
tion is concerned, as follows:

transportation of freight on schedule  
between Denver and Kremmling, Colorado,  
and intermediate points between West  
Portal and Kremmling, Colorado.

By the instant application, the certificate-owner seeks an  
extension of said certificate to include service to intermediate  
points between Empire and Kremmling, Colorado, but excluding service  
to Empire.

The application was assigned for hearing before Examiner  
Joseph W. Hawley, at the Hearing Room of the Commission, 330 State  
Office Building, Denver, Colorado, February 25, 1957, with due notice  
to all interested parties, and was there heard and taken under advise-  
ment.



The Examiner has submitted his Report of the proceedings.

The Report of the Examiner states that Peter Kooi, President of applicant corporation, appeared in support of the application, testifying that his company has been continuously operating on schedules justified by the authority; that presently it has authority to serve from Denver to all intermediate points between West Portal and Kremmling and the proposed extension would authorize service to intermediate points between West Portal and Empire, excluding Empire, and that it is desired particularly for service to the headquarters of Michigan Sewer Construction Company at Berthoud Falls, Berthoud Pass Lodge, and Berthoud Pass Filling Station on U. S. Highway No. 40; that at the present the Company is operating daily schedules over U. S. Highway No. 40 past these points and no common carrier is now authorized to serve any of the three prospective customers, who have requested the Company to obtain the extension.

The Examiner's Report further states that witness identified Exhibit 1, showing owned terminals at Denver, Walden, and Granby, and leased terminals at Fraser and Kremmling; Exhibit 2, the Company's list of equipment; Exhibit 3, balance sheet as of December 31, 1956, showing total assets of \$88,974.52, and total liabilities of \$59,345.30; and Exhibit 4, an income statement for the year 1956, showing net income of \$2,354.67. Witness stated that the additional authority requested would not require additional equipment; that overnight service from Denver to the additional points to be served would be furnished on small shipments and three to four hour service on large shipments; that there is a public need for the additional service, both for ICL and truck load shipments.

The Examiner's Report further states that Edward B. Thomas, one of the partners owning and operating PUC No. 1865, appeared in support of the application, testifying that their certificate authorizes the transportation of freight on schedule between Denver and



Empire, but to no point west of Empire on U S. Highway No. 40; that he had received requests for service to the intermediate points between Empire and Kremmling, but could not furnish the same; that, at present, shipments conveyed to or from Michigan Sewer Company, Berthoud Pass Lodge, and Berthoud Pass Filling Station must be delivered at his dock in Idaho Springs and delivered or called for by consignor or consignee; that the granting of the instant application would be a great convenience to shippers and consignees in the area affected.

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

The Report of the Examiner further states that in his opinion the evidence shows that public convenience and necessity require the granting of the instant application.

#### 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 the granting of 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 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 proposed extended motor vehicle, call and demand service of North Park Transportation Company, a corporation, Denver, Colorado, to include service to intermediate points between Empire and Kremmling, Colorado, but excluding service to Empire, and this Order shall be taken, deemed, and held to be a certificate of public convenience and neces-



sity therefor.

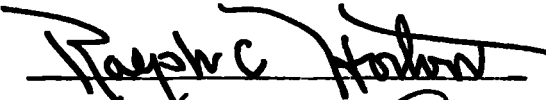


That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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 15th day of April, 1957.

mls



original

(Decision No. 47713)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
JULIUS BUSSARD, DOING BUSINESS AS )	
"BUSSARD BUS SERVICE," 3395 SOUTH )	
LINCOLN STREET, ENGLEWOOD, COLO- )	
RADO, FOR A CERTIFICATE OF PUBLIC )	<u>APPLICATION NO. 15202-Extension</u>
CONVENIENCE AND NECESSITY, AUTH- )	
ORIZING EXTENSION OF OPERATIONS )	
UNDER PUC No. 1450. )	
----- )	

-----  
April 15, 1957  
-----

Appearances: Julius Bussard, Englewood,  
Colorado, pro se;  
Thomas P. Williams, Denver,  
Colorado, for Denver  
Tramway Corporation;  
J. L. McNeill, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

By the instant application, Julius Bussard, doing busi-  
ness as "Bussard Bus Service," Englewood, Colorado, seeks a  
certificate of public convenience and necessity authorizing ex-  
tension of operations under PUC No. 1450.

The application was assigned for hearing before Examiner  
Joseph W. Hawley, at the Hearing Room of the Commission, 330 State  
Office Building, Denver, Colorado, March 28, 1957, with due notice  
to all interested parties, and continued to March 29, 1957, at  
9:30 o'clock A. M.

The Examiner has submitted his Report of the proceedings  
as follows:

When the application was called for hearing, applicant  
moved for a continuance of the hearing on the ground that the  
proposed extension involves the transportation of passengers to  
the Glenn L. Martin plant near Kessler, Colorado; that said  
plant has not been completed and its personnel, who are expected



to use the proposed service, have not yet been assembled.

There was no objection to the motion and it is the opinion of the Examiner that the setting should be vacated, and the application re-set for hearing at some future time convenient to 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 the instant application should be continued to be re-set for hearing at some future time convenient to the Commission.

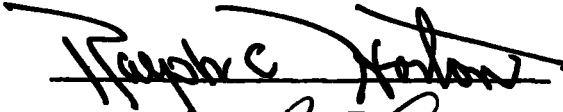


### O R D E R

#### 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 for hearing, to be re-set at some future date convenient to the Commission, with due notice to all parties in interest.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of April, 1957.

ea



original

To Emma A.

(Decision No. 47714)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
AUSTIN MILLSPAUGH AND FLOYD MILLS- )  
PAUGH, CO-PARTNERS, DOING BUSINESS )  
AS "A & F MILLSPAUGH," ROUTE 1, BOX )  
176, DERBY, COLORADO, FOR A CERTIFI- ) APPLICATION NO. 15208  
CATE OF PUBLIC CONVENIENCE AND NE- )  
CESSITY TO OPERATE AS A COMMON CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
- - - - - )

- - - - -  
April 15, 1957  
- - - - -

Appearances: Richard D. Luxford, Esq.,  
Denver, Colorado, for  
Applicants;  
Robert E. McLean, Esq.,  
Denver, Colorado, for  
Associated Rubbish Re-  
moval, et al;  
Jack Dice, Golden, Colo-  
rado, for Tri-County  
District Health Depart-  
ment.

S T A T E M E N T

By the Commission:

By the instant application, Austin Millsbaugh and  
Floyd Millsbaugh, co-partners, doing business as "A & F Mills-  
paugh," Derby, Colorado, seek a certificate of public convenience  
and necessity authorizing transportation of trash and rubbish,  
within an area in Adams County, described by metes and bounds in  
the application.

The application was assigned for hearing before Examiner  
Joseph W. Hawley, at the Hearing Room of the Commission, 330 State  
Office Building, Denver, Colorado, March 29, 1957, with due notice  
to all interested parties.

The Examiner has now submitted his Report of the pro-  
ceedings, as follows:



When the application was called for hearing, counsel for applicants moved that the present setting be vacated and the application re-set for hearing at a subsequent date, not less than two weeks hence, at the convenience of the Commission. There was no objection and the Motion was taken under advisement.

The Examiner recommends that the Motion referred to above 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 the present setting should be vacated and the application re-set for hearing at a subsequent date, not less than two weeks hence, at the convenience of the Commission.

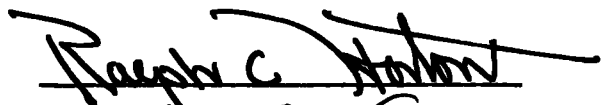


### O R D E R

#### 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 hearing herein be, and the same is hereby, vacated, the application to be re-set for hearing at a subsequent date, not less than two weeks hence, at the convenience of the Commission, with due notice to all interested parties.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of April, 1957.

ea



original

(Decision No. 47715)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
MAC GREGOR TRANSFER & STORAGE CO.,	)	
1237 WAZEE STREET, DENVER, COLORADO,	)	
FOR A CERTIFICATE OF PUBLIC CONVEN-	)	<u>APPLICATION NO. 15045</u>
IENCE AND NECESSITY TO OPERATE AS A	)	
COMMON CARRIER BY MOTOR VEHICLE FOR	)	
HIRE.	)	
-----	)	

-----  
April 15, 1957  
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Appearances: Fletcher Thomas, Esq.,  
Denver, Colorado,  
for Applicant;  
H. D. Hicks, Denver,  
Colorado, for Weicker  
Transfer & Storage  
Company.

S T A T E M E N T

By the Commission:

By the instant application, Edward B. Almon, doing business as "MacGregor Transfer & Storage Co.," 1237 Wazee Street, Denver, Colorado, seeks a certificate of public convenience and necessity authorizing him to conduct a general cartage business within the City and County of Denver, Colorado.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, February 19, 1957, at 9:00 o'clock A. M., with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings, as follows:

It appears from the evidence, as well as from the application itself, that this application is based on so-called "Grandfather Rights" and that MacGregor Transfer & Storage Co. is but a trade name assumed by Mr. Almon. Mr. Bennie Goldstein operated



under the same trade name from September 22, 1955, to January 10, 1957, but sold the use of the trade name to Almon on May 15, 1956, and Almon registered the same on that date.

The only witness appearing in support of the application was one Bob Stage, who became Manager of the operations of Almon when the latter purchased the trade name on May 15, 1956. It does not appear from his evidence what was involved in this purchase, the amount of the purchase price, whether title to equipment, place of business, or other assets also passed. Witness states that Almon conducts a general cartage business in Denver, moving furniture, canned goods, in fact anything moveable under appropriate carter licenses issued by the city authorities for each truck. He operates two 32-foot furniture vans and two straight trucks, a 1944 three-ton K-8 International tractor, a 1956 Ford pickup, and a 1949 Willy Jeep, and has a lease agreement with Baker Truck Rental, Inc., under which he can obtain the use of additional equipment at any time. Almon's net worth is \$20,000. A financial statement was promised, but had not been filed. Cargo insurance is carried on each truck. He has employed from five to twenty-five employees; has never refused service. Mr. Almon has had three years office experience with ICX and Stage has had thirty years experience in transportation business.

No evidence was offered by protestant.

The Commission might well hold that applicant is well qualified to conduct the proposed operation and that an application for a certificate should be granted had the applicant sought a certificate based on other than "Grandfather Rights;" had notice of such an application been given to all competing carriers and had the same evidence been given by applicant in support of such an application and not contradicted. But in this instance, the application is based on claimed "Grandfather Rights." There is hearsay evidence to the effect that the trade name assumed by



applicant has been used by at least eight truck operators in Denver and that these operators have held appropriate carter licenses from the city. This hearsay evidence is to the effect that some such operator has used the trade name in Denver since 1928. However, there is no competent evidence as to the nature of the operations of anyone of these truckers prior to the date the trade name was assumed by applicant in May, 1956, which, of course, was subsequent to January 1, 1955, the effective date of Amendment XXV to the Constitution of the State of Colorado granting this Commission jurisdiction over the operations of common carriers by motor vehicle in home-rule cities, such as Denver. One of the original purposes of recognizing and validating "Grandfather Rights" is to permit the operation of carrier businesses already established, and there is no competent evidence in this case that the business now conducted by Almon is the same business established and conducted by a carrier prior to, up to, and subsequent to January 1, 1955.

The Courts have held that the purpose of a "Grandfather" clause is to exempt from statutory regulation, imposed for the first time, those persons already in the field who have acceptably followed the business, have held themselves out to the public as common carriers engaged in the business (in this case a general cartage business), and that the conduct of such business has been sufficiently regular to denote a continued occupation. What was actually and ordinarily done on or before January 1, 1955, by the predecessor in interest of applicant was the proper test. The principal involved is well stated in the case of Elliott Bros. Trucking Co. vs. United States, reported in 59 Fed. Supp. 328, as follows:



"Under the 'Grandfather clause' (of the ICC Act) the Commission without requiring further proof that the public convenience and necessity will be served must issue a certificate if a carrier applicant or its predecessor in interest was in bona fide operation as a common carrier by motor vehicle on June 1, 1935, (in this case on January 1, 1955) over the routes or within the territory covered by the application, and has so operated since that time."

The Examiner is of the opinion that, in this case, evidence of the facts necessary to establish applicant's "Grandfather Rights" should be available and should be produced before certificate is issued. It is his opinion that the instant application should be dismissed for lack of proper proof, without prejudice to the filing of a new application for a certificate.

#### 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 and that the Report of the Examiner referred to therein should be approved.

That the instant application should be dismissed without prejudice.

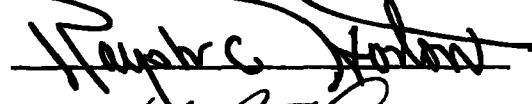


#### O R D E R

##### 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 instant application should be, and the same hereby is, dismissed without prejudice.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of April, 1957.



original

(Decision No. 47716)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

HAROLD WARDELL, REX ROBINSON,  
ROBERT WARDELL, AND E. CLARK JONES,  
Vernal, Utah,  
  
Complainants,  
  
vs.  
  
MOON LAKE ELECTRIC ASSOCIATION, INC.,  
Vernal, Utah,  
  
Defendant.  
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CASE NO. 5130

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April 11, 1957  
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Appearances: George E. Stewart, Esq.,  
Roosevelt, Utah, for  
Moon Lake Electric Associa-  
tion, Inc.;  
Paul M. Hupp, Esq., Denver,  
Colorado, for Complainants;  
P. M. Brown, Denver, Colorado,  
and  
J. M. McNulty, Denver, Colorado,  
for the Commission.

S T A T E M E N T

By the Commission:

On January 3, 1957, the Commission received a protest from four customers of the Moon Lake Electric Association, Inc., of Vernal, Utah, stating, in effect, that they had been notified by said Association that it proposed to withdraw the electric service now serving them. The Commission on January 4, 1957, served a copy of the complaint on Moon Lake Electric Association, Inc., together with its Order to Satisfy or Answer said complaint. Moon Lake answered the complaint, and subsequent thereto the Commission set the matter for hearing.

The matter was heard on March 5, 1957 at the Court House in Steamboat Springs, Colorado, and at the conclusion of the evidence, was taken under advisement by the Commission.



Moon Lake Electric Association, Inc., is a Utah corporation, authorized to do business in Colorado, and is the holder of a certificate of public convenience and necessity from this Commission by reason of a transfer from the Rangely Power and Light Company in Application No. 11041, Decision No. 36530, of April 19, 1951. As to its Colorado operations, Moon Lake is subject to the jurisdiction of this Commission.

The evidence discloses that in the Year 1950, the American Gilsonite Company of Bonanza, Utah, entered into an electric service agreement with the Rangely Power and Light Company which, in effect, provided that Gilsonite would build a 13,200-volt, three-phase electric line from the southern limits of the Rangely oil field in Colorado to Bonanza, Utah, a distance of approximately fourteen miles. This agreement provided, among other things, the rate that Rangely would charge Gilsonite and for the construction of the power line by Gilsonite in order to receive service. The Commission approved this contract by its order in Application No. 10727, Decision No. 35282, of August 28, 1950. Gilsonite has been receiving power under the terms of this contract since the completion of its construction of the line involved.

Mr. Harold Wardell, one of the Complainants herein, owns and lives on a ranch that lies approximately ten miles west of Rangely. Mr. Harold Wardell entered into a contract with Rangely Power and Light Company on January 8, 1950, for electric service to his ranch. A copy of this contract has been filed in this matter as Defendant's Exhibit No. 1. The service to his ranch was to be provided by an extension off of the Gilsonite line and the contract provided, among other things, the following:

"It is mutually agreed and understood by the parties hereto that all service rendered under this contract is subject to the continued use of the Rangely to Bonanza transmission line by The American Gilsonite Company, owners of said line. It is further understood that The American Gilsonite Company, may at its option curtail or revoke rights to take service



from its facility at any time that the taking of said service jeopardizes the continuity or quality of service at the Bonanza, Utah terminal of said transmission circuit. In the event that service to Customer is disrupted permanently by cause as set forth above, Company agrees, at Customer's request, to dismantle and salvage materials in Customer's Extension and to refund to Customer such amount of Customers Guaranty Deposit as may be held in deposit by Company at that time except that in no event shall such refund exceed 50% of the new value of said salvaged materials."

The contract also provided for a minimum of \$120 per year and a guaranteed deposit of \$500. The \$500 deposit has subsequently been returned to Mr. Wardell, and this record does not reveal whether or not the \$120 per year minimum has always been enforced. The record does show that for the Years 1955 and 1956, Mr. Wardell's electric bills were \$151.00 and \$201.53, respectively, and therefor more than the \$120 per year minimum guarantee.

In order for Mr. Wardell to receive service at his ranch, it was necessary for the Rangely Power & Light Company to construct approximately one-quarter mile of line. Since obtaining electric service, Mr. Wardell has invested approximately \$3,000 in electrical equipment and appliances. This investment includes an electric water pump estimated to cost about \$1,000. Since the installation of the electric service, Mr. Wardell has been a continuous customer and he is opposed to discontinuance of service.

Mr. Robert Wardell, another one of the Complainants herein, is a rancher residing approximately fourteen miles west of Rangely. Mr. Wardell is a member of the Moon Lake Electric Association, Inc., having signed up for service in the Year 1953 or 1954. In order to get service to his ranch, Moon Lake constructed approximately three-quarter miles of line from the Gilsonite line to his ranch. As near as he can recall, he paid \$13.00 for his membership, and originally paid a \$3.00 per month minimum for electric service, which was later raised to \$5.00 per month minimum. He did not sign a contract for service other than the membership previously referred to. Mr. Wardell stated that he had invested approximately \$3,000 in electric appli-



ances and equipment for his ranch. Part of this equipment consists of a 25-horsepower electric motor for pumping water. Before he connected up this pump on the line, Mr. Wardell apparently asked permission of the American Gilsonite Company if he could connect up this pump. Introduced at the hearing as Intervener's Exhibit No. 3, was a letter dated June 30, 1954, from the American Gilsonite Company stating, in effect, this pump could be connected up and Gilsonite did not object unless it interfered with the delivery of power to its plant. Mr. Wardell stated that he believed the annual minimum that he was supposed to pay to Moon Lake after connecting the pump amounted to \$125.00 a year. There is no evidence in this record that if this was the minimum it was collected whether or not the power was used. The record does disclose for the Year 1955, Mr. Wardell paid Moon Lake \$185.00 for electricity, and for the Year 1956, he paid \$352.55. Introduced at the hearing as Intervener's Exhibit No. 4, was the Membership Certificate issued to Robert Wardell on September 27, 1954, by Moon Lake Electric Association, Inc.

At the time that Mr. Robert Wardell received service from Moon Lake, he did not know that the main line from Rangely field to Bonanza was owned by the American Gilsonite Company. He has always been billed by and paid for his electricity to Moon Lake Electric Association, Inc. Mr. Wardell first knew for certain that Gilsonite owned the main line when he installed his electric pump and had to get clearance from Gilsonite.

Mr. Clark Jones, another of the Complainants herein, owns a ranch approximately nine miles west of Rangely. Mr. Jones operates this ranch by means of a tenant rancher and at the present time the ranch is unoccupied since his former tenant has left his employ. Sometime in the Fall of 1953, service was obtained from Moon Lake to his ranch which is located about one-half mile from the Gilsonite line. The tenant at that time was anxious for electric service, and Mr. Jones was agreeable that electric service should be installed at



his ranch. His tenant actually applied for the service and it was connected sometime in the Fall of 1953. To his knowledge, no contract for service was signed, and the minimum bill was in the neighborhood of \$5.00 to \$8.00 per month. His ranchhouse has been wired for service and has the customary electric appliances but he uses a gasoline motor-driven pump for irrigation. The record reveals that for the Year 1955, a total electric bill for Mr. Jones was \$60.00 and for the Year 1956, it amounted to \$73.62. Mr. Jones is not a member of the Moon Lake Electric Association, Inc., and has never made application for membership. He has never signed an agreement for electric service of any type. The electric bills have always been rendered by and paid to Moon Lake Electric Association, Inc. While it was his tenant who desired this service, he was agreeable that his ranch should be served. He also signed a right-of-way for the Gilsonite line to cross his property, although he stated the fact the right-of-way was given to Gilsonite did not, in his opinion, make Gilsonite necessarily the owner of the line.

Mr. Rex Robinson, the fourth signer of the complaint herein, owns a ranch that is approximately seven miles west of Rangely. He receives service from a lateral off of the Gilsonite line which is approximately one-eighth of a mile from his ranch. He originally signed for service with the Rangely Power and Light Company on October 11, 1950, and the signed copy of the contract was admitted in evidence in the instant matter as Defendant's Exhibit No. 2. According to this contract, he was to pay a special minimum of \$80.00 per year, and he advanced a guaranteed deposit at the time of signing of \$400.00. Subsequent to the transfer of the Rangely properties to Moon Lake, his deposit was returned to him. His contract has the same clause in it as has been previously set out herein in the contract of Harold Wardell, being Defendant's Exhibit No. 1. According to Mr. Robinson, after Moon Lake took over the properties of the Rangely Company, he did not pay the \$80.00 a year minimum set forth



in the contract. The record herein reveals that for the Year 1955, Mr. Robinson's total revenue was \$16.20, and for the Year 1956, it amounted to \$27.89. It has been his custom to have the electricity discontinued each summer since he does not reside there during this period. About a year ago when he went into the Rangely office of Moon Lake to request that his electric service be turned on again, he was required at that time to take out a membership in the REA. He paid \$5.00 for the membership and also made a meter deposit, as he recalled, it amounting to \$13.00. He has never received a membership certificate similar to the one issued to Mr. Wardell, being Intervener's Exhibit No. 4 previously referred to. His house is wired for electric service but he uses a gasoline motor to drive the pump for irrigation on the ranch. He would not object to a yearly minimum if it would not be too high and he would be willing to use an electric motor for the pumping of water in order to help pay this minimum.

Introduced at the hearing as Intervener's Exhibit No. 1 was a letter written by Ron E. Harrison, General Manager of Moon Lake Electric Association, Inc., to the four Complainants herein advising them, in effect, that the American Gilsonite Company desired to remove its 13,200-volt line, which would deprive Complainants of electric service unless some arrangements were made to keep said service. The letter mentions that there have been meetings with interested parties and Moon Lake to see how this continuation of service might be worked out. Apparently, Gilsonite is willing to sell the seven miles of line that would be necessary to continue service to these customers to either Moon Lake or the customers, for \$5,000. Moon Lake, in turn, would be willing to sell the four laterals of line serving the Complainants for an amount of \$2,606.86, which Moon Lake considers the net salvage value of the four line segments. If the four customers purchase all of these lines, Moon Lake would install a primary meter at the point of takeoff of this line from the south margin of the Rangely oil field and would sell



to the group at a wholesale price to be determined. The reason that Gilsonite is dismantling the 13,200-volt line is because it has built a new 69,000-volt line from the Rangely oil field to Bonanza in order to increase its supply of electricity. It no longer needs the 13,200-volt line.

The engineer witness for Moon Lake at the hearing testified that if the original Gilsonite line were to be removed, it would cost the Moon Lake Electric Association \$9,149.00 to install a similar 13,000-volt, three-phase line to continue to render service to these four customers. While the witness had not made a detailed cost study, it was his opinion that to underbuild the 69 KV line with 13,000 volts to supply these four customers would cost more than the \$9,149.00 to build a separate line. It was also his opinion that the cost to purchase a transformer, or transformers, to step the voltage down from 69 KV to 120/240 volts would also be more than the cost to build the separate line. He admitted that if service were to be continued to these four customers, the cheapest method would undoubtedly be the purchase of the 13,200-volt Gilsonite line for \$5,000.

Mr. Ron Harrison, Manager for Moon Lake, testified that several meetings had been held with the Complainants in an endeavor to work out a solution to the problem. He felt that if Moon Lake were to continue rendering this service, these customers would have to guarantee a minimum yearly bill in order to make this service feasible. An offer was made that would require a minimum of \$1200.00 a year total for the four customers. Apparently, the customers were not willing to accept service under these conditions, and this matter is now before the Commission for solution.

As has been previously stated herein, two of the Complainants signed contracts for service and were aware at the time they signed that Gilsonite owned the main line from which they received service.



The other two customers, however, did not sign such a type of contract. Mr. Robinson signed a contract for service and later also became a member of the REA. Mr. Robert Wardell did not sign a contract but he did sign as a member of the Association. Mr. Clark Jones never signed a contract for service nor is he a member of the Association. Mr. Robert Wardell and Mr. Clark Jones have stated that while the right-of-way for the original Gilsonite line was obtained by Gilsonite, neither knew originally that the line belonged to Gilsonite.

It seems to us from the record herein that Moon Lake was not too concerned with the matter of minimum bills from these four customers inasmuch as they never enforced the contract minimum with Mr. Robinson of \$80.00 a year, nor did they try to reset this minimum at the time he became a member since he apparently was receiving service at a normal monthly minimum. Mr. Jones without any contract of any kind was paying a nominal monthly minimum of \$5.00 to \$8.00. Mr. Robert Wardell, the largest user of the group of electric service is apparently assigned only a \$5.00 a month minimum. Mr. Harold Wardell because of his usage, at least in the Years of 1955 and 1956, has been paying more than his contract minimum of \$120 a year. It would appear from the above that as far as the lateral lines that were built from the main Gilsonite line to serve these four complainants, Moon Lake was not concerned with the guaranteed annual minimum.

The issues involved in the instant matter are clear cut. Can Moon Lake having once rendered service to certain of its customers now discontinue that service on the basis that it does not control a line owned by a third party? The circumstances surrounding the rendering of service in the instant matter, however, are not as clear cut. True, there are two contracts outstanding that speak for themselves, but Moon Lake has seen fit to render service to the other two Complainants without regard to contracts.



Because Moon Lake rendered service to two customers apparently without reservations, did they not in fact dedicate themselves to a continuation of service by such action? We feel that they did and that they should not now be permitted to abandon service to any of the Complainants herein on the basis of the removal of the Gilsonite line. The lateral lines to serve the four customers, were constructed from the 13,200-volt Gilsonite line and, apparently, Moon Lake has reached the conclusion that this line is self-supporting since in two instances they have not required a minimum monthly bill above a normal amount, and in the case of Mr. Robinson, they have not been enforcing the contract minimum. It is apparent therefore that these lateral lines do not enter into the picture at this time as far as feasibility is concerned. In stating that we believe Moon Lake is obligated to continue rendering service to these customers, we do not mean that it must do so at a loss if it must now invest additional money to continue this service.

It is apparent in the record that the cheapest way of continuing service would be by the purchase of the seven miles of Gilsonite line for \$5,000. Since Moon Lake is obligated as a public utility to render this service, it should make the purchase of the line. However, the four Complainants must share some responsibility in this investment to be made by Moon Lake. The testimony at the hearing revealed that on any investment of capital for the rendering of service, Moon Lake requires  $1\frac{1}{2}\%$  of the investment per month as a guaranteed monthly minimum revenue in order to make the project feasible. One and one-half per cent per month would be equivalent to 18% per year. On a capital investment of \$5,000, this would require \$900.00 per year guaranteed minimum. At the present time, the four Complainants are paying approximately \$655.00 for their service, according to the 1956 figures in this record. If the \$900.00 were to be divided equally between these four customers, each should guarantee \$225.00 per year minimum revenue. As previously stated,



Mr. Harold Wardell in the Year 1956 paid \$201.53 for his electric energy, and it would require only about \$2.00 more per month average to bring his revenue to the needed \$225.00. Mr. Robert Wardell, in the Year 1956, paid \$352.55 for the electricity he used, and if this use continued, he would be paying more than the \$225.00 required minimum. Mr. Jones and Mr. Robinson paid \$73.62 and \$27.89, respectively, for their electric service in the Year 1956. All customers would be required to guarantee the \$225.00 each if the minimums were to be divided equally. While Moon Lake would be entitled to \$900.00 minimum income per year from these four customers, it could not object if one or more of the four customers would be willing to sign a guarantee for more than his \$225.00 a month minimum, thereby reducing the minimum to the others. In other words, as long as the total guarantee for the year would amount to \$900.00 from the four customers, Moon Lake need not be concerned in what proportion each would pay. However, any assumption of more than the \$225.00 per year minimum by any of the four customers would be on a voluntary basis, and if no one volunteered, the \$225.00 per year minimum per customer would apply. Both Mr. Jones and Mr. Robert Wardell have stated on the record that they are now using a gasoline motor for water pumping, and that they would be willing to install electric pumps, if necessary. If these electric pumps were to be installed, the usage of these two customers would naturally be increased. With this increased usage, these customers would be in a better position to guarantee to pay a yearly minimum to Moon Lake since they would have need for more service.

As we have previously stated herein, Moon Lake is obligated to continue service to the four customers, Complainants herein, and these four customers will have to comply with the filed rules and regulations of Moon Lake Electric Association, Inc., regarding annual minimum requirements. In considering the annual minimum to be paid by the Complainants, only the additional investment required by Moon Lake will be considered under the circumstances involved herein.



## F I N D I N G S

### THE COMMISSION FINDS:

That Moon Lake Electric Association, Inc., insofar as its operations in Colorado are concerned, is a public utility and subject to the jurisdiction of this Commission.

That the Commission has jurisdiction of the instant matter, and is fully advised in the premises.

That the above Statement be made a part hereof by reference.

That Moon Lake Electric Association, Inc., should continue to render electric service to the Complainants herein in accordance with the conditions set forth in our Findings and Order.

That Moon Lake Electric Association, Inc., may purchase the 13,200-volt line now owned by the American Gilsonite Company, which has been offered to it for the amount of \$5,000.

That the four customers, Complainants herein, should be required to sign minimum annual revenue guarantees for service with Moon Lake Electric Association, Inc., in the total aggregate amount of not more nor less than \$900.00 per year to guarantee the feasibility of additional investment by Moon Lake.

That each of the four customers should be given an opportunity to contract for more than the \$225.00 pro rata per year guarantee minimum if he so desires, and in such event, the minimum should be reduced to any one or more of the four customers, but in the event the customer does not elect voluntarily to guarantee more than the \$225.00 pro rata per year guaranteed minimum, then Moon Lake should offer to execute contracts with the four customers for a minimum of \$225.00 per year each.

That since the American Gilsonite Company has given notice that it wishes to abandon or sell its 13,200-volt line by May 1, 1957, the Complainants herein should sign guaranteed annual minimum contracts on or before April 25, 1957, so that Moon Lake can notify the American Gilsonite Company if it elects to purchase the line.



That in the event the customers do not sign minimum annual guarantee contracts for the service by April 25, 1957, Moon Lake may abandon service to them.

O R D E R

THE COMMISSION ORDERS:

That Moon Lake Electric Association, Inc., shall continue to render electric service to Complainants herein, providing said Complainants sign minimum annual guarantee contracts for electric service in the total aggregate amount of \$900.00.

If Complainants sign minimum annual guarantee contracts in the total aggregate amount of \$900.00, Moon Lake Electric Association, Inc., is hereby ordered to continue to render electric service to said Complainants, whether Moon Lake purchases the Gilsonite line or not.

That the minimum annual guarantee contracts to be signed by the Complainants herein shall total in the aggregate not more nor less than \$900.00 per year.

That Moon Lake Electric Association, Inc., shall give each of the four Complainants herein an opportunity to guarantee more than his pro rata \$225.00 annual minimum if he so desires, and in such event, the minimum will be reduced to any one or more of the four customers; but in the event the customer does not elect voluntarily to guarantee more than the \$225.00 per year minimum, then Moon Lake shall offer to execute contracts with the four customers for a minimum of \$225.00 per year each.

That the minimum annual guarantee contracts shall be executed by and between the parties on or before April 25, 1957.

That in the event the customers do not sign the annual minimum guarantee contracts by April 25, 1957, in a sum sufficient to aggregate \$900.00 per year, then Moon Lake Electric Association, Inc., may abandon electric service to them at such time as American Gilsonite removes its 13,200-volt line.

That Moon Lake Electric Association, Inc., on or before May 1, 1957, shall notify this Commission, in writing, the outcome

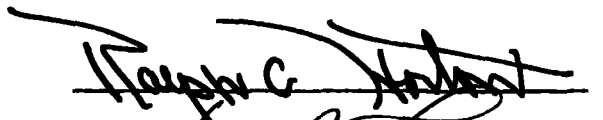




of the procedures set forth herein.

That Case No. 5130 be, and it hereby is, closed.

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 11th day of April, 1957.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. R. MILLER, DOING BUSINESS AS "A. )  
& C. TRANSFER COMPANY," 419 WOOD )  
STREET, FORT COLLINS, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 15036

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April 15, 1957  
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Appearances: C. R. Miller, Fort Collins,  
Colorado, pro se;  
Gene E. Fischer, Esq., Fort  
Collins, Colorado, for  
Francis D. Rickard and  
James D. Rickard.

S T A T E M E N T

By the Commission:

By the instant application, C. R. Miller, doing business as "A & C Transfer Company," 419 Wood Street, Fort Collins, Colorado, seeks a certificate of public convenience and necessity authorizing transportation of trash between points within the City of Fort Collins, Colorado, and its environs.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Court House, Greeley, Colorado, February 14, 1957, with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings, as follows:

Applicant testified that one Lloyd Johnson operated a trash collection service in Fort Collins and vicinity continuously from about the year 1939 up to and including January 1, 1955, the effective date of Amendment No. XXV to the Constitution of the State



of Colorado granting this Commission jurisdiction over the operations of common carriers by motor vehicle in home-rule cities, such as Fort Collins. Johnson conducted the service up to the time of his death in early June 1956, and on June 20, 1956, his widow sold the business to applicant, who has continued the same operation up to the date of hearing.

He has operated a 1949 one-ton Dodge truck and his net worth is \$3,000. He serves 110 regular customers, and others on call. At least six of these customers live outside the City limits of Fort Collins, and within a three-mile radius thereof.

Counsel for Francis D. Rickard and James D. Rickard, owners of PUC Nos. 3172 and 3582, respectively, which certificates authorize an ash and trash disposal business in Fort Collins, Colorado, and vicinity, opposed favorable action on the application, and interposed a motion to dismiss on the ground that applicant had shown no proof of need for his service outside the City Limits of Fort Collins, or any proof of inadequate service in said area on the part of the two common carriers he represents. The motion was taken under advisement and ten days time granted in which to file Brief. The Brief has been filed and carefully considered.

The Brief submitted by counsel for protestants does not cover the points mentioned as a basis for the motion to dismiss, to-wit: failure of proof of need or inadequacy of service by presently certificated carriers. It is addressed only to the position assumed by protestants that "Grandfather Rights" are lost by sale and transfer. It is admitted that Lloyd Johnson, now deceased, was operating a trash collection service in Fort Collins and surrounding area prior to November 1, 1954, and had acquired "Grandfather Rights" by this operation, but it is argued that when applicant purchased the business from Johnson's widow in June 1956, such rights were not and could not have been transferred. Counsel argues that "Grandfather



Rights" are granted only to those persons who are already in the field; that there is a presumption that they possess the necessary qualifications to be entitled to hold a certificate of public convenience and necessity; and that when a person purchases a business he has not operated, nothing is present to give rise to the presumption that the purchaser does possess the necessary qualifications.

This Decision need not be based on such a "presumption." The evidence clearly shows that applicant is fully qualified by experience and has the necessary equipment and financial stability to properly serve the public. Moreover, the instant application is not based on applicant's claim to "Grandfather Rights" only. The evidence shows that the City of Fort Collins does not provide a municipal trash collection service. Applicant has been and now is serving 110 customers, which should be ample proof of the need for the service, irrespective of "Grandfather Rights." As to his service to customers outside the City limits, such service was not denied by either protestants, neither of whom testified.

Irrespective of "Grandfather Rights," the Examiner is of the opinion that applicant has produced ample proof of public convenience and necessity for his proposed service. It might be mentioned in passing that the Examiner has requested an independent investigation by the Commission's investigators, who have reported that Lloyd Johnson operated under appropriate City licenses for many years prior to his death.

The Examiner is of the opinion that the motion of protestants, interposed at the hearing, should be denied, and the instant application should be granted, and that a certificate of public convenience and necessity should issue to applicant 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 public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant.

## 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, and the motion of protestants therein referred to be, and is hereby, denied.

That public convenience and necessity require the proposed common carrier motor vehicle, call and demand service of C. R. Miller, doing business as "A & C Transfer Company," 419 Wood Street, Fort Collins, Colorado, for the transportation of trash between points within the City of Fort Collins, Colorado, and within a radius of three miles of the City limits thereof, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

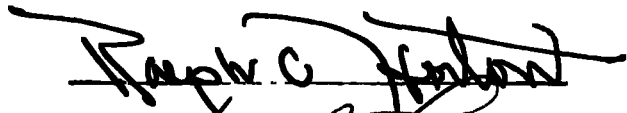

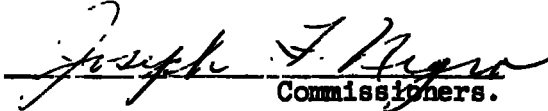
That applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

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 15th day of April, 1957.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)  
PUBLIC SERVICE COMPANY OF COLORADO,)  
900 FIFTEENTH STREET, DENVER, COLO-)  
RADO, A CORPORATION ORGANIZED AND )  
EXISTING UNDER THE LAWS OF THE )  
STATE OF COLORADO, FOR AN ORDER )  
AUTHORIZING THE ISSUANCE OF )  
\$30,000,000 PRINCIPAL AMOUNT OF )  
ITS FIRST MORTGAGE BONDS )  
- - - - -

APPLICATION NO. 15301  
Securities

S T A T E M E N T

By the Commission:

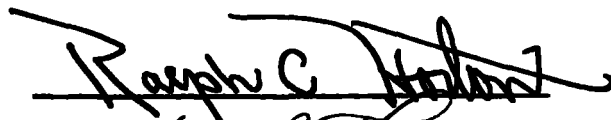

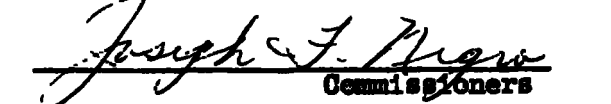
Upon consideration of the application filed April 11, 1957, by Public Service Company of Colorado, a Corporation, in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on April 23, 1957, at 9:00 o'clock A. M., 330 State Office Building, Denver, Colorado, respecting the matters involved and the issues presented in this proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before April 18, 1957, and should set forth the grounds of the proposed intervention, and the position and interest of the petitioners, in the proceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 12th day of April, 1957.



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, 4060 ELATI )  
STREET, DENVER 16, COLORADO. )  
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CASE NO. 1585

-----  
April 12, 1957  
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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 April 18, 1957, designated 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 prescribing 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:

The Boulder-Denver Truck Lines and Overland Motor Express performing common carrier service between Denver and Boulder are increasing the L. T. L., 5,000 and 10,000 pound class rates between Denver and Boulder, Colorado, by approximately 5%. The Commission is in receipt of a profit and loss statement wherein M. A. Chance, a co-partner in Boulder-Denver Trucklines concern, states the following facts in justification for the necessity of the increase. The statement reflects for a period from October 1, 1955, to September 30, 1956, freight revenue of \$172,696.67 and expenses of \$172,941.11, with a result of a



net loss of \$244.44. He also states that no profit and loss statement has been made for the period since September 30, 1956, but that his records indicate for November, 1956, a net profit of \$151.69; for December, 1956, a net loss of \$811.05; for January, 1957, a net profit of \$537.68; for February, 1957, a net loss of \$514.87, which makes a net loss for the last four months of \$636.55.

It is also stated their contract with the Teamsters' Local Union results in an increase of two cents per hour effective March 1, 1957, with an additional three cents and also contributes five cents per hour to the teamster pension fund effective May 1, 1957.

The Overland Motor Express concurs with a similar statement by L. C. Austin, President, that:

"For the period beginning March 1, 1956 thru October 30, 1956, Overland Motor Express, Inc. showed a net profit of \$1,126.43. Beginning November 1, 1956, our employees joined the Teamsters' Union, resulting in a substantial increase in our payroll. From November 1, 1956 thru February 1, 1957, we show a net loss of \$416.32.

"Inasmuch as our labor contract required an increase of five cents per hour increase effective March 1, 1957, and an additional increase of five cents per hour November 1, 1957, and a contribution of five cents per hour to the teamsters' pension fund effective May 1, 1957, it seems apparent to us that an immediate increase is necessary."

A reduction in the L. T. L., 5,000 and 10,000 pound class rates between Denver and Gunnison, Colorado, with routing via The Rio Grande Motor Way, Inc., is brought about because the rates are being predicated on the actual mileage from Denver to Gunnison by way of Colorado Springs and Canon City, Colorado, rather than the old rail mileage which was originally used. This change was instituted by the local merchants due to the fact the rail service has been abandoned and torn out. The carrier involved has given careful consideration and approval to the reductions.

The L. T. L., 5,000 and 10,000 pound class rates for the account of Crested Butte Truck Line, direct, between Gunnison and Crested Butte is being increased by approximately 10%. The last increase for this carrier was in 1954. From information submitted by Mr. John Kapushion, Sr., owner of this authority, the revenue received for the year 1956 was \$5,053.45, and expenses,



\$3,760.36, leaving a net profit of \$1,293.09, which amount includes the owners' salary. The number of vehicles operated and owned is one vehicle. It is apparently reasonable to assume that the carrier cannot maintain sufficient common carrier service with replacement of equipment and a salary on the net profits received.

Item No. 1760 (Commodity Item) for the account of Rio Grande Motor Way, Inc., covering cedar chest, crated; desks, set up; earthenware; glass silvered for mirrors, not framed; meters, water; signs, except neon, between Grand Junction and Durango, Colorado, is being eliminated from the tariff for lack of any movements.

Item No. 1780 covering cement, lime, plaster and their products as described in Items Nos. 3940 and 3950 is being amended to include a reduced rate of 18 cents per 100 pounds, minimum weight 25,000 pounds, between Portland and Salida, Colorado, for the account of Rio Grande Motor Way, Inc., direct, and Salida Transfer Company, direct, also to add to the item, "not subject to Item No. 970" (20% penalty rule). The item presently provides 28 cents per 100 pounds, minimum weight 10,000 pounds. By this reduction, benefits will ensue to the shippers.

Item No. 1802-4, for the account of Southwestern Transportation Company, direct, covering cement, in bulk in tank trucks, minimum weight 35,000 pounds, not subject to Item No. 970 (20% penalty rule) is being amended to include a rate of 5½ cents per 100 pounds from Portland to Cortez, Colorado. There presently is in effect a rate of 5½ cents to Mesa Verde National Park, Colorado, which is approximately 10 miles east of Cortez in the same item.

Item No. 1801, for the account of Southwestern Transportation Company, direct, and Elbert Transfer Company, direct, from Portland to Colorado Springs, Colorado, covering cement, lime, plaster, and their products in bags or barrels, minimum weight 35,000 lbs., not subject to Item 970, is being reduced from 14 cents to 13 cents per 100 pounds. This will be a benefit to the shippers.



Item No. 1802-13, for the account of Southwestern Transportation Company, direct, from Portland to Monte Vista, Colorado, covering cement, in bulk in tank trucks, minimum weight 40,000 pounds, not subject to Item No. 970, at a rate of 33 cents per 100 pounds, is a new item and to expire with December 31, 1957, unless sooner cancelled, changed or extended. The present effective rate under Section 3 of the tariff produces a rate of 40 cents per 100 pounds, minimum weight 20,000 pounds. A reduction in total charges will ensue to the shippers from this publication.

Item No. 3571, for the account of Weicker Transfer and Storage Company, direct, is a new commodity item covering pelts, sheep, fresh, green-salted, loose, loaded by consignor and unloaded by consignee, from Pueblo to Denver, Colorado. The effect of this new item will be a reduction in the charges to the shippers. A complaint was previously filed with this Commission wherein it was alleged the presently effective class rate of 65 cents per 100 pounds on 10,000 pound minimum weight was unreasonable and too high which made it impossible for the Colorado shipper to meet eastern pelt buyers' competition, as they could buy pelts at Pueblo, Colorado, with the through rate to destination from Pueblo, Colorado, the same as from Denver, Colorado; whereas the Colorado shipper was obliged to pay the 65 cents from Pueblo to Denver extra.

Item No. 3697, a new commodity item, covering sugar, in bags or boxes from Brighton to Denver, and Englewood, Colorado, and from Longmont and Loveland to Denver, Colorado, providing also stoppage in transit privileges to partly unload, will be a benefit to the shippers with a reduction in rates.

Exception No. 3 to Section No. 6 (Livestock) covering movements between feed lots and packing houses within a radius of three miles of the Denver Union Stockyards is being amended eliminating a feed lot no longer in existence and publishing out specific charges per truckload to various feed lots not previously named and clarifying the item, for instance where an overflow of a truckload would exist the balance will be billed on the applicable distance rate in cents per 100 pounds as published in the mileage scale subject to a minimum charge of \$3.00. The changes involved will amount to an increase from \$5.00 to \$6.00 and \$7.50 per truckload for the specific feed lots involved and eliminating the \$3.00 charge for sheep.



The exception as presently provided naming distances between towns in northern Colorado in 4th Revised Page No. 274 (Section 8, Table of Distances), the McKie Transfer Company is being added. The intent of this addition according to the publishing agent is to apply only to Section 1 (Class Rates) in call and demand single line service. The basic effect of this addition will limit the carrier to minimum weights of 3,000 pounds per shipment.

#### 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 rates, rules, regulations and provisions set forth in "Appendix A" shall on April 18, 1957, 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 April 18, 1957, 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 April 18, 1957, 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.

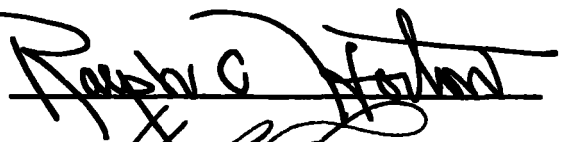

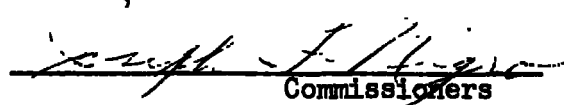


7. This order shall not be construed so as to compel a private carrier by motor vehicle to be, or become a motor vehicle common carrier, or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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 12th day of April, 1957.

mem



# APPENDIX "A"

For the account of Boulder-Denver Truck Lines and Overland Motor Express:

Rates are in Cents per 100 Pounds

Denver, Colorado																
Index No.	Between And	Miles	L. T. L.				Minimum Weight 5,000 Pounds				Minimum Weight 10,000 Pounds				Rt. No.	
			1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th		
1120	Boulder	34	98	83	70	54	91	78	64	47	86	71	58	41	34; 49	
Route No. 34 - Overland Motor Express - Direct.																
Route No. 49 - Boulder-Denver Truck Lines - Direct.																

For the account of Rio Grande Motor Way, Inc.:

Denver, Colorado														
2393	Gunnison		263	220	180	143	215	183	147	118	168	143	117	92 87
Route No. 87 - Rio Grande Motor Way, Inc., Direct.														

For the account of Crested Butte Truck Line:

Gunnison, Colorado														
5385	Crested Butte	28	112	96	79	61	84	69	61	45	51	43	35	28 133
Route No. 133 - Crested Butte Truck Line - Direct.														

Amend Item No. 1780 by adding Salida Transfer Company as a participant carrier:

Rates are in Cents per 100 Pounds

	From	To	Rate	Route No.
Cement, Lime, Plaster and their products, as described in Items No. 3940 and 3950 of this tariff. Not subject to Item No. 970.	Portland, Colorado	Salida, Colorado	① 28	87
			② 18	155
① Min. Wt. 10,000 Lbs.				
② Min. Wt. 25,000 Lbs.				
Route No. 87 - Rio Grande Motor Way, Inc. - Direct.				
Route No. 155 - Salida-Transfer Co. - Direct.				

For the account of Elbert Transfer Co. and Southwestern Transportation Co. amend Item No. 1801:

Rates are in Cents per 100 Pounds

	From	To	Rate	Route No.
Cement, Lime, Plaster, and their products, in bags or barrels. Minimum weight 35,000 pounds. Not subject to Item No. 970.	Portland, Colorado	Colorado Spgs., Colorado	13	14 97
Route No. 14 - Elbert Transfer Co. - Direct.				
Route No. 97 - Southwestern Transportation Co. - Direct.				



For the account of Southwestern Transportation Co. amend Item No. 1802-4:

Rates are in Cents per 100 Pounds

	From	To	Rate	Route No.
Cement, in bulk in tank trucks, minimum weight 42,000 pounds. Not subject to Item No. 970	Portland, Colorado	Cortez, Colorado	54	97
Route No. 97 - Southwestern Transportation Co. - Direct.				

For the account of Southwestern Transportation Co. add a new Item No. 1802-13:

Rates are in Cents per 100 Pounds

	From	To	Rate	Route No.
Cement, in bulk in tank trucks, minimum weight 40,000 pounds. Not subject to Item No. 970	Portland, Colorado	Monte Vista, Colorado	33	97
Route No. 97 - Southwestern Transportation Co. - Direct. This Item expires with December 31, 1957, unless sooner cancelled, changed or extended.				

For the account of Weicker Transfer & Storage Company add a new Item No. 3571:

Rates are in Cents per 100 Pounds

	From	To	Rate	Route No.
Pelts, sheep, fresh, green-salted, loose, loaded by consignor and unloaded by consignee.	Pueblo, Colorado	Denver, Colorado	⑤ 75 ⑥ 66 ⑦ 50 ⑧ 45	47
⑤ Less-than-truckload; ⑥ Minimum weight 5,000 pounds; ⑦ Minimum weight 10,000 pounds; ⑧ Minimum weight 15,000 pounds.				
Route No. 47 - Weicker Transfer & Storage Company - Direct.				

For the account of the following carriers shown in the routings add a new Item, No. 3697:

Rates are in Cents per 100 Pounds

	From	To	Rate	Route No.
Sugar, in bags or boxes. ① Minimum weight 20,000 pounds. ② Minimum weight 10,000 pounds. Subject to Item No. 820	Brighton, Colorado	Denver, Englewood, Colorado	① 13	47
			② 18	103
	Longmont, Colorado	Denver, Colorado	① 18	28
	Loveland, Colorado		② 21 ① 21	12



Vehicles transporting shipments moving under the provisions of this item may be respotted at destination to unload partially, subject to the provisions of paragraphs "A" through "G" herein.

- A. A minimum quantity of 5,000 pounds must be delivered at each point of delivery.
  - B. Freight moving under the provisions of this item must be from one shipper, on one bill of lading and move on one day.
  - C. Shipper must specify on the shipping bill the name of the consignee and the final destination of the shipment; also, shipper must specify the addresses at which the vehicle is to be respotted for partial unloading, a description of the quantities to be unloaded and the names of the parties to whom such partial deliveries are to be made.
  - D. Respotting for partial unloading will not be permitted on shipments consigned "C.O.D.," "To Order," "Order Notify," or "Order Care of."
  - E. In addition to the applicable rate, a charge of \$7.50 will be made for each delivery (not including final delivery).
  - F. All charges on shipments moving under the provisions of this item must be prepaid.
  - G. Shipments picked up at or delivered to locations other than the ground floor door or dock of consignor or consignee will be subject to the additional charge provided for in Note 2 of Item No. 980.
- 

Route No. 12 - Denver-Loveland Transportation - Direct.

Route No. 28 - McKie Transfer Company - Direct.

Route No. 47 - Weicker Transfer & Storage Company - Direct.

Route No. 103- Brighton-Ft. Lupton Transfer - Direct.

---

Amendment of Exception No. 3 to Section No. 6 (Livestock):

---

Livestock between Feed Lots and Packing Houses within a radius of three miles of The Denver Union Stock Yards, viz.:

\$6.00 per truckload:

Sam Amato Feed Lot;  
Denver Feed Yard;  
Enterprise Packing Co.;  
Mountain States Feed Yard;  
Sigman's Feed Yard;  
Jim Spano Feed Lot.

\$7.50 per truckload:

Hanks & Thorton Feed Lot,  
56th Avenue & Quebec  
Street.

In instances where there is an overflow of livestock over the quantity that can be loaded in a single truck movement, the rate to charge on the overflow portion of the shipments will be the applicable distance rate in cents per 100 pounds published on Page 255 of this tariff, subject to a minimum charge of \$3.00.

In no case, however, shall the charge arrived at by use of the distance rate exceed the truckload charge provided for above.

---

For the account of McKie Transfer Company:

Add this carrier to the exception to Section No. 8 (Table of Distances) covering mileages in northern Colorado, 4th Revised Page No. 274, as follows:

The following distances will be used in connection with distance rates via The McKie Transfer Company in call and demand single line service, subject to a minimum weight of 3,000 pounds: (See Note)



Note: In determining the mileages between a point named herein and an unnamed point which is intermediate between two named points, or between two unnamed points which are intermediate between two named points, the mileage shall be determined by computing the mileages between point of origin and point of destination via the shortest practical route over state highways; provided, that the distance to an intermediate point shall not be less than the distance between two named points when the distance to the intermediate point is computed through one of the named points.

The publishing agent for Motor Truck Common Carriers' Association is directed to clarify the addition to reflect that the paragraph will only apply to Section No. 1 (Class Rates).



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PLATEAU NATURAL GAS COMPANY, A COLO- )  
RADO CORPORATION, 1605 SOUTH TEJON )  
STREET, COLORADO SPRINGS, COLORADO, )  
FOR AN ORDER AUTHORIZING ISSUANCE )  
OF STOCK UNDER A STOCK OPTION PLAN )  
ADOPTED BY APPLICANT. )  
- - - - -

APPLICATION NO. 15201-Securities

- - - - -  
April 12, 1957.  
- - - - -

Appearances: Lee, Bryans, Kelly and Stans-  
field, Esqs., Denver, Colo-  
rado, for Applicant.

S T A T E M E N T

By the Commission:

On March 15, 1957, the above-styled application was filed with the Commission by Plateau Natural Gas Company, a Colorado corporation, seeking authority from the Commission to issue stock under a stock option plan adopted by Applicant.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 29, 1957, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

Prior to the date set for hearing, the Commission received a request from Attorneys for Applicant, requesting that hearing on said application set for March 29, 1957, be vacated.

On March 25, 1957, the Commission vacated hearing of the above-styled matter, set for March 29, 1957, said matter to be re-set for hearing at a later date to be determined by the Commission.

Subsection (3) 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 the 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 April 15, 1957, being thirty days from the filing date of said application, it appears that said application 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.

That said matter should be set for hearing before the Commission, as set forth in the Order following.

#### O R D E R

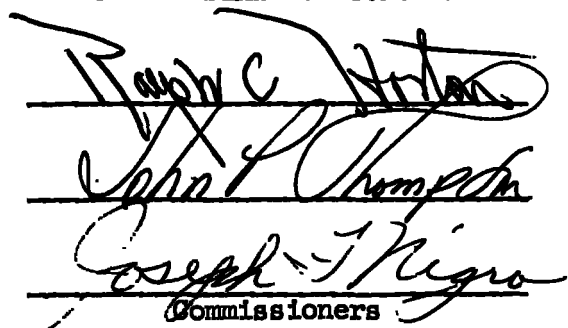
##### THE COMMISSION ORDERS:

That application filed with the Commission on March 15, 1957, by Plateau Natural Gas Company, being Application No. 15201, as hereinabove described, should be, and the same hereby is, continued until May 15, 1957.

That Application No. 15201 should be, and the same hereby is, set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, May 6, 1957, at ten o'clock A. M.

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 April, 1957.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
E. J. FOWKES AND W. L. WILLCOXON,  
CO-PARTNERS, DOING BUSINESS AS "TRI-  
STATE RIG COMPANY," 730 WEST FORTY-  
SECOND AVENUE, DENVER, COLORADO, AND  
SERVICE TRUCKING CO., A COLORADO  
CORPORATION, BOX 896, FORT MORGAN,  
COLORADO, FOR AUTHORITY TO TRANSFER  
PERMIT NO. B-953 TO ASHWORTH TRANS-  
FER, INC., A CORPORATION, 656 SOUTH  
SECOND WEST, SALT LAKE CITY, UTAH.

APPLICATION NO. 14813-PP-Transfer

April 16, 1957

Appearances: Stockton, Linville, and Lewis,  
Esqs., Denver, Colorado, for  
Applicants;  
Marion F. Jones, Esq., Denver,  
Colorado, and  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for J. J.  
Stanton Transportation Co.,  
R. W. Jones Trucking Company;  
Barry, Hupp and Dawkins, Esqs.,  
Denver, Colorado, for Rabtoay  
General Tire Co., General  
Tire Acceptance Corporation;  
Charles H. Haines, Jr., Denver,  
Colorado, and  
John Templeton, Esq., Denver,  
Colorado, for Charles H.  
Haines, Jr., Assignee, and  
for Creditors;  
George W. Harper, Esq., Denver,  
Colorado, for The Grayson  
Agency, Creditor;  
Benjamin E. Sweet, Esq., Denver,  
Colorado, for Achziger Oil  
Company, Creditor;  
Cranston and Arthur, Esqs., Den-  
ver, Colorado, for Andrew C.  
Hoit, Creditor;  
W. C. Reich, Denver, Colorado,  
for J. Wandel Press;  
Frank Gallegos, Denver, Colorado,  
for Gleason Oil Company;  
Walter Utzinger, Craig, Colorado,  
for J. J. Stanton Transpor-  
tation Company;



Loren Walker, Boulder, Colorado,  
for Walker Welding Company;  
Jerry Snyder, Esq., Denver, Colo-  
rado, for Mapley Electric Com-  
pany;  
J. R. Chismier, Denver, Colorado,  
for National Supply Company.

### S T A T E M E N T

#### By the Commission:

On February 8, 1957, the Commission entered its Decision No. 47296, in Application No. 14813-PP, authorizing E. J. Fowkes and W. L. Willcoxon, co-partners, doing business as "Tri-State Rig Company," Denver, Colorado, and Service Trucking Co., Fort Morgan, Colorado, to transfer all their right, title, and interest in and to Permit No. B-953 to Ashworth Transfer, Inc., a corporation, Salt Lake City, Utah, and therein clarified operating rights under said Permit No. B-953.

It now appears that said Decision No. 47296 should be amended, as set forth in the Order following.

### F I N D I N G S

#### THE COMMISSION FINDS:

That Decision No. 47296 should be amended, as set forth in the Order following:

### O R D E R

#### THE COMMISSION ORDERS:

That said Decision No. 47296, of date February 8, 1957, should be, and the same hereby is, amended, nunc pro tunc, as of said 8th day of February, 1957, in the following particulars:

1. By striking therefrom, on Page 4 thereof, all of Lines 15, following the word "area," Lines 16, 17, 18, and 19, reading:

"and has obtained equipment suitable to the work in the absence of the present permit; it has not been shown that the public interest will be served by leaving the door ajar for a new owner of the permit to return to other areas and upset the equilibrium of circumstances existing there.",



and inserting in lieu thereof, the following:

"that Transferee Ashworth Transfer, Inc.,  
ought not to be permitted to establish a  
branch office in the development of busi-  
ness in Moffat and Routt Counties."

2. By striking therefrom on Page 5 thereof, Lines  
11 and 12, appearing in the third paragraph of  
said Page 5, reading:

"any other town or city than Adams City  
for the purpose of developing business,"

and inserting in lieu thereof, the following:

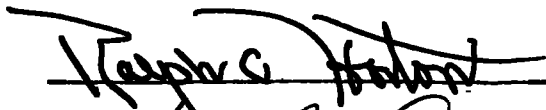


"the Counties of Moffat and Routt.",

so that said third paragraph appearing on Page  
5 of said Decision No. 47296, as amended, shall  
as follows:

"provided, however, that the holder of  
this permit shall not be permitted, with-  
out further authority from the Commission,  
to establish a branch office or to have  
any agent employed in the Counties of  
Moffat and Routt."

That, except as herein amended, Decision No. 47296 shall  
remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of April, 1957.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
THERON B. HOOKER, DOING BUSINESS AS  
"DERBY BUS COMPANY," 7360 ONEIDA  
STREET, DERBY, COLORADO, FOR A CER-  
TIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY.  
-----)

APPLICATION NO. 14787

-----  
April 15, 1957  
-----

Appearances: Gaunt and Byrne, Esqs.,  
Brighton, Colorado,  
for applicant.

S T A T E M E N T

By the Commission:

On August 22, 1956, applicant herein filed his appli-  
cation with the Commission, being Application No. 14787, seeking  
a certificate of public convenience and necessity to operate as a  
common carrier by motor vehicle for hire.

On October 1, 1956, Temporary Authority was issued to  
applicant herein by the Commission, as follows:

" \* \* \* to engage in the transportation of  
passengers in the following territory:

"From 46th Avenue and York Street to an area  
bounded on the south by East 56th Avenue, on  
the west by Colorado Boulevard, on the north  
by East 80th Avenue, and on the east by Quebec  
Street, to include Derby, Adams City, Commerce  
Town, and Rocky Mountain Arsenal."

Thereafter, and on October 10, 1956, said matter was  
regularly set for hearing before the Commission, at the Hearing  
Room of the Commission, 330 State Office Building, Denver, Colo-  
rado, October 24, 1956, at ten o'clock A. M., due notice thereof  
being forwarded to all parties in interest.

On October 11, 1956, the Commission, upon request of  
Applicant herein, vacated hearing set for October 24, 1956, said



matter to be later re-set for hearing at a time and place to be determined by the Commission, with notice to all parties in interest.

The Commission is now in receipt of a communication from applicant, as follows:

"Recently we received permission from your office to operate a bus here in the Derby area for 90 days. However after operating since Oct. 1, 1956, we find there is not sufficient demand for service at present to justify operating. We have posted notice in the bus and in the weekly Almanac that after Nov. 1, 1956 we will cease operations. Will you kindly dismiss our temporary authority?"

### F I N D I N G S

#### THE COMMISSION FINDS:

That said application should be dismissed, as requested by applicant.

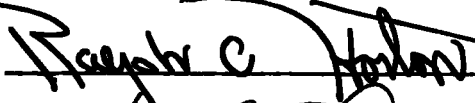

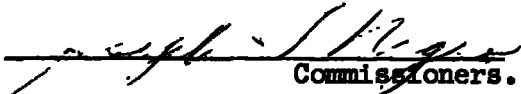
### O R D E R

#### THE COMMISSION ORDERS:

That Application No. 14787 should be, and the same hereby is, dismissed, at request of Applicant herein.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Filed at Denver, Colorado,  
this 15th day of April, 1957.

ea



original

(Decision No. 47723)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
TED FLOREY, DOING BUSINESS AS	)	
"THORNTON CAB SERVICE," THORNTON,	)	
COLORADO, FOR AUTHORITY TO LEASE	)	
PUC NO. 3453 TO CABS, INCORPORATED,	)	<u>APPLICATION NO. 15283-Lease</u>
DOING BUSINESS AS "DOLLAR CAB LINES,"	)	
OPERATING AS "ZONE CAB CO.," 2254	)	
LAFAYETTE STREET, DENVER, COLORADO.	)	
- - - - -	)	

- - - - -  
April 15, 1957  
- - - - -

Appearances: A. E. Small, Jr., Esq.,  
Denver, Colorado, for  
Applicants.

S T A T E M E N T

By the Commission:

Heretofore, the above-styled application was filed with the Commission, seeking authority for Ted Florey, doing business as "Thornton Cab Service," Thornton, Colorado, to lease PUC No. 3453 to Cabs, Incorporated, doing business as "Dollar Cab Lines," operating as "Zone Cab Co.," Denver, Colorado.

Inasmuch as said PUC No. 3453 was cancelled by the Commission on January 29, 1957, in Case No. 79525-Ins., for failure of said certificate-holder to keep effective insurance on file with the Commission,

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed.

O R D E R

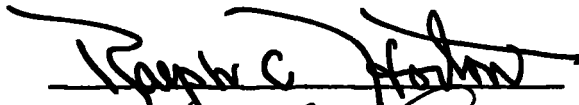

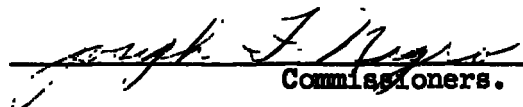
THE COMMISSION ORDERS:

That Application No. 15283 should be, and the same hereby is, dismissed.



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 15th day of April, 1957.

ea



original

(Decision No. 47724)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) ERMINEO ZAMORA, 3107 GILPIN STREET, ) DENVER, COLORADO, FOR A CERTIFICATE ) OF PUBLIC CONVENIENCE AND NECESSITY ) TO OPERATE AS A COMMON CARRIER BY ) MOTOR VEHICLE FOR HIRE. ) ----- )	<u>APPLICATION NO. 15188</u>
---	------------------------------

-----  
April 15, 1957  
-----

Appearances: Robert E. McLean, Esq.,  
Denver, Colorado, for  
Associated Rubbish  
Removal, et al, pro-  
testants.

S T A T E M E N T

By the Commission:

By the instant application, Ermineo Zamora, 3107 Gilpin Street, Denver, Colorado, seeks a certificate of public convenience and necessity authorizing the transportation of trash, lumber, papers, and miscellaneous materials, between points in the City and County of Denver, and vicinity.

The application was assigned for hearing before Examiner Joseph W. Hawley, at 330 State Office Building, Denver, Colorado, on Mach 25, 1957, at ten o'clock A. M., the Examiner having submitted a report to the Commission.

Report of said Examiner states as follows:

Applicant did not appear at the hearing, either in person or by counsel. Robert E. McLean, Esq., Denver, Colorado, appeared for Associated Rubbish Removal, et al, protestants, and moved for dismissal of the application for lack of prosecution. The motion was taken under advisement.

Said Examiner recommends that the motion of protestants be granted, and the applicant dismissed.



O R D E R

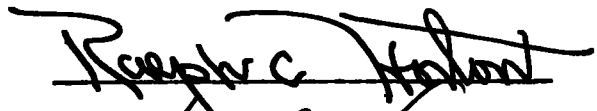

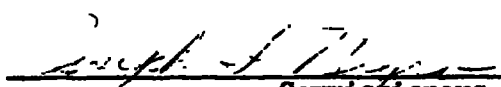
THE COMMISSION ORDERS:

That the above and foregoing Findings are hereby made a part hereof, and the Report of the Examiner referred to therein is hereby approved.

That Application No. 15188 be, and is hereby, 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 15th day of April, 1957.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
LON R. GILBERT, 6251 LAMAR, ARVADA,  
COLORADO, FOR AUTHORITY TO TRANSFER  
PUC NO. 2069 TO HARRY R. ELLIS AND  
RAY L. WINN, CO-PARTNERS, DOING  
BUSINESS AS "ELLIS DISPOSAL CO.,"  
7381 BRYANT STREET, DENVER, COLORADO.)

APPLICATION NO. 15185-Transfer

-----  
April 16, 1957  
-----

Appearances: Robert E. McLean, Esq., Denver,  
Colorado, for Transferor and  
Transferees.

S T A T E M E N T

By the Commission:

Lon R. Gilbert is the owner of PUC No. 2069, authorizing:

Transportation of ashes and trash from point to  
point within the following described territory,  
to-wit: Beginning at the northern City Limits  
of Denver, thence east to a point one mile east  
of 52nd & Federal Blvd., thence north to a point  
one mile north of Westminster, Colorado, thence  
to a point one mile west of Westminster, thence  
south to a point directly west of the north City  
Limits of Denver, thence east to the City Limits  
of Denver.

By the instant application, said certificate owner seeks  
authority to transfer his operating rights under said certificate to  
Harry R. Ellis and Ray L. Winn, co-partners, doing business as "Ellis  
Disposal Co.," 7381 Bryant Street, Denver, Colorado.

Said application was assigned for hearing before Examiner  
Joseph W. Hawley, at 330 State Office Building, Denver, Colorado, on  
March 25, 1957, at ten o'clock A. M., with due notice to all inter-  
ested parties, where the matter was heard and taken under advisement.

Said Examiner reports the following:



Transferor Gilbert offered in evidence Exhibit No. 1, the Sales Agreement between the parties. By the terms thereof the agreed purchase price for the certificate, including one 1951 Chevrolet 2-ton dump truck and one 1935 Ford 1½-ton dump truck, was \$12,000. A down payment of \$3,000 was in the form of a check deposited in escrow with Kripke & McLean, his attorneys, to be held and delivered to transferor if and when the Commission authorized the proposed transfer, and the transfer of Gilbert's trash license issued by the Town of Westminster was completed. The balance of \$9,000 is payable at the rate of \$250 per month, beginning April 15, 1957, with interest at the rate of 6% per annum on the unpaid balance.

Transferor further testified that there is no indebtedness against the certificate or operations thereunder. Other business requires his full time, and he is making the sale so that the public may be better served.

Transferee Ellis corroborated the testimony and evidence of transferor. He now operates a similar business under PUC No. 2858, and his net worth is \$10,000. His partner, Mr. Winn, is a retired businessman whose net worth is \$200,000. Witness will conduct the operation under the purchased certificate and has had 3½ years experience in similar business. He is now serving the area with the consent of transferor in connection with his own service under PUC No. 2858. The list of his equipment under said certificate filed with the Commission was made a part of the record by reference. To that list he will add the equipment purchased from transferor herein.

No protest appearing of record, the Examiner is satisfied that the proposed transfer is in the public interest and should be authorized, and recommended such an Order.

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

##### THE COMMISSION FINDS:

That the above and foregoing Statement is made a part of



these Findings by reference, and the Report of the Examiner referred to therein should be approved.

That said 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 the above and foregoing Findings are made a part hereof by reference, and Report of the Examiner referred to therein is hereby approved.

That Lon R. Gilbert, Arvada, Colorado, be, and is hereby, authorized to transfer all his right, title and interest in and to PUC No. 2069 -- with authority as set forth in the above and foregoing Statement, which is made a part hereof by reference -- to Harry R. Ellis and Ray L. Winn, co-partners, doing business as "Ellis Disposal Co.," 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 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 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 trans-

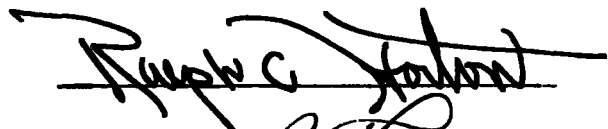

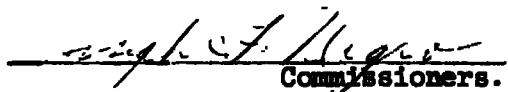


ferrees until changed according to law and the rules and regulations of this Commission.

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.

Dated at Denver, Colorado,  
this 16th day of April, 1957.

mls



original

(Decision No. 47726)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
NATIONAL CONSTRUCTION CO., INC., )  
3100 PEARL STREET, BOULDER, COLO- )  
RADO, FOR AUTHORITY TO EXTEND OPERA- ) APPLICATION NO. 15091-PP-Extension  
TIONS UNDER PERMIT NO. B-5038. )  
-----

-----  
April 16, 1957  
-----

Appearances: W. E. McCarthy, Esq., Boulder,  
Colorado, for Applicant;  
Marion F. Jones, Esq., Denver,  
Colorado, and  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for R. B.  
"Dick" Wilson, Inc., et al;  
Donald Brotzman, Esq., Boulder,  
Colorado, for Pherson Truck-  
ing Company;  
Clyde Hodgson, Boulder, Colo-  
rado, for Hodgson Transfer.

S T A T E M E N T

By the Commission:

By Decision No. 45793, of May 11, 1956, National Construc-  
tion Co., Inc., a Colorado corporation, was granted Private Permit No.  
B-5038, authorizing:

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; sand and  
gravel from pits and supply points in the State of Colo-  
rado to railroad loading points and to homes and small  
construction jobs within a radius of fifty miles of said  
pits and supply points; 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.

By the instant application, the permit owner seeks authority  
to extend its operations under said permit to include the transporta-  
tion of liquids, both inflammable and non-inflammable, from National  
Bureau of Standards, in Boulder County, to Beech Aircraft Corporation,



in Boulder County.

The instant application was filed December 20, 1956, and on the same date applicant was granted temporary authority by the Commission to conduct the proposed operation for a period of ninety days.

Said application was assigned for hearing before Examiner Joseph W. Hawley, at the Court House in Boulder, Colorado, on March 5, 1957, at ten o'clock A. M., with due notice to all interested parties.

The Examiner has submitted his Report as follows:

After an informal conference, the parties hereto stipulated and agreed that any authority issued as a result of the hearing should be restricted against the transportation of petroleum and petroleum products in bulk in tank trucks, whereupon the protests of R. B. "Dick" Wilson, Inc., et al, petroleum carriers, were withdrawn.

Albert C. Larson, Treasurer of applicant corporation, offered certain testimony, and due to the fact that witnesses depended upon did not appear, it was agreed at the hearing that the instant application should be continued to some future date at the convenience of the Commission.

At the hearing, the temporary authority heretofore granted applicant was extended until such date as final action is taken upon the application.

The Examiner recommended that the hearing be continued to a later date.

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

##### THE COMMISSION FINDS:

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

That Application No. 15091-PP-Extension should be continued, to be heard at some future date convenient to the Commission.



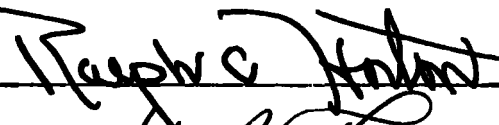

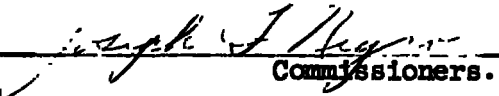
O R D E R

THE COMMISSION ORDERS:

That the above and foregoing Findings are hereby made a part hereof by reference, and the Report of the Examiner referred to therein is hereby approved.

That Application No. 15091-FP-Extension is hereby continued, to be heard at some future date convenient to the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of April, 1957.

mls



original

(Decision No. 47727)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	}	<u>APPLICATION NO. 15189-PP-Transfer</u>
R. W. WHERRY, 5458 REED STREET,		
ARVADA, COLORADO, FOR AUTHORITY TO		
TRANSFER PERMIT NO. B-3020 TO S & W		
TRUCKING, INC., 5458 REED STREET,		
ARVADA, COLORADO.		
-----		

-----  
April 16, 1957  
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S T A T E M E N T

By the Commission:

By the instant application, R. W. Wherry, Arvada, Colorado, seeks to transfer Permit No. B-3020 to S & W Trucking, Inc., Arvada, Colorado.

Said application was assigned for hearing before Examiner Joseph W. Hawley, at 330 State Office Building, Denver, Colorado, on March 25, 1957. The Examiner has submitted his Report to the Commission.

Report of the Examiner states as follows:

When the application was called up for hearing, neither the transferor or transferee, or any protestant appeared, whereupon the files were made a part of the record and the matter was taken under advisement.

The Examiner is of the opinion that the proposed transfer is not such as should be granted or authorized without formal hearing, and recommends that the present setting be vacated and the application set for rehearing at some future time convenient to the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is made a part of



these Findings by reference, and the Report of the Examiner referred to therein should be approved.

That hearing on Application No. 15189-PP-Transfer should be vacated and the application re-set for hearing at some future time convenient to the Commission.

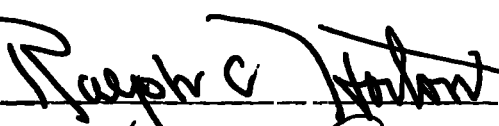

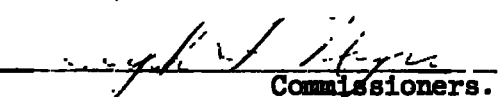
O R D E R

THE COMMISSION ORDERS:

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

That hearing on Application No. 15189-PP-Transfer be, and is hereby, vacated, the application to be re-set for hearing at some future date convenient to the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of April, 1957.

mls



original

(Decision No. 47728)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RAY V. NORTON, BOX 246, CASTLE ROCK, )  
COLORADO, FOR AUTHORITY TO TRANSFER ) APPLICATION NO. 14698-PP-Transfer  
PERMIT NO. B-1366 TO JOHN H. HABINCK, )  
FRANKTOWN, COLORADO. )  
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-----  
April 16, 1957  
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S T A T E M E N T

By the Commission:

On September 17, 1956, the Commission entered its Decision No. 46510, in Application No. 14698-PP, authorizing Ray V. Norton, Castle Rock, Colorado, to transfer Permit No. B-1366 to John H. Habinck, Franktown, Colorado.

Inasmuch as transferee failed to comply with the requirements of said Decision No. 46510, the Commission, on March 21, 1957, entered its Decision No. 47580, setting aside Decision No. 46510, and instructing the Secretary of the Commission to change the records of the Commission to show that Ray V. Norton is the owner of said Permit No. B-1366.

It appears that Transferee John H. Habinck, Franktown, Colorado, has now complied with all Commission requirements set forth in said Decision No. 46510, and requests that Permit No. B-1366 be transferred to him, as authorized by Decision No. 46510.

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:

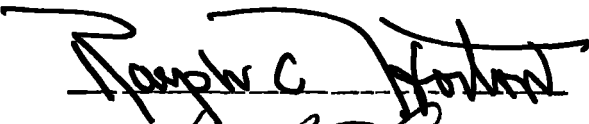

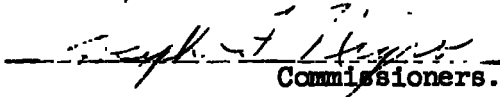
That Decision No. 47580, of date March 21, 1957, should be,  
y.



and the same hereby is, set aside, vacated, and held for naught, in-  
sofar as it applies to Application No. 14698-PP, and Ray V. Norton,  
Castle Rock, Colorado, should be, and hereby is, authorized to trans-  
fer all his right, title, and interest in and to Permit No. B-1366 to  
John H. Habinck, Franktown, Colorado, as authorized by Decision No.  
46510, of date September 17, 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 16th day of April, 1957.

mls



original

(Decision No. 47729)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
ROBERT E. BOYCE AND A. M. QUINBY,	)	
CO-PARTNERS, DOING BUSINESS AS	)	
"BOYCE AND QUINBY HOUSE MOVERS,"	)	<u>APPLICATION NO. 15183-Transfer</u>
7070 EAST 66TH PLACE, DERBY, COLO-	)	
RADO, FOR AUTHORITY TO TRANSFER PUC	)	
NO. 2100 TO ROBERT E. BOYCE, DOING	)	
BUSINESS AS "BOYCE HOUSE MOVERS,"	)	
2136 EAST FOURTH, PUEBLO, COLORADO.	)	
-----		

-----  
April 16, 1957  
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S T A T E M E N T

By the Commission:

The instant application was assigned for hearing before Examiner Joseph W. Hawley, at 330 State Office Building, Denver, Colorado, on March 25, 1957, with due notice to all interested parties.

The Examiner has submitted his Report as follows:

Prior to said hearing date, A. M. Quinby, one of the partners owning the certificate involved, advised the Commission by telephone that he could not appear in support of the application on the date set. His partner, Robert E. Boyce did not appear, nor did any other person appear either in support of the application or in protest.

The files were made a part of the record and the matter was taken under advisement.

The Examiner is of the opinion that the application is not such as should be granted without a formal hearing, and that the application should be reset for hearing at some future time convenient to the Commission.



F I N D I N G S

THE COMMISSION FINDS:

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

That Application No. 15183-Transfer should be reset for hearing at some future date convenient to the Commission.

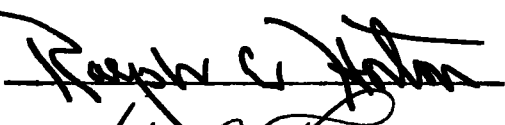


O R D E R

THE COMMISSION ORDERS:

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

That Application No. 15183-Transfer be re-set for hearing at some future date convenient to the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of April, 1957.

mls



original

(Decision No. 47730)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

IN THE MATTER OF THE APPLICATION OF  
ED YOST AND ROBERT YOST, CO-PARTNERS,  
ROUTE 2, BOX 298, LOVELAND, COLORADO,  
FOR AUTHORITY TO TRANSFER INTERSTATE  
OPERATING RIGHTS TO ED YOST, ROBERT  
YOST, AND W. R. GREGORY, CO-PARTNERS,  
DOING BUSINESS AS "YOST AND GREGORY  
TRUCKING," ROUTE 2, BOX 298, LOVE-  
LAND, COLORADO.

PUC NO. 3238-I-Transfer

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April 16, 1957  
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S T A T E M E N T

By the Commission:

Heretofore, Ed Yost and Robert Yost, co-partners, Loveland, Colorado, were authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 3238-I issued to them.

Said certificate-holders now seek authority to transfer said operating rights to Ed Yost, Robert Yost, and W. R. Gregory, co-partners, doing business as "Yost and Gregory Trucking," Loveland, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That said transfer should be authorized.

O R D E R

THE COMMISSION ORDERS:

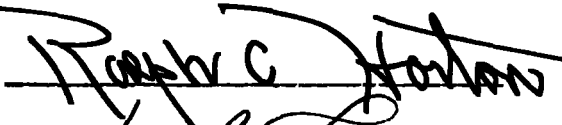


That Ed Yost and Robert Yost, co-partners, Loveland, Colorado,



should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 3238-I to Ed Yost, Robert Yost, and W. R. Gregory, co-partners, doing business as "Yost and Gregory Trucking," Loveland, Colorado, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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 16th day of April, 1957.

mls



original

(Decision No. 47731)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF MIKE C. HERNANDEZ, 296 NORTH 11TH STREET, BRIGHTON, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE. - - - - -	} APPLICATION NO. 14864-PP
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- - - - -  
April 16, 1957  
- - - - -

Appearances: Mike C. Hernandez, Brighton,  
Colorado, pro se;  
Jones and Meiklejohn, Esqs.,  
by Alvin J. Meiklejohn, Jr.,  
Esq., Denver, Colorado, for  
R. B. "Dick" Wilson, Inc.,  
et al.

S T A T E M E N T

By the Commission:

By the instant application, Mike C. Hernandez, 296 North 11th Street, Brighton, Colorado, seeks authority to operate as a private carrier by motor vehicle for hire for the transportation of sand, gravel, dirt, stone, refuse, road-surfacing materials, insulrock and coal, the application being in the usual form.

The application was assigned for hearing before Examiner Joseph W. Hawley, at 330 State Office Building, Denver, Colorado, on February 25, 1957, at ten o'clock A. M., with due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has now submitted his Report of the proceedings.

Report of the Examiner states that applicant appeared in support of his application, testifying that he has been hauling coal for the Albi Coal Company from the northern Colorado coal fields to Lowry Field, near Denver, since October, 1956, and wishes to haul coal, and the other commodities named, for contractors generally, and anyone else who requests his service. He owns a 1950 Chevrolet



two-ton truck with dump body, and his net worth is \$8,000. Applicant agreed that any authority issued should be restricted against the transportation of petroleum products in bulk, in tank trucks, whereupon all protests were withdrawn.

Applicant appears to be a fit and proper person to conduct the proposed operations, and it does not appear that such operations would impair the services of common carriers operating in the territory.

Report of the Examiner recommends that a permit should issue, with the restriction above referred to.

### F I N D I N G S

#### THE COMMISSION FINDS:

That Report of the Examiner referred to in the above and foregoing Statement should be approved.

That permit should issue, as restricted 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 hereby is, approved.

That Mike C. Hernandez, 296 North 11th Street, Brighton, Colorado, should be, and is hereby, 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, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; 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 five miles of Denver, Colorado, said operations being restricted against the transportation of petroleum products in bulk, in tank trucks.

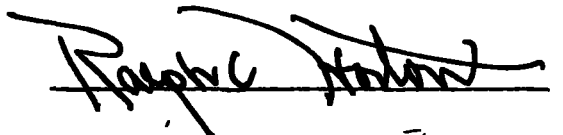
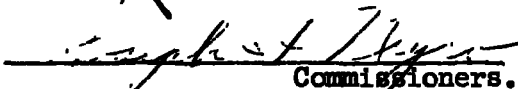
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

COMMISSIONER THOMPSON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 16th day of April, 1957.

ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	}	<u>APPLICATION NO. 15102-PP</u>
ART LUDVIGSON, 306 WEST FOURTH		
STREET, LEADVILLE, COLORADO, FOR A		
CLASS "B" PERMIT TO OPERATE AS A		
PRIVATE CARRIER BY MOTOR VEHICLE		
FOR HIRE.	}	
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-----  
April 16, 1957  
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S T A T E M E N T

By the Commission:

By the instant application, Art Ludvigson, 306 West Fourth Street, Leadville, Colorado, seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of lumber from Climax, Colorado, to the Carleton Tunnel, in Lake County, Colorado.

The application was assigned for hearing before Examiner Joseph W. Hawley, at the Court House in Canon City, Colorado, on March 8, 1957, at ten o'clock A. M., due notice of the time and place having been sent to all parties in interest, including applicant.

The Examiner has submitted his Report regarding this matter.

Report of Examiner states that when the application was called up for hearing, applicant did not appear, either in person or by counsel, nor did any protestants appear. The files were made a part of the record, and the matter was taken under advisement.

The Examiner has reported that the files of the Commission and an investigation by the Commission's staff disclose the following facts: that applicant has had experience in the transportation business, owns and operates a 1955 International tractor and a Springfield pole trailer, and his net worth is approximately \$7,000. Applicant's proposed operations will consist in the transportation of squared



timbers, 12x12, from 12 to 16 feet long, from the railroad station at Leadville, Colorado, to the Carleton Tunnel, approximately ten miles west of Leadville, and the transportation of squared timbers 6x8 and 8 feet in length; also ties, from the lumber yard of the Climax Molybdenum Company at Climax, Colorado, to the same destination, the transportation being limited to service for Boyles Bros. Drilling Company, only, said company having a contract at the Carleton Tunnel in which the timbers are to be used.

In view of the fact that no protestants appeared at the hearing and no protests appear of record, nor does it appear that the proposed operation will adversely affect the adequate service of any common carriers operating in the area affected, the Examiner has recommended that the application should be granted without formal hearing, the authority to be limited to service to the one customer.

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

##### THE COMMISSION FINDS:

That Report of the Examiner referred to in the above and foregoing Statement should be approved.

That the application should be granted, without formal hearing, as limited in the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

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

That Art Ludvigson, 306 West Fourth Street, Leadville, Colorado, should be, and is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of squared timbers and ties from the railroad station at Leadville, Colorado, and also from the lumber yard at Climax, Colorado, to the Carleton Tunnel, for the one customer only, viz., Boyles Bros. Drilling Company.

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

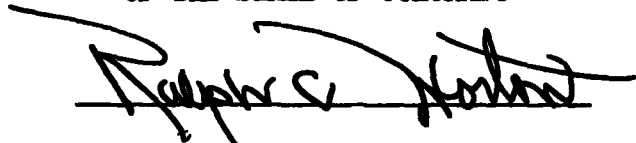
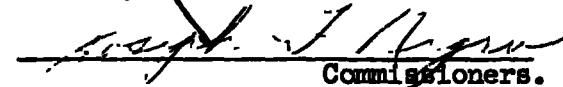


That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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.

COMMISSIONER JOHN P. THOMPSON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 16th day of April, 1957.

ea



original

(Decision No. 47733)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
ARTHUR MALET AND MELVIN MALET, DOING	)	
BUSINESS AS "AURORA MOVING AND STOR-	)	
AGE COMPANY," 1537 DAYTON STREET,	)	
AURORA, COLORADO, FOR AUTHORITY TO	)	<u>APPLICATION NO. 15062-Transfer</u>
TRANSFER PUC NO. 2241 TO AURORA	)	
MOVING AND STORAGE CO., INC., A	)	
CORPORATION, 1537 DAYTON STREET,	)	
AURORA, COLORADO.	)	
- - - - -	)	

- - - - -  
April 16, 1957  
- - - - -

Appearances: Glen C. Leader, Jr., Esq.,  
Aurora, Colorado, for  
Transferors and Transferee;  
Irving S. Hook, Esq., Denver,  
Colorado, for Amick Transfer  
and Storage Company.

S T A T E M E N T

By the Commission:

Arthur Malet and Melvin Malet, co-partners, doing  
business as "Aurora Moving and Storage Company," Aurora, Colorado,  
are the owners and operators of PUC No. 2241, authorizing:

Call and demand pick-up and delivery service,  
of general commodities: (1) between points in  
Aurora, Colorado; (2) from, to and between  
points in Aurora, Colorado, and points in a  
six-mile radius of Aurora, Colorado, not in-  
cluding Denver, Colorado; (3) between points  
in Aurora, Colorado, and a six-mile radius  
thereof, and Denver, Colorado, all shipments  
to originate in Aurora, Colorado, or a six-mile  
area, exclusive of Denver, Colorado; transporta-  
tion of household goods in that portion of  
Denver, Colorado, lying east of York Street,  
to Aurora, Colorado, and points within a six-  
mile radius thereof, exclusive of Denver,  
Colorado; transportation of general commodities,  
except commodities which, because of size or  
weight, require special equipment, between  
points within the City and County of Denver,  
State of Colorado.

By the instant application, the certificate owners seek  
authority to transfer their operating rights under said certificate



to Aurora Moving and Storage Co., Inc., a Colorado corporation, 1475 Lima Street, Aurora, Colorado.

The application was assigned for hearing before Examiner Joseph W. Hawley, at 330 State Office Building, Denver, Colorado, on February 25, 1957, at ten o'clock A. M., after due notice to all interested parties, and was there heard and taken under advisement.

The Examiner has submitted his Report of the proceedings.

Report of the Examiner states that Harold T. Moss, President and General Manager of transferee corporation, testified that he and his wife, Lenora R. Moss, Edna M. Burns and Carl L. Lind, formed the transferee corporation (certified copy of Articles of Incorporation offered as Exhibit 1), for the purpose of taking over operations under the certificate. One-third of the capital stock is to be issued to himself and wife, one-third to Edna M. Burns, and one-third to Carl L. Lind. The witness identified Exhibit 2, being a balance sheet of the corporation, of date December 15, 1956, showing total assets of \$10,700 and liabilities of \$6,200, and stated that there has been little change in the financial picture since the date of the exhibit. He also identified Exhibit 3, the executed contract of sale, and Exhibit 4, the list of equipment to be used in the operation. The agreed purchase price for the certificate, including the good will, storage accounts, office fixtures, furniture and equipment is, \$9,700. The sum of \$3,500 has been paid and the sum of \$5,200 will be payable on release of certain mortgages of transferors, and the balance of \$1,000 is represented by promissory note payable on or before April 14, 1957, bearing interest at the rate of 6% per annum. The personal property involved has been transferred to the corporation.

Report of Examiner further states that Mr. Moss is to be active manager of the business, having had 25 years experience in the transportation business in Chicago and New York, and has been conducting operations under this certificate since receiving temporary authority from the Commission on January 7, 1957. Transferee will



operate the same equipment that has been used by transferors and there will be no change in the competitive situation in Colorado if the transfer is authorized. Burns and Lind will draw no salaries and will not participate in the active operations of the corporation. Transferee has purchased the office and residence of transferors in Aurora, with a down payment of \$3,000, the balance payable in installments. Mr. Moss will try to operate with the present five permanent employees, his wife being in charge of the office. Transferee will continue to act as agent for Howard Van Lines, of Dallas, Texas.

Report of Examiner further states that Arthur Malet, one of transferors, corroborated the testimony of Mr. Moss, stating further that there is no indebtedness against the certificate or operations thereunder.

No testimony being offered by or on behalf of protestants, and the Examiner is of the opinion that the proposed transfer is in the public interest and should be authorized.

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

##### THE COMMISSION FINDS:

That the Report of the Examiner referred to in the above and foregoing Statement should be approved.

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

#### 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 hereby is, approved.

That Arthur Malet and Melvin Malet, doing business as "Aurora Moving and Storage Company," Aurora, Colorado, should be, and are hereby, authorized to transfer all their right, title and interest in and to PUC No. 2241 -- being the operating rights set forth in the above and foregoing Statement, which, by reference,



is made a part hereof -- to Aurora Moving and Storage Co., Inc., a corporation, Aurora, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

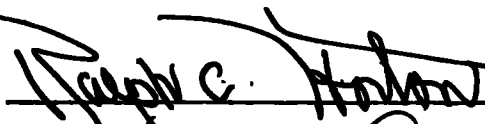

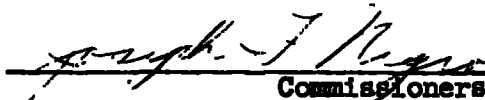
That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept 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 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 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.

Dated at Denver, Colorado,  
this 16th day of April, 1957.

ea



original

(Decision No. 47734)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF }  
DONALD G. FREEHLING, 3012 EAST COL- }  
FAX AVENUE, DENVER, COLORADO, FOR A }  
CERTIFICATE OF PUBLIC CONVENIENCE }  
AND NECESSITY TO EXTEND OPERATIONS }  
UNDER PUC NO. 3467. }  
- - - - - )

APPLICATION NO. 15022-Extension

- - - - -  
April 16, 1957  
- - - - -

Appearances: Kenneth M. Kripke, Esq.,  
Denver, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations under PUC No. 3467, to include the right to transport ashes, trash and other waste materials, from the Glenn L. Martin Plant Site, in Jefferson County, Colorado, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, Denver, and Jefferson, State of Colorado, he presently being authorized, under said PUC No. 3467, to operate as a common carrier by motor vehicle for hire, for the transportation of:

ashes, trash, and other waste material, between points within the City and County of Denver, and from points in the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, February 4, 1957, at nine o'clock A. M., due notice thereof being forwarded to all parties in interest.

On February 4, 1957, 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 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 states that at the hearing, applicant herein testified that he is presently the owner and operator of PUC No. 3467; that he has entered into a contract with the Glenn L. Martin Plant to perform service sought by the instant application; that no one else offers such a service; that he is the owner of a 1952 Chevrolet two-ton truck.

H. Basil Hallquist testified he is Maintenance Foreman for Glenn L. Martin Company; that he is acquainted with applicant herein; that applicant has removed trash from Martin establishments within the City and County of Denver; that his services were satisfactory; that there is presently a need for applicant's extended service; that there will be a need for some night service, and that applicant will render such service upon request.

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

Report of said Examiner further states that applicant is a fit and proper person, has sufficient equipment, and is financially able to render the extended service sought by the instant application; that there is presently a need for his proposed service.

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, 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 Report of the Examiner referred to therein should be approved.



That public convenience and necessity require applicant's 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 Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

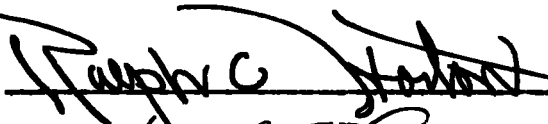

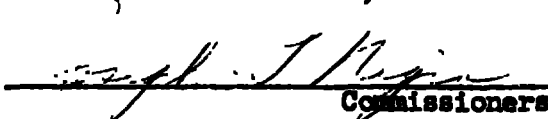
That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of Donald G. Freehling, Denver, Colorado, under PUC No. 3467, for the transportation of ashes, trash, and other waste materials, from the Glenn L. Martin Plant Site, in Jefferson County, for said Company, only, to regularly-designated and approved dumps and disposal places in Adams, Arapahoe, Denver, and Jefferson Counties, 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 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 16th day of April, 1957.

ea



original

(Decision No. 47735)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ALBERT CHAVEZ AND LOUIE CHAVEZ, CO- )	
PARTNERS, DOING BUSINESS AS "ALBERT )	
CHAVEZ TRASH HAULING," 1933 WEST )	APPLICATION NO. 15138
13TH, PUEBLO, COLORADO, FOR A CER- )	
TIFICATE OF PUBLIC CONVENIENCE AND )	
NECESSITY TO OPERATE AS A COMMON )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
April 16, 1957  
-----

Appearances: Louis J. Stuart, Esq., Pueblo,  
Colorado, for applicants.

S T A T E M E N T

By the Commission:

By the instant application, Albert Chavez and Louis Chavez co-partners, doing business as "Albert Chevez Trash Hauling," 1933 West 13th, Pueblo, Colorado, seek a certificate of public convenience and necessity authorizing the transportation of trash, ashes and junk from point to point within the city of Pueblo, Colorado, and from said points to the Pueblo City Dumps wherever located.

Said application was regularly set for hearing, after appropriate notice to all interested parties, for March 15, 1957, at the Court House in Pueblo, Colorado, and was there heard and taken under advisement.

Albert Chavez testified that he and his brother have been engaged in hauling ashes, trash and junk in the City of Pueblo, Colorado, since 1946, and were continuously so operating from that date up to and including January 1, 1955, the effective date of Amendment XXV to the Constitution of the State of Colorado, granting this Commission jurisdiction over common carriers operating in home-rule cities, such as Pueblo, and filed the instant application to



establish their "Grandfather Rights." All their operations have been under appropriate city licenses. They own a 1953 Ford pickup and have been serving 400 regular customers. Their net worth is \$10,000.

In the opinion of the Commission, such "Grandfather Rights" have been satisfactorily established.

No one appeared to protest favorable action on the instant application, and the operating experience and financial stability of applicants were established 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 applicants.

### 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 Albert Chavez and Louie Chavez, co-partners, doing business as "Albert Chavez Trash Hauling," 1933 West 13th, Pueblo, Colorado, for the transportation of trash, ashes and junk from point to point within the city of Pueblo, Colorado, and from said points to the Pueblo city dumps, wherever located, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

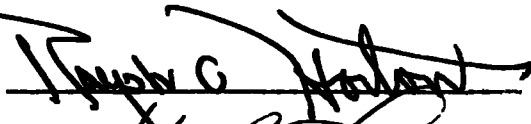

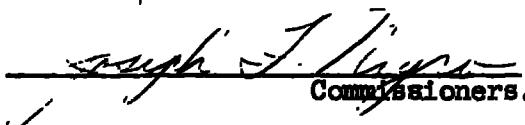
That applicants shall operate their carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

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



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 April, 1957.

ca



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E. W. DRISCOLL AND K. C. BAILEY, CO- )  
PARTNERS, DOING BUSINESS AS "ACKLEY )  
TRUCK LINE," BRUSH, COLORADO, FOR )  
AUTHORITY TO TRANSFER INTERSTATE )  
OPERATING RIGHTS TO E. W. DRISCOLL, )  
DOING BUSINESS AS "ACKLEY TRUCK LINE," )  
1702 WEST EDISON STREET, BRUSH, COLO- )  
RADO )  
----- )

PUC NO. 1112-I-Transfer

-----  
April 16, 1957  
-----

Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for applicants.

S T A T E M E N T

By the Commission:

Heretofore, E. W. Driscoll and K. C. Bailey, co-partners, doing business as "Ackley Truck Line," Brush, Colorado, were authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 1112-I issued to them.

Said certificate-holders now seek authority to transfer said operating rights to E. W. Driscoll, doing business as "Ackley Truck Line," Brush, Colorado, said K. C. Bailey being desirous of withdrawing from said partnership.

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 in the public interest, and should be authorized, subject to outstanding indebtedness, if any there be, against said operation.



O R D E R

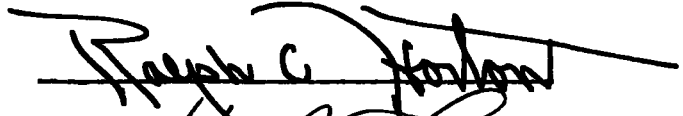
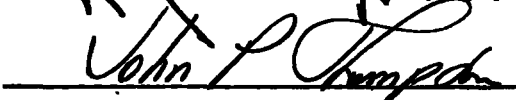

THE COMMISSION ORDERS:

That E. W. Driscoll and K. C. Bailey, co-partners, doing business as "Ackley Truck Line," Brush, Colorado, should be, and they hereby are, authorized to transfer all their right, title and interest in and to PUC No. 1112-I to E. W. Driscoll, doing business as "Ackley Truck Line," Brush, Colorado, said K. C. Bailey being hereby authorized to withdraw from said partnership.

That transfer herein authorized is 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.

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 16th day of April, 1957.

ea



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MARtha MURPHY, 624 KENDRICK, GOLDEN, )  
COLORADO. )

**PERMIT NO. M-722**

**April 19, 1957**

## STATEMENT

**By the Commission:**

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

requesting that Permit No. M-722 be cancelled.

## FINDINGS

### **THE COMMISSION FINDS:**

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-722, heretofore issued to Martha Murphy he

**and the same is hereby, declared cancelled effective April 6, 1957.**

**THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

Ralph C. Harbert  
 John P. Thompson  
 Joseph F. Negro  
 Commissioners

**Dated at Denver, Colorado,**

**this 19th day of April , 1957.**

ma



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HUGH F. CORBETT, DOING BUSINESS AS )  
THOR TRUCKING CO.", 990 EAST 91ST )  
AVENUE, DENVER 16, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-1191

\_\_\_\_\_  
April 19, 1957  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Hugh F. Corbett dba Thor Trucking Co.

requesting that Permit No. M-1191 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1191, heretofore issued to \_\_\_\_\_  
Hugh F. Corbett dba Thor Trucking Co. \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective March 28, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 19th day of April, 195 7.  
ma



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ABEL ESPINOZA, BOX 5, CONEJOS, )  
COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-1247

-----  
April 19, 1957  
-----

STATEMENT

By the Commission:

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

requesting that Permit No. M-1247 be cancelled.

FINDINGS

THE COMMISSION FINDS:


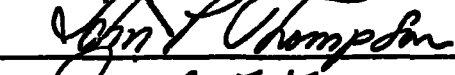

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1247, heretofore issued to \_\_\_\_\_  
Abel Espinoza \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective March 17, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
  
  
  
Commissioners

Dated at Denver, Colorado,  
this 19th day of April, 1957.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
VELMA N. HARSH, ROUTE 3, BOX 396, )  
GREELEY, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-1507

-----  
April 19, 1957  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Velma N. Harsh

requesting that Permit No. M-1507 be cancelled.

FINDINGS

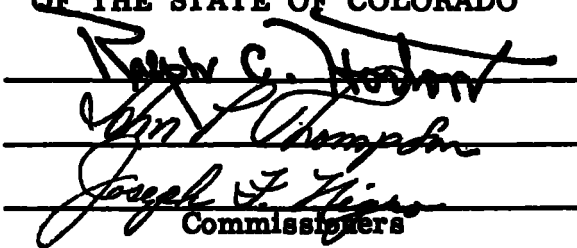
THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1507, heretofore issued to \_\_\_\_\_  
Velma N. Harsh \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective April 8, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 19th day of April, 1957.  
ma



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
STEVEN ROYBOL, ROUTE 3, BOX 249A, )  
PUEBLO, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-4909

-----  
April 19, 1957  
-----

STATEMENT

By the Commission:

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

requesting that Permit No. M-4909 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4909, heretofore issued to \_\_\_\_\_  
Steven Roybol \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective March 15, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. [Signature]  
John J. Thompson  
Joseph F. [Signature]  
Commissioners

Dated at Denver, Colorado,  
this 19th day of April, 195 7.  
ma



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HOWARD MONTGOMERY, 2219 NORTH TEJON )  
STREET, COLORADO SPRINGS, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-9139

-----  
April 19, 1957  
-----

STATEMENT

By the Commission:

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

requesting that Permit No. M-9139 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9139, heretofore issued to \_\_\_\_\_  
Howard Montgomery \_\_\_\_\_ be,

and the same is hereby, declared cancelled effective October 13, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph G. Gordon*  
\_\_\_\_\_  
*John Thompson*  
\_\_\_\_\_  
*Joseph F. Negro*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 19th day of April, 1957.  
ma



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
UNIVERSAL OIL & URANIUM CORPORATION, )  
7900 WEST COLFAX, DENVER 15, COLORADO.)  
\_\_\_\_\_)  
\_\_\_\_\_)\_\_\_\_\_  
\_\_\_\_\_)

PERMIT NO. M-10662

\_\_\_\_\_  
April 19, 1957

STATEMENT

By the Commission:

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

Universal Oil & Uranium Corporation

requesting that Permit No. M-10662 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10662, heretofore issued to \_\_\_\_\_

Universal Oil & Uranium Corporation be,

and the same is hereby, declared cancelled effective December 28, 1956.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Jordan  
John P. Thompson  
Joseph F. Hiers  
Commissioners

Dated at Denver, Colorado,

this 19th day of April, 195 7.

ma



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
B. C. PEASE AND ALBERT SPERRY, DOING )  
BUSINESS AS "LYONS LOCKER," LYONS, )  
COLORADO. )  
\_\_\_\_\_) )  
\_\_\_\_\_)

PERMIT NO. M-11277

\_\_\_\_\_  
April 19, 1957  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
B. C. Pease & Albert Sperry dba Lyons Locker  
\_\_\_\_\_ requesting that Permit No. M-11277 be cancelled.

FINDINGS

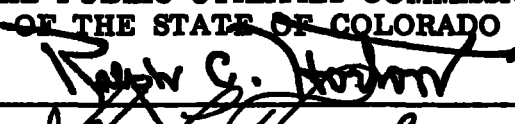
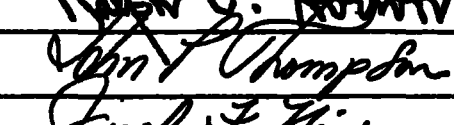
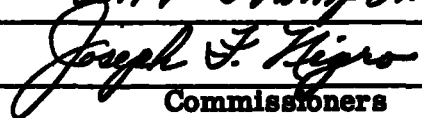
THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11277, heretofore issued to \_\_\_\_\_  
B. C. Pease & Albert Sperry dba Lyons Locker \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective April 7, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
Commissioners

Dated at Denver, Colorado,  
this 19th day of April, 195 7.  
ma



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ORVILLE OLSON AND JOHN T. HACKETT, )  
DOING BUSINESS AS "OLETT MINING )  
COMPANY," 555 SOUTH PECOS, DENVER 23,) PERMIT NO. M-11281  
COLORADO. )  
-----)

-----  
April 19, 1957  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Orville Olson and John T. Hackettdba Olett Mining Company  
requesting that Permit No. M-11281 be cancelled.

FINDINGS

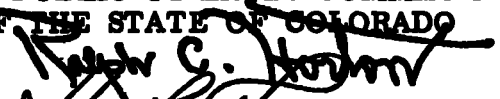

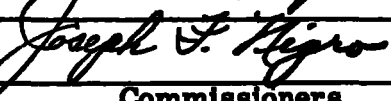
THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11281, heretofore issued to \_\_\_\_\_  
Orville Olson and John T. Hackett dba Olett Mining Company be,  
and the same is hereby, declared cancelled effective April 2, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
  
  
  
Commissioners

Dated at Denver, Colorado,  
this 19th day of April, 1957.



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LOEL W. BANZHAF, 11350 WEST 38TH )  
AVENUE, WHEATRIDGE, COLORADO. )

**PERMIT NO. M-11841**

**April 19, 1957**

**STATEMENT**

**By the Commission:**

**The Commission is in receipt of a communication from**

**Loel W. Banzhaf**

requesting that Permit No. M-11841 be cancelled.

## **FINDINGS**

**THE COMMISSION FINDS:**

**That the request should be granted.**

## ORDER

**THE COMMISSION ORDERS:**

**That Permit No. M-11841** , heretofore issued to

**Loel W. Banzhaf**

be,

and the same is hereby, declared cancelled effective April 12, 1957.

**THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

Ralph G. Johnson  
 John P. Thompson.  
 Joseph F. Higgins.  
 Commissioners

**Dated at Denver, Colorado,**

this 19th day of April, 1957.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF  
LA PLATA ELECTRIC ASSOCIATION, INC. OF  
DURANGO, COLORADO, FOR AN ORDER APPROVING  
THE ISSUANCE OF SECURITIES AND FOR AN ORDER  
AUTHORIZING THE ISSUANCE OF SECURITIES AND  
THE APPLICATION OF THE PROCEEDS THEREFROM  
TO CERTAIN LAWFUL PURPOSES.

APPLICATION NO. 15302  
Securities

S T A T E M E N T

By the Commission:

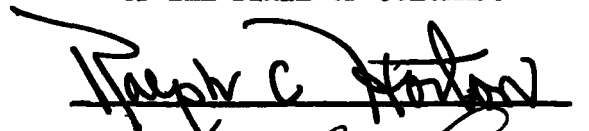

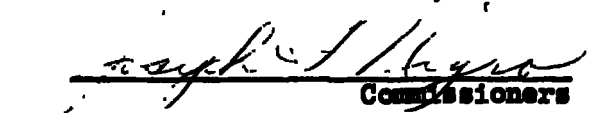
Upon consideration of the application filed April 11, 1957, by La Plata Electric Association, Inc., a Corporation, in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on May 7, 1957, at 9:30 o'clock A. M., 330 State Office Building, Denver, Colorado respecting the matters involved and the issues presented in this proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before May 2, 1957, and should set forth the grounds of the proposed intervention, and the position and interest of the petitioners, in the proceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 18th day of April, 1957.







area to adequately serve the need for such service, and no present facilities for towing, hauling or transporting trailers for hire within the city of Pueblo itself; that the present service of other carriers with authority to transport trailers is inadequate and there is a definite need for his proposed service.

It appears from the testimony that applicant filed a similar application on November 7, 1955, and, after hearing thereon, the application was denied on the ground that the facilities of one Lester W. Todd, the then owner of PUC No. 2976 were sufficient to meet the need in the Pueblo area; that the said Todd had leased the Pueblo operation to one Leslie J. Johnson. Since the expiration of the Johnson lease, the said lessor Todd had leased his operating rights under his certificate to Mead, but later the certificate of Todd was cancelled by the Commission, leaving no present facilities available.

It was agreed between applicant and protestants' attorney that the following exception should be attached to any authority issued, to-wit:

"Except, however, the towing, hauling and transporting of trailers, where the origin of the movement is in the metropolitan area of Denver, including, but without limitation, Aurora and Arvada, and also where the origin of the shipment is in Colorado Springs or Greeley."

Applicant further requested the Commission to add to any authority issued, the condition: "in tow-away service only."

Applicant has been operating under temporary authority from the Commission. He has had ample experience as he made 54 hauls under the Todd authority between March and November, 1956, and has made others during the past three months. A list of his present equipment is on file with his application for an M-permit, and was made a part of the record by reference. He agreed to file a new equipment list with the Commission. He stated his net worth was \$75,000.

Kenneth Mead, who is assisting applicant in the operation, corroborated the testimony of applicant.



Upon the request of applicant for the amendments above referred to, Mr. Torgan withdrew his protest.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission, and the Commission is of the opinion that the instant application should be granted, as limited in the Order following.

### 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, as limited in the Order following.

### 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 Roy Mead, doing business as "Roy Mead Trailer Sales," 528 East Fourth Street, Pueblo, Colorado, for the transportation of automobile trailers from point to point within the city of Pueblo, Colorado, and from said area to and from other points in the State of Colorado, in tow-away service only, except, however, the towing, hauling and transporting of trailers, where the origin of the movement is in the metropolitan area of Denver, including, but without limitation, Aurora and Arvada, and also where the origin of the shipment is in Colorado Springs or Greeley, 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 the 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

Ralph C. Holton  
John P. Thompson  
Joseph T. Ziegler  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of April, 1957.

ea



(Decision No. 47749)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ELOY E. PACHECO, 526 WEST CORONA )  
AVENUE, PUEBLO, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE ) APPLICATION NO. 15142  
AND NECESSITY TO OPERATE AS A COM- )  
MON CARRIER BY MOTOR VEHICLE FOR FIRE )  
- - - - - )

April 17, 1957

Appearances: Lee R. Wills, Esq., Pueblo,  
Colorado, for applicant.

S T A T E M E N T

By the Commission:

By the instant application, Eloy E. Pacheco, 526 West Corona Avenue, Pueblo, Colorado, seeks a certificate of public convenience and necessity authorizing the transportation by motor vehicle of trash, ashes, dirt, rubbish, refuse and other waste materials from point to point within the city of Pueblo, Colorado, and from said points to the Pueblo city dumps, wherever same may be located.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Pueblo, Colorado, on March 15, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he has been conducting an ash and trash disposal business in Pueblo since the Fall of 1954, continuously up to and including January 1, 1955, the effective date of Amendment XXV to the Constitution of the State of Colorado, granting jurisdiction to this Commission over common carriers operating within home-rule cities, such as Pueblo, and applicant filed the instant application to establish his "Grandfather Rights."



Applicant's list of equipment is on file with the Commission. He stated his net worth to be \$1,000, and he has been serving 50 customers. Applicant's operating experience and financial stability being established to the satisfaction of the Commission, the Commission is of the opinion that the instant application for a certificate of public convenience and necessity should be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

That public convenience and necessity require the common carrier motor vehicle call and demand transportation service of applicant herein.

### O R D E R

#### THE COMMISSION ORDERS:

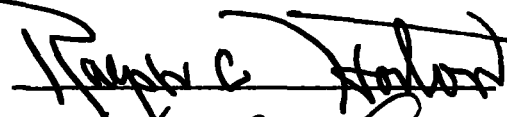

That public convenience and necessity require the common carrier motor vehicle call and demand transportation service of Eloy E. Pacheco, 526 West Corona Avenue, Pueblo, Colorado, for the transportation of trash, ashes, dirt, rubbish, refuse and other waste materials from point to point within the city of Pueblo, Colorado, and from said points to the Pueblo city dumps, wherever same may be located, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

Dated at Denver, Colorado,  
this 17th day of April, 1957.

  
-2- Commissioners.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN M. TORRES, 815 CURRIE STREET, )  
PUEBLO, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY ) APPLICATION NO. 15144  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
- - - - - )

- - - - -  
April 17, 1957  
- - - - -

Appearances: John M. Torres, Pueblo,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, John M. Torres, 815 Currie Street, Pueblo, Colorado, seeks a certificate of public convenience and necessity authorizing the transportation of trash and ashes from point to point within the city of Pueblo, Colorado, and from said points to the Pueblo City Dumps, wherever the same may be located.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Pueblo, Colorado, on March 15, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he has been in the trash and ash hauling business in the city of Pueblo for five years, continuously up to and including January 1, 1955, the effective date of Amendment XXV to the Constitution of the State of Colorado granting this Commission jurisdiction over common carriers operating within home-rule cities, such as Pueblo, and filed the instant application to establish his "Grandfather Rights."

Applicant stated that he owns a 1952 Chevrolet dump truck, two-ton capacity; that his net worth is \$10,000; and that he has been serving 200 customers.



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

No one appeared in opposition to favorable action on the instant application.

### F I N D I N G S

#### THE COMMISSION FINDS:

That public convenience and necessity require the granting of the instant application for the common carrier transportation service of applicant.

### O R D E R

#### THE COMMISSION ORDERS:

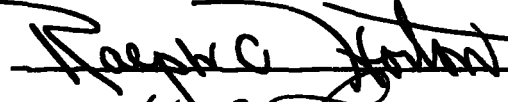

That public convenience and necessity require the proposed common carrier motor vehicle call and demand transportation service of John M. Torres, 815 Currie Street, Pueblo, Colorado, for the transportation of ashes and trash from point to point within the city of Pueblo, Colorado, and from said points to the Pueblo city dumps, wherever same may be located, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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 17th day of April, 1957.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
TONY SBARDALLA, 705 HILL ROAD, ) PUC NO. 2834  
COLORADO SPRINGS, COLORADO. )  
-----

-----  
April 22, 1957  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named certificate holder requesting that his PUC No. 2834 be suspended for six months from April 10, 1957.

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 Tony Sbardalla be, and he is hereby, authorized to suspend his operations under PUC No. 2834 until October 10, 1957.

That unless said certificate-holder shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said certificate, 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

*Robert C. Brown*  
*John Thompson*  
*Joseph F. Negro*  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of April, 1957.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ARNOLD T. AND BERNADEAN V. MYERS, )  
3426 OSCEOLA, DENVER 12, COLORADO. )  
-----

PERMIT NO. B-5074

-----  
April 22, 1957  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittees requesting that their Permit No. B-5074 be suspended for six months from March 12, 1957.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

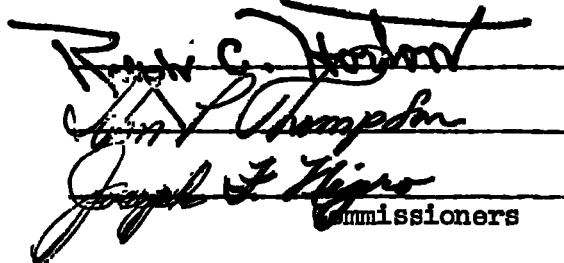
O R D E R

THE COMMISSION ORDERS:

That Arnold T. and Bernadean V. Myers be, and they are hereby, authorized to suspend their operations under Permit No. B-5074 until September 12, 1957.

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

  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of April, 1957.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
MAX MANZANARES, P. O. BOX 635, )  
LAFAYETTE, COLORADO. )  
-----

PERMIT NO. B-1724

-----  
April 22, 1957  
-----

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-1724 be suspended for six months from February 3, 1957.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

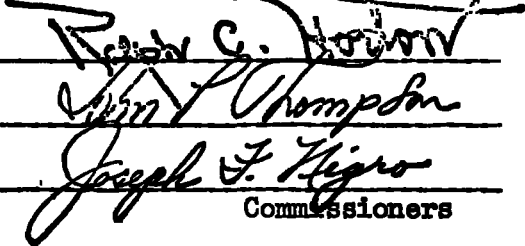
O R D E R

THE COMMISSION ORDERS:

That Max Manzanares be, and he is hereby, authorized to suspend his operations under Permit No. B-1724 until August 3, 1957.

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

  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of April, 1957.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GREELEY GAS COMPANY, 1930 SHERMAN )  
STREET, DENVER, COLORADO, FOR AN )  
ORDER AUTHORIZING THE ISSUANCE OF )  
CERTAIN SECURITIES. )  
- - - - - )

APPLICATION NO. 15234-Securities

- - - - -  
April 17, 1957  
- - - - -

Appearances: Holme, Roberts, More and  
Owen, Esqs., Denver,  
Colorado, for Applicant;  
J. M. McNulty, Denver, Colo-  
rado, and  
E. R. Thompson, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

The Applicant, Greeley Gas Company, is engaged in the business of purchasing, distributing and selling natural gas in various communities of Colorado, including the Towns of Greeley, Canon City, Craig, and other areas in Weld, Fremont and Moffat counties near said Towns. Applicant is a gas public utility subject to the jurisdiction of this Commission, operating gas distributing systems wholly within the State of Colorado. Its administrative offices are at 1930 Sherman Street, Denver, Colorado. It is authorized by its Certificate of Incorporation to carry on business at such places within the State of Colorado, wherever located, as its board of directors may from time to time determine.

In application filed with this Commission on March 23, 1957, Greeley Gas Company seeks an order authorizing it to issue and sell, pursuant to Colorado Revised Statutes, 1953, Sec. 115-1-4 its First Mortgage Bond, 5<sup>1</sup>/<sub>4</sub>% Series, due 1977, in the aggregate principal amount of \$1,300,000, at a price equal to the principal amount plus interest accrued from the first day of the month in



which each sale shall occur through the date of such sale, subject to payment of a brokerage commission, legal, printing and other expenses in connection with the issuance and sale of such securities and to apply the proceeds from such sale for the purpose of repaying its presently outstanding indebtedness for borrowed money.

After appropriate notice, a public hearing was held on said application in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on April 8, 1957, at 9:30 o'clock A. M., and at the conclusion thereof, the matter was taken under advisement by the Commission.

No petitions of intervention were filed with the Commission prior to the hearing, and no one appeared at the hearing in opposition to the application.

Subject to the approval and authorization by this Commission, Applicant has signed a purchase agreement with The Lincoln National Life Insurance Company, providing for the purchase by that company of \$650,000 principal amount of the bonds at a price of the principal amount plus interest accrued to the closing date, which is fixed at May 15, 1957. Also, subject to the approval and authorization by this Commission, Applicant has signed a similar agreement with Massachusetts Mutual Life Insurance Company, providing for the purchase of an additional \$650,000 in aggregate principal amount of the bonds by Massachusetts Mutual Life Insurance Company at the same price and upon all the same terms and conditions except that the closing date for such purchase is fixed for October 4, 1957. Both agreements with the purchasers were received in the record and identified, along with copies of the Indenture, respectively, as Exhibits A and B and are hereby incorporated in this Statement by reference.

At the hearing, Gerald L. Schlessman, President of Greeley Gas Company, testified that after such transactions, bonds of the 1977 Series will be outstanding in the aggregate principal amount of \$1,300,000; that they will be issued under the provisions of the



indenture of mortgage and deed of trust which forms part of Exhibits A and B; that the indenture provides for a sinking fund sufficient to retire \$52,000 in aggregate principal amount in each year, commencing September 1, 1958; that bonds are callable after the first five years on payment of premiums ranging from 4.65% commencing March 1, 1963, to zero in the last year; and that they are also callable before March 1, 1963, on payment of a 5% premium, but not for the purpose of refunding at lesser interest rates.

Mr. Schlessman further testified that the Company had incurred indebtedness, which on February 28, 1957, totalled \$1,138,000, for the purpose of financing substantial additions to its systems, and for the purchase of the gas distribution systems at Canon City, Colorado, and that the company considered it advisable to convert its short-term notes which were then in the principal amount of \$580,000, to bonds and other permanent securities. He said also that the first step in this program was the issuance of 2,023 shares of the applicant's preferred stock, a transaction approved by the Commission in an order dated October 26, 1956. (Decision No. 14768), and that the second step was the issuance of the bonds which are the subject of this proceeding. He further testified that although the interest rate on these bonds is higher than the interest rate on the bonds which are being retired and although the present bonds do not constitute a lien against the Canon City properties, it was not feasible to leave the present bonds outstanding and to make a new issue secured only by the Canon City properties. He also testified that the holders of the present bonds were not willing to purchase more bonds secured by the same mortgage or to consent that others do so. Therefore, it was necessary to refund the entire issue in order to increase the amounts outstanding. He stated that in his opinion the rate of 5 $\frac{1}{4}$ % on the new bonds was economical in this present period of high interest rates.



Mr. Homer S. Lanning, the Applicant's treasurer, testified that he considered the cost of issuing the new bonds more economical than placement through a public offering or through competitive bidding. He stated that the interest on the bonds would be approximately \$68,250 per year, and that if earnings continue at the present rate, they will be, before fixed charges, approximately \$151,429, or 2.21 times the amount of interest. Applicant's Exhibit C contains the pro forma balance sheet, as of February 28, 1957, and pro forma statement of income for the twelve months ended February 28, 1957, giving effect to the issuance of the proposed bonds and the retirement of outstanding indebtedness for borrowed money. This exhibit is hereby incorporated in this Statement by reference. The pro forma balance sheet indicates that after these transactions, the total capitalization will be \$2,249,058; Long Term Debt amounts to \$1,307,820, or 58.15% of the total capital.

With the exception of approximately \$120,800, the net increase in cash, resulting from the sale of the \$1,300,000 principal amount of bonds, will be used for the repayment of debt and for the covering of expenses incidental thereto; thus, no substantial sum is available for investment in revenue-producing facilities. At the request of the Commission's staff, Applicant has filed late-filed Exhibits E and F, consisting of the Applicant's pro forma balance sheet reflecting in earned surplus the pro forma change in net income as shown on the Pro Forma Statement of Income, Exhibit C; the correction of typographical errors relative to mortgage payable; the additional pro forma adjusting entries to the pro forma balance sheet to reflect the pro forma change in earned surplus and the revised debt ratio of 58.55%.

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

##### THE COMMISSION FINDS:

That Applicant, Greeley Gas Company, is a public utility as defined in Section 115-1-3, Colorado Revised Statutes, 1953.



That this Commission has jurisdiction of said company and the subject matter of the application herein.

That the Commission is fully advised in the premises.

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

That the company appears able to service the refinanced and additional debt at the higher rate of interest.

That one-half of the proposed issue of bonds is to be sold to The Lincoln National Life Insurance Company and the other half to Massachusetts Mutual Life Insurance Company at a price equal to 100% of the aggregate principal amount plus interest accrued through the date of each purchase.

That for the proper and easy identification thereof, the bonds shall be designated as "Greeley Gas Company, First Mortgage Bonds, 5 $\frac{1}{4}$ % Series due 1977" and each bond shall bear a serial number on the face thereof. The number of each coupon bond shall be preceded by the letter "C" commencing with "C-1," and each fully registered bond shall be preceded by the letter "R" commencing with "R-1," in each case continuing in consecutive numbers as additional bonds are issued.

That the proposed securities transactions on the terms and conditions cited herein, for the purpose stated, are not inconsistent with the public interest, are permitted by law, and are consistent with the provisions of Colorado Revised Statutes, 1953, Section 115-1-4, and

That the order sought should be issued and should be made effective forthwith.

#### O R D E R

#### THE COMMISSION ORDERS:

That Greeley Gas Company, a Colorado corporation, be, and it is hereby, authorized to issue and sell to The Lincoln National



Life Insurance Company and Massachusetts Mutual Life Insurance Company its First Mortgage Bonds, 5 $\frac{1}{4}$ % Series due 1977, in the aggregate principal amount of \$1,300,000, at a price equal to 100% of the aggregate principal amount plus interest accrued through the date of each purchase.

That each coupon bond shall bear a serial number on the face thereof preceded by the letter "C" commencing with "C-1," and continuing in consecutive numbers as additional bonds are issued, and each registered bond shall bear a serial number on the face thereof preceded by the letter "R" commencing with "R-1," and continuing in consecutive numbers as additional bonds are issued.

That Greeley Gas Company be, and it is hereby, authorized to use the proceeds derived from the sale of said bonds to:

- (1) Repay its first mortgage bonds which were on February 28, 1957, outstanding in the aggregate principal amount of \$483,000;
- (2) Repay its 4 $\frac{1}{2}$ % Serial Debentures of 1951 which were on that date outstanding in the aggregate principal amount of \$75,000;
- (3) To pay off its indebtedness to banks which was on that date in the amount of \$580,000;
- (4) Add all excess proceeds to Applicant's working capital.

That the applicant shall make a verified report to the Commission not later than ninety (90) days after the issuance and delivery of said bonds, stating the moneys received therefrom and, stating in detail, the expenses incident to such sale, accompanying the same with copies of the entries recorded on the books of the applicant as a result of the consummation of the financing.

That applicant enter in its books of account all transactions incident to the refinancing outlined above in accordance with the Uniform System of Accounts for Gas Utilities prescribed by the National Association of Railroad and Utilities Commissioners, and adopted by this Commission.

That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to,






said Greeley Gas Company First Mortgage Bonds, 5 $\frac{1}{4}$ % Series due 1977, or the interest thereon, on the part of the State of Colorado.

That the Commission retain jurisdiction of this proceeding to the end that it may make such further orders in the premises as to it may seem to be proper and desirable.

That the authority granted herein shall become effective from and after this date, this Order hereby being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of April, 1957.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE THE PUBLICATION OF REDUCED RATES ON)  
PETROLEUM AND PETROLEUM PRODUCTS, AS )  
DESCRIBED IN ITEM NO. 20 TO COLORADO )  
MOTOR CARRIERS' ASSOCIATION, AGENT, )  
MOTOR FREIGHT TARIFF NO. 7, COLORADO )  
P.U.C. NO. 8, BETWEEN GILSONITE, COLO- )  
RADO AND VARIOUS POINTS ON THE WESTERN )  
SLOPE, IN CONJUNCTION WITH OTHER CAR- )  
RIERS FILING THEIR OWN TARIFFS. )  
-----

INVESTIGATION  
AND  
SUSPENSION  
DOCKET NO. 398

-----  
April 16, 1957  
-----

S T A T E M E N T

By the Commission:

There has been filed with this Commission on statutory notice,  
issued March 15, 1957, and to be effective April 17, 1957, schedules as  
follows:

- 19th Revised Page No. 17 to Colorado Motor Carriers' Association,  
Agent, Motor Freight Tariff No. 7, Colorado P.U.C. No. 8;
- 1st Revised Page No. 31 to Barlow's Service, Inc., Motor Freight  
Tariff No. 4, Colorado P.U.C. No. 4,
- Original Page No. 33-A to M & M Oil & Transportation, Inc., Motor  
Freight Tariff No. 1, Colorado P.U.C. No. 1;
- Original Page No. 20-C to Melton Transport Company, Motor Freight  
Tariff No. C-3, Colorado P.U.C. No. 2;
- Original Page No. 23-D to H. B. "Dick" Wilson, Inc., Motor Freight  
Tariff No. C-3, Colorado P.U.C. No. 3.

The above schedules contain the following rates:

"Rates in cents per gallon on Petroleum and Petroleum Products,  
as described in Item No. 20 herein, applicable on shipments  
originating at or destined to points in Mountain Territory."



Between And	Gilsonite, Colo. (13 Miles West of Grand Junction)	Between And	Gilsonite (13 Miles W. of Gr.Jctn.
Artesia	2.112	Montrose	.990
Axial	1.716	Mt. Harris	2.178
Blue Mountain	2.112	Naturita	1.848
Bonita	1.848	New Castle	1.188
Craig	1.848	Norwood	1.716
Delta	.792	Olathe	.792
Eagle	1.584	Ouray	1.452
Elk Springs	2.244	Palisade	.528
Fairview	1.056	Placerville	1.518
Glenwood Springs	1.320	Rangely	1.848
Grand Junction	.462	Rifle	1.056
Grand Valley	.858	Ridgeway	1.320
Gunnison	1.716	Sapinero	1.452
Lujane	1.089	Sargents	1.980
Maybell	2.178	Silt	1.089
Mayfield	1.188	Steamboat Springs	2.244
Massadona	2.244	Steele	1.716
Meeker	1.452	Skull Creek	2.178
Minturn	1.848	Wolcott	1.716

The said schedules make reductions in comparison with the presently prescribed rates, whereby the rights and interest of the public may be injuriously affected.

### F I N D I N G S

#### THE COMMISSION FINDS:

1. That it should enter upon a hearing concerning the lawfulness of the rates stated in said schedules contained in said tariffs.
2. That the effective date of said schedule should be postponed pending the said hearing and decision thereon.

### O R D E R

#### THE COMMISSION ORDERS, That:

Upon its own motion without formal pleading it enter upon a hearing concerning the lawfulness of the rates and charges stated in the following schedules:

19th Revised Page No. 17 to Colorado Motor Carriers' Association, Agent, Motor Freight Tariff No. 7, Colorado P.U.C. No. 8;

1st Revised Page No. 31 to Barlow's Service, Inc., Motor Freight Tariff No. 4, Colorado P.U.C. No. 4;

Original Page No. 33-A to M & M Oil & Transportation, Inc., Motor Freight Tariff No. 1, Colorado P.U.C. No. 1;



Original Page No. 20-C to Melton Transportation Company, Motor Freight Tariff No. C-3, Colorado P.U.C. No. 2;

Original Page No. 23-D to R. B. "Dick" Wilson, Inc., Motor Freight Tariff No. C-3, Colorado P.U.C. No. 3.

2. The operation of the said schedules contained in the said tariffs be suspended and that the use of the rates, charges, regulations and practices therein stated be deferred 120 days, or until the 16th day of August, 1957, unless otherwise ordered by the Commission, and no change shall be made in said rates, charges, regulations and practices during the said period of suspension.

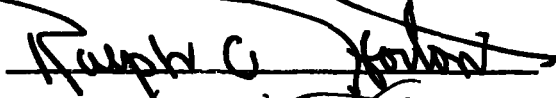
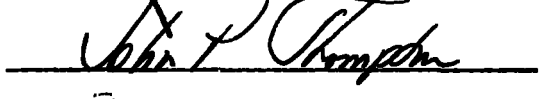
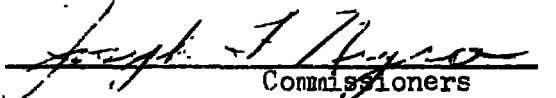
3. The rates and charges and regulations and practices thereby sought to be altered shall not be changed by any subsequent tariff or schedule until this investigation and suspension proceeding has been disposed of or until the period of suspension or any extension thereof has expired.

4. A copy of this order shall be filed with said schedule in the office of the Commission and that a copy hereof be forthwith served upon:

- J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Inc., 4060 Elati St., Denver 16, Colorado;
- J. J. Lino, Western Traffic Service, 626 Commonwealth Bldg., Denver 2, Colorado;
- R. E. Nixon, Traffic Manager, Barlow's Service, Inc., 5101 York St., Denver 16, Colorado;
- S. A. Markley, President, M & M Oil & Transportation, Inc., P. O. Box 2250, Denver 1, Colorado;
- C. E. Heranda, President, Melton Transportation Company, P.O. Box 1163, Cheyenne, Wyoming;
- D. S. Smith, Traffic Manager, R. B. "Dick" Wilson, Inc., P.O. Box 838, Denver 1, Colorado.

5. This proceeding be and the same is hereby assigned for hearing May 13, 1957, at 2:00 P.M., in the Hearing Room of the Commission, Room 330, State Office Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 16th day of April, 1957.

mem



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF }  
UNION RURAL ELECTRIC ASSOCIATION, }  
INC., BRIGHTON, COLORADO, FOR AUTH- }  
ORITY TO EXTEND FACILITIES IN SEC- } APPLICATION NO. 15263-Extension  
TION 17, TOWNSHIP 1 SOUTH, RANGE 67 }  
WEST. }

April 17, 1957

S T A T E M E N T

By the Commission:

On April 2, 1957, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities and to construct 660 feet of new line. The extension is to serve Marck McElwain at a location in Section 17, Township 1 South, Range 67 West. The extension consists of the building of 660 feet of primary line and the setting of a transformer to render electric service to a new house. The estimated cost of construction is \$403.89.

This application was filed pursuant to the Commission's Order in Application No. 13576, Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application plan (b) of said Order, which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

The Commission has examined the record and files herein and believes that this matter is one which can be decided without a formal hearing and being fully informed in the matter will issue its Order granting the construction as requested. The Commission has received a letter from the Public Service Company of Colorado, dated April 10,



1957, and a letter from the Colorado Central Power Company, dated April 2, 1957, both of said letters stating, in effect, that the respective companies have no objection to the granting of the authority sought by Union in the instant application.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That Applicant has complied with the Commission's Order in Decision No. 47074, previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to Marck McElwain at a location in the Southwest corner of Section 17, Township 1 South, Range 67 West, and that Union Rural Electric Association, Inc., should be authorized to render said service.

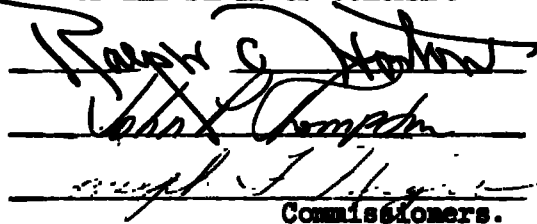
### O R D E R

#### THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to serve Marck McElwain at a location in Section 17, Township 1 South, Range 67 West, all in accordance with the application for Electric Service signed by and between the parties, a copy of which was filed with the Commission in the instant matter, and which, by reference, is made a part hereof.

That this application 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 17th day of April, 1957.  
mls



Original

(Decision No. 47757)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF UNION RURAL ELECTRIC ASSOCIATION, INC., BRIGHTON, COLORADO, FOR AUTH- ORITY TO EXTEND FACILITIES IN SEC- TION 28, TOWNSHIP 2 NORTH, RANGE 68 WEST.	}	<u>APPLICATION NO. 15262-Extension</u>
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April 17, 1957  
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S T A T E M E N T

By the Commission:

On April 2, 1957, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities and to construct 1,200 feet of new line. The extension is to serve Iulla A. Hillman at a location near the south line of Section 28, Township 2 North, Range 68 West. The extension consists of the converting of single phase to three phase for a distance of 10,500 feet and the new extension of a three phase line a distance of 1,200 feet and the setting of a transformer to serve a 15-horsepower irrigation pump. The estimated cost of construction is \$3,394.50.

This application was filed pursuant to the Commission's order in Application No. 13576 - Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application plan (b) of said Order, which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

The Commission has examined the record and files herein and believes that this matter is one which can be decided without a formal



hearing and being fully informed in the matter, will issue its Order granting the construction as requested. The Commission has received a letter from the Public Service Company of Colorado, dated April 10, 1957, and a letter from the Colorado Central Power Company, dated April 2, 1957, both of said letters stating, in effect, that the respective companies have no objection to the granting of the authority sought by the instant application.

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

##### THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That Applicant has complied with the Commission's Order in Decision No. 4707<sup>4</sup>, previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to Lulla A. Hillman at a location in Section 28, Township 2 North Range 68 West, and that Union Rural Electric Association, Inc., should be authorized to render said service.

#### O R D E R

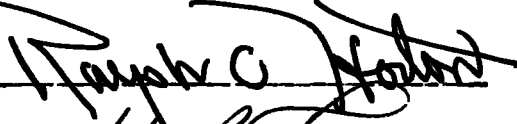


##### THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to serve Lulla A. Hillman at a location in Section 28, Township 2 North, Range 68 West, all in accordance with the application for Electric Service signed by and between the parties, a copy of which was filed with the Commission in the instant matter, and which, by reference, is made a part hereof.



That this application 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 17th day of April, 1957.

mls



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
R. B. "DICK" WILSON, INC., EAST )  
59TH AVENUE AND HIGHWAY 6, DENVER, )  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY, )  
AUTHORIZING EXTENSION OF OPERATIONS )  
UNDER PUC NO. 1515. )  
----- )

APPLICATION NO. 14784-Extension

IN THE MATTER OF THE APPLICATION OF )  
GROENDYKE TRANSPORT, INC., 2204 )  
NORTH GRAND, ENID, OKLAHOMA, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY, AUTHORIZING EXTENSION )  
OF OPERATIONS UNDER PUC NO. 1873. )  
----- )

APPLICATION NO. 14778-Extension

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April 17, 1957  
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Appearances: Marion F. Jones, Esq., Denver,  
Colorado, and  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for  
Applicants;  
Paul M. Hupp, Esq., Denver,  
Colorado, for Colorado Milk  
Transport, Inc., Road  
Runner, Star Milk Lines;  
Donovan N. Hoover, Esq., Santa Fe,  
New Mexico, for Box Bar  
Transportation Company;  
Ernest Porter, Esq., Denver,  
Colorado, for The Denver and  
Rio Grande Western Railroad  
Company;  
Clayton D. Knowles, Esq., Denver,  
Colorado, for Union Pacific  
Railroad Company;  
Frank H. Shafroth, Esq., Denver,  
Colorado, for The Atchison,  
Topeka and Santa Fe Railroad  
Company;  
Max C. Wilson, Esq., Canon City,  
Colorado, for Southwestern  
Transportation Company;  
Edward B. Almon, Esq., Denver,  
Colorado, for Watson  
Transport Company;  
John H. Lewis, Esq., Denver,  
Colorado, for Hinkle Truck  
Lines;



Marion R. Smyser, Esq., Denver,  
Colorado, for The Denver and  
Rio Grande Western Railroad  
Company, The Colorado and  
Southern Railway Company;  
Howard Yelverton, Denver, Colo-  
rado, and  
E. B. Evans, Esq., Denver, Colo-  
rado, for Goldstein Transporta-  
tion and Storage Company;  
Orville Dunlap, Montrose, Colo-  
rado, for Orville Dunlap and  
Son;  
E. B. Rogers, Rocky Ford, Colo-  
rado, for Wright Motor Lines;  
Shirley Avery, Buena Vista, Colo-  
rado, for Eveready Freight  
Service;  
Marion F. Smith, Esq., Denver,  
Colorado, for Pacific-Inter-  
mountain Express.

S T A T E M E N T

By the Commission:

On August 30, 1956, Groendyke Transport, Inc., a corpora-  
tion, of Enid, Oklahoma, holder of Certificate of Public Convenience  
and Necessity No. 1873, authorizing:

Transportation of petroleum and petroleum products  
and liquefied petroleum gases, in bulk, in tank  
trucks, between points in Colorado and the Colo-  
rado State Boundary Lines where all highways cross  
same, in interstate commerce, only, subject to  
the provisions of the Federal Motor Carrier Act  
of 1935, as amended;

Transportation of petroleum and petroleum products  
and liquefied petroleum gases, in bulk in tank  
trucks, between points within the State of Colorado;

Transportation of crude oil, in tank truck lots,  
between points within the State of Colorado,

filed its application with the Commission for an extension of  
said authority to include the right to transport, by motor vehicle,  
over irregular routes, commodities in bulk (except petroleum and  
petroleum products) in specialized vehicles, between all points  
in the State of Colorado.

On October 3, 1956, R. B. "Dick" Wilson, Inc., Denver,  
Colorado, holder of Certificate of Public Convenience and Necessity  
No. 1515, which authorizes:



Transportation of petroleum products, in bulk,  
between all points in the State of Colorado;

Between all points in Colorado and the Colorado  
State Boundary Lines, where all highways cross  
same, in interstate commerce, only, subject to  
the provisions of the Federal Motor Carrier Act  
of 1935, as amended;

Transportation of liquid coal products, in bulk,  
in tank trucks, between all points and places  
in the State of Colorado;

Transportation of liquid acids and liquid chemi-  
cals, in bulk, in tank vehicles, from Denver,  
Colorado, and/or Louviers, Colorado, on the one  
hand, and points and places in the State of Colo-  
rado, on the other;

Transportation of crude oil, in tank truck lots,  
between points within the State of Colorado,

filed its application with the Commission for an extension of said  
authority to include the right to transport, by motor vehicle, over  
irregular routes, commodities in bulk (except petroleum and petroleum  
products), on specialized vehicles, between all points in the State  
of Colorado.

The above applications, being Applications Nos. 14784 and  
14778, were both regularly set for hearing, at the Hearing Room of  
the Commission, 330 State Office Building, Denver, Colorado, on  
October 18, 1956, at ten o'clock A. M.

When said matters were called for hearing, Attorneys for  
Applicants requested that the matters be consolidated for the taking  
of evidence, as the applications are identical, and the witnesses  
are common to both applications.

As there was no objection, the above matters were consoli-  
dated for the purpose of taking evidence.

Formal protests were filed to the granting of the above  
extensions by Union Pacific Railroad Company.

At the hearing, request was made by applicants that they  
be permitted to present part of their evidence at this time, and  
that the matter be continued until a future date to be determined  
by the Commission for the further taking of evidence, and as there



was no objection to said request, it was granted.

Both applicants further asked to amend their applications, as follows:

"To transport, as a common carrier, commodities in bulk (except petroleum and petroleum products, molasses, vinegar, cement, milk, and cream and liquid coal products), in specialized vehicles, between all points in the State of Colorado, excepting those within a ten-mile radius of Platteville, and excepting acids and chemicals from Denver and Louviers, Colorado, to points in Colorado, and Rico, Colorado, and a three-mile radius thereof, and excepting water and hydraulic fracturing fluids between points within a two-hundred-mile radius of Durango, Colorado."

Later on in the hearing, applicants further requested to further amend their applications, by inserting, in lieu of the words "specialized equipment," the words "in tank-type vehicles," and still later in the hearing, applicants further requested authority to further amend their applications by excluding lime products and by-products within a thirty-five-mile radius of Carbondale, Colorado.

It now appears, after considering all amendments, that applicants are now asking for extension of their certificates of public convenience and necessity to include:

"Transportation, as a common carrier by motor vehicle, of commodities in bulk, excepting:

petroleum and petroleum products, molasses, vinegar, cement, milk, and cream, liquid coal products, all commodities within a ten-mile radius of Platteville, acids and chemicals, from Denver, Louviers, and Rico, Colorado, and a three-mile radius thereof, to all points in the State of Colorado, water and hydraulic fracturing fluids within a two-hundred-mile radius of Durango, lime and lime products within a twenty-five-mile radius of Carbondale, Colorado,

in tank-type vehicles, between all points within the State of Colorado.

For convenience, the carriers in the order named in the caption herein, hereinafter will be referred to as "Wilson" and "Groendyke."



Witness Berger, the Controller for Wilson, and A. L. Hamilton, of Groendyke, appeared in behalf of their respective companies. Their testimony pertained generally to equipment, balance sheets, and other pertinent facts concerning their present operations. Among other witnesses testifying in support of the applications were:

R. T. Walker, of Colorado Springs, who stated he was purchasing a going concern in Denver, for the purpose of making detergents and soap, and supplying the area around Denver and throughout the Rocky Mountain Area. Mr. Walker stated he will need tank-type equipment for the delivery of tallow, fish oils, sperm oils, muriatic acid, sodium carbonate, and caustic soda.

It appears, as we interpret the evidence, that Witness Walker might use, in intrastate commerce, the service for delivery of detergent sodium carbonate to laundries and dry-cleaning establishments from Denver to Colorado Springs and Pueblo and the commodity tallow, between Denver, Colorado Springs, Pueblo, Loveland, and Grand Junction.

Arthur J. Moskall, of Loveland, Colorado, General Manager of Loveland Packing Company, stated he would, and could, use applicants' proposed services for out-bound shipments of tallow, in intrastate traffic.

Mr. Paul S. Barnett, of Ideal Cement Company and Western Aggregates Company, whose plant is located in Laramie, Wyoming, seemed to be interested in the distribution of some light-weight material designated as "manufactured aggregate," and some pyrite cinders, which the witness stated will be moved from Denver to Boettcher, Colorado, and could be moved in the type of equipment proposed by applicants.

Mr. Delbert Anderson, who also is employed by Western Aggregates Company, described the nature of their productions, and felt that in the future, this product would be shipped to every point in Colorado where concrete blocks are made. In fact,



witness stated:

"Colorado Springs, Pueblo, Fort Collins, Loveland, Longmont, Boulder -- practically any place where there is any concrete construction."

Witness, in addition, stated that this aggregate could be hauled:

"in either covered or uncovered vehicles, but covered containers are an added advantage."

E. F. Cross, Vice-President of Colorado Milling and Elevator Company, who recently became associated with the above company, stated his company was supporting the applications for the transportation of flour. He stated recently flour shippers have moved from sacked flour into the area of bulk flour, and that in his opinion, there will be at least twenty-five bakers who are large wholesale bakers, who, in due course of time will convert their plants from sacked flour to bulk flour, and when asked where this would occur, he said:

"Denver would be first; Pueblo second, followed by Colorado Springs and Grand Junction."

The witness also felt that in the future, cattle feed would also be moved in bulk.

R. S. McIlvane, President of Rainbo Bread Company, testified as to the advantage of bulk shipments of flour, in which he mentioned sanitation and reduced costs. Witness, one of the leaders in the nation in the bakery business, indicated that it was his judgment:

"that flour for large bakeries, in the not-far-distant-future, would be moved in bulk."

Clark F. Barb, head of the Department of Petroleum Engineering at the Colorado School of Mines, testified concerning carrageen, which is otherwise referred to as "shale oil." Witness Barb went into considerable detail concerning the amount of potential shale oil located in Colorado, at something like fifty billion barrels. Considerable testimony was given to the effect, if we understand the record correctly, that shale oil, or carrageen, is not a petroleum product..



Applicants Wilson and Groendyke have been operating motor truck common carrier lines, in irregular service, for the transportation of petroleum and petroleum products for many years, in intrastate and interstate commerce. The evidence indicates that the stock of Wilson was acquired by the Denver-Chicago Trucking Company, who will maintain headquarters in Denver, Colorado, while Groendyke is a corporation, operating out of Enid, Oklahoma. They, respectively, have many tractors, tanks and trucks -- practically all of which are designed and equipped for the loading, unloading, and moving of petroleum and petroleum products. Applicants contend they are operators of specialized equipment, and the type of equipment used by them is suitable and adaptable for the moving of all products, in bulk.

Witness Howard Yelverton, General Traffic Manager of Goldstein Transportation and Storage Company, of Denver, Colorado, contends his company holds authority from the Commission to perform the service applicants are here seeking. He states:

"We have an organization and the ability to furnish any equipment to handle any of the products that have been mentioned here today. We would be desirous of the business, and would buy any equipment that would be necessary."

Witness Edward B. Rogers, Vice-President of Wright Motor Lines, of Rocky Ford, Colorado, testified:

"We have been actively engaged in the past two years in the solicitation of bulk products, and we have held ourselves out to obtain equipment if the movement develops. We have discussed the matter with Colorado Milling and Elevator Company something like a year ago, and was advised that they would get in touch with us. We have discussed the matter, and are now in the process of negotiating with two different companies on the hauling of bulk feed. We think we are financially able to acquire the equipment that will be required to handle the product."

Mr. Edward Davidson, Commerce Assistant of The Denver and Rio Grande Western Railroad Company, testified as to the service and special types of equipment furnished by them and



connecting railroads in Colorado for the transportation of commodities in bulk. The witness detailed the area served by his company and the connected railroads in Colorado. It appears that the rails have many different types of cars for specialized hauling of commodities in bulk. The witness further stated The Denver and Rio Grande Western Railroad Company is interested and desires to transport any of the commodities which have been mentioned in this hearing, and especially so when it is adjacent to their lines.

The Commission has endeavored to briefly summarize the evidence, which, in our judgment, is important in making our Findings. There are other important factors disclosed, but time and space forbid reviewing all of the evidence given.

In considering the above applications, we must first find that there is inadequate rail and motor carrier service available, or that it cannot be made adequate, before certificates can issue.

The instant applications are very broad in their scope. They are asking for transportation, in bulk, of all commodities (except those specifically excluded to satisfy certain appearing protestants), in tank trucks, between all points in the State of Colorado.

Our Certificate of Service on Notice of Hearing of the applications discloses that in the judgment of the Commission, 165 common carrier rights might be affected by the granting of the instant applications.

The Commission, as on all occasions of this kind, faces a difficult problem. In Decision No. 38732, we faced a similar problem, and we there said:

"It is a problem we endeavor to consider seriously, ever mindful that the role of this Commission in these proceedings is not that of a court or referee, passing objectively upon the conflicting claims of adversary parties, approaching its task with a high indifference as to which shall prevail, but concerned only that the ultimate result is reached in accordance with applicable principles



and procedures. The rule of this Commission is rather that of an administrative body of specialized and limited powers, and though required at all times to act within the framework and limitations of the statute which created it, it must, nevertheless, have constantly before it as an ultimate and paramount objective the interest of the public as a whole which, though not present in the hearing room, is an essential party to the proceedings. We believe the Commission must strive to be always conscious of its responsibility to those non-present but essential parties because they can have no effective representation except through the Commission."

In our judgment, the question herein for determination is: "Whether or not, in view of present and existing conditions, have applicants established that the present service for transportation of bulk commodities is inadequate, and cannot and will not be made adequate by existing certificated common carriers by motor vehicle or rail."

In answering the above question, we find we have fifteen formal appearances, including applicants, and we have 165 carriers whose interests could be affected. These 165 carriers all have some authority that is competitive with the authority asked for in the instant applications. It therefore appears that we should cautiously approach this problem.

The Commission, in the past, has endeavored to protect our line-haul carriers, the carriers who run on schedule (rain or shine), and make deliveries to all points in the State of Colorado. We have also endeavored, and on numerous occasions have, in our decisions, expressed our desire to give to each of the trade communities in Colorado a localized call and demand common carrier service. The above mentioned services, in our judgment, are the backbone of Colorado intrastate transportation, so it behooves us to protect these carriers. We are hesitant about granting blanket authorities covering all points in the State of Colorado on all commodities. This, we believe, would impair service to the general public, making it possible for specialized carriers to take the cream of the business available, and leave to the locally-domiciled carriers the skim milk.



A careful review of the evidence, in our judgment, shows no immediate need for this service. In fact, it appears applicants contacted various shippers and sold them on the desirability of a specialized service. We recognize the desirability of applicants' proposed service, but we are not satisfied that the presently-certificated motor vehicle common carriers cannot or would not perform this service, if requested so to do.

One of the dangers of granting this type of service, where specialized equipment is the test is that we may be placing economic restrictions on our presently-certificated carriers that would not permit them to improve their existing service, thereby depriving a large section of our economy of an improved service.

And, as we said in re Lahs, Decision No. 6846:

"It is elementary that before the Commission will issue a certificate authorizing rendition of any given service, public convenience and necessity must be proven. The rule is less elastic where the service proposed to be rendered is a duplication of service already authorized, unless it is shown that said service is inadequate, and that the carrier is not in a position to, or will not, make it adequate."

Also, we said in Fort Morgan-Brush Transportation Company, 8 Colo. P. U. C. 1704:

"On application for a certificate of public convenience and necessity, a clear and affirmative showing must be made that existing transportation facilities are inadequate or unsatisfactory."

Finally, it is our opinion that applicants failed to show that public convenience and necessity require their proposed services or that service offered by our present certificated carriers is inadequate or unsatisfactory. However, it might be argued with some merit that there are commodities that presently need this service, but from the record here made, we are not in a position to pick out individual commodities.

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

##### THE COMMISSION FINDS:

That public convenience and necessity do not require the



extended motor vehicle common carrier services of applicants, and that authority sought, if granted, is not in the public interest, and would tend to impair the efficiency of now-adequate common carrier services serving, and that said applications should be denied, for the reasons as more particularly set forth in the Statement preceding, which Statement is made a part of these Findings, by reference.



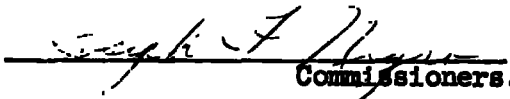
O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity do not require the proposed extended motor vehicle common carrier services of applicants herein, and that Applications Nos. 14784 and 14778 should be, and the same hereby are, 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 April, 1957.

ea



revised

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
JOHN M. BECKER, DOING BUSINESS AS  
"BECKER'S ASH & TRASH," 2390 EAST  
BOULDER, COLORADO SPRINGS, COLORADO,  
FOR A CERTIFICATE OF PUBLIC CONVEN-  
IENCE AND NECESSITY, AUTHORIZING  
EXTENSION OF OPERATIONS UNDER PUC  
NO. 2213. )  
APPLICATION NO. 15250-Extension

IN THE MATTER OF THE APPLICATION OF  
WILLIAM FRANK DAUSEL, DOING BUSINESS  
AS "BILL'S ASH & TRASH SERVICE,"  
1805 WEST BOULDER, COLORADO SPRINGS,  
COLORADO, FOR A CERTIFICATE OF PUB-  
LIC CONVENIENCE AND NECESSITY, AUTH-  
ORIZING EXTENSION OF OPERATIONS  
UNDER PUC NO. 2573. )  
APPLICATION NO. 15251-Extension

IN THE MATTER OF THE APPLICATION OF  
BEN F. ESLEY, DOING BUSINESS AS  
"ESLEY TRASH SERVICE," 2532 EAST  
MONUMENT, COLORADO SPRINGS, COLO-  
RADO, FOR A CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY, AUTHORIZ-  
ING EXTENSION OF OPERATIONS UNDER  
PUB NO. 2606. )  
APPLICATION NO. 15252-Extension

IN THE MATTER OF THE APPLICATION OF  
RUBEN H. FARR, 721 NORTH CORONA,  
COLORADO SPRINGS, COLORADO, FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY, AUTHORIZING EXTENSION  
OF OPERATIONS UNDER PUC NO. 2854. )  
APPLICATION NO. 15253-Extension

IN THE MATTER OF THE APPLICATION OF  
WILLIAM E. JOHNSON, DOING BUSINESS  
AS JOHNSON'S SERVICE," 1753 WEST  
VERMILION STREET, COLORADO SPRINGS,  
COLORADO, FOR A CERTIFICATE OF PUB-  
LIC CONVENIENCE AND NECESSITY, AU-  
THORIZING EXTENSION OF OPERATIONS  
UNDER PUC NO. 2182. )  
APPLICATION NO. 15254-Extension



IN THE MATTER OF THE APPLICATION OF  
LEWIS HENRY LARABEE, DOING BUSINESS  
AS "LARABEE ASH & TRASH SERVICE,"  
2710 WEST COLORADO, COLORADO SPRINGS,  
COLORADO, FOR A CERTIFICATE OF PUB-  
LIC CONVENIENCE AND NECESSITY, AU-  
THORIZING EXTENSION OF OPERATIONS  
UNDER PUC NO. 2576.

APPLICATION NO. 15255-Extension

IN THE MATTER OF THE APPLICATION OF  
CHARLIE KAPINOS, DOING BUSINESS AS  
"REASONABLE PRICES ASH AND TRASH  
SERVICE," 2204 WEST COLORADO AVENUE,  
COLORADO SPRINGS, COLORADO, FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY, AUTHORIZING EXTENSION  
OF OPERATIONS UNDER PUC NO. 2746.

APPLICATION NO. 15257-Extension

IN THE MATTER OF THE APPLICATION OF  
MIKE TAFOYA, 711 EAST GARFIELD,  
COLORADO SPRINGS, COLORADO, FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY, AUTHORIZING EXTENSION  
OF OPERATIONS UNDER PUC NO. 2181.

APPLICATION NO. 15258-Extension

IN THE MATTER OF THE APPLICATION OF  
JOE LEE TAFOYA, 803 NORTH EL PASO,  
COLORADO SPRINGS, COLORADO, FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY, AUTHORIZING EXTENSION  
OF OPERATIONS UNDER PUC NO. 2629.

APPLICATION NO. 15259-Extension

IN THE MATTER OF THE APPLICATION OF  
BERNARD B. TYLER, DOING BUSINESS AS  
"TYLER TRASH SERVICE," 731 SOUTH  
WEBER STREET, COLORADO SPRINGS,  
COLORADO, FOR A CERTIFICATE OF PUB-  
LIC CONVENIENCE AND NECESSITY, AU-  
THORIZING EXTENSION OF OPERATIONS  
UNDER PUC NO. 2195.

APPLICATION NO. 15260-Extension

April 22, 1957

Appearances: John M. Becker, Colorado  
Springs, Colorado, pro se;  
Ruben H. Farr, Colorado  
Springs, Colorado, pro se;  
William E. Johnson, Colorado  
Springs, Colorado, pro se;  
Lewis Henry Larabee, Colo-  
rado Springs, Colorado,  
pro se;  
Charlie Kapinos, Colorado  
Springs, Colorado, pro se;



Mike Tafoya, Colorado  
Springs, Colorado, pro se;  
Bernard B. Tyler, Colorado  
Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

The foregoing authorities are owned by persons presently engaged in the ash and trash business in Colorado Springs, Colorado, and all seek recognition of "Grandfather Rights" to engage in this business within the corporate limits of Colorado Springs, Colorado, acquired prior to the time this Commission acquired jurisdiction over such transportation in this home-rule city.

Said applications were regularly set for hearing, at the City Auditorium, Colorado Springs, Colorado, April 12, 1957, due notice of the time and place of hearing being forwarded to all interested parties.

With the consent of all the parties, these matters were heard and are decided upon a single record, as the questions of fact and law are common to all.

Mr. Becker stated that he is now, and has been continuously engaged in this business within the City Limits, holding City Licenses all the while.

Mr. Farr, Mr. Johnson, Mr. Larabee, Mr. Kapinos, Mr. Tafoya and Mr. Tyler all stated that they are now and have continuously engaged in this business within the City since 1954, pursuant to City Licenses.

None of the applications was protested.

Until November, 1954, when the People of the State of Colorado adopted Article XXV of the State Constitution, this Commission had no jurisdiction over transportation within the corporate limits of the home-rule City of Colorado Springs. It appears from the evidence that all of the applicants named above were actually engaged in



ash and trash operations in that home-rule City prior to the adoption of Article XXV, and continuously since, and are entitled, as a matter of law, to continue their operations. No reason appears why their present authorities should not be extended in recognition of these "Grandfather Rights." An Order will be entered accordingly.

The operating experience and financial responsibility of applicants 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 herein.

That public convenience and necessity require the proposed extended service of applicants, and that certificates 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 service of John M. Becker, doing business as "Becker's Ash & Trash," Colorado Springs, Colorado, under PUC No. 2213, applicant in Application No. 15250, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials, between points within the Corporate Limits of Colorado Springs, Colorado, and the City Dump, now or hereafter designated by appropriate City Officials of Colorado Springs, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed extended motor vehicle common carrier service of William Frank Dausel, doing business as "Bill's Ash & Trash Service," Colorado Springs, Colorado, under PUC No. 2573, applicant in Application No. 15251, for the



transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials, between points within the Corporate Limits of Colorado Springs, Colorado, and the City Dump, now or hereafter designated by appropriate City Officials of Colorado Springs, Colorado, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed extended motor vehicle common carrier service of Ben F. Esley, doing business as "Esley Trash Service," Colorado Springs, Colorado, under PUC No. 2606, applicant in Application No. 15252, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials, between points within the Corporate Limits of Colorado Springs, Colorado, and the City Dump, now or hereafter designated by appropriate City Officials of Colorado Springs, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed extended motor vehicle common carrier service of Ruben H. Farr, Colorado Springs, Colorado, under PUC No. 2854, applicant in Application No. 15253, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials, between points within the Corporate Limits of Colorado Springs, Colorado, and the City Dump, now or hereafter designated by appropriate City Officials of Colorado Springs, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed extended motor vehicle common carrier service of William E. Johnson, doing business as "Johnson's Service," Colorado Springs, Colorado,



under PUC No. 2182, in Application No. 15254, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials, between points within the Corporate Limits of Colorado Springs, Colorado, and the City Dump, now or hereafter designated by appropriate City Officials of Colorado Springs, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed extended motor vehicle common carrier service of Lewis Henry Larabee, doing business as "Larabee Ash & Trash Service," Colorado Springs, Colorado, under PUC No. 2576, applicant in Application No. 15255, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials, between points within the Corporate Limits of Colorado Springs, Colorado, and the City Dump, now or hereafter designated by appropriate City Officials of Colorado Springs, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed extended motor vehicle common carrier service of Charlie Kapinos, doing business as "Reasonable Prices Ash and Trash Service," Colorado Springs, Colorado, under PUC No. 2746, applicant in Application No. 15257, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials, between points within the Corporate Limits of Colorado Springs, Colorado, and the City Dump, now or hereafter designated by appropriate City Officials of Colorado Springs, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed extended motor vehicle common carrier service of Mike Tafoya, Colorado Springs, Colorado, under PUC No. 2181, applicant in Application No.



15258, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials between points within the Corporate Limits of Colorado Springs, Colorado, and the City Dump, now or hereafter designated by appropriate City Officials of Colorado Springs, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed extended motor vehicle common carrier service of Joe Lee Tafoya, Colorado Springs, Colorado, under PUC No. 2629, applicant in Application No. 15259, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials between points within the Corporate Limits of Colorado Springs, Colorado, and the City Dump, now or hereafter designated by appropriate City Officials of Colorado Springs, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the proposed extended motor vehicle common carrier service of Bernard B. Tyler, doing business as "Tyler Trash Service," Colorado Springs, Colorado, under PUC No. 2195, applicant in Application No. 15260, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials between points within the Corporate Limits of Colorado Springs, Colorado, and the City Dump, now or hereafter designated by appropriate City Officials of Colorado Springs, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

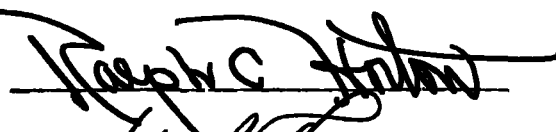
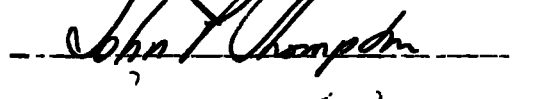

That applicants shall operate their carrier systems in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.



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 22nd day of April, 1957.

m:s



(Decision No. 47760)

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO**

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
PUBLIC SERVICE COMPANY OF COLORADO,  
GAS AND ELECTRIC BUILDING, DENVER,  
COLORADO, FOR AUTHORITY TO EXTEND  
ELECTRIC LINES AND FACILITIES IN  
SECTION 33, TOWNSHIP 2-SOUTH, RANGE  
68-WEST, ADAMS COUNTY, COLORADO, TO  
SERVE GARRETT BROMFIELD & CO., 201  
SECURITY BUILDING, DENVER, COLORADO,  
FOR SERVICE TO VALLEY VISTA FILING  
NO. 1 SUBDIVISION LOCATED BETWEEN THE  
DENVER-BOULDER TURNPIKE AND 76TH AVE-  
NUe AT BRONCO ROAD. (THIS SUBDIVISION  
WILL INCLUDE 219 RESIDENTIAL CUSTOMERS.)

**APPLICATION NO. 15076-Extension**

IN THE MATTER OF THE APPLICATION OF  
UNION RURAL ELECTRIC ASSOCIATION, INC.,  
BRIGHTON, COLORADO, FOR AUTHORITY TO  
EXTEND ELECTRIC LINES AND FACILITIES  
IN SECTION 33, TOWNSHIP 2-SOUTH, RANGE  
68-WEST, ADAMS COUNTY, COLORADO, TO  
SERVE GARRETT BROMFIELD & CO., 201  
SECURITY BUILDING, DENVER, COLORADO,  
FOR SERVICE TO VALLEY VISTA FILING  
NO. 1 SUBDIVISION, LOCATED BETWEEN THE  
DENVER-BOULDER TURNPIKE AND 76TH AVE-  
NUE AT BRONCO ROAD.

**APPLICATION NO. 15150-Extension**

**April 22, 1957**

Appearances: Lee, Bryans, Kelly & Stansfield,  
by Bryant O Donnell, Esq.,  
Denver, Colorado,  
Charles J. Kelly, Esq., Denver,  
Colorado, and  
Fletcher Thomas, Esq., Denver,  
Colorado, for Public Service  
Company of Colorado;  
Grant, Shafroth & Toll, by  
Erl H. Ellis, Esq., Denver,  
Colorado, and  
John F. Shafroth, Esq., Denver,  
Colorado, for Union Rural  
Electric Association, Inc.;  
E. R. Thompson, Denver, Colo-  
rado,  
J. M. McNulty, Denver, Colo-  
rado, and  
A. L. Mueller, Esq., Denver,  
Colorado, for the Commission.



## S T A T E M E N T

### By the Commission:

Application No. 15076, of Public Service Company of Colorado, was filed with the Commission on February 11, 1957, and the Union Rural Electric Association, Inc., filed a protest to said application with the Commission on February 21, 1957.

Application No. 15150, of Union Rural Electric Association, Inc., was filed with the Commission on March 5, 1957, and on March 7, 1957, Public Service Company of Colorado filed a protest to said application.

Both of these applications were set for hearing, after due notice to all interested parties, on March 20, 1957, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

At the duly appointed time and place the Commission called both applications for hearing and a discussion was held by and between the Applicants and the Commission's staff as to a method of procedure in these matters. Both of these applications were filed pursuant to a method of procedure outlined by the Commission by its Decision No. 47074 in Application No. 13576, and Case No. 5108, of January 7, 1957. The discussion held on March 20, 1957, had to do with the manner of incorporating into the record in hearings held on applications pursuant to the Commission's Decision No. 47074, any record in the Commission's files which a party intended to rely upon at the hearing of the matter under consideration. At the conclusion of the discussion, it was mutually agreed that a stipulation would be entered into by and between Public Service Company of Colorado and Union Rural Electric Association, Inc., setting forth the procedure to be followed in hearings arising under Decision No. 47074. The Commission recessed the hearing called on March 20, 1957, to April 3, 1957, at 9:30 o'clock A. M., to give the parties time to prepare the Stipulation



and any additional evidence that they deemed necessary as a result of said Stipulation.

On April 3, 1957, the hearing on the above-entitled applications was had upon a joint record, and at the conclusion of said hearing, the matter was taken under advisement by the Commission.

Under the procedure set forth by the Commission by its Decision No. 47074, each of the Applicants herein was required to file an application for the extension of its facilities if said extension would exceed 300 feet in length from any present existing facilities. By the instant applications, both parties are seeking to serve the same identical territory, and therefore it is necessary for the Commission to determine on the record herein who should be permitted to serve the area in question.

Each party in turn at the hearing submitted evidence in support of its position. Union Rural Electric Association, Inc., submitted and testified to Exhibits "A" to "T" inclusive, and Public Service Company of Colorado submitted and testified to Exhibits 1, 2 and 3. Exhibit "T" is an original of the Stipulation signed by Public Service Company and Union Rural Electric Association, Inc., as to the method of procedure agreed upon for the instant hearing and any other hearing arising from Decision No. 47074. Each party also objected to the granting of the application of the other applicant.

The Commission has carefully reviewed the record herein, together with all exhibits submitted, and believes that public convenience and necessity can best be served now and in the future by granting the application of Public Service Company of Colorado and denying the application of Union Rural Electric Association, Inc.

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

##### THE COMMISSION FINDS:

1. That the Commission has jurisdiction of both Applicants



herein and of the subject matter involved in the instant applications.

2. That the Commission is fully advised in the premises.

3. That the foregoing Statement be made a part hereof by reference.

4. That public convenience and necessity require that Application No. 15076 of Public Service Company of Colorado should be granted to supply electric service in the Valley Vista Filing No. 1 Subdivision located between the Denver-Boulder Turnpike and 76th Avenue at Bronco Road, all as more fully shown on Exhibit No. 1 introduced at the hearing, and, by reference, made a part hereof.

5. That Public Service Company of Colorado is qualified to render said electric service, and it appears from the record that public interest would best be served by the granting of said application.

6. That Application No. 15150 of Union Rural Electric Association, Inc., of Brighton, Colorado, should be denied for the reason that in the Order to follow we shall grant Public Service Company of Colorado the right to render said electric service.

#### O R D E R

#### THE COMMISSION ORDERS:

That Public Service Company of Colorado be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities into and to render electric service in the area known as Valley Vista Filing No. 1 Subdivision, located between the Denver-Boulder Turnpike and 76th Avenue at Bronco Road, all as more fully shown on Exhibit No. 1 introduced at the hearing, and, by reference, made a part hereof.

That Public Service Company of Colorado shall render electric service under the certificate granted herein under the rates, rules and regulations of said Company now or hereafter on file with this Commission, until changed according to law and

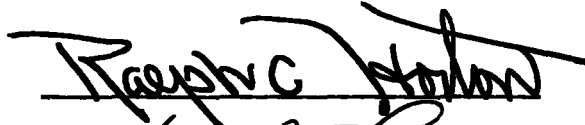
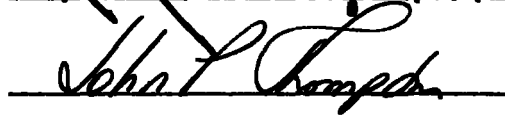



the rules and regulations of this Commission.

That Application No. 15150 of Union Rural Electric Association, Inc., be, and it hereby is, denied.

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 22nd day of April, 1957.

ea



original

(Decision No. 47761)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
900 FIFTEENTH STREET, DENVER, COLO- )  
RADO, FOR AUTHORITY TO EXTEND ELECTRIC )  
LINES AND FACILITIES IN SECTION 34, )  
TOWNSHIP 2-SOUTH, RANGE 68-WEST, ADAMS ) APPLICATION NO. 15082-Extension  
COUNTY, COLORADO, TO SERVE MT. ZION )  
LUTHERAN CHURCH, 4609 EAST COLFAX )  
AVENUE, DENVER, COLORADO. )  
-----)

IN THE MATTER OF THE APPLICATION OF )  
UNION RURAL ELECTRIC ASSOCIATION, INC., )  
BRIGHTON, COLORADO, FOR AUTHORITY TO )  
EXTEND FACILITIES IN SECTION 34, TOWN- )  
SHIP 2-SOUTH, RANGE 68-WEST, TO SERVE ) APPLICATION NO. 15151-Extension  
MT. ZION LUTHERAN CHURCH, TO BE CON- )  
STRUCTED IN TRACT "A" OF BLOCK 39, NW $\frac{1}{4}$  )  
SECTION 34, TOWNSHIP 2-SOUTH, RANGE )  
68-WEST. )  
-----)

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April 22, 1957  
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Appearances: Lee, Bryans, Kelly & Stansfield,  
by Bryant O'Donnell, Esq.,  
Denver, Colorado,  
Charles J. Kelly, Esq., Denver,  
Colorado, and  
Fletcher Thomas, Esq., Denver,  
Colorado, for Public Service  
Company of Colorado;  
Grant, Shafroth & Toll, by  
Erl H. Ellis, Esq., Denver,  
Colorado, and  
John F. Shafroth, Esq., Denver,  
Colorado, for Union Rural  
Electric Association, Inc.;  
A. L. Mueller, Esq., Denver,  
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

Application No. 15082 of Public Service Company of  
Colorado was filed with the Commission on February 15, 1957,  
and shortly thereafter Union Rural Electric Association, Inc.,  
filed a protest to said application with the Commission. Appli-  
cation No. 15151 of Union Rural Electric Association, Inc., was



filed with the Commission on March 5, 1957, and subsequently Public Service Company of Colorado filed its protest to said application with the Commission. These matters were duly set for hearing by the Commission, after due notice to all interested parties, on April 12, 1957, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

At said time and place the Commission called the above-entitled applications for hearing, and these matters were heard on a consolidated record, together with Application No. 15131 of Public Service Company of Colorado, and No. 15226 of Union Rural Electric Association, Inc. At the conclusion of the hearing on the above applications, the Commission took the matters under advisement.

The procedure being followed in these proceedings was set forth by the Commission in its Decision No. 47074 of January 7, 1957, in Application No. 13576 - Case No. 5108. This procedure set forth the manner in which Applicants could proceed in the event it was necessary to extend facilities over 300 feet in the aggregate from presently existing facilities. Applicants are also following the procedure set forth in the mutually agreed upon Stipulation, being Exhibit "T" in Application No. 15076 and Application No. 15150.

The subject matter of the present applications herein has to do with the rendering of electric service to Mt. Zion Lutheran Church to be located in Section 34, Township 2-South, Range 68-West, in Adams County, Colorado. Since both Applicants are desirous of rendering this service, it is necessary for the Commission to determine on the record herein who should be permitted to serve.

Each party in turn at the hearing submitted evidence in support of its application. Public Service Company of Colorado submitted and testified to Exhibits Nos. 1 to 11, inclusive, and Union Rural Electric Association, Inc., submitted and testified to Exhibits "A" to "M" inclusive. In addition to presenting testimony



in support of its respective application, each participant protested the granting of the application to the other party.

The Commission has carefully reviewed the testimony herein, together with all exhibits submitted, and believes that public convenience and necessity can best be served now and in the future by granting the application of Public Service Company of Colorado and denying the application of Union Rural Electric Association, Inc.

### F I N D I N G S

#### THE COMMISSION FINDS:

1. That the Commission has jurisdiction of both Applicants herein and of the subject matter involved in the instant applications.
2. That the Commission is fully advised in the premises.
3. That the foregoing Statement be made a part hereof by reference.
4. That public convenience and necessity require that Application No. 15082 of Public Service Company of Colorado should be granted to supply electric service to the Mt. Zion Lutheran Church to be located in Section 34, Township 2-South, Range 68-West, in Adams County, Colorado, all as more fully shown on Exhibit No. 7, being the map attached to Application No. 15082, and, by reference, made a part hereof.
5. That Public Service Company of Colorado is qualified to render said electric service, and it appears from the record that public interest would best be served by the granting of said application.
6. That Application No. 15151 of Union Rural Electric Association, Inc., should be denied for the reason that in the Order to follow we shall grant Public Service Company of Colorado the right to render said electric service.

That the motion of the Staff made at the hearing to dismiss the instant applications should be denied.



O R D E R

THE COMMISSION ORDERS:

That Public Service Company of Colorado be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to render electric service to the Mt. Zion Lutheran Church to be located in Section 34, Township 2-South, Range 68-West, in Adams County, Colorado, all as more fully shown on Exhibit No. 7, being the map attached to Application No. 15082 and which, by reference, is made a part hereof.

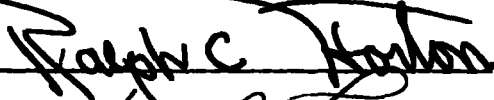

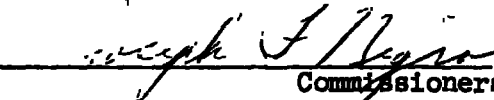
That Public Service Company of Colorado shall render electric service under the certificate granted herein under the rates, rules and regulations of said Company now or hereafter on file with this Commission until changed according to law and the rules and regulations of this Commission.

That Application No. 15151 of Union Rural Electric Association, Inc., be, and it hereby is, denied.

That the motion of the Staff of the Commission, be, and it hereby is, denied.

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 22nd day of April, 1957.

ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
900 FIFTEENTH STREET, DENVER, COLO- )  
RADO, FOR AUTHORITY TO EXTEND ELECTRIC )  
LINES AND FACILITIES IN SECTION 26, ) APPLICATION NO. 15131-Extension  
TOWNSHIP 2-SOUTH, RANGE 68-WEST, ADAMS )  
COUNTY, COLORADO, TO SERVE RIO GRANDE )  
LUMBER & SUPPLY CO., 8160 NORTH )  
WASHINGTON. )  
----- )

IN THE MATTER OF THE APPLICATION OF )  
UNION RURAL ELECTRIC ASSOCIATION, INC., )  
BRIGHTON, COLORADO, FOR AUTHORITY TO )  
EXTEND FACILITIES IN SECTION 26, TOWN- ) APPLICATION NO. 15226-Extension  
SHIP 2-SOUTH, RANGE 68-WEST, TO SERVE )  
THE ENTIRE CORONADO SUBDIVISION AP- )  
PARIENTLY PLANNED BY RIO GRANDE LUMBER )  
& SUPPLY CO. )  
----- )

-----  
April 22, 1957  
-----

Appearances: Lee, Bryans, Kelly & Stansfield,  
by Bryant O'Donnell, Esq.,  
Denver, Colorado,  
Charles J. Kelly, Esq., Denver,  
Colorado, and  
Fletcher Thomas, Esq., Denver,  
Colorado, for Public Service  
Company of Colorado;  
Grant, Shafroth & Toll, by  
Erl H. Ellis, Esq., Denver,  
Colorado, and  
John F. Shafroth, Esq., Denver,  
Colorado, for Union Rural  
Electric Association, Inc.;  
A. L. Mueller, Esq., Denver,  
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

Application No. 15131 of Public Service Company of Colo-  
rado was filed with the Commission on February 28, 1957, and sub-  
sequent thereto Union Rural Electric Association, Inc., filed a  
protest to said application. Application No. 15226 of Union  
Rural Electric Association, Inc., was filed with the Commission



on March 22, 1957, and subsequent to said filing, Public Service Company of Colorado filed its protest to said application. Both applications were set for hearing by the Commission, after due notice to all interested parties, on April 12, 1957, at ten o'clock A. M., in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado.

At said time and place the Commission called the above-entitled applications for hearing, and these matters were heard on a consolidated record, together with Applications No. 15082 of Public Service Company of Colorado, and No. 15151 of Union Rural Electric Association, Inc. At the conclusion of the hearing on the above applications, the Commission took the matters under advisement.

The procedure being followed in these proceedings was set forth by the Commission in its Decision No. 47074, of January 7, 1957, in Application No. 13576 - Case No. 5108. This procedure set forth the manner in which Applicants could proceed in the event it was necessary to extend facilities over 300 feet in the aggregate from presently existing facilities. Applicants are also following the procedure set forth in the mutually agreed upon Stipulation, being Exhibit "T" in Applications Nos. 15076 and 15150.

The subject matter of the present applications herein has to do with the rendering of electric service to the Coronado Subdivision to be located in Section 26, Township 2-South, Range 68-West, Adams County, Colorado. Since both Applicants are desirous of rendering this service, it is necessary for the Commission to determine on the record herein who should be permitted to serve.

Each party in turn at the hearing submitted evidence in support of its application. Public Service Company of Colorado submitted and testified to Exhibits Nos. 1 to 11, inclusive, and Union Rural Electric Association, Inc., submitted and testified



to Exhibits "A" to "M", inclusive. In addition to presenting testimony in support of the respective applications, each participant protested the granting of the application to the other party.

The Commission has carefully reviewed the testimony herein, together with all exhibits submitted, and believes that public convenience and necessity can best be served now and in the future by granting the application of Public Service Company of Colorado and denying the application of Union Rural Electric Association, Inc.

### F I N D I N G S

#### THE COMMISSION FINDS:

1. That the Commission has jurisdiction of both Applicants herein and of the subject matter involved in the instant applications.
2. That the Commission is fully advised in the premises.
3. That the foregoing Statement be made a part hereof by reference.
4. That public convenience and necessity require that Application No. 15131 of Public Service Company of Colorado should be granted, to supply electric service to the Rio Grande Lumber & Supply Co., and the Coronado Subdivision to be located in Section 26, Township 2-South, Range 68-West, in Adams County, Colorado, all as more fully shown on Exhibit No. 5, being the map attached to Application No. 15131 and, by reference, made a part hereof.
5. That Public Service Company of Colorado is qualified to render said electric service, and it appears from the record that public interest would best be served by the granting of said application.
6. That Application No. 15226 of Union Rural Electric Association, Inc., should be denied for the reason that in the Order to follow we shall grant Public Service Company of Colorado the right to render said electric service.

That the motion of the Staff made at the hearing to dismiss the instant applications should be denied.



O R D E R

THE COMMISSION ORDERS:

That Public Service Company of Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to render electric service to the Rio Grande Lumber & Supply Co., and the Coronado Sub-division, to be located in Section 26, Township 2-South, Range 6B-West, in Adams County, Colorado, all as more fully shown on Exhibit No. 5, being the map attached to Application No. 15131, and which, by reference, is made a part hereof.

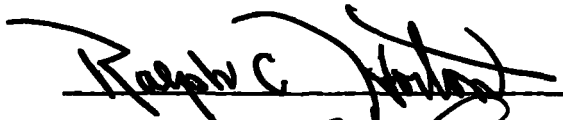

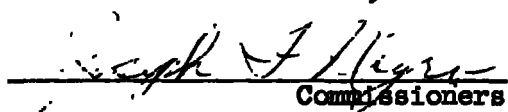
That Public Service Company of Colorado shall render electric service under the certificate granted herein under the rates, rules and regulations of said Company now or hereafter on file with this Commission until changed according to law and the rules and regulations of this Commission.

That Application No. 15226 of Union Rural Electric Association, Inc., be, and it hereby is, denied.

That the motion of the Staff of the Commission, be, and it hereby is, denied.

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 22nd day of April, 1957.

ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
900 FIFTEENTH STREET, DENVER, COLO- )  
RADO, FOR AUTHORITY TO EXTEND )  
ELECTRIC LINES AND FACILITIES IN ) APPLICATION NO. 15199-Extension  
SECTION 19 & 30, TOWNSHIP 1 SOUTH, )  
RANGE 68 WEST, ADAMS COUNTY, COLO- )  
RADO, TO SERVE JAMES LAIRD, 3126 )  
LOWELL. )  
- - - - - )

IN THE MATTER OF THE APPLICATION OF )  
UNION RURAL ELECTRIC ASSOCIATION, INC., )  
BRIGHTON, COLORADO, FOR AUTHORITY TO )  
EXTEND FACILITIES IN THE EAST HALF OF )  
SECTION 19 AND NORTH HALF OF SECTION ) APPLICATION NO. 15269-Extension  
30, TOWNSHIP 1 SOUTH, RANGE 68 WEST, )  
TO SERVE AN ESTIMATED 350 HOMES & A )  
SHOPPING CENTER AND ALL ELECTRICAL )  
NEEDS OF THOSE PERSONS WHO LOCATE IN )  
THE PROPOSED SUNNYSIDE ESTATES SUB- )  
DIVISION PLANNED FOR PARTS OR ALL OF )  
SAID TWO HALF SECTIONS. )  
- - - - - )

- - - - -  
April 22, 1957  
- - - - -

Appearances: Lee, Bryans, Kelly & Stansfield,  
by Bryant O'Donnell, Esq.,  
Denver, Colorado, and  
Charles J. Kelly, Esq., Denver,  
Colorado, for Public Service  
Company of Colorado;  
Grant, Shafroth & Toll, by  
John F. Shafroth, Esq.,  
Denver, Colorado, for Union  
Rural Electric Association, Inc.;  
A. L. Mueller, Esq., Denver,  
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

Application No. 15199 of Public Service Company of  
Colorado was filed with the Commission on March 13, 1957, and  
shortly thereafter Union Rural Electric Association, Inc., filed  
a protest to said application with the Commission. Application  
No. 15269 of Union Rural Electric Association, Inc., was filed



with the Commission on April 4, 1957, and subsequent thereto Public Service Company of Colorado filed its protest on said application with the Commission.

These matters were set for hearing by the Commission after due notice to all interested parties, on April 15, 1957, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

At said time and place the Commission called the above-entitled applications for hearing, and these matters were heard on a consolidated record. At the conclusion of the hearing, the Commission took the matter under advisement.

The procedure being followed in these matters was set forth by the Commission in its Decision No. 47074, of January 7, 1957, in Application No. 13576 - Case No. 5108. This procedure set forth the manner in which Applicants could proceed in the event it was necessary to extend facilities over 300 feet in the aggregate from presently existing facilities. Applicants are also following the procedure set forth in the mutually agreed upon Stipulation, being Exhibit "T" in Applications Nos. 15076 and 15150.

The subject matter of the present applications herein has to do with the rendering of electric service to Sunnyslope Estates Subdivision to be located in Sections 19 & 30, Township 1-South, Range 68-West, in Adams County, Colorado. Since both Applicants are desirous of rendering this service, it is necessary for the Commission to determine on the record herein who should be permitted to serve.

Each party in turn at the hearing submitted evidence in support of its application. Public Service Company of Colorado submitted and testified to Exhibits Nos. 1 to 6, inclusive, and Union Rural Electric Association, Inc., submitted and testified to Exhibits "A" to "J", inclusive. In addition to presenting testimony in support of the respective applications, each participant protested the granting of the application to the other party.



The Commission has carefully reviewed the testimony herein, together with all exhibits submitted, and believes that public convenience and necessity can best be served now and in the future by granting the application of Union Rural Electric Association, Inc., and denying the application of Public Service Company of Colorado.

### F I N D I N G S

#### THE COMMISSION FINDS:

1. That the Commission has jurisdiction of both Applicants herein and of the subject matter involved in the instant applications.
2. That the Commission is fully advised in the premises.
3. That the foregoing Statement be made a part hereof by reference.
4. That public convenience and necessity require that Application No. 15269 of Union Rural Electric Association of Brighton, Colorado, should be granted, to supply electric service to the Sunny-slope Estates Subdivision to be located in Sections 19 & 30, Township 1-South, Range 68-West, Adams County, Colorado, all as more fully shown on the two maps attached to Application No. 15269, being Exhibits "J" and, by reference, made a part hereof.
5. That Union Rural Electric Association, Inc., is qualified to render said electric service and it appears from the record that public interest would best be served by the granting of said applications.
6. That Application No. 15199 of Public Service Company of Colorado, should be denied for the reason that in the Order to follow we shall grant Union Rural Electric Association, Inc., Brighton, Colorado, the right to render said service.

That the motion of the staff made at the hearing to dismiss the instant applications should be denied.

### O R D E R

#### THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., be, and it hereby is, granted a certificate of public convenience and necessity



to extend its facilities to render electric service to the Sunny-slope Estates Subdivision, to be located in Sections 19 & 30, Township 1-South, Range 68-West, Adams County, Colorado, all as more fully shown on the two maps attached to Application No. 15269, being Exhibit "J" and which, by reference, is made a part hereof.

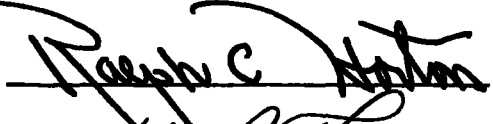


That Union Rural Electric Association, Inc., shall render electric service under the certificate granted herein under the rates, rules and regulations of said Association now and hereafter on file with this Commission, until changed according to law and the rules and regulations of this Commission.

That Application No. 15199 of Public Service Company of Colorado, be, and it hereby is, denied.

That the motion of the staff of the Commission, be, and it hereby is, denied.

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,  
the 22nd day of April, 1957.

ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
COLBURN MOTOR TOURS, INC., 32 SOUTH	)	
NEVADA, COLORADO SPRINGS, COLORADO,	)	
FOR AUTHORITY TO LEASE PUC NO.1265	)	
TO WAYNE W. WALK AND FRANCES M. WALK,	)	APPLICATION NO. 15213-Lease
CO-PARTNERS, DOING BUSINESS AS "TARMAN	)	
TOURS," 1025 EAST JEFFERSON STREET,	)	
COLORADO SPRINGS, COLORADO.	)	
-----	)	

-----  
April 22, 1957  
-----

Appearances: K. B. Charlesworth, Colorado  
Springs, Colorado, for  
Colburn Motor Tours, Inc.;  
Wayne W. Walk, Colorado  
Springs, Colorado, for  
Tarmen Tours;  
Ben S. Wendelken, Esq.,  
Colorado Springs, Colo-  
rado, for Pikes Peak  
Automobile Co.

S T A T E M E N T

By the Commission:

Colburn Motor Tours, Inc., Colorado Springs, Colorado,  
is the owner and operator of PUC No. 1265, authorizing:

Transportation of passengers over the following:

- (a) Little Circle Trip, which is from the City of Colorado Springs to the Garden of the Gods, Cave of the Winds, 7 Falls and return;
- (b) Colorado Springs to Summit of Pikes Peak and return;
- (c) Colorado Springs to summit of Cheyenne Mountain via Cheyenne Mountain Highway and return;
- (d) Colorado Springs to and through Crystal Park and return;
- (e) Colorado Springs to Modern Woodman Sanitorium and return;
- (f) Big Circle Trip, which is from Colorado Springs to Royal Gorge, Phantom Canon, Cripple Creek, Petrified Forest, returning either by Corley Mountain Highway or Ute Pass;



- (g) Colorado Springs, Corley Mountain Highway and return via North Canon;
  - (h) Colorado Springs to Cliff Dwellers Canon;
  - (i) High Drive returning through Bear Creek to Colorado Springs;
  - (j) Any combination of above;
  - (k) At infrequent intervals service to Denver and/or Canon City and Pueblo as a special service.
- (Two Car Limit on above).

Transportation of passengers in sightseeing operations to the various scenic attractions in the Pikes Peak district from Colorado Springs (Three Cars).

Transportation of passengers over the following:

1. Colorado Springs to Garden of the Gods and Williams Canon;
2. To Cave of the Winds and Temple Drive;
3. Ute Pass to Petrified Forest and return;
4. To summit of Fikes Peak;
5. To Cripple Creek;
6. To Royal Gorge and Phantom Canon;
7. Summit of Cheyenne Mountain, returning by Broadmoor District.
8. To South Cheyenne Canon and 7 Falls;
9. To North Cheyenne Canon and High Drive;
10. To Crystal Park;
11. To Woodland Park and Mount Herman Highway to Palmer Lake;
12. Corley Mountain Highway.

Transportation of sightseeing passengers between Canon City, Colorado Springs and Parkdale, over and upon the highways between said points, including the Skyline Drive, and over and upon the highways connecting said points with Royal Gorge of Canon City and the Suspension Bridge over the Royal Gorge of the Arkansas River.

Auto livery service between all points in Pikes Peak Sightseeing Region and from and to said points to and from other points in the State of Colorado.

Amended to: Transportation of passengers between Colorado Springs and Camp Carson, and Colorado Springs and Peterson Field, subject to: authorized



for the duration of war and three (3) months; limited to use of 6 cars; cars must be permanently marked on each side; placard on inside of car in conspicuous place showing load limit and legal fares.

Decision No. 25902 transfers by lease from PUC-48: the operation of sightseeing service between Denver and the Pikes Peak Region pursuant to Decisions Nos. 2370 and 2403, authorizing the use of three (3) sightseeing cars in said service, certificate authorizing the transportation of passengers in sightseeing service from Denver to Pikes Peak, Garden of the Gods, Cave of the Winds, Broadmoor District and 7 Falls, without restrictions as to the number of cars which may be operated in said operation, but with the restriction:

(a) that no passengers shall be transported unless tickets for such transportation shall have been sold by railroad ticket agents at point of origin of passengers, and

(b) that all trips shall begin and terminate in Denver on the same day, and authority issued in Decision No. 1017<sup>4</sup> authorizing the operation of three cars in Trip No. 2, the Jarre Canon Trip; Trip No. 3, the Mount Evans, Leadville and Fairplay Trip; Trip No. 5, the Mesa Verde Trip; and Trip No. 6, the Denver to Colorado Springs Trip, via Devil's Head.

Decision No. 42077 authorizes the following: To substitute four of the type of buses described in the foregoing Statement for certain of its authorized equipment used in sightseeing business under its PUC-1265, the quantity of equipment authorized to be used in its operation not to be increased by such substitution. This Order shall not be construed as granting any authority to transport passengers in Charter service, or in any other service than sightseeing as usually defined.

Extended to transportation of passengers and baggage between points within the City of Colorado Springs, Colorado; provided, however, that each person, or piece of baggage, so transported shall be transported only in connection with a prior or subsequent use of sightseeing service; it is contemplated that in connection with such service a person, or baggage, may be transported to or from a bus or rail depot, from or to a hotel or central assembly point, and that the use of sightseeing service may in some instances not necessarily precede or follow immediately the use of the sightseeing service.

By the instant application filed March 19, 1957, the applicant seeks authority to lease PUC No. 1265 to Wayne W. Walk and Frances M. Walk, co-partners, doing business as "Tarman Tours," Colorado Springs, Colorado.



Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the City Auditorium, Colorado Springs, Colorado, April 12, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

Mr. K. B. Charlesworth, President of Colburn Motor Tours, Inc., which owns the authority, testified in support of the application. He stated that all of the Company's limousine equipment has been sold to the lessee, but the Company still has buses, which are presently leased to Colorado Motorway. When these buses are returned from Colorado Motorway, they will be leased to the lessee of the authority, for use in sightseeing only. Colburn Tours will no longer be engaged in the sightseeing business in the Pikes Peak Region, if the lease is authorized, but will confine its operations to an authority it leases from Rio Grande Motor Way for one-way transportation from the Colorado Springs area to the Royal Gorge, he said. Colburn is not retaining any rights whatever under the certificate which is being leased, according to Mr. Charlesworth. It will continue however to maintain offices in Colorado Springs, and in connection with these offices will sell tickets for the lessee for sightseeing in the Pikes Peak Region, such sightseeing, however, to be dispatched and controlled entirely by the lessee, Colburn's function being limited to the sale of tickets.

Mr. Wayne Walk, one of the partners in the lessee Company, also testified in support of the application in sufficient detail to satisfy the Commission that the lessee is qualified financially and by experience to assume the responsibilities of the operation.

Representatives of the Pikes Peak Automobile Company appeared at the proceeding, but raised no objection to the lease upon hearing the testimony of Mr. Charlesworth that all of the rights involved are being leased and Charlesworth will have no Pikes Peak Region sightseeing function.

No reason appears why the lease should not be approved.



## F I N D I N G S

### THE COMMISSION FINDS:

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

That the proposed lease 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 Colburn Motor Tours, Inc., Colorado Springs, Colorado, be, and it is hereby, authorized to lease all its right, title, and interest in and to PUC No. 1265, with authority as set forth in the preceding Statement, which is made a part hereof by reference, to Wayne W. Walk and Frances M. Walk, co-partners, doing business as "Tarman Tours," Colorado Springs, Colorado, subject to payment of outstanding indebtedness against said certificate, if any there be, whether secured or unsecured.

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

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

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
John P. Thompson  
Joseph F. Neysa  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of April, 1957.



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	}	<u>APPLICATION NO. 14999-PP-Extension</u>
W. ALLEN CLARK AND ARCHIE C. WOOLSEY,		
CO-PARTNERS, DOING BUSINESS AS		
"CLARK & WOOLSEY," 3055½ ARAPAHOE		
STREET, BOULDER, COLORADO, FOR AUTH-		
ORITY TO EXTEND OPERATIONS UNDER		
PERMIT NO. B-4625.	}	
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-----  
April 22, 1957  
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Appearances: W. Allen Clark, Boulder,  
Colorado, pro se;  
Archie C. Woolsey, Boulder,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

The applicants presently hold what is generally known as a sand and gravel authority, restricted, as to the area near Boulder, to certain limited and named customers.

By their present application seeking general state-wide sand and gravel authority in the usual form, as set forth in the following Order, the applicants, in effect, ask that the present restriction be lifted.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Boulder, Colorado, April 15, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

Both applicants testified in support of their application. They stated that they are engaged in the general sand and gravel transportation business in the Boulder area, and are the only carrier there which does this type of work exclusively. They also claim to be the only operator using tandem dump trucks in the area and say that such trucks are the only equipment of the "right type" available there. Most of their business is in the City of Boulder and an



area within perhaps four miles of that City, but occasionally they are asked to transport rock or sand to or from points as far away from Boulder as Broomfield and Longmont. They have had many requests from local construction and contracting companies to render service which is forbidden under the present customer restriction. They have equipment and finances suitable to the work.

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

It did not appear that the proposed service of applicants will impair the efficiency of any common carrier service operating in the territory which applicants seek to serve.

The operating experience and financial responsibility of applicants 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 be made a part of these Findings by reference.

That the authority sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That W. Allen Clark and Archie C. Woolsey, co-partners, doing business as "Clark & Woolsey," Boulder, Colorado, should be, and are hereby, authorized to extend their operations under Permit No. B-4625, and that the authority under said permit should be re-stated, so that, as re-stated, it will read as follows:

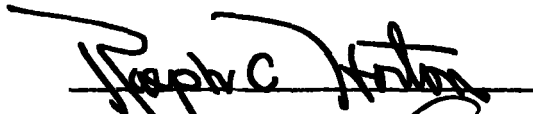

Transportation of sand, gravel and other road-surfacing materials used in the construction of roads and highways from pits and supply points in the State of Colorado, to road jobs within a radius of 50 miles of said pits and supply points, and for the transportation of sand, gravel, dirt, stone and refuse from and to building construction jobs to and from points within a radius of 50 miles of said jobs.

That as of the date this Order becomes effective, the present existing description of authority shall become null and void.



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 22nd day of April, 1957.

ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DOMINIC A. MAZZOCCO, DOING BUSINESS )	
AS "MAZZOCCO CONSTRUCTION COMPANY," )	
BOX 1298, COLORADO SPRINGS, COLO- )	APPLICATION NO. 15261-PP
RADO, FOR A CLASS "B" PERMIT TO )	
OPERATE AS A PRIVATE CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
- - - - - )	

- - - - -  
April 22, 1957  
- - - - -

Appearances: Pat M. Hinton, Esq.,  
Colorado Springs, Colo-  
rado, for Applicant;  
John H. Lewis, Esq.,  
Denver, Colorado, for  
Fairplay Motor Company,  
and R. B. "Dick" Wilson,  
Inc.;  
E. J. Trenberth, Idaho  
Springs, Colorado, for  
Curnow Livery & Transfer;  
Barry, Hupp & Dawkins, Esqs.,  
Denver, Colorado, for  
Verl Harvey, Inc., and  
Atwood Truck Line;  
Shirley Avery, Buena Vista,  
Colorado, for Eveready  
Freight Service, Inc.;  
Stanley Blunt, Canon City,  
Colorado, for Southwestern  
Transportation Co.

S T A T E M E N T

By the Commission:

By his application, the applicant seeks authority generally known as sand and gravel private carrier authority, and also seeks state-wide authority as a private carrier for the transportation of ore and bulk cement.

Said application was regularly set for hearing at the City Auditorium, Colorado Springs, Colorado, April 12, 1957, at ten o'clock A. M., due notice of time and place of hearing being forwarded to all interested parties.



The matter being called up for hearing, the Attorney for the Applicant asked that the matter be continued for hearing at some future time convenient to the Commission. He had only just been retained, he said, and had not had sufficient time to prepare for what will obviously be a bitterly contested matter. Various protestants objected to the granting of the continuance, on the basis that the applicant himself had been fully advised that the matter would be protested, but had stubbornly refused to make any preparations for the hearing, and as a result the various protestants had traveled great distances in bad weather, now to hear the applicant ask that the matter be continued. Over these objections, continuance was granted upon the understanding that the applicant could expect no further leniency in the matter of continuance in the future. The matter should therefore be set for hearing at some future time convenient to the Commission.

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

##### THE COMMISSION FINDS:

The above and foregoing Statement is hereby made a part of these Findings by reference.



That the instant application should be continued to some future date convenient to the Commission, with due notice to all interested parties.


#### O R D E R

##### THE COMMISSION ORDERS:

That hearing on the instant application should be, and it hereby is, continued, to be re-set at some future date convenient to the Commission, with due notice to all interested parties.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of April, 1957.



original

(Decision No. 47767)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RONALD A. KUNAU, 3145 WEST COLORADO, )  
COLORADO SPRINGS, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A ) APPLICATION NO. 15165-PP  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
-----

-----  
April 22, 1957  
-----

Appearances: John H. Lewis, Esq., Denver,  
Colorado, for Fairplay Motor  
Company and R. B. "Dick"  
Wilson, Inc.;  
E. J. Trenberth, Idaho Springs,  
Colorado, for Curnow Livery  
& Transfer;  
Stanley Blunt, Canon City,  
Colorado, for Southwestern  
Transportation Co.;  
Barry, Hupp & Dawkins, Esqs.,  
Denver, Colorado, by Paul  
Hupp, Esq., for Verl Harvey,  
Inc., and Atwood Truck Line;  
Shirley Avery, Buena Vista,  
Colorado, for Eveready Freight  
Service, Inc.

S T A T E M E N T

By the Commission:

By his application filed February 18, 1957, the applicant seeks generally what is described as sand and gravel authority and also authority to haul ore and small grain between all points in the State of Colorado.

The matter was regularly set to be heard in Colorado Springs, Colorado, March 18, 1957, at which time and place the matter was continued for future hearing, upon due notice to all persons interested in or affected by his application.

By Decision No. 47616, dated March 29, 1957, said matter was continued to April 12, 1957, at Colorado Springs, Colorado, with



due notice to all interested persons.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

Thereupon, protestants joined in a motion to dismiss said application for lack of prosecution.

The matter was taken under advisement. A letter has now been received from the applicant, stating that he no longer wishes to pursue the matter.

### F I N D I N G S

After careful consideration of the record, the Commission is of the opinion, and finds, that said application should be dismissed for lack of prosecution.

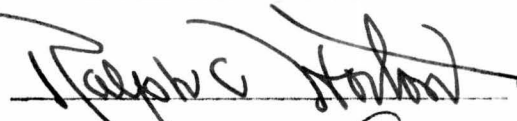


### O R D E R

#### THE COMMISSION ORDERS:

That the above-styled application 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 22nd day of April, 1957.

mls



original

(Decision No. 47768)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
EDGAR PETE HAYNES, 930 WEST OAK )	
STREET, FORT COLLINS, COLORADO, FOR )	
A CERTIFICATE OF PUBLIC CONVENIENCE )	APPLICATION NO. 15236-Extension
AND NECESSITY, AUTHORIZING EXTENSION )	
OF OPERATIONS UNDER CERTIFICATE )	
GRANTED BY DECISION NO. 47377, IN )	
APPLICATION NO. 15032. )	
-----	

-----  
April 22, 1957  
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S T A T E M E N T

By the Commission:

By Decision No. 47377, of date February 25, 1957, the Commission granted a certificate of public convenience and necessity to Edgar Pete Haynes, Fort Collins, Colorado, authorizing common carrier motor vehicle call and demand service for the transportation of trash from point to point within the City Limits of Fort Collins, Colorado.

On March 20, 1957, applicant filed an application for extension of his authority granted by the Decision aforesaid so that said authority will read as follows:

"Transportation of trash and general cartage (package delivery) from point to point in Fort Collins, Colorado; between points in Fort Collins, Colorado, and a radius of five miles thereof."

The application included a request to re-open Decision No. 47377 and for a rehearing of the application on the ground that applicant was entitled to ratification of "Grandfather Rights" in that he had been engaged in the transportation of trash and general cartage of groceries for stores in Fort Collins for many years.

Said application was regularly set for hearing at the Court



House, Fort Collins, Colorado, April 10, 1957, at ten o'clock A. M., due notice of time and place of the hearing being forwarded to all interested parties.

Applicant did not appear either in person or by Attorney. The files were made a part of the record and the matter was taken under advisement.

It appears from the files herein that in his original application, Haynes stated that he desired to engage in the business of trash hauling in the City of Fort Collins, Colorado. The application contained no reference to any other activity. Hearing was set for February 14, 1957, at the Court House, in Greeley, Colorado. Applicant appeared in person and testified as to conducting trash hauling operations in Fort Collins continuously since 1935, not referring to any other business. By Decision No. 47377, of date February 25, 1957, the Commission granted to applicant exactly the authority he had asked for.

The application for rehearing was filed March 13, 1957, within twenty days of the date of said Decision. No action being taken by the Commission thereon within the twenty day period, the application for rehearing was automatically denied at the end of said period. The hearing on the request for extension was duly set as above stated and applicant did not appear to prosecute the same, nor has the Commission received any explanation of his non-appearance.

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

##### THE COMMISSION FINDS:

The above and foregoing Statement is hereby made a part of these Findings by reference.

That the instant application should be denied for failure to prosecute.



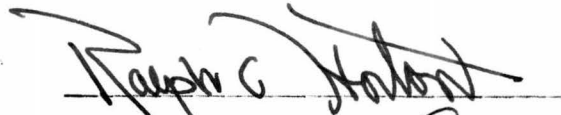
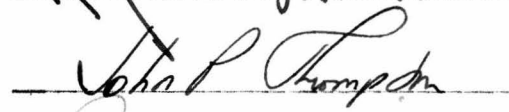

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, denied, for failure to prosecute.

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 April, 1957.

mls



(Decision No. 47769)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
FRANK C. HEITMAN, 4601 WEST ALAMEDA  
AVENUE, DENVER, COLORADO, FOR AUTH-  
ORITY TO EXTEND OPERATIONS UNDER  
PERMIT NO. B-4043.

APPLICATION NO. 15243-PP-Extension

April 22, 1957

Appearances: Frank C. Heitman, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Frank C. Heitman, 4601 West Alameda Avenue, Denver, Colorado, is the owner and operator of Private Permit No. B-4043, authorizing:

Transportation of forest and sawmill products, including logs and timber, from Fraser and Winter Park, Colorado, and a five mile radius of each of said towns, to Denver, Colorado;

Transportation of forest and sawmill products, including logs and timber, from points within a radius of thirty miles of Granby, Colorado, and a five mile radius of Dillon, Colorado, to Denver, Colorado, and to points within a radius of ten miles of Denver, Colorado.

By the instant application, he seeks authority to extend operations under said permit to include the transportation of forest and sawmill products from points within a radius of ten miles of Cherokee Park (near Red Feather Lakes), in Larimer County, Colorado, to Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Fort Collins, Colorado, April 10, 1957, and at the conclusion



of the evidence, the matter was taken under advisement.

Applicant testified that he has been hauling forest and sawmill products to Denver under his original permit and extensions thereof, most of these products being hauled recently from the Granby and Dillon areas for Broderick Wood Products Co., of Denver. Said Company owns or leases most of the timber in the area he is serving and wishes to serve. It has a mill fifteen miles distant from Cherokee Park, and one Bockman has two or three mills in the Red Feather Lakes Area. Both of these operators have requested applicant to obtain the extension and will use his service if same is made available. He owns and uses special equipment, consisting of three Chevrolet fully equipped trucks, one of 15-ton capacity (1956), one of capacity of  $2\frac{1}{2}$ -tons (1955), and one of capacity of  $2\frac{1}{2}$ -tons (1954), and his net worth is \$20,000.

Applicant testified that, in order to give the two customers named service in the areas in which they are now operating, it is necessary to request an amendment of his application to read "30 miles of Cherokee Park" in lieu of "10 miles of Cherokee Park."

As no one appeared in protest and it does not appear that the amendment or the operation of applicant under the extension sought will adversely affect the operation of any common carrier authorized to operate in the areas involved, the amendment was allowed.

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

##### THE COMMISSION FINDS:

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

That the extension sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:



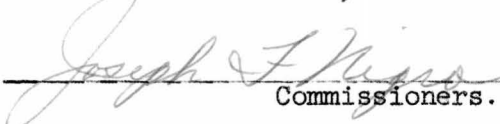
That Frank C. Heitman, Denver, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-4043,



to include the transportation of forest and sawmill products from points within a radius of thirty miles of Cherokee Park (near Red Feather Lakes), in Larimer County, Colorado, to Denver, 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

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

Dated at Denver, Colorado,  
this 22nd day of April, 1957.

mls



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
FLOYD MUNDY, 932 EAST SEVENTH )	
STREET, PUEBLO, COLORADO, FOR A )	
CERTIFICATE OF PUBLIC CONVENIENCE )	
AND NECESSITY TO OPERATE AS A COM- )	APPLICATION NO. 15141
MON CARRIER BY MOTOR VEHICLE FOR )	
HIRE. )	
----- )	

-----  
April 22, 1957  
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Appearances: Floyd Mundy, Pueblo,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, Floyd Mundy, 932 East Seventh Street, Pueblo, Colorado, seeks a certificate of public convenience and necessity authorizing the transportation of trash from point to point within the City of Pueblo, and from said points to the Pueblo city dumps, wherever located.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Pueblo, Colorado, on March 15, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he has been engaged in the transportation of trash within the city of Pueblo for fourteen years, operating under appropriate licenses from the city authorities each year, having been continuously so engaged up to and including January 1, 1955, the effective date of Amendment XXV to the Constitution of the State of Colorado granting to this Commission jurisdiction over common carriers operating within home-rule cities, such as Pueblo, and filed the instant application to establish his "Grandfather Rights" to so operate. He



further testified that he uses a one-half-ton Chevrolet pickup truck, and his net worth is \$2,000. He has been serving 200 customers.

No one appeared in opposition to favorable action on the instant application, and it appears to the Commission that applicant is well qualified by experience and financially to carry on the proposed operation.

#### FINDINGS

##### THE COMMISSION FINDS:

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant.

#### ORDER

##### THE COMMISSION ORDERS:

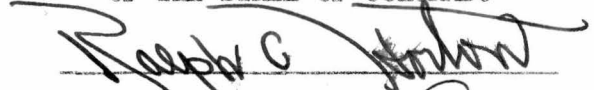


That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of Floyd Mundy, 932 East Seventh Street, Pueblo, Colorado, for the transportation of trash from point to point within the city of Pueblo, Colorado, and from said points to the Pueblo city dumps, wherever located, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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 22nd day of April, 1957.



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

IN THE MATTER OF THE APPLICATION OF )  
EMERSON FINCH, ROBERT FINCH, AND )  
JOHN SWARM, CO-PARTNERS, DOING )  
BUSINESS AS "F. S. F. TRUCK LINE," )  
ROUTE 2, COLORADO SPRINGS, COLORADO, ) APPLICATION NO. 15162-PP-Extension  
FOR AUTHORITY TO EXTEND OPERATIONS )  
UNDER PERMIT NO. A-755. )  
-----)

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April 22, 1957  
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Appearances: Morton McGinley, Esq.,  
Colorado Springs, Colo-  
rado, for Applicants;  
Marion R. Smyser, Esq.,  
Denver, Colorado, for  
Rio Grande Motor Way,  
Inc.; Larson Transporta-  
tion Co.;  
Merle Jessup, Elbert, Colo-  
rado, for Elbert Transfer  
Co.;  
Dair Schattinger, Jefferson,  
Colorado, for Schattinger  
& Son;  
J. M. Williams & Lewis Williams,  
Colorado Springs, Colorado,  
pro se;  
Dee Wann, Limon, Colorado,  
pro se;  
Frank Link, Simla, Colorado,  
for Link's Truck Line.

S T A T E M E N T

By the Commission:

The applicants presently have authority as a private  
carrier, pursuant to PUC No. A-755, as follows:

Transportation of farm products, including  
livestock, farm supplies, farm machinery,  
and equipment and emigrant moveables be-  
tween points within the area extending  
north as far as the farmers' highway (State  
Highway No. 94) (including the right to  
serve farms north of, and abutting upon  
said highway), south to a line drawn east  
and west through a point 8 miles north of  
U. S. Highway 50, west to U. S. Highway 85,  
and east to a line drawn north and south  
through a point 15 miles east of Hanover,  
and from points in said area and farms abutting  
on said Highway No. 94, on the one hand, to  
Denver, Colorado Springs and Pueblo, on the other;



and beans from farms in said area to Calhan, Colorado, without the right to perform town to town service on U. S. Highways 85 and 50 and State Highway 96; and extended to include the right to transport farm products from points in said area to Calhan, Colorado.

By their present application filed January 30, 1957, they seek to have this authority extended to include the right to transport presently authorized commodities from and to points in their presently authorized territory to and from all other points in the State of Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the County Court Room, Colorado Springs, Colorado, March 18, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

It appears from the records of the Commission that this identical authority has been asked on two previous occasions and has on each occasion been refused. In 1950, the then owners of the permit, seeking this extension, produced no public witnesses to show any need for the extended service and were, by our Decision No. 34201, dated February 9, 1950, refused extended authority. In 1955, the present owners of the authority again failed to produce any public witnesses who wanted or would use the proposed service and were a second time denied.

The present application, while in form identical to the one already denied, is this time supported by the testimony of a few public witnesses. The circumstances of the present hearing are therefore somewhat different from the former ones.

Mr. Emerson Finch, one of the applicant partners, testified in support of the application. It appears from his statements that the partners have about twenty regular customers of their present private carrier service. They operate on call and demand only, serving principally off-highway ranches. They have three tractors and four trailers; the shortest trailer of 28-foot length, the longest 32-foot length. All are suitable to the handling of livestock. They operate



out of Fountain, Colorado. They are presently entitled to operate between points in their base territory, on the one hand, and Denver, Colorado Springs and Pueblo, on the other hand, as well as within their base territory. Their base territory, as they interpret it, however, includes approximately the southeast quarter of the City of Colorado Springs. Reference to the map indicates that the other populated areas within their base territory are the Town of Fountain and the community of Security, between Fountain and Colorado Springs. The partners have no other authority to haul for hire intrastate.

Public witnesses testifying in support of the application were Mr. Henry A. Hammer, a rancher based six miles south and eight miles east of Fountain; Mr. A. L. Vetti, a rancher and former owner of this authority, based twenty miles east and five miles south of Fountain; Mr. O. R. Wiseman, a rancher based twenty miles east and seven miles south of Fountain; Mr. Jack Blasingame, operating generally southeast of Fountain; and Mr. L. S. Holman, a rancher based fifteen miles east and three miles south, thence one mile west by road from Fountain.

The consensus of the testimony of all these ranchers was that the applicants are the only local truckers in that rural area and that they provide an excellent local service. It is quite inconvenient for the rancher, and sometimes unsatisfactory, to have to go outside of this large and sparsely-populated area a great distance to get a trucker to do their work. Although calls for service that the applicants are not able to render under their present authority are infrequent, nevertheless they do occur, and when they occur result in inconvenience to the ranchers who testified. The principal transportation involved is of livestock, but occasionally other commodities are needed on the ranch or need to be hauled from the ranch to other points. The testimony was confined entirely to the needs of ranchers on their ranches. There was no testimony concerning transportation between towns, nor for any non-ranch customer.



Several carriers appeared in protest. A representative of Rio Grande Motor Way and Larson Transportation Company testified concerning the service offered by those companies. It does not appear that the service they offer suits the needs of the ranchers who testified in support of the application.

The President of Elbert Transfer Company, with offices at Elbert, has occasionally done some of the work, but is more than 30 miles away from any of the ranches involved.

Mr. Dair Schattinger, an irregular route livestock carrier, based at Jefferson in Park County, with authority in and out of Park County, frequently moves stock and feed in and out of that County from and to the area presently under consideration. He has no office, however, within 100 miles of the area. It does not appear that we should require these ranchers to go to such extreme lengths to obtain service.

A Colorado Springs livestock carrier, J. M. Williams Truck Line, has equipment suitable to the work, but we conclude from the testimony that he has some difficulty in keeping these ranchers satisfied; further, the applicants already have authority to transport livestock from the area to the principal markets in the state, which are located at Denver and Pueblo. The effect of granting the application upon the local common carrier's business if indeed any, is not clear. We are not able to conclude from the evidence that the granting of the application would impair this carrier's service to the public. It will be noted that, although the base territory includes parts of cities and towns, no customers appeared from any of these towns, nor was any desire shown to engage in any service from one town to another town anywhere in the State of Colorado. Rather, the only thing shown was a need of ranchers in rural areas off the highways for service to and from their ranches, from and to other points in the State of Colorado. We will authorize service to these ranchers in accordance with the evidence in the matter, as it does not appear that such an authority



will impair the service of any other carrier. There was no evidence to indicate, nor do we conclude, that any general transportation service is warranted, except to serve the needs of these specific ranchers.

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 herein.

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

### O R D E R

#### THE COMMISSION ORDERS:

That Emerson Finch, Robert Finch, and John Swarm, co-partners, doing business as "F. S. F. Truck Line," Colorado Springs, Colorado, should be, and they are hereby, authorized to extend operations under Permit No. A-755, so that the authority under Permit No. A-755 shall read as follows:

Transportation of farm products, including livestock, farm supplies, farm machinery, and equipment and emigrant moveables between points within the area extending north as far as the farmers' highway (State Highway No. 94) (including the right to serve farms north of, and abutting upon said highway), south to a line drawn east and west through a point 8 miles north of U. S. Highway 50, west to U. S. Highway 85, and east to a line drawn north and south through a point 15 miles east of Hanover, and from points in said area and farms abutting on said Highway No. 94, on the onehand, to Denver, Colorado Springs and Pueblo, on the other; and beans from farms in said area to Calhan, Colorado, without the right to perform town to town service on U. S. Highways 85 and 50 and State Highway 96; and extended to include the right to transport farm products from points in said area to Calhan, Colorado;

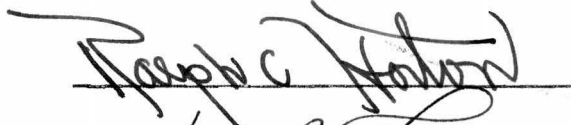

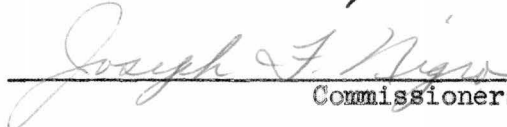
and transportation of the same commodities named in the preceding paragraph to and from the ranches and pastures of Henry A. Hammer,



A. L. Vetti, O. R. Wiseman, Jack Blasingame,  
and L. S. Holman, located southeast of  
Fountain within the territory more partic-  
ularly described in the preceding paragraph,  
to and from all points in the State of Colorado.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of April, 1957.

ea.



original

(Decision No. 47772)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
GOLDSTEIN TRANSPORTATION AND STOR- )	
AGE, INC., 3434 WALNUT STREET, DEN- )	APPLICATION NO. 15146-PP-Extension
VER, COLORADO, FOR AUTHORITY TO )	
EXTEND OPERATIONS UNDER PERMIT )	
NO. A-787. )	
- - - - - )	

- - - - -  
April 22, 1957  
- - - - -

Appearances: Robert L. Lalich, Esq.,  
                  Denver, Colorado, for  
                  applicant;  
                  Howard D. Hicks, Denver,  
                  Colorado, for Weicker  
                  Transfer & Storage  
                  Company;  
                  Barry, Hupp & Dawkins, Esqs.,  
                  Denver, Colorado, by  
                  John R. Barry, Esq., for  
                  Gottula Trucking & Trans-  
                  portation, Inc., and Couey  
                  Storage & Transfer.

S T A T E M E N T

By the Commission:

Goldstein Transportation and Storage, Inc., is the owner and operator of Private Carrier Permit No. A-787, which originally authorized the transportation of freight between Denver and Julesburg, and intermediate points, over U. S. Highways Nos. 85, 38 and 138; between Fort Lupton vicinity and Trinidad and intermediate points, over U. S. Highway No. 85; between Fort Lupton vicinity and Wyoming State Line and intermediate points, over U. S. Highway No. 85; and between Denver and the Kansas State Line and intermediate points, over U. S. Highway No. 40 to Limon, and U. S. Highway No. 24.

By Decision No. 46245, of July 30, 1956, authority under this permit was extended to include pick-up and delivery service within a radius of 5 miles of the City Limits of Denver,



Colorado, where the goods involved have had or will have a prior or subsequent movement under the original authority and where the entire transportation is covered by a single bill of lading.

By the instant application, authority is sought to extend operations under said permit to include operations within a 10-mile radius of the city limits of Colorado Springs, Colorado; a 10-mile radius of the city limits of Walsenburg, Colorado; a 10-mile radius of the city limits of Trinidad, Colorado; a 10-mile radius of the Town of Aguilar, Colorado; a 20-mile radius of the city limits of Pueblo, Colorado; further, to authorize a pick-up and delivery of general commodities between the areas above described, on the one hand, and points now served under the authority of said permit, on the other hand.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Pueblo, Colorado, March 15, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

Bennie Goldstein, President and Manager of applicant corporation, testified in support of its application. He offered in evidence Exhibit No. 1, a balance sheet of the company as of November 30, 1956, showing net worth of \$68,016.00; Exhibit No. 2, a list of equipment; Exhibit No. 3, a statement of the present authority under the permit; and Exhibit No. 4, a map upon which are shown the Company's presently operated routes.

Mr. Goldstein stated that he and his predecessor in interest have conducted operations under the permit since 1932 on a call and demand basis. The Company now seeks authority to serve as a line-haul carrier in the new territory requested, rather than on call and demand.

Referring to the area within a ten-mile radius of Colorado Springs, witness mentioned as points he wishes to serve only Peterson Field, and Fort Carson. His argument in support of his



application for authority to serve Peterson Field was only that service to that point is now through a combination of two or three truck lines and there is no single line service. His company now services this point under PUC No. 3171, a state-wide freight authority, with headquarters in Denver, and PUC No. 416, a general cartage authority covering Colorado Springs and vicinity. On interstate traffic it serves this point under PUC No. 1901-I, a registered authority. It also serves under Private Permit No. B-503, a state-wide unrestricted private permit. The Company now serves Fort Carson under the instant Private Permit No. A-787, and under PUC No. 3171 and PUC No. 1901-I and also under Private Permit No. B-503. Several other carriers also serve Fort Carson. The only other points mentioned within this radius were Manitou Springs and Broadmoor, each of which points are now served by Weicker in line-haul service.

Mr. Goldstein testified as to the area within a 20-mile radius of Pueblo, the only point in which he seemed interested being the United States Ordnance Depot, approximately 16 miles east of the City, which now enjoys no line-haul service. Applicant can and does serve this Depot under its other authorities. The intermediate territory between Pueblo and the Depot, such as Avondale, Vineland, and Ecône, are now served by Weicker's line-haul single line service. Applicant agreed that if the instant application is granted, as to the Pueblo radius, the authority might be limited as against service to any point on U. S. Highway No. 50 east of Pueblo, as service to said points would be in direct competition with Weicker.

As to the area around Walsenburg and Aguilar, the witness testified that the growth of said areas is sufficiently important to justify the proposed line-haul service, but produced no customer witnesses from these areas.

As to the Trinidad area, he stated only that he wishes to serve the points of Morley, Sopris and Jansen, but produced no customer witnesses from said points. He stated that the instant



application was filed because of the desire of his customers in the area applied for to obtain scheduled line-haul service rather than the call and demand service he can now furnish and that his proposed daily line-haul service into and from these additional areas would take no more business from his competitors than does his present service.

John P. Manahan, Regional Director of Transportation for the United States General Service Administration, based at the Denver Federal Center near Denver, appeared in support of the application. He controls all traffic from the Federal Center for Government agencies and the Defense Department to all points in Colorado. About a million pounds of freight move intrastate per annum. He is not interested in Manitou or Broadmoor in the Colorado Springs area or points on U. S. Highway No. 50 east of Pueblo, or points in the Walsenburg, Aguilar or Trinidad areas. What he would like to have a single line carrier from the Federal Center to all executive agencies and military installations in the Colorado Springs area, such as the Air Force Academy, Peterson Field, Ent Air Base, and Fort Carson, and also to the Pueblo Ordnance Depot, as there is presently no single line carrier, particularly to Peterson Field and the Pueblo Ordnance Depot. He is of the opinion that single line service would be to the advantage of his agency as most of the freight shipped is needed in a hurry and he would prefer that it be interlined and also prefers that a single carrier pick up the freight at the Federal Center and deliver same to its destination. He feels that rush shipments could be more adequately handled. Witness admitted, however, that the past two and one-half years applicant has furnished adequate service to the Air Academy and the points mentioned and that the granting of the instant application would not give the Government any more adequate service by applicant than it now receives. For shipments to southern Colorado, he now uses Weicker's service which is adequate, the Denver area pick up service for Weicker's line-haul operation being efficiently



handled by Westway Motor Freight, Inc.

Leslie Donnelly, General Manager of Hillside Dairy, 2600 West 11th Street, Pueblo, Colorado, one-half mile outside the City Limits, testified that his Company is the producer and distributor of bottled milk service in Pueblo only. It has no out shipments, but receives supplies daily from Denver. The shippers designate the carrier and witness has had occasion to call on applicant for service not more than three or four times per year. There are five or six trucking lines bringing in these shipments, usually making delivery to the Dairy from Pueblo without charge. If the shipments come by applicant, the dairy is required to pay an additional delivery charge, which would not be true if the application is granted. The service of applicant has been satisfactory. The Dairy needs no service that it does not now receive and applicant could give the Dairy "nothing it does not now have."

K. Z. Week, hardware buyer for Brookhart Lumber Company of Manitou Springs, is interested in the incoming shipments of hardware only, as his Company makes its deliveries by its own trucks. These incoming shipments are from Denver and Pueblo and have been handled by Weicker satisfactorily. The lumber yard is located on U. S. Highway No. 24, about one mile west of Colorado Springs. The Company has used applicant's service only occasionally, but when used it has been satisfactory and its record for claim payments and service at given times has been good. Favorable action on the application might prevent his Company's being penalized for additional delivery charges to the lumber yard from Colorado Springs.

George Epcar owns and operates a Government surplus store in Denver, buying and selling shipments of surplus purchased at such Government installations as Fort Carson, Peterson Field, Ent Air Base, and the Pueblo Ordnance Depot. He has used applicant's service in transporting these shipments for the past five or six years and found same satisfactory. These shipments are spasmodic,



depending on dates of sale by the Government, and aggregate approximately 1,000 to 1,500 tons per annum from Fort Carson, and 3,000 tons per annum from the Pueblo Ordnance Depot. The principal interest of witness is in shipments from Fort Carson from which applicant provides one line service. The shipments from the Pueblo Ordnance Depot are loaded by Gottula Trucking & Transportation, Inc., and delivered to applicant at Pueblo. Witness is of the opinion that scheduled line-haul service by applicant would "help."

John Borgen, Shipping Clerk for Umberger & Baldrige Implement Company, located three blocks east of U. S. Highway No. 85, ten or twelve blocks outside the City of Colorado Springs on U. S. Highway No. 24, testified that he has used applicant's service for the past nine or ten years and same has been satisfactory. However, applicant now offers no pick up and delivery service. Other carriers pick up and deliver both at his store and his warehouse. His shipments received through applicant are delivered to the Goldstein dock at Colorado Springs and must either be called for, or delivered by applicant's combination with other carriers. His firm makes no shipments to points on U. S. Highway No. 50 east of Pueblo or to Manitou or Broadmoor, or to any points in the vicinity of Walsenburg, Aguilar, or Trinidad, but does make a few shipments to the Pueblo Ordnance Depot. The present transportation facilities meet his needs, but he thinks that the granting of the application might result in more competition among the carriers and "competition is the life trade."

Arthur H. Armstrong owns and operates the Banco Leather Products Company in Colorado Springs. He receives shipments from Denver, has used applicant's service which is satisfactory, and needs no more service than he now enjoys.

Robert Sanders has for ten years operated a service station, motel and restaurant two miles south of Trinidad on U. S. Highway No. 85; he has used applicant's service for the past three



years and has been well satisfied, but the shipments are delivered to a dock in Trinidad and he must pick them up there as applicant cannot furnish a pick up and delivery service. The local delivery charges are exorbitant. A scheduled line-haul service from Trinidad south would be of advantage, but he has no assurance that it would be established even if the application is granted.

A. B. Dawn operates the Gateway Motel, four miles south of Trinidad, on U. S. Highway No. 85, and has occasion to ship furniture, paint, etc. He has used applicant's service for the past five or six years and it has been satisfactory. He has the same problems as witness Sanders relative to local delivery of his shipments from the dock at Trinidad, and a scheduled line-haul service would be convenient.

It was stipulated and agreed between the interested parties that the following witnesses, if called, would testify to the same general effect as had witnesses for other shippers, to-wit: E. E. Anderson, Traffic Manager of Montgomery Ward and Company; R. L. Grimes, Traffic Manager of Morse Brothers Machinery Company; and Alex Brester, Traffic Manager of Cudahy Packing Company, all of Denver.

At the conclusion of applicant's case, counsel for protestants joined in a motion to dismiss the application for failure of adequate proof, which motion was taken under advisement.

#### PROTESTANTS

Ernest Gottula, President of Gottula Trucking & Transportation, Inc., operating under PUC No. 222, testified that he has served the Pueblo Ordnance Depot and all points between Pueblo and Boone, on U. S. Highway No. 50, daily for the past 9 years, interlining with all other common carriers at Pueblo. He furnishes through trailer service, using three open trailers and ten closed trailers, and his list of equipment on file with the Commission was made a part of the record by reference. He offered in evidence protestant's



Exhibit A, his daily schedule between Denver and the Pueblo Ordnance Depot, which he has operated since 1927, and stated that the granting of the instant application so far as the 20 mile radius of Pueblo is concerned would impair his ability to serve the public. He made no profit during 1956 and is able and willing to serve all the needs of the Ordnance Depot adequately.

Anna Gasperetti, doing business as City Transfer and Storage Company of Walsenburg, operating under PUC No. 570, referred to her list of equipment on file with the Commission and stated that she is local agent for Weicker; that other carriers have tried to serve the points within a ten-mile radius of Walsenburg, but were compelled to abandon service because of lack of business; that no coal camps are now operated in the area and the population is found only on a few ranches. She can and does serve the area adequately and the granting of the application would adversely affect her business.

Howard D. Hicks, Traffic Manager of the Transportation Division of Weicker Transfer & Storage Company, reviewed the authority of his company, particularly its service over U. S. Highway No. 85 between Denver and Trinidad, and to Manitou and Broadmoor in the Colorado Springs area under PUC-8. He stated there is no need of the service by any other carrier.

To recapitulate, the evidence of supporting witnesses relative to the four radial areas applicant seeks to serve under its proposed extension of authority is as follows:

10-Mile Radius of Colorado Springs

Line-haul service is sought only to Peterson Field. Witness agreed that present call and demand service of applicant under this and its other authorities is adequate. There is no single line service from Denver to Peterson Field, but the necessity for such a service does not appear. Witnesses Manahan and Epcar testified that the granting of the authority sought would not improve the service either to Peterson Field, Ent Air Base, Air Force



Academy, or Fort Carson. One firm, Umberger & Baldrige Implement Company, 10 or 12 blocks from the Colorado Springs City Limits, needs only additional pick up and delivery service.

20-Mile Radius of Pueblo

Applicant is interested only in line-haul service to the Pueblo Ordnance Plant, 16 miles east of the City, which plant it now adequately serves under other authorities. Witnesses Manahan and Epcar are satisfied with the present service. Gottula provides daily service. Hillside Dairy, one-half mile outside Pueblo City Limits, would like pick up and delivery service to avoid local delivery costs from the Pueblo dock.

10-Mile Radius of Walsenburg

No supporting witnesses. City Transfer and Storage Company of Walsenburg provides adequate service. No need for additional service shown.

10-Mile Radius of Aguilar

No supporting witnesses and no showing of need of additional service.

10-Mile Radius of Trinidad

Applicant testified that he wishes to serve Morley, Sopris and Jansen, but produced no witnesses from either point. Only witnesses were Sanders, operating a service station, motel and restaurant two miles south of Trinidad, and Dawn, operating a motel four miles south of Trinidad, both on U. S. Highway No. 85, who are adequately served, except that they would like to have pick up and delivery service to save local delivery cost.

The Commission is of the opinion that applicant has failed to prove any need for its proposed line-haul service into or out of the radial areas above described. These areas are now adequately served by applicant and other carriers. A lumber company, ten or twelve blocks outside the City Limits of Colorado Springs; a dairy, one-half mile outside the City Limits of Pueblo; and two motel operators, south of Trinidad on U. S. Highway No. 85, were the only



prospective customers who expressed a desire for pick up and delivery service to save local delivery cost. The Commission is of the opinion that need for such pick up and delivery service is not sufficiently shown by the evidence to justify the granting of this authority in any or all of the affected areas. A line-haul service to any of these customers would not be economically feasible.

### 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 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 22nd day of April, 1957.

ea



original

(Decision No. 47773)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

IN THE MATTER OF THE APPLICATION OF )  
I. D. BONSER AND ED ALLBRANDT, CO- )  
PARTNERS, DOING BUSINESS AS "A & B )  
TRUCKING SERVICE," BOX 822, FORT )  
COLLINS, COLORADO, FOR AUTHORITY TO )  
TRANSFER PUC NO. 910 AND PUC NO. )  
910-I TO RAY A. NAUTA, DOING BUSI- )  
NESS AS "NAUTA TRUCKING SERVICE," )  
P. O. BOX 405, FORT COLLINS, COLO- )  
RADO. )  
-----

APPLICATION NO. 15245-Transfer

IN THE MATTER OF THE APPLICATION OF )  
I. D. BONSER AND ED ALLBRANDT, CO- )  
PARTNERS, DOING BUSINESS AS "A & B )  
TRUCKING SERVICE," BOX 822, FORT )  
COLLINS, COLORADO, FOR AUTHORITY TO )  
TRANSFER PERMIT NO. A-2599 TO RAY A. )  
NAUTA, DOING BUSINESS AS "NAUTA )  
TRUCKING SERVICE," P. O. BOX 405, )  
FORT COLLINS, COLORADO. )  
-----

APPLICATION NO. 15246-PP-Transfer

-----  
April 22, 1957  
-----

Appearances: Ralph H. Coyte, Esq., Fort  
Collins, Colorado, for  
Transferors;  
Bruce Ownbey, Esq., Denver,  
Colorado, for Transferees.

S T A T E M E N T

By the Commission:

Each of the above applications was assigned for hearing be-  
fore Examiner Joseph W. Hawley, at the Hearing Room of the Commission,  
330 State Office Building, Denver, Colorado, April 11, 1957, with due  
notice to all interested parties.

The Examiner has submitted his Report of the proceedings,  
as follows:

Transferee, by his counsel, moved for dismissal of each of  
the applications, and the motions were taken under advisement.



The Examiner is of the opinion that the Motions referred to should be granted and each of the applications dismissed.

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 instant application should be dismissed at the request of counsel for Transferee.

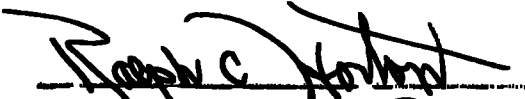

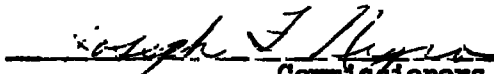
O R D E R

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 Applications Nos. 15245-Transfer and 15246-Transfer do, and the same hereby are, dismissed, at the request of counsel for Transferee.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of April, 1957.

mls



Original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
IVAN BONSER AND ED ALLBRANDT, CO- )  
PARTNERS, DOING BUSINESS AS "A & B )  
TRUCKING SERVICE," BOX 822, FORT )  
COLLINS, COLORADO, FOR AUTHORITY TO )  
TRANSFER PUC NO. 910 AND PUC NO. )  
910-I TO E. R. BETZ, BOX 822, FORT )  
COLLINS, COLORADO, O. B. FUQUA, BOX )  
317, ROUTE 1, FORT COLLINS, COLO- )  
RADO, AND D. L. DOWNING, 804 HOS- )  
PITAL ROAD, FORT COLLINS, COLORADO, )  
CO-PARTNERS, DOING BUSINESS AS )  
"FORT COLLINS LIVESTOCK EXPRESS," )  
FORT COLLINS, COLORADO. )  
-----

APPLICATION NO. 15247-Transfer

IN THE MATTER OF THE APPLICATION OF )  
IVAN BONSER AND ED ALLBRANDT, CO- )  
PARTNERS, DOING BUSINESS AS "A & B )  
TRUCKING SERVICE," BOX 822, FORT )  
COLLINS, COLORADO, FOR AUTHORITY TO )  
TRANSFER PERMIT NO. A-2599 TO E. R. )  
BETZ, BOX 822, FORT COLLINS, COLO- )  
RADO, O. B. FUQUA, BOX 317, ROUTE 1, )  
FORT COLLINS, COLORADO, AND D. L. )  
DOWNING, 804 HOSPITAL ROAD, FORT )  
COLLINS, COLORADO, CO-PARTNERS, )  
DOING BUSINESS AS "FORT COLLINS )  
LIVESTOCK EXPRESS," FORT COLLINS, )  
COLORADO. )  
-----

APPLICATION NO. 15248-PP-Transfer

-----  
April 22, 1957  
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Appearances: Ralph H. Coyte, Esq., Fort  
Collins, Colorado, for  
Transferors;  
Bruce Ownbey, Esq., Denver,  
Colorado, for Ray A. Nauta;  
Henry S. Sherman, Esq., Den-  
ver, Colorado, for Trans-  
ferees.

S T A T E M E N T

By the Commission:

Ivan Bonser and Ed Allbrandt, co-partners, doing business as  
"A & B Trucking Service," Fort Collins, Colorado, are the owners and



operators of PUC No. 910 and PUC No. 910-I, authorizing:

Transportation of farm products (including livestock), in irregular service on call and demand, from point to point in all of Larimer County and Weld County north of a line drawn east and west 9 miles south of Fort Collins and west of Range Line 67 West, to and from other points in Colorado, with right to transport all commodities, except household goods from farms in said area, to and from Fort Collins, Colorado, specifically eliminating however, the transportation of farm products (excluding livestock) into Denver, and any competition with line-haul common carriers between towns; between all points in Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

By Application No. 15247, as amended, said certificate-owners seek authority to transfer their operating rights under said certificates to E. R. Betz, O. B. Fuqua, and D. L. Downing, co-partners, doing business as "ABC Trucking," Fort Collins, Colorado.

The same Transferors are the owners and operators of Private Permit No. A-2599, authorizing:

Transportation of pickles and pickle company products, both before and after processing, between Fort Collins and Denver, via U. S. Highway No. 287, to corner of Broomfield, thence to Denver via North Washington Highway, including the right to transport from Denver to Fort Collins merchandise and plant supplies; provided, however, that such service shall extend only to the transportation of such merchandise between Denver and Fort Collins, and vice versa, without the right to serve any intermediate points, and provided further that the only customer that may be served by applicants herein shall be the Dreher Pickle Company and applicants may not add to or extend such customer list without authority from the Commission, after due notice and hearing.

By Application No. 15248-PP, the permit-owners seek authority to transfer their operating rights under said permit to the same Transferees above named.

Both applications were assigned for hearing before Examiner



Joseph W. Hawley, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 11, 1957, with due notice to all interested parties, and by agreement were there heard on a consolidated record.

The Examiner has submitted his Report of the proceedings, as follows:

Ed Allbrandt, one of Transferors, identified Exhibit No. 1, which was received in evidence, same being the Contract for Sale, upon which the applications were based. By the terms thereof, Transferors agree to sell to Transferees certain listed equipment, as well as the certificates and permit, for a total price of \$38,850, payable as follows: Transferees assume the indebtedness of Transferors to Hartman Oil Company in the amount of \$6,042; their indebtedness to Poudre Valley Natipnal Bank of Fort Collins in the amount of \$14,982.20; their indebtedness to The First National Bank in Fort Collins, Colorado, in the amount of \$6,522.72; and their indebtedness to the Northern Colorado Equipment Company in the amount of \$1,322. The balance of \$9,981.08 is represented by a deposit of \$8,131.08 with the law firm of Hill and Coyte of Fort Collins, and the payment of \$1,850 to Warnock Auction and Realty Company of Fort Collins, the deposit to be paid over to Transferors, and the payment of the claim referred to made, if and when the proposed transfer of the certificates and permit is authorized and approved by the Commission. Between February 23, 1957, the date of the contract, and the Order authorizing the transfer, Transferees were to conduct the operations under said authorities, receiving all earnings and paying all operating expenses. Title to the equipment is to be transferred subject to the present indebtedness against the same. There are other minor provisions not necessary to enumerate.

Exhibit No. 2 was identified and received in evidence, being a statement of other indebtedness of Transferors, aggregating \$2,909.28.

E. R. Betz, one of Transferees, stated that they would use



the same equipment formerly used by Transferors. His Exhibit No. 3, admitted in evidence, shows his net worth as \$63,725, exclusive of his interest in the equipment purchased under the contract.

O. B. Fuqua, another of the Transferees, stated that both he and Transferee Downing had had 25 years experience in the trucking industry, and his own net worth was \$93,285, (Exhibit No. 4).

Appearing for creditors were Harold C. Creager, Esq., of Fort Collins, representing Northern Colorado Equipment Company (indebtedness \$1,322); William C. Stover, Esq., of Fort Collins, representing the Poudre Valley National Bank of Fort Collins (indebtedness \$14,982.20); and James Hartman, of Fort Collins, representing Hartman Oil Company (indebtedness \$6,042), each of whom orally approved of the proposed transfer.

No one appeared in protest to the granting of the transfer.

The Examiner is of the opinion that the evidence shows Transferees to be well qualified by experience and financially to conduct the operations under the authorities here involved, and that the proposed transfers are in the public interest and should 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 proposed transfers are compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

### 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 Ivan Bonser and Ed Allbrandt, co-partners, doing business as "A & B Trucking Service," Fort Collins, Colorado, should be, and they are hereby, authorized to transfer all their right, title, and interest in and to PUC No. 910 and PUC No. 910-I, with authority as set forth in the preceding Statement, which is made a part hereof by reference, to E. R. Betz, O. B. Fuqua, and D. L. Downing, Fort Collins, Colorado, co-partners, doing business as "ABC Trucking," subject to payment of outstanding indebtedness against said certificates, 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 said transfers shall become effective only if and when, but not before, said transferors and transferees, in writing, have advised the Commission that said certificates 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 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 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 transferors of delinquent reports, if any, covering operations under said certificates up to the time of



transfer of said certificates.

That Ivan Bonser and Ed Allbrandt, co-partners, doing business as "A & B Trucking Service," Fort Collins, Colorado, should be, and they are hereby, authorized to transfer all their right, title, and interest in and to Permit No. A-2599, with authority as set forth in the preceding Statement, which is made a part hereof by reference, to E. R. Betz, O. B. Fuqua, and D. L. Downing, Fort Collins, Colorado, co-partners, doing business as "ABC Trucking," subject to payment of outstanding indebtedness against said permit, if any there be, whether secured or unsecured.

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 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.

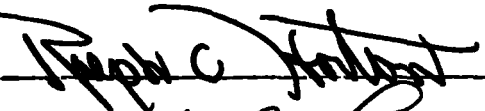


The right of transferees to operate under this Order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferors of delinquent reports, if any, covering operations under said permit up to the time of transfer of 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 22nd day of April, 1957.

mls



original

(Decision No. 47775)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) RICHARD MONDRAGON, 418 WOOD STREET, ) FORT COLLINS, COLORADO, FOR A CERTI- ) FICATE OF PUBLIC CONVENIENCE AND NE- ) CESSITY TO OPERATE AS A COMMON CAR- ) RIER BY MOTOR VEHICLE FOR HIRE. ) ----- )	<u>APPLICATION NO. 15034</u>
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-----  
April 22, 1957  
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Appearances: Hafer & Wenke, Esqs., Fort  
Collins, Colorado, by  
Paul E. Wenke, Esq., for  
Applicant;  
Gene E. Fischer, Esq., Fort  
Collins, Colorado, for  
Francis D. Rickard and  
James D. Rickard.

S T A T E M E N T

By the Commission:

By the instant application, Richard Mondragon, Fort Collins, Colorado, seeks a certificate of public convenience and necessity authorizing the transportation of ashes and trash from point to point "in and around Fort Collins, Colorado." Hearing was held before Examiner Joseph W. Hawley, at Greeley, Colorado, on February 14, 1957, and by Decision No. 47475, of date March 7, 1957, the Commission granted applicant a certificate authorizing service from point to point "within the City limits of Fort Collins." At the hearing, applicant had testified that he had conducted an ash and trash disposal business in Fort Collins for approximately five years continuously to date of hearing, serving 280 customers and had four regular customers residing about four miles beyond the City limits. As no customer witnesses from the area outside the City limits were produced, the Decision of the Commission ratified applicant's "Grandfather Rights" within the City, only. On



March 18, 1957, applicant, through his counsel, filed Petition for Rehearing on the ground that he is an unlettered man, uninformed as to the necessity of producing customer witnesses; that he had appeared at the hearing without counsel; that adjacent to and contiguous with the corporate limits of the City of Fort Collins, and within an area of three miles thereof, are a large number of new residence subdivisions, which appear to be and are generally considered to be part and parcel of said City; that in testifying that he had served 280 customers in Fort Collins, applicant had included 40 or more customers living in said subdivisions, not realizing that they did not actually live within the City limits. At said original hearing, no evidence was given on behalf of protestants.

The Petition for Rehearing was granted by the Commission by Decision No. 47605, of date March 27, 1957, and the application re-set for hearing before the Commission at the Court House in Fort Collins, Colorado, on April 10, 1957, at 10:00 o'clock A. M., where the application was again heard and taken under advisement.

At the hearing, applicant testified to the same facts as at the original hearing relative to the period of his service and the number of his customers. He caused to be filed a list of the names and addresses of 38 customers residing outside and within 3 miles of the City limits of Fort Collins, which he had included in the number of 280 customers whom he had testified he had been serving at the time of the original hearing. He explained that at the time he first testified he had been of the opinion that these witnesses resided within the City.

Applicant further testified that there are other prospective customers in this outside area whom he hoped to serve. His ash and trash hauling business is the sole means of support of himself and family and to deprive him of authority to serve this outside area



would greatly affect his earnings and ability to support his family. He can serve the same number of families he has heretofore served, with the same equipment and at the same expense. His net earnings in 1956 were \$3,400, of which the sum of \$1,200 was realized from this outside service. He estimated the population of the area outside and within a radius of three miles of Fort Collins at between 2,000 and 3,000.

There was filed a letter to the Commission from the City Clerk of the City of Fort Collins consenting to a favorable action on the application, and to the effect that applicant had been operating in the City under appropriate City licenses.

Two customer witnesses, residing outside the City limits of Fort Collins, appeared in support of the application. Ronald B. Straley, who had resided in this area for the past two years, testified that there were numerous business places in the area, particularly north and south of the City limits, which areas are generally considered a part of the City. The service rendered to him by applicant had been satisfactory and he was of the opinion that it would not be economically feasible for applicant to conduct his business without authority to serve both within and without the City limits.

Paul E. Wenke testified that he resided in what is known as Crestview Subdivision, approximately  $2\frac{1}{2}$  miles beyond the City limits and he and his neighbors had been satisfactorily served by applicant and his service is needed in this outside area.

In protest, James D. Rickard, owning PUC No. 3582 and Manager of the operations of Francis D. Rickard under PUC No. 3172, both certificates authorizing the transportation of ashes and trash within Fort Collins and the outside area involved, testified that he now serves between 200 and 300 customers, could serve the additional 38 customers now served by applicant, has been able to take care of



all calls received, has the proper equipment and the means with which to purchase additional equipment if needed and to employ additional help, and that his present service is adequate to meet the needs of this outside area. He admitted that the population of this area is rapidly increasing, but he has not done much soliciting of business therein. However, he feels that there is not enough of this business available to support applicant's service as well as his own.

In support of the protest, Anna Hoffman, residing  $2\frac{1}{2}$  miles from the City limits, formerly lived within the City. She has called on Rickard for service four times in the past two years and his service has been satisfactory.

Samuel M. Mayers, operating the Frontier Restaurant just outside the City limits, has been served by Rickard satisfactorily. He knew of no other common carrier available and could not say as to whether or not the service of Rickard outside the City limits is adequate.

Leonard C. Wilson, residing less than one-half mile from the City limits, testified to the same effect, as did Mrs. Ray Wright, residing about one mile outside. All these witnesses could say was that Rickard's service to them individually had been adequate.

Gene E. Fischer, Attorney for Rickard, testified that he resides about one-fourth mile beyond the City limits and has been served adequately by Rickard on a weekly basis for the past year.

The Commission is of the opinion that the failure of applicant to establish need for his service in this outside area at the original hearing was due to his ignorance of the law, the rules and regulations of the Commission, and the exact location of the City limits. Rickard offered no testimony at the original hearing. Applicant's testimony at the rehearing was substantially the same as at the original hearing. The Commission is of the opinion that the need for



applicant's service in this outside area has been established by his satisfactory service to at least 38 customers therein for a long period of time and the Commission should issue a new certificate recognizing his service in this area as well as his "Grandfather Rights" within the City limits of Fort Collins.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That public convenience and necessity requires and will require the common carrier call and demand operation of applicant as set forth in the following Order.

### O R D E R

#### THE COMMISSION ORDERS:

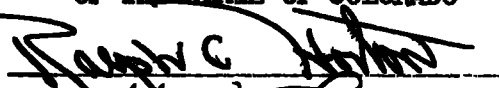

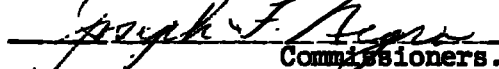
That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of Richard Mondragon, 418 Wood Street, Fort Collins, Colorado, for the transportation of ashes and trash from point to point within the City limits of Fort Collins, Colorado, and within a radius of three miles of said City limits, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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 22nd day of April, 1957.  
mla



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WILLARD TROSTEL, ROUTE 2, BRIGHTON, )  
COLORADO. ) PERMIT NO. M-396  
\_\_\_\_\_ )

\_\_\_\_\_  
May 17, 1957  
\_\_\_\_\_  
STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Willard Trostel  
\_\_\_\_\_ requesting that Permit No. M-396 be cancelled.

FINDINGS

THE COMMISSION FINDS:

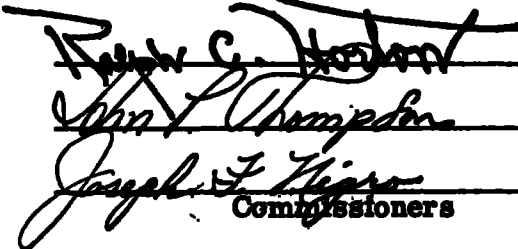
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-396, heretofore issued to Willard Trostel  
\_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective March 25, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 17th day of May, 1957



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ELMER AND LLOYD NEILSON, RIDGEWAY, )  
COLORADO. )  
----- )

PERMIT NO. M-1043

-----  
May 10, 1957  
STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Elmer and Lloyd Neilson  
requesting that Permit No. M-1043 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1043, heretofore issued to \_\_\_\_\_  
Elmer and Lloyd Neilson \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective April 2, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
Ralph C. Horton  
John P. Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,  
this 17th day of May, 1957



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

PAUL MATHEWS, DOING BUSINESS AS  
"MATHEWS OIL COMPANY", 319 BOWMAN,  
HOLYOKE, COLORADO.

PERMIT NO. M-4432

May 17, 1957

STATEMENT

By the Commission:

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

Paul Mathews, d/b/a "Mathews Oil Company"

requesting that Permit No. M-4432 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4432, heretofore issued to \_\_\_\_\_

Paul Mathews, d/b/a "Mathews Oil Company" be,

and the same is hereby, declared cancelled effective April 7, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Hudson  
John Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,

this 17th day of May, 1957

njm



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
C. W. DE VRIES, BOX 475, DELTA,  
COLORADO.  
-----)

PERMIT NO. M-5355

-----  
May 17, 1957

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
C. W. DeVries  
requesting that Permit No. M-5355 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5355, heretofore issued to \_\_\_\_\_  
C. W. DeVries \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective April 2, 1957

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
Ralph C. Horn  
John Thompson  
Joseph F. Negro  
Commissioners

Dated at Denver, Colorado,  
this 17th day of May, 1957



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

WILLIAM L. LESWING, DOING BUSINESS )  
AS "LESWING POULTRY", 4125 EAST )  
JEWELL AVENUE, DENVER 22, COLORADO. )  
-----)

PERMIT NO. M-5596

-----  
May 17, 1957  
-----

STATEMENT

By the Commission:

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

\_\_\_\_\_  
William L. Leswing, d/b/a "Leswing Poultry"

requesting that Permit No. M-5596 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5596, heretofore issued to \_\_\_\_\_

\_\_\_\_\_  
William L. Leswing, d/b/a "Leswing Poultry" be,

and the same is hereby, declared cancelled effective April 1, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ralph C. Horton*  
*John P. Thompson*  
*Joseph F. Negro*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 17th day of May, 1957

mjm



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
SINFORIANO CORDOVA, 2700 WEST 65TH )  
AVENUE, DENVER 11, COLORADO. )  
----- )

PERMIT NO. M-8173

-----  
May 17, 1957  
STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Sinforiano Cordova  
requesting that Permit No. M-8173 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8173, heretofore issued to \_\_\_\_\_  
Sinforiano Cordova be,  
and the same is hereby, declared cancelled effective April 1, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
Raymond C. Johnson  
John P. Thompson  
Joseph F. Higgins  
Commissioners

Dated at Denver, Colorado,  
this 17th day of May, 1957



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

JOHN A. DOMINICO, DOING BUSINESS AS )  
"DENVER VEGETABLE GARDENS", DENARGO )  
MARKET, DENVER 5, COLORADO. )  
-----)

PERMIT NO. M-9193

-----  
May 17, 1957  
-----

STATEMENT

By the Commission:

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

\_\_\_\_\_  
John A. Dominico, d/b/a "Denver Vegetable Gardens"

requesting that Permit No. M-9193 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9193, heretofore issued to \_\_\_\_\_

\_\_\_\_\_  
John A. Dominico, d/b/a "Denver Vegetable Gardens" be,

and the same is hereby, declared cancelled effective April 2, 1957.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\_\_\_\_\_  
Ralph C. Hartman  
\_\_\_\_\_  
John P. Thompson  
\_\_\_\_\_  
Joseph F. Fiero  
Commissioners

Dated at Denver, Colorado,

this 17th day of May, 1957

mjm



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PUBLICATION OF RATES ON )  
GILSULATE OR ASPHALTUM, IN )  
BAGS OR BARRELS, MINIMUM )  
WEIGHT 40,000 POUNDS, FROM )  
CRAIG, COLORADO, TO VARIOUS )  
DESTINATIONS IN COLORADO. )  
-----

CASE NO. 1585

-----  
April 22, 1957  
-----

Appearances: G. F. Ringsby, President, Boulder Truck  
Service, Inc., Longmont, Colorado;  
A. L. Mueller, Esq., and Harry Eastlund,  
Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

The Commission by Decision No. 47531, dated March 13, 1957,  
set for hearing on April 1, 1957, in the hearing room of the Commission,  
330 State Office Building, Denver, Colorado, at 10:00 A.M., which was  
held as scheduled concerning Application No. 308, filed by The Motor Truck  
Common Carriers' Association, as Agent, for and on behalf of the Boulder  
Truck Service, Inc., for authority to publish the following rates in cents  
per 100 pounds on Gilsulate or Asphaltum, in bags or barrels, minimum weight  
40,000 lbs., from Craig, Colorado, to Avondale and Pueblo, 95, Colorado  
Springs and U. S. Air Force Academy, 85, Greeley, 75, Brighton, 70, Golden  
and Littleton, 58. Also, provide for the presently effective rate of 58  
cents per 100 pounds to Denver to apply to all points within a 15-mile  
radius of the Denver City Limits. Said proposed rates to points other than  
Denver not to be subject to Item No. 970 of The Motor Truck Common Carriers'  
Association, Agent, Local and Joint Freight Tariff No. 12, Colorado P.U.C.  
No. 6.

During the course of the proceeding the applicant hereinbefore  
named presented evidence concerning the cost figures for movements of this  
commodity.



The certificate of convenience and necessity held by the carrier involved (P.U.C. No. 509) authorizes the conduct of a transfer, moving and general cartage business in the city of Longmont, Colorado, and in the county of Boulder, and for occasional service throughout the state of Colorado, and each of the counties thereof, subject to the following conditions: (a) For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which in all cases shall be at least 20% in excess of those charged by the scheduled carriers; (b) The applicant shall not operate on schedule between any points; (c) The applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have any agent employed in any other town or city than Longmont for the purpose of developing business; and (d) Jurisdiction of the application herein shall be and the same was retained, to the end and if and as occasion may arise, appropriate orders may be made to prevent improper encroachment by the applicant upon the field of business occupied by the scheduled carriers, and at the same time to allow the applicant reasonable latitude in the carrying on of his business as it may develop in the future.

As an example of similar circumstances in Decision No. 42851, dated June 29, 1954, by this Commission regarding the motor vehicle operations of Eveready Freight Service, Inc., Buena Vista, Colorado, portions of the statement of this order is quoted as follows:

During the years of 1929 and 1930, the Commission granted some thirty certificates of public convenience and necessity, in which PUC No. 486 was included. It appears from the records on file with the Commission that the certificates were granted under the Grandfather Theory. In other words, there were located in many of the cities and towns of Colorado, general cartage and transfer businesses who, for many years, had been taking care of the local hauling business. After passage of the Motor Carrier Act, and after decisions of the Court had determined that these carriers were public utilities, the Commission attempted to give these carriers certificates of public convenience and necessity covering the service they then offered to the public. The exact wording of the certificate is somewhat peculiar and hard to understand, in the light of present day conditions. On July 29, 1930, the Commission granted authority designated as "PUC No. 486," which included the following, to-wit:

"Transportation of freight in the Town of Buena Vista and in Chaffee County and for occasional service throughout the State of Colorado and in each of the counties thereof, subject to the following conditions:



" \*\*\*\*\*

"(d) Jurisdiction of the application herein shall be and the same is hereby retained to the end that if and as occasion may arise, appropriate orders may be made to prevent improper encroachment by the applicants upon the field of business occupied by the scheduled carriers, and at the same time allow the applicants reasonable latitude in the carrying on of its business as it may develop in the future."

In placing an interpretation upon the above grant of authority, let us briefly examine and discuss the authority granted.

First, authority was granted for the transportation of:

"Freight in the Town of Buena Vista and the County of Chaffee."

The records, in the judgment of the Commission, indicate that the principal transportation business of Respondent's predecessors was conducting a general cartage business in Buena Vista and Chaffee County. The record further indicates, in our judgment, that on occasions they had performed infrequent service outside of Chaffee County. The Commission apparently recognized this occasional or infrequent service, and awarded them:

"Occasional service throughout the State of Colorado and each of the Counties thereof."

It therefore now appears that the above service complained of must, of necessity, be offered by Respondent under "occasional service."

The further question now confronting the Commission is: "What was meant by 'occasional service.'"

Webster's new Collegiate Dictionary, Second Edition, defined "occasional" as follows:

"Recurring now and then, casual, incidental; also infrequent."

For the purpose of answering these questions, let us consider first the bulk cement haul from Portland, Colorado, to Climax, Colorado, made by Respondent. Eveready Freight Service, Inc., in its ton-mile tax report for the month of March, 1954 to the Commission, discloses the following cement hauls made from Portland to Climax:

"From Portland to Climax -- Miles, 143.

"1954	
March 1	69,140 lbs.
March 2	106,390 lbs.
March 8	42,070 lbs.
March 9	42,200 lbs.
March 11	42,490 lbs.
March 15	41,600 lbs.
March 16	42,860 lbs.
March 18	41,350 lbs.
March 22	42,100 lbs.
March 24	42,000 lbs.
March 25	42,100 lbs.
March 26	41,970 lbs.
March 27	42,210 lbs.
March 30	41,810 lbs.



This would be a typical month for the cement haul between Portland and Climax, as we interpret the evidence. During the month of March, 1954, movements of freight were made on fourteen separate and distinct days, totalling 680,290 pounds of freight. This did not originate or terminate in Buena Vista or Chaffee County. The movement was between points outside and independent of Chaffee County. If we say that this type of service comes within the "occasional service," we then say that Respondent has an all-inclusive authority within and between all the counties of the State of Colorado. It does not appear to us as a reasonable construction that the then Commission intended to authorize this service. If said broad interpretation is made, it would tend to destroy that which the Legislature intended by the passage of the Motor Carrier Acts to regulate competition. We would, by said interpretation, place thirty carriers running wild over the State of Colorado, with no practical restrictions. It is apparent that the Commission, in our judgment, attempted to limit this authority by restricting it to "occasional service," and that in the well-accepted meaning of the term, meaning "occasional" as defined by Webster.

We feel that the Commission, by its original grant of authority, intended to offer a complete common carrier motor vehicle service for Chaffee County, as that was the home and base county of the applicants, and in the words of the Order, we should allow reasonable latitude in the carrying on of its business as it may develop in the future.

In considering the above interpretation of this authority, we should be ever mindful of the needs of the general public. Chaffee County is entitled to, and needs, a locally-domiciled carrier, with broad authority to take care of its needs. It is our best judgment that the then Commission was cognizant of that need, and attempted to give to the public of Chaffee County that service, while on the other hand, the granting of unlimited rover authority would not be in the public interest, because this authority, if so construed, could raid the territory of locally-domiciled certificated carriers.

The Commission, in our judgment, took care of that situation by restricting said authority to "occasional service."

The question was raised at the hearing as to the Commission's authority to construe certificates of public convenience and necessity. We are of the opinion that we not only have authority to construe and interpret certificates, but that it is our duty so to do.

Secondly, as proposed by the applicant to eliminate the application of Item No. 970 of the Motor Truck Common Carriers' Association, Agent, Local and Joint Freight Tariff No. 12, Colorado P.U.C. No. 6, which the item basically contains, that in instances where call and demand common carriers compete with scheduled line haul carriers either singly or joint operations for the movements of class or commodity items, the call and demand carriers are subject to a 20% penalty above those of the scheduled carriers. The commodity the applicant proposes to haul would fall into this category, and to and from any points where scheduled carriers operate, call and demand carriers would be subject to Item No. 970. No carrier may extend the provisions of its certificate of convenience and necessity, nor waive the rules of this Commission by the mere filing and publication of a tariff.



Thus, then to allow publication of the application would be in direct contravention of the Commission's decisions and rules prescribed governing certificated carriers. There are scheduled carriers who have authority granted from this Commission either singly or jointly who could perform this service.

### F I N D I N G S

#### THE COMMISSION FINDS:

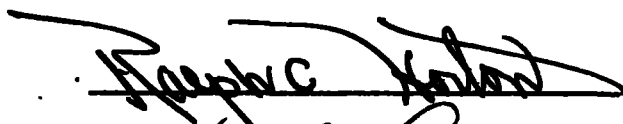


That the application No. 308 as submitted by The Motor Truck Common Carriers' Association, as Agent, for and on behalf of the Boulder Truck Service, Inc., should be denied.

### O R D E R

#### THE COMMISSION ORDERS, That:

1. The statement and findings be and the same are hereby made a part hereof.
2. This order shall become effective forthwith.
3. The application (No. 308) of The Motor Truck Common Carriers' Association, as Agent, for and on behalf of the Boulder Truck Service, Inc., be and the same is hereby denied and this proceeding is discontinued.
4. The Item No. 2527, Motor Truck Common Carriers' Association, Agent, Local and Joint Tariff No. 12, Colorado P.U.C. No. 6, insofar as pertaining to Boulder Truck Service, Inc., should be withdrawn from the publication.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of April, 1957.

mem



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
ORION M. SUTTON, 100 EAST THIRD,  
LOVELAND, COLORADO, FOR AUTHORITY  
TO TRANSFER PUC NO. 538 TO ORION M.  
SUTTON AND MARJORIE L. SUTTON, CO-  
PARTNERS, DOING BUSINESS AS "ORION  
M. SUTTON MOVING & TRUCKING," 100  
EAST THIRD, LOVELAND, COLORADO.

APPLICATION NO. 15240-Transfer

April 22, 1957

Appearances: Orion M. Sutton, Loveland,  
Colorado, pro se;  
Marjorie L. Sutton, Love-  
land, Colorado, pro se.

S T A T E M E N T

By the Commission:

Orion M. Sutton, Loveland, Colorado, is the owner and  
operator of PUC No. 538, authorizing:

Transportation of freight, generally, from  
point to point within the territory extend-  
ing ten miles north of Loveland, fifteen  
miles east, ten miles south, and to the  
Larimer County Line on the west, and be-  
tween points within said territory and  
other points within the State of Colorado,  
subject to the following conditions:

- (a) For the transportation of commodities  
other than household goods between points  
served singly or in combination by scheduled  
carriers, applicant shall charge rates which,  
in all cases, shall be at least twenty per  
cent in excess of those charged by scheduled  
carriers;
- (b) Applicant shall not operate on schedule  
between any points;
- (c) Applicant shall not be permitted, with-  
out further authority from the Commission, to  
establish a branch office or to have any agent  
employed in any other town or city than Love-  
land for the purpose of developing business.



By the instant application, he seeks authority to transfer his operating rights under said certificate to Orion M. Sutton and Marjorie L. Sutton, co-partners, doing business as "Orion M. Sutton Moving & Trucking," 100 East Third, Loveland, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Fort Collins, Colorado, April 10, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

Transferor testified that his purpose in seeking the transfer is for the protection of his wife, Marjorie, in the event of his death. By the terms of the agreement attached to the application, the consideration for the transfer is \$10.00 to cover the purchase price, for an undivided one-half interest in the certificate, and in a 1947 two-ton Chevrolet Truck, a 1955 3/4-ton Dodge Truck, and equipment used in the moving of furniture, produce and freight. The parties are to become partners and in the event of the death of either, the survivor shall become the sole owner of said certificate, trucks and equipment.

The list of equipment on file with the Commission was made a part of the record by reference.

Witness testified that he will continue the operation personally as in the past, and fixed the net worth of the partners as \$10,000.

No one appeared in protest to the proposed transfer.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

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 Orion M. Sutton, Loveland, Colorado, should be, and he is hereby, authorized to transfer all his right, title, and interest in and to PUC No. 538, with authority as set forth in the preceding Statement, which is made a part hereof by reference, to Orion M. Sutton and Marjorie L. Sutton, co-partners, doing business as "Orion M. Sutton Moving & Trucking," Loveland, 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 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 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.

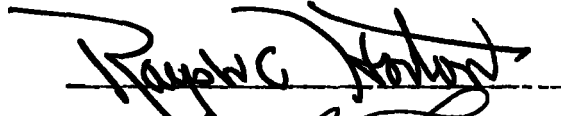

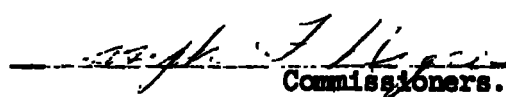
The tariff of rates, rules, and regulations of transferor shall, upon proper adoption notice, become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

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.

Dated at Denver, Colorado,  
this 22nd day of April, 1957.

mls



(Decision No. 47785)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF }  
DARYL E. CAIN, 1325 JACKSON COURT, }  
FORT COLLINS, COLORADO, FOR A CLASS }  
"B" PERMIT TO OPERATE AS A PRIVATE }  
CARRIER BY MOTOR VEHICLE FOR HIRE. }

APPLICATION NO. 15242-PP

April 22, 1957

Appearances: Daryl E. Cain, Fort Collins,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, Daryl E. Cain, 1325 Jackson Court, Fort Collins, Colorado, seeks authority to operate as a private carrier by motor vehicle for hire for the transportation of sand, gravel, road surfacing materials, dirt, stone, refuse, and insulrock, the application being in the usual form.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House, Fort Collins, Colorado, April 10, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified that he has been hauling sand and gravel and road surfacing materials for the Sterling Sand and Gravel Company of Fort Collins, Colorado, which Company has requested him to file the instant application. He has had ten years experience in the transportation business. He owns a 1957 Dodge 2-ton truck, and his net worth is approximately \$5,000.

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

It did not appear that the proposed service of applicant



will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

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.

That authority sought should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That Daryl E. Cain, 1325 Jackson Court, Fort Collins, 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; 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; insulrock, from pits and supply points in the State of Colorado, to loading 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

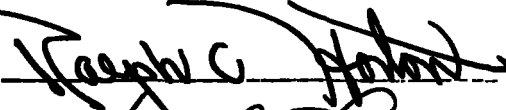

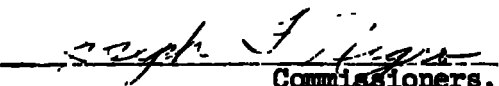


his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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 22nd day of April, 1957.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF }  
JOHN S. OWENS, 408 EAST CHESTER, }  
LAFAYETTE, COLORADO, FOR A CERTIFI- } APPLICATION NO. 15266  
CATE OF PUBLIC CONVENIENCE AND NE- }  
CESSITY TO OPERATE AS A COMMON CAR- }  
RIER BY MOTOR VEHICLE FOR HIRE. }

- - - - -

- - - - -  
April 22, 1957  
- - - - -

Appearances: John M. Sayre, Esq., Boulder,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

By application filed March 13, 1957, applicant seeks authority to operate as a common carrier by motor vehicle for hire, 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 within the Town of Lafayette, Colorado, and within a five-mile radius thereof.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Boulder, Colorado, April 15, 1957, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant testified in support of his application. He stated that he is regularly employed at General Chemical Company, but operates his ash and trash collection service during his off hours. He knows of no other person engaged in this service in this area. The Town Board supports his application. He is concerned only to serve "around in town" in Lafayette, and understands that he is not authorized to engaged in a general local cartage business.

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.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant.

### 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 John S. Owens, Lafayette, 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 within the Town of Lafayette, Colorado, and within a five-mile radius thereof, 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.

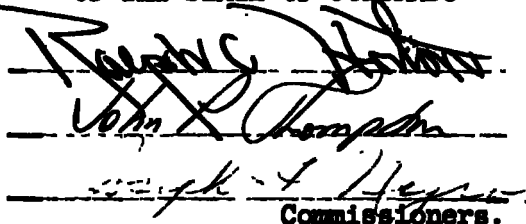
That applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

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.

Dated at Denver, Colorado,  
this 22nd day of April, 1957.  
mls

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.



original

(Decision No. 47787)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
WESTERN HILLS UTILITY CO., DENVER,  
COLORADO, FOR CERTIFICATE OF CON-  
VENIENCE AND NECESSITY AND AN EX-  
TENSION THEREOF TO SUPPLY WATER AND  
SEWAGE FACILITIES TO PARTS OF SEC-  
TIONS 33 AND 34, TOWNSHIP 2-SOUTH,  
RANGE 68-WEST, IN ADAMS COUNTY,  
STATE OF COLORADO.  
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APPLICATION NO. 15304-Extension

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April 22, 1957  
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S T A T E M E N T

By the Commission:

The above-entitled application was filed with this Com-  
mission on the 16th day of April, 1957, by Western Hills Utility  
Co., requesting authority under Certificate of Public Convenience  
and Necessity for the sale and distribution of water in parts of  
Sections 33 and 34, Township 2-South, Range 68-West, in Adams County,  
State of Colorado, authorizing the applicant to serve water to and  
collect sewage from the Western Hills Elementary School. Filed  
with the application were exhibits relating to the following:

- (a) Exhibit "A", being a diagram of the proposed  
extensions of water distribution mains and  
sewage collection mains to serve said school.
- (b) Exhibit "B", being a legal description and  
plat of the easements in which said exten-  
sions were to be located.
- (c) Exhibit "C", being a plat of the location of  
said school at the intersection of Dawson  
and Delta Streets, Adams County, State of  
Colorado.
- (d) Exhibit "D", being Sheet #3 of the plans for  
the construction of said school, showing the  
appropriate number of plumbing fixtures.

In addition thereto, the applicant filed its report of  
its consulting engineers, Phillips-Carter-Osborn, Inc., stating



that the equivalent usage of said school would approximate the same usage as three residential units, and noting that the use by the school would be in the off-peak periods; that is, there would be a minimum use by the school during the summer seasons when otherwise the demand on the applicant's system would be heaviest and a maximum use by the school between the hours of 9:00 A. M. and 3:30 P. M. during the winter when the other demands on the applicant's system would not be great.

The application reveals that there are ample water resources available presently to Western Hills Utility Co. Further, it is disclosed that the resources described in Application No. 12946 have proved under the operating experience of applicant to be sufficient to meet the needs upon the system. The records of the Commission disclose that the Utility Co. was originally certificated to serve 485 residential units under its original application and there are in existence only 482 houses in the area so to be served. Therefore, there are proven resources available for an additional three residential units not now committed and available under the original order of the Commission. It is stated by the engineers' report submitted with the application that the school sought to be now served would have an equivalent use of these three non-committed residential units.

Further, the application and the exhibits disclose that the present surface water resources have been adequate and ample to meet the demands of applicant's consumers without any water restriction and there has been in storage at least 50-acre feet of water at all times, including the winter season. Further, in addition to surface rights available to the Utility Co., there is in existence for its use an Arapahoe sands well which is completed and incorporated in applicant's present system.

The application and exhibits further reveal that the children for whom the school is being constructed come mainly from the area being served by the applicant and that the location of the



the proposed school is within the area already conditionally certificated to the applicant.

Further, the application shows no other water and sewage utility service, private or public, which offers said services for the area where the school is being constructed.

Inasmuch as the files of the Commission do not indicate that there is anyone who would desire to be heard in opposition to the granting of the authority sought, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That this Commission has jurisdiction over applicant herein and of the subject matter of the instant application.

That the Commission has considered the record and files in the instant matter and is fully advised in the premises.

That the principal use for water and sewage service for the school will be primarily limited to the off-peak demand period on the system during the day and the off-peak demand period on the system during the year; being service principally between 9:00 A. M. and 3:30 P. M. each day in the winter and from September to June of each year.

That adequate water resources, facilities, reservoir storage and equipment are available to the applicant to render the service to the school which is located within its certificated area and there is no other similar utility service available for the school.

That the public convenience and necessity require the authorization for said water and sewage service and the construction, maintenance and operation of extensions of mains to the existing system for the purpose of furnishing said water and sewage service to the school in accordance with the Articles of Incorporation of



the applicant, its rates, rules and regulations filed with the Commission and the rules and regulations of this Commission and that a certificate of public convenience and necessity should issue therefor.

That by rendering service to said school, applicant will have used the equivalent of the 485 units originally certificated to it.

#### O R D E R

##### THE COMMISSION ORDERS:

That this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity to Western Hills Utility Co., authorizing the construction, maintenance and operation and connection of extensions of water distribution and sewage mains to the lines to its present system to supply water and collect sewage in accordance with the Articles of Incorporation of the applicant in its conditionally certificated area, to said Western Hills Elementary School, Adams County, State of Colorado.

That said construction and connection be in accordance with good engineering practices and in conformity with the rules and regulations of this Commission and the Department of Health of the State of Colorado.

That the applicant submit to this Commission the "As Constructed Plans" of the connection and service lines to said school.

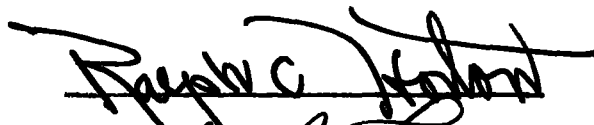


That said service to said school shall be in accordance with the rates, rules and regulations of the applicant on file with the Commission, together with such amendments as may be made by this Commission and in accordance with the rules and regulations of this Commission relative to service of water and sewage facilities.

That the Commission shall retain jurisdiction of this matter and shall issue such further orders as may be necessary.



That 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 22nd day of April, 1957.

ea



original

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IN THE MATTER OF THE APPLICATION OF  
JAMES V. DE GEORGE, DOING BUSINESS  
AS "DE GEORGE TRANSFER AND STORAGE,"  
801 WALNUT STREET, DENVER, COLORADO,  
FOR AUTHORITY TO EXTEND OPERATIONS  
UNDER PERMIT NO. B-4015.

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 Apr11 22, 1957  
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**Appearances:** Barry and Hupp, Esqs.,  
by John R. Barry, Esq.,  
Denver, Colorado, for  
applicant.

## STATEMENT

**By the Commission:**

James V. DeGeorge, doing business as "DeGeorge Transfer and Storage," 801 Walnut Street, Denver, Colorado, is the owner of Private Permit No. B-4015, authorizing:

Transportation of freight in the freight car unloading and general warehouse business, within the following described area: All of Townships 2-South through and including Townships 5-South, in Ranges Sixty-six (66) West through and including Range 70-West of the 6th Prime Meridian, in the State of Colorado, and containing an area of 720 square miles. Further, that applicant shall serve the following customers, only, unless applicant seeks and obtains from this Commission permission to add other customers to its list: Acme Fast Freight, Inc., 225 Union Station, Denver; Slattery & Company, 1726 Market Street, Denver; J. B. Morris Company, Sugar Building, Denver; and Mangan-Bell Company, Union Station Building, Denver; Butler Paper Company, Graham Paper Company, Dixon Paper Company, Federal Envelope Company, Standard Brands, and Certified Furniture Company, and restriction presently on said applicant's equipment is hereby waived.

By the instant application, the permit-holder seeks permission to add additional customers to his customer list, to-wit: Rath Packing Company and Mohawk Rubber Company.

The application was assigned for hearing before Examiner



Joseph W. Hawley, at 330 State Office Building, Denver, Colorado, on April 16, 1957, with due notice to all interested parties, where the matter was heard and taken under advisement.

The Examiner has submitted his Report of the proceedings, as follows:

No qualified protestant appeared.

Applicant testified that he has had 18 years experience in the trucking business. His list of equipment and financial statement on file with the Commission were made part of the record by reference. He owns two warehouses, one at 801 Walnut Street, Denver, Colorado, of 8,000 square feet, and one at 1936 Market Street, Denver, Colorado, of 6,000 square feet. He has had requests for service from the two customers named and is ready, willing, and able to perform the service.

Donald Lambert, shipping and receiving clerk for Mohawk Rubber Company, 595 Rio Grande, Littleton, Colorado, testified his company is manufacturer and distributor of rubber products. He is in charge of its local transportation activities. The company makes delivery of these products in the Denver area. The larger portion of the shipments consist of tread rubber and camel back, the deliveries being made to B. F. Goodrich Rubber Company, 1060 Broadway, Denver, and others, and to one customer in Arvada. His company needs and will use the transportation service of applicant, if available.

Harvey Payne, Denver salesman for Rath Packing Company, of Waterloo, Iowa, testified his company consigns its shipments of packing house products to applicant's warehouses, from which they are distributed to retail outlets in Denver and points in the Denver metropolitan area. These shipments arrive in Denver from Iowa by truck. His company also needs applicant's service in the area he is authorized to serve, and would use same if available.

There were no protests to favorable action on the proposed extension.



Inasmuch as there were no protestants, and it did not appear that applicant's proposed extended operation will impair the services of common carriers, the Examiner is of the opinion that the extension sought should be granted, applicant's operating experience and financial stability being established to his satisfaction.

F I N D I N G S

THE COMMISSION FINDS:

That the Report of the Examiner referred to in the above and foregoing Statement should be approved.

That the authority sought should be granted.

O R D E R

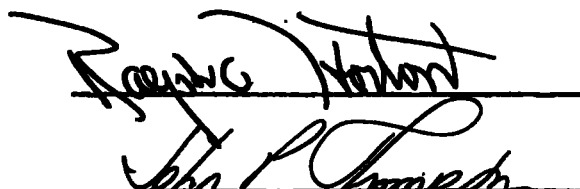
THE COMMISSION ORDERS:

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

That James V. DeGeorge, doing business as "DeGeorge Transfer and Storage," 801 Walnut Street, Denver, Colorado, be, and he is hereby, authorized to extend his operations under Permit No. B-4015 to include two additional customers to his customer list, to-wit: Rath Packing Company and Mohawk Rubber Company.

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.

COMMISSIONER JOSEPH F. NIGRO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of April, 1957.



original

(Decision No. 47789)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. D. FRIEND AND WILLIAM BELTRAMO, )  
CO-PARTNERS, DOING BUSINESS AS )  
"B & F PIPE AND MACHINERY COMPANY," ) APPLICATION NO. 15101-PP  
FLORENCE, COLORADO; FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
- - - - - )

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April 22, 1957  
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Appearances: Douglas McHendrie, Esq.,  
Denver, Colorado, for  
Applicants and for The  
Atchison, Topeka and  
Santa Fe Railway Company.

S T A T E M E N T

To the Commission:

By the instant application, filed December 24, 1956,  
J. D. Friend and William Beltramo, co-partners, doing business as  
"B & F Pipe and Machinery Company," Florence, Colorado, seek a  
Class "B" permit to operate as a private carrier by motor vehicle  
for hire, in the transportation of less-than-carload rail shipments  
in pickup and delivery service for The Atchison, Topeka and Santa Fe  
Railway Company, within the limits for free pickup and delivery  
service at the railroad company's station at Florence, Colorado,  
as described in the rail tariffs on file with the Commission.

The application was assigned for hearing before Examiner  
Joseph W. Hawley, at the Court House in Canon City, Colorado, on  
March 8, 1947, at ten o'clock A. M., after due notice to all inter-  
ested parties in interest, where the matter was heard and taken  
under advisement.

The Examiner has submitted his Report of the proceedings.

Report of said Examiner states that the evidence dis-  
closed that applicants are the owners of 1 - 1948 Ford 1½-ton



dump truck and 1 - 1951 Jeep pickup truck, which equipment they will use in their proposed operations. J. D. Friend, one of applicants, stated that the service will require one or two trips per day, and they will deliver approximately 15,000 pounds of merchandise per month. It will be a part-time operation, their main business being the handling and transportation of mining and heavy equipment. The net worth of the partnership is approximately \$25,000, and they will use two employees who are both experienced drivers.

Report of Examiner further stated that Mr. G. A. Alexander, Superintendent of the Colorado Division of the railroad, whose office is in Pueblo, Colorado, testified that his company needs applicants' proposed service in their pickup and delivery of less-than-carload freight in Florence, Colorado.

Said Examiner reminded the Commission of our Decision No. 45466, Application No. 14120-PP, "In the Matter of the Application of James W. Brown, Canon City, Colorado, for a Class 'B' Permit," of date March 12, 1956, wherein we reviewed at some length the nature of the operation involved in the pickup and delivery of less-than-carload rail freight by motor vehicle at stations of origin and destination. We there concluded that the movement of the goods by truck between the railroad car or freight dock and the shipper's or consignee's place of business is, in legal effect, an integral part of the process of rail transportation from consignor to consignee, and that the desirability and propriety of the railroad's controlling the operation by contract with the motor vehicle operator make a Class "B" permit the proper kind of authority for the performance of the service. We also concluded in that decision that, since this pickup and delivery service is in practical and legal effect a part of the rail transportation process, certain of the regulations of the Commission governing private carrier permits which were designed for a movement wholly by motor carrier,



are not appropriate. We adhere to our position as there announced, and refer to that decision for a more extended discussion of the principles involved.

Report of the Examiner further states that no one appeared protesting the granting of the instant application; that it appeared that said service is needed, and that common carrier service now authorized to serve in Florence, Colorado, would not be impaired by the granting of the instant application.

The Examiner recommended that a Class "B" permit be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

That Report of Examiner referred to in the above and foregoing Statement should be approved.

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

That J. D. Friend and Williams Beltramo, co-partners, doing business as "B & F Pipe and Machinery Company," Florence, Colorado, should be, and are hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the conduct of a cartage service for pickup and delivery of rail freight from or to points within the corporate limits of Florence, Colorado, on the one hand, and The Atchison, Topeka and Santa Fe Railway Company's railroad station at Florence, Colorado, on the other hand, including the Pabco Products Co., Inc., plant located approximately three miles east of Florence, Colorado, the above-described area being within the limits for free pickup and delivery service at said railroad company's station at Florence, Colorado, as described in the rail tariffs on file with the Commission.



This Order is subject to compliance by the applicants with all present and future laws and regulations of the Commission; provided, however, that the applicants need not comply, and are hereby expressly relieved from complying, with the following rules or portions thereof of the "Rules and Regulations Governing Private Carriers by Motor Vehicle," as adopted by the Commission in Decision No. 34839, Case No. 5015, dated May 17, 1950, effective June 15, 1950, as amended by Decision No. 36928, dated June 12, 1951, effective July 1, 1951, amended by Decision No. 39183, dated and effective August 13, 1952:

1. Rule 3 (h) requiring the submission of a copy of authority from the Interstate Commerce Commission to operate in interstate commerce.

2. Rule 5 (b) insofar as it would prohibit the applicant from transporting or accepting for transportation any shipment of rail freight to be delivered to The Atchison, Topeka and Santa Fe Railway Company at Florence, Colorado, or any shipment of express matter to be delivered to Railway Express Agency, Inc., at Florence, Colorado.

3. Rule 15 (3) pertaining to cargo insurance.

4. Rule 18 pertaining to contracts and customer lists.

5. Rule 19 pertaining to rates and charges.

6. Rule 20 pertaining to the filing of tariffs.

7. Rule 21 pertaining to compilation of tariffs and classifications.

8. Rule 22 pertaining to bills of lading.

9. Rule 23 pertaining to load sheets or manifests.

10. Rule 25 pertaining to C. O. D. shipments.

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

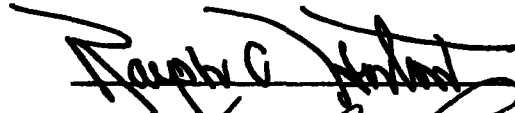

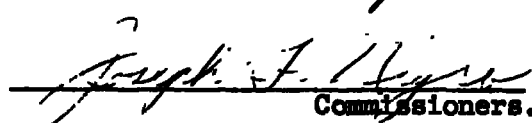
That the right of applicants to operate hereunder shall depend upon their compliance with all present and future laws and



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 April, 1957.

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