

original

(Decision No. 52055)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE OPERATIONS OF COLORADO INTERSTATE )  
GAS COMPANY, A CORPORATION, COLORADO )  
SPRINGS, COLORADO. )  
-----

CASE NO. 5075  
SUPPLEMENTAL ORDER

-----  
April 9, 1959  
-----

Appearances: James Lawrence White, Esq.,  
New York, New York, and  
Holland and Hart, Esqs., Den-  
ver, Colorado, by  
John Fleming Kelly, Esq., Den-  
ver, Colorado, for Colorado  
Interstate Gas Company;  
Lee, Bryans, Kelly and Stans-  
field, Esqs., Denver, Colo-  
rado, by  
Bryant O'Donnell, Esq., Den-  
ver, Colorado, for Protest-  
ants, Public Service Com-  
pany of Colorado;  
Tippit, Haskell and Welborn,  
Esqs., Denver, Colorado, by  
Robert Welborn, Esq., Denver,  
Colorado, for Protestant,  
The Colorado Fuel and Iron  
Corporation;  
E. R. Lundborg, Esq., Denver,  
Colorado, for the staff of  
the Commission.

S T A T E M E N T

By the Commission:

This matter came on for hearing on the 26th day of February, 1959, on the Motion of Colorado Interstate Gas Company, for suspension of the Commission's Order of January 19, 1959, or in the alternative, for extension of time for compliance with said Order.

On the 19th day of January, 1959, this Commission, in its Decision No. 51598, held that the Colorado Interstate Gas Company was a public utility, under the statutes of the State of Colorado, subject to the jurisdiction of this Commission on its direct sales of gas to

customers located in Colorado. As a part of said Decision, the Commission ordered Colorado Interstate Gas Company to apply forthwith to The Public Utilities Commission of the State of Colorado for a certificate of public convenience and necessity to operate as a public utility for the sale of gas not for resale to customers not under the jurisdiction of the Federal Power Commission.

By this application, applicant seeks to have the Commission suspend its decision, or to extend the time for compliance with its Order to Colorado Interstate Gas Company to obtain the certificate of public convenience and necessity.

At the hearing, evidence was produced that Colorado Interstate Gas Company was seeking financing for the purposes of obtaining moneys to refund to customers on a settlement of three gas rate cases that had been filed before the Federal Power Commission. It was also shown that another gas rate case was still pending before the Federal Power Commission, and that there likewise was pending an application before the Commission to construct new facilities, including pipelines for the Colorado area, but mainly to connect with El Paso Natural Gas Company for service of gas to California.

It was first contended by the company that the time required for the preparation of an original certificate case before this Commission would delay or interfere with these various matters.

Extensive oral argument was made by counsel on all sides. From these and the evidence it is difficult to determine whether the position of the applicant is that regulation by this Commission should be suspended, pending financing, or whether all regulation by the Commission should be suspended, pending final determination of this Commission's Decision No. 51598 by the Supreme Court of Colorado.

The matter was vigorously contested by The Colorado Fuel and Iron Corporation and Public Service Company of Colorado, the two

largest direct-sale customers who would be affected directly by regulation, or the lack thereof, by this Commission.

The protestants established that the cost of their gas, which is used in the making of steel and the generation of electricity, had increased substantially over the past several years, and that in the absence of regulation, they were powerless to cope with, or resist, any price increase that the applicant might desire to impose.

We recognize the great interest of both protestants, and especially the impact of increases in rates to Public Service Company and others similarly situated, such as the City of Colorado Springs, in that increases in cost of gas used for the generation of electricity has a direct relationship to the cost of electricity to the general public in the Denver Metropolitan Area and in Colorado Springs.

After giving due consideration to all of the testimony and the arguments of counsel, it appears to us that the applicant seeks a suspension of regulation until a final determination of our decision asserting jurisdiction by the Supreme Court of Colorado. We believe that the applicability of such a proposition to this Commission is not well founded. Certain duties are imposed upon this Commission by statute, one of which is to regulate all utilities under its jurisdiction. This Commission, after lengthy hearings, found that the applicant was a public utility. It automatically becomes our duty to then proceed with regulation. The logic and necessity of such a procedure should be obvious. If this Commission could, at its will, decline to regulate in cases where it has asserted that regulation should exist, it would convert this Commission from a quasi-judicial body, seeking to regulate by the capriciousness of men, rather than by the mandate of law. It would create a chaotic situation, where public confidence

would be destroyed, and it would constitute a violation of the sworn duty of the individual Commissioners to uphold and enforce the law.

We must conclude that a suspension of regulation in this instance by this Commission is contrary to all law, and is not permissible.

This does not mean to say, however, that utilities in the situation of applicant are powerless to be freed from regulation, if the regulation had not been properly imposed, as is contended by the applicant. Our statutes very clearly make provision for appeal of the decisions of this Commission, of which statutes the applicant has availed itself. It is our opinion that Colorado Interstate Gas Company should pursue its legal remedy provided by statute if it desires relief.

The question of extension of time for compliance with the Commission's Order, rather than the suspension of regulation, must likewise be considered by this Commission. Certainly this Commission fully realizes the magnitude of applicant's operations and the many complicated facets of its financing and its plan for expansion. All of the evidence, however, indicated that a delay of a few months would be sufficient, and that it would take very little time on the part of applicant to file rates. In view of this, we are prone to accord the applicant a reasonable extension of time to file application for a certificate of public convenience and necessity. This, in no wise, however, is to be interpreted as a suspension of regulation or an extension of time on the performance of its other duties relating to rendering of service and filing of rates. We will require, therefore, that the applicant file its tariffs and rates within ten (10) days from the date of this Order.

Time for filing of application for a certificate of public convenience and necessity will be extended to the first day of July, 1959.



F I N D I N G S

THE COMMISSION FINDS:

That the above Statement be incorporated herein, and adopted as the Findings of this Commission.

O R D E R


THE COMMISSION ORDERS:

1. That Colorado Interstate Gas Company be, and it hereby is, granted an extension of time for filing application for certificate of public convenience and necessity to a date not later than the first day of July, 1959.

2. That Colorado Interstate Gas Company, shall file schedule of rates and tariffs within ten (10) days from the date of this Order, and comply with all other requirements of law and of Decision No. 51598 of this Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Nigro  
Raymond C. Hoban  
Alvin E. Mungo  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of April, 1959.

mls

original

(Decision No. 52056)

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 IT TO FILE AND )  
PLACE INTO EFFECT A NEW AND REVISED )  
SCHEDULE OF RATES APPLICABLE IN THE )  
TOWN OF CRAIG AND VICINITY, MOFFAT )  
COUNTY, STATE OF COLORADO. )  
-----

APPLICATION NO. 16755  
SUPPLEMENTAL ORDER

-----  
April 9, 1959  
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Appearances: Sid Pleasant, Esq., Craig,  
Colorado, and  
Lee, Bryans, Kelly & Stans-  
field, Esqs., Denver,  
Colorado, by Charles J.  
Kelly, Esq., for Appli-  
cant;  
Worth F. Shrimpton, Esq.,  
Craig, Colorado, for the  
Town of Craig;  
Everett R. Thompson, Denver,  
Colorado, and  
J. M. McNulty, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

The Commission issued its Order in the above-entitled matter on April 6, 1959, Decision No. 52022, permitting Applicant to file a new rate schedule for its Craig Division, increasing its gross operating revenue not to exceed the amount of \$13,576 based on the test year. The Commission in setting the limits for the gross increase in rates inadvertently used the figure of \$13,576 instead of the figure \$16,145 as shown on Applicant's Exhibit 6-A, introduced at the hearing. The testimony at the hearing revealed that Applicant proposed one adjustment in addition to the cost of gas which would increase the gross revenue to \$16,145 instead of

the bare bones cost of gas of \$13,576. It was the intention of the Commission to grant the one other adjustment and, therefore, the gross revenue figure would amount to \$16,145. In view of the above, we feel that the Order should be corrected by stating the correct figure.

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

##### THE COMMISSION FINDS:

That Decision No. 52022 should be amended, nunc pro tunc, to conform to the figures as set forth in the Order following.


#### O R D E R

##### THE COMMISSION ORDERS:

That Decision No. 52022, of date April 6, 1959, should be, and hereby is, amended, nunc pro tunc, as of the said sixth day of April, 1959, by striking therefrom the figure of \$13,576 in the first paragraph of said Order and inserting in lieu thereof said figure \$16,145.

That except as herein amended, Decision No. 52022 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph T. Nigro  
Ralph C. Gordon  
Spencer Spillings  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of April, 1959.

mls

original

(Decision No. 52057)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LEROY SELLER, BRIGGSDALE, )  
COLORADO. )  
-----

PUC NO. 290

-----  
April 9, 1959  
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Appearances: West and West, Esqs., Greeley,  
Colorado, for Elsie Sheller,  
Administratrix of the Estate  
of Leroy Sheller, Deceased.

S T A T E M E N T

By the Commission:

Heretofore, Leroy Sheller, Briggsdale, Colorado, was granted a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, in intrastate commerce, and PUC No. 290 issued to him.

On March 17, 1959, said Leroy Sheller departed this life, leaving Elsie Sheller, his widow, him surviving. Thereafter, said Elsie Sheller was appointed Administratrix of the Estate of Leroy Sheller, and with the consent, and under the direction of the County Court of Weld County, has applied to this Commission for authority to continue operations under PUC No. 290 during the period of administration and until such time as a sale and transfer of said operating rights can be effected.

F I N D I N G S

THE COMMISSION FINDS:

That it is in the public interest for said Administratrix to continue operations under PUC No. 290.

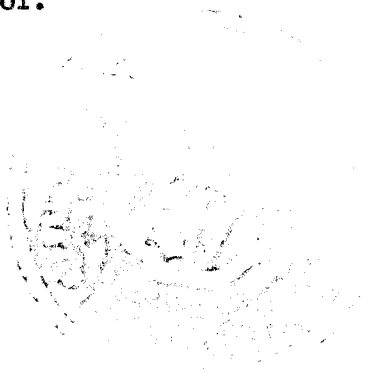
O R D E R

THE COMMISSION ORDERS:

That Elsie Sheller, Administratrix of the Estate of Leroy Sheller, Deceased, should be, and she hereby is, authorized to continue operations under PUC No. 290 during the period of administration of said Estate of Leroy Sheller, and until such time as a sale and transfer of said operating rights can be effected.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Nigro  
Henry Spaulding  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 9th day of April, 1959.

mls

original

(Decision No. 52058)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
PATRICK MC KANNAN, DOING BUSI- )  
NESS AS "NUCLA CAB COMPANY," )  
NUCLA, COLORADO. )  
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PUC NO. 3925

-----  
April 10, 1959  
-----

S T A T E M E N T

By the Commission:

Heretofore, Patrick McKannan, doing business as "Nucla Cab Company," Nucla, Colorado, was granted a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the operation of a taxicab service, as set forth in Decision No. 49138, of date November 25, 1957, said operating rights being designated "PUC No. 3925."

The Commission is now in receipt of a communication from said certificate-holder, requesting authority to suspend operations under said PUC No. 3925.

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 above-styled certificate-holder should be authorized to suspend operations under PUC No. 3925, as set forth in the Order following.

O R D E R

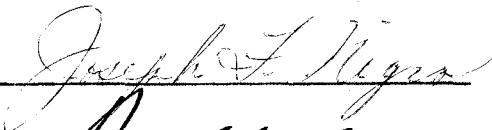
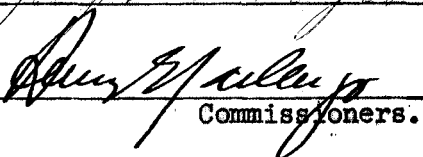
THE COMMISSION ORDERS:

That Patrick McKannan, doing business as "Nucla Cab Company,"

Nucla, Colorado, should be, and he hereby is, authorized to suspend operations under PUC No. 3925 until October 1, 1959.

That unless said certificate-holder shall, prior to expiration of said suspension period, reinstate said certificate by filing insurance and otherwise complying with all rules and regulations of this Commission applicable to common carrier certificates, said certificate, without further action on the part of the Commission, shall stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 10th day of April, 1959.

mls

original

(Decision No. 52059)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF	}	<u>PUC NO. 2463-I</u>
GARDNER TRUCKING COMPANY, INC.,		
BOX 3066, ODESSA, TEXAS.		
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-----  
April 10, 1959  
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S T A T E M E N T

By the Commission:

Heretofore, Gardner Trucking Company, Inc., Odessa, Texas, was authorized to operate as a common carrier by motor vehicle for hire, in interstate commerce, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and PUC No. 2463-I issued, covering such operations.

The Commission is now in receipt of a communication from Ida Hazlewood, Bookkeeper for said certificate-holder, advising the Commission that the name of Gardner Trucking Company, Inc., has been changed to "Oil Field Truckers, Inc.," and requesting that the records of the Commission be changed to conform to said change of name of said corporation.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission should be, and hereby is, directed to change the records of the Commission to show that:

"Oil Field Truckers, Inc.,"

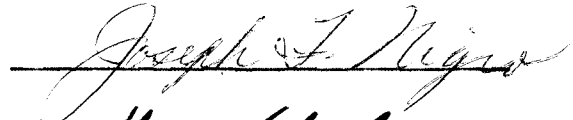

is the owner and operator of PUC No. 2463-I, rather than:



"Gardner Trucking Company, Inc."

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 10th day of April, 1959.

mls

original

(Decision No. 52060)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. F. WOODSON AND B. B. MORTON, CO- )  
PARTNERS, DOING BUSINESS AS "CHECKER, )  
SAFEWAY, TURNER, YELLOW CAB COMPANY," )  
4015 SNYDER AVENUE, CHEYENNE, WYO- )  
ING, FOR AUTHORITY TO TRANSFER IN- )  
TERSTATE OPERATING RIGHTS TO CHECKER- )  
YELLOW CAB COMPANY, INC., 1808 )  
O'NEIL AVENUE, CHEYENNE, WYOMING. )  
-----

PUC NO. 2264-I-Transfer

-----  
April 10, 1959  
-----

S T A T E M E N T

By the Commission:

Heretofore, J. F. Woodson and B. B. Mortons, co-partners, doing business as "Checker, Safeway, Turner, Yellow Cab Company," Cheyenne, Wyoming, were granted a certificate of public convenience and necessity, authorizing them to operate as a common carrier by motor vehicle for hire, in interstate commerce, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and PUC No. 2264-I issued to them.

Said certificate-holders now seek authority to transfer said PUC No. 2264-I to Checker-Yellow Cab Company, Inc., Cheyenne, Wyoming.

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

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, as set forth in the Order following.

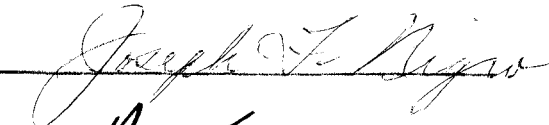

O R D E R

THE COMMISSION ORDERS:

That J. F. Woodson and B. B. Morton, co-partners, doing business as "Checker, Safeway, Turner, Yellow Cab Company," Cheyenne, Wyoming, should be, and they hereby are, authorized to transfer all their right, title and interest in and to PUC No. 2264-I to Checker-Yellow Cab Company, Inc., Cheyenne, Wyoming, subject to payment of outstanding indebtedness against said certificate, 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.

COMMISSIONER RALPH C. HORTON NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 10th day of April, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LOREN W. SIMMONS )  
16780 MOUNT VERNON ROAD )  
GOLDEN, COLORADO. )  
----- )

PERMIT NO. M-143

-----  
April 9, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Loren W. Simmons, Golden, Colorado  
requesting that Permit No. M-143 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-143, heretofore issued to \_\_\_\_\_  
Loren W. Simmons, Golden, Colorado be,  
and the same is hereby, declared cancelled effective March 12, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 9th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GLENN COX, DOING BUSINESS AS, )  
"GLENN'S TV SERVICE" )  
1304 LAKE AVENUE )  
PUEBLO, COLORADO. )  
-----

PERMIT NO. M-11161

-----  
April 9, 1959

STATEMENT

By the Commission:

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

Glenn Cox, Dba Glenn's TV Service, Pueblo, Colorado

requesting that Permit No. M-11161 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11161, heretofore issued to \_\_\_\_\_

Glenn Cox, Dba Glenn's TV Service, Pueblo, Colorado be,

and the same is hereby, declared cancelled effective April 4, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Boston  
Wm. E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 9th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ROUNDUP RIDERS OF THE ROCKIES, INC. )  
12500 WEST 32ND. AVENUE )  
DENVER 15, COLORADO. )  
----- )

PERMIT NO. M-1634

-----  
April 9, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Roundup Riders of the Rockies, Inc., Denver, Colorado  
requesting that Permit No. M-1634 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1634, heretofore issued to \_\_\_\_\_  
Roundup Riders of the Rockies, Inc., Denver, Colorado be,  
and the same is hereby, declared cancelled effective December 31, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zuckers  
Commissioners

Dated at Denver, Colorado,

this 9th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CARROLL L. FICKLE )  
700 SOUTH HAVANA, )  
DENVER 8, COLORADO. )  
-----

PERMIT NO. B-5499

-----  
April 9, 1959  
-----

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-5499 be suspended for six months from March 19, 1959.

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 Carroll L. Fickle, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5499 until September 19, 1959.

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

*Joseph F. Negro*  
*Joseph C. Horton*  
*Henry E. Zuckers*  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of April 1959.

ds

original

(Decision No. 52065)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LUCILLE GARRAMONE, JOHN GARRAMONE, )  
AND BEN DEITSCH, CO-PARTNERS, DOING )  
BUSINESS AS "UNION FRUIT & PRODUCE )  
COMPANY," 217 DENARGO MARKET, DENVER, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
INTERSTATE OPERATING RIGHTS TO JOHN )  
GARRAMONE AND LUCILLE GARRAMONE, CO- )  
PARTNERS, DOING BUSINESS AS "UNION )  
FRUIT & PRODUCE COMPANY," 217 DENAR- )  
GO MARKET, DENVER, COLORADO. )  
-----

PUC NO. 2338-I-Transfer

-----  
April 15, 1959  
-----

S T A T E M E N T

By the Commission:

Heretofore, Lucille Garramone, John Garramone, and Ben Deitsch, co-partners, doing business as "Union Fruit & Produce Company," Denver, Colorado, were granted a certificate of public convenience and necessity, authorizing them to operate as a common carrier by motor vehicle for hire, in interstate commerce, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and PUC No. 2338-I issued to them.

Said certificate-holders now seek authority to transfer said operating rights to John Garramone and Lucille Garramone, co-partners, doing business as "Union Fruit & Produce Company," Denver, 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 the proposed transfer is compatible with the public



interest, and should be authorized, as set forth in the Order following.



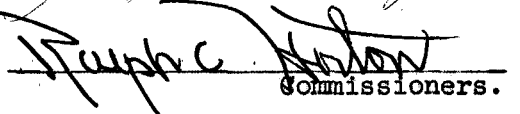
O R D E R

THE COMMISSION ORDERS:

That Lucille Garramone, John Garramone, and Ben Deitsch, co-partners, doing business as "Union Fruit & Produce Company," Denver, Colorado, should be, and they hereby are, authorized to transfer all right, title, and interest in and to PUC No. 2338-I to John Garramone and Lucille Garramone, co-partners, doing business as "Union Fruit & Produce Company," Denver, Colorado, subject to payment of outstanding indebtedness against said certificate, 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.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 15th day of April, 1959.

mls

Original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
SAM VALDEZ AND JOE VALDEZ, CO-PART- )	
NERS, DOING BUSINESS AS "S & J VAL- )	
DEZ LUMBER SERVICE," 1121 WEST 13TH )	
AVENUE, DENVER, COLORADO, FOR AUTH- )	
ORITY TO TRANSFER PERMIT NO. B-4245 )	APPLICATION NO. 16971-PP-Transfer
TO JOSE FRESQUEZ AND FAUSTIN FRES- )	
QUEZ, CO-PARTNERS, DOING BUSINESS AS )	
"J & F LUMBER SERVICE," 665 BRYANT )	
STREET, DENVER, COLORADO. )	
-----	

-----  
April 15, 1959  
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Appearances: Sam Valdez, Denver, Colo-  
rado, for Transferors;  
Jose Fresquez, Denver,  
Colorado, for Trans-  
ferees;  
Raymond B. Danks, Esq.,  
Denver, Colorado, for  
Colorado Transfer and  
Warehousemen's Associ-  
ation.

S T A T E M E N T

By the Commission:

Heretofore, Sam Valdez and Joe Valdez, co-partners, doing  
business as "S & J Valdez Lumber Service," Denver, Colorado, were  
authorized to operate as a private carrier by motor vehicle for hire,  
for the transportation of:

lumber, only, from railroad cars spotted within  
a radius of fifteen miles of Denver, Colorado,  
to lumber yards in said area, said service to  
be conducted exclusively with a straddle truck,

said operating rights being known as "Permit No. B-4245."

By the above-styled application, said permit-holder seeks  
authority to transfer said operating rights to Jose Fresquez and  
Faustin Fresquez, co-partners, doing business as "J & F Lumber Ser-  
vice," Denver, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, due notice thereof being forwarded to all parties in interest.

On April 3, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

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

Report of the Examiner states that at the hearing, Sam Valdez, one of transferors herein, appeared in support of said application, stating the consideration for transfer of said operating rights is the sum of \$35.00; that there are no outstanding unpaid operating obligations against said permit.

Report of the Examiner further states that at the hearing, Jose Fresquez, one of transferees herein, also appeared at the hearing, testifying in support of the instant application, stating the consideration for transfer of said operating rights is the sum of \$35.00; that transferees are the owners of a 1946 straddle truck, which they propose to use in the conduct of operations under Permit No. B-4245; that they have sufficient net worth to continue operations under said permit; that neither transferees, nor transferors, have any financial or proprietary interest in and to any other operating rights granted by this Commission.

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

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

Report of the Examiner recommends that authority herein

sought be granted.

## F I N D I N G S

### THE COMMISSION FINDS:

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

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

## O R D E R

### THE COMMISSION ORDERS:

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

That Sam Valdez and Joe Valdez, co-partners, doing business as "S & J Valdez Lumber Service," Denver, Colorado, should be, and they hereby are, authorized to transfer all right, title, and interest in and to Permit No. B-4245 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Jose Fresquez and Faustin Fresquez, co-partners, doing business as "J & F Lumber Service," Denver, 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 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


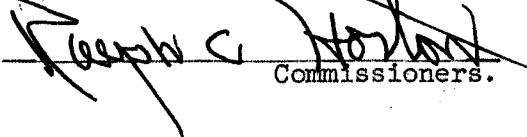
the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 15th day of April, 1959.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
PHILIP DEWALD, DOING BUSINESS AS )	
PHIL'S EXPRESS," 1800 ARAPAHOE )	
STREET, DENVER, COLORADO, FOR AUTH- )	
ORITY TO TRANSFER PUC NO. 3501 TO )	APPLICATION NO. 16876-Transfer
HENRY RUPPLE, DOING BUSINESS AS )	
"WESTERN EXPRESS," 3575 IVANHOE )	
STREET, DENVER, COLORADO. )	

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-----  
April 15, 1959  
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Appearances: Philip Dewald, Denver, Colo-  
rado, pro se;  
Henry Rupple, Denver, Colo-  
rado, pro se;  
Raymond B. Danks, Esq., Den-  
ver, Colorado, for Colorado  
Transfer and Warehousemen's  
Association.

S T A T E M E N T

By the Commission:

Heretofore, Philip Dewald, doing business as "Phil's Express,"  
Denver, Colorado, was granted a certificate of public convenience and  
necessity, authorizing him to operate as a common carrier by motor ve-  
hicle for hire, for the transportation of:

general commodities, except commodities which,  
because of size or weight, require special equip-  
ment, and provided that there be no package de-  
livery, as such, under the authority herein  
granted, and no transportation of furniture re-  
quiring the movement of more than small amounts,  
or requiring van-size type equipment, from point  
to point within the City and County of Denver,  
State of Colorado,

said operating rights being designated "PUC No. 3501."

By the above-styled application, said certificate-holder  
seeks authority to transfer said PUC No. 3501 to Henry Rupple, doing  
business as "Western Express," Denver, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 9, 1959, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

On April 3, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

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

Report of the Examiner states that at the hearing, Philip Dewald testified the consideration for transfer of said operating rights is the sum of \$1,400; that there is no outstanding unpaid indebtedness against said PUC No. 3501.

Report of the Examiner further states that at the hearing, transferee herein testified he is the owner of a 1948 Dodge one-ton truck; that he has a net worth of approximately \$19,000; that neither transferor nor transferee has any financial or proprietary interest in any other operating rights granted by this Commission.

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

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

Report of the Examiner recommends that authority herein sought should be granted.

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

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner re-

ferred to therein should be approved.

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

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

That Philip Dewald, doing business as "Phil's Express," Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3501 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Henry Ruppel, doing business as "Western Express," 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

*Joseph F. Nigro*  
*Ralph C. Hobart*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 15th day of April, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROCKY MOUNTAIN NATURAL GAS COMPANY, )  
INC., A CORPORATION, ORGANIZED AND )  
EXISTING UNDER THE LAWS OF THE STATE ) APPLICATION NO. 16879-Securities  
OF COLORADO, FOR AUTHORITY TO ISSUE )  
\$125,000 PRINCIPAL AMOUNT OF FIRST )  
MORTGAGE BONDS AT PRIVATE SALE. )  
-----)

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April 14, 1959  
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Appearances: Grant E. McGee, Esq., Denver,  
Colorado, for Applicant;  
Ernest C. Porter, Denver,  
Colorado, President, Rocky  
Mountain Natural Gas Co.;  
Orville M. Shockley, Denver,  
Colorado, Secretary-Treasurer,  
Rocky Mountain Natural Gas Co.;  
Edwin R. Lundborg, Esq., Denver,  
Colorado, and  
Everett R. Thompson, Denver,  
Colorado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

Pursuant to Section 115-1-4, Colorado Revised Statutes,  
1953, Rocky Mountain Natural Gas Company, Inc., a Colorado corpora-  
tion, herein called "Applicant," filed with the Commission its appli-  
cation for an order of this Commission authorizing it to issue and  
sell \$125,000 principal amount of its First Mortgage Bonds to be  
designated and known as Applicant's "First Mortgage Bonds, Series  
of 1959, to mature January 1, 1974," to be dated January 1, 1959,  
and to bear interest at the rate of six (6) per cent per annum,  
payable semi-annually, and to be issued under and to be secured by  
Applicant's Indenture of Mortgage and Deed of Trust to The First  
National Bank of Denver, Trustee, dated as of January 1, 1959.

A public hearing was held on said application in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on February 6, 1959, after due notice to all interested parties.

No petitions to intervene nor other protests were filed with the Commission prior to the hearing. No one appeared at the hearing in opposition to the application.

Applicant, whose principal office is 301 Zook Building, Denver 4, Colorado, is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company, subject to the jurisdiction of this Commission, engaged in the distribution and sale at retail of natural gas in the Towns of Walden and Wellington, Colorado, and environs. The Applicant was incorporated on the 2nd day of December, 1953, and the Articles of Incorporation of the Applicant were amended by Certificate of Amendment dated August 6, 1957. Certified copies of the Articles of Incorporation and the Certificate of Amendment are on file with this Commission.

The authorized capital of the Applicant consists of 3,000,000 shares of common stock, par value of \$1.00 per share, of which \$129,337 worth of stock was issued and outstanding as of December 31, 1958, and \$21,200 subscribed.

By order dated June 16, 1954, Application No. 12934, a Certificate of Convenience and Necessity to serve gas to the Town of Wellington, Colorado, was issued by this Commission and in said proceeding there appears the franchise from the Town of Wellington, Colorado, which remains in full force and effect. The applicable rates for the service of gas to the Town of Wellington, Colorado, are as set forth in the rate schedule on file with this Commission.

By order dated October 7, 1957, Application No. 15698, a Certificate of Convenience and Necessity to serve gas to the Town of Walden, Colorado, was issued by this Commission, and in said

proceeding there appears the franchise from the Town of Walden, Colorado, which remains in full force and effect. The applicable rates for the service of gas to the Town of Walden, Colorado are as set forth in the rate schedule on file with this Commission.

By order dated November 14, 1958, Application No. 16557, which was a de novo hearing of Application No. 15785, this Commission granted to the Applicant a Certificate of Public Convenience and Necessity to exercise franchise rights in the Town of Dove Creek, Colorado, (County of Dolores) for the purchase, distribution and sale of gas, either natural, artificial or mixed, in said Town of Dove Creek, Colorado, and in the area immediately adjacent to said Town.

Applicant proposes to install a gas distribution system in the Town of Dove Creek, and the actual work on construction is expected to begin on or about the 15th day of April, 1959, dependent upon weather conditions, all pursuant to Resolution of the Town Board of Trustees of Dove Creek, Colorado, on the 19th day of November, 1958, a copy of which is Applicant's Exhibit "C" in this proceeding.

From evidence adduced at the hearing, Applicant called for bids for construction of the entire Dove Creek system January 2, 1959, and as a result thereof, a proposal was submitted by M. L. DuBois, Applicant's Exhibit "D." Applicant's witness testified that M. L. DuBois is a reputable person, whose abilities and financial responsibility were investigated by the Board of Directors of the Applicant, and that pursuant to said proposal, the Contractor, M. L. DuBois, submitted a construction agreement under date of January 22, 1959, which was entered into between the contractor and the Applicant on said date. A copy of this construction agreement is Applicant's Exhibit "E" in this proceeding. The contractor has filed with the applicant a performance bond, executed by the contractor as principal and the Employer's Liability Assurance Corp., Ltd., as surety,

guaranteeing performance of the work called for under the terms of the contract. A copy of said bond was received in evidence as Applicant's Exhibit "F."

In accordance with the Resolution of the Town Council of the Board of Trustees of Dove Creek, heretofore referred to as Applicant's Exhibit "C", Applicant is required, and Applicant deems it advisable, to construct a building in the Town of Dove Creek consisting of not less than 2,000 square feet, which building can be constructed for a cost not to exceed the sum of \$20,000.00, including the real estate.

The Rocky Mountain Natural Gas Company, Inc. has not heretofore issued any long-term debt but has depended upon short-term borrowings and lines of credit with suppliers of materials. Applicant's witness testified that now the Company has arranged with Merrill, Lynch, Pierce, Fenner & Smith to sell at private sale \$125,000 principal amount of First Mortgage Bonds with annual interest rate of six (6) per cent. A representative of Merrill, Lynch, Pierce, Fenner & Smith testified that \$75,000 of the bonds had been sold at private sale, and that in his opinion his company would be able to place the remaining \$50,000 of bonds.

Applicant's witness testified that the Trustee for the Bonds would be The First National Bank of Denver, and that a First Mortgage and Deed of Trust was in its final stages of preparation but not yet quite complete, a draft of which was received in evidence as Exhibit "J." Applicant, through its Attorney, stipulated that it would file as a late-filed exhibit a copy of the final draft of The First Mortgage and Deed of Trust, referred to as the Indenture. On March 17, 1959, Applicant's Attorney, by letter, informed the Commission that due to causes beyond Applicant's control, it could not file the said exhibit within the thirty-day period beginning from the day of filing its Application all pursuant to Chapter 115-1-4, CRS, 1953. Whereupon, Commission's

Decision and Order No. 51962 was issued, extending the time of Application to March 31, 1959.

On March 26, 1959, Applicant through a special attorney, advised the Commission that although a printer's copy of the Indenture was then being reviewed by the Trustee's attorney, a final printed copy would not be available by March 31st, and hence, requested the time to be extended to April 14, 1959. The Commission by its order and Decision No. 51991, dated March 31, 1959, did extend the time of the Application No. 16879-Securities to April 14, 1959.

On April 10, 1959, Applicant did file a printed copy of the final draft of the Indenture. Principal features of the Indenture are as follows:

The Indenture is of the "open end" type and provides that the Company may issue \$800,000 of first mortgage bonds in such series and amounts as the Board of Directors may from time to time authorize.

First Mortgage Bonds, Series of 1959, to be dated January 1, 1959, and to mature in fifteen (15) years, on January 1, 1974.

Annual interest rate at six per cent, payable on the first day of January and on the first day of July of each year.

Bonds will be issued serially in denominations of \$1,000.

Retirement of bonds will be by sinking funds deposited under the terms of the indenture to enable retirement of \$5,000 principal amount in each of the years 1962-1964; \$10,000 principal amount in each of the years 1965-1969; and \$12,000 principal amount in each of the years 1970-1973.

Redemption provisions state that the bonds will be non-refundable at a lower interest cost for a period of five (5) years; and that the regular redemption price shall be \$106.00 for the first year, declining proportionately thereafter to par in the last year. No premium will be payable on bonds redeemed through the sinking fund.

The bonds will be secured by the indenture, which will constitute a direct mortgage lien upon substantially all of the properties and franchises owned by the company and properties to be built or acquired with the proceeds of this financing. At present, such properties will consist principally of gas transmission and distribution mains and facilities in the Towns of Wellington, Walden, and Dove Creek, Colorado, when constructed.

Future additions may be mortgaged up to 60%, thus permanent additions placed under mortgage will equal 166-2/3% of the aggregate principal amount of Bonds applied for, authenticated and delivered.

No additional bonds shall be authenticated and delivered unless the earnings applicable to Bond interest for a period of twelve (12) consecutive months within the next preceding fifteen (15) month period have been at least equal to the interest requirements for a period of one (1) year upon the Bonds applied for and upon the Bonds outstanding at the date of application.

Earnings applicable to Bond interest consist essentially of gross operating revenues (excluding profit from sale of capital assets), other income in amount up to 15% of gross operating revenues and other income combined, less all expenses but not interest, income taxes and amortization of plant acquisition adjustments.

Additional series of bonds may be issued with provisions for conversion to common stock.

The proceeds from the sale of said bonds will be distributed substantially as follows:

Total Receipts:		\$125,000
Commissions on sale of the bonds at 5 per cent		\$6,250
Cost of printing the bonds	185	
Preparation of indenture, form of bonds and approving legal opinion, approximately	1,250	
Recording costs	300	7,985
		<hr/>
Net Receipts -		\$117,015

From the above net proceeds from the sale of the bonds, the Company proposes to build the transmission lines and distribution system in Dove Creek, at a maximum cost of \$71,000, and an office building there for a maximum of \$20,000, for a total cost of \$91,000. Approximately \$12,000 of the above system cost is chargeable to the customer for service lines, thus reducing the gross cost to \$79,000. However, to install the service lines and equipment will require approximately \$10,000 for meters and regulators, whereupon the total cost for the installation of the natural gas system will be approximately \$89,000. The balance of \$28,015 will be applied to

the repayment of short-term loans and other indebtedness.

In support of the Company's financial position as of December 31, 1958, and the results of its operations in the Year 1958, Applicant introduced in evidence its Balance Sheet and operating statement for these dates, Exhibits "A" and "B", respectively. Upon cross-examination, Applicant's witness testified that the proportion of equity and debt to total capitalization after the issue and sale of \$125,000 of First Mortgage Bonds, would be approximately 48% and 52%, respectively.

The Company's operating statement for the Year 1958, showed net operating revenue of \$6,142, plus other operating income from operating agreements with the Towns of Nunn and Ignacio of \$2,071, thus making a total from public utility operations of \$9,213. The Company also realized a profit of \$1,292 from merchandising and jobbing of gas appliances. The Company's net plant devoted to public use at December 31, 1958, was \$127,439, and represented the natural gas distributing systems in Walden and Wellington, but not Dove Creek, which is to be built early in 1959.

Applicant's Exhibits "A" through "L", including the late-filed copy of the Indenture, are hereby incorporated in this Statement by reference.

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

##### THE COMMISSION FINDS:

That Applicant, Rocky Mountain Natural Gas Company, Inc., a Colorado 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 foregoing Statement be made a part of these Findings by reference.



That the proposed issuance and sale by Applicant of \$125,000 principal amount of Applicant's First Mortgage Bonds, Series of 1959, to mature January 1, 1974, as hereinabove set forth, is reasonably required and necessary for the Applicant's proper corporate financing.

That the proposed securities transaction is not inconsistent with the public interest; and that the purpose or purposes thereof are permitted by law and are consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1953, as amended; and

That the Order sought should be issued, and should be made effective forthwith.

O R D E R

THE COMMISSION ORDERS:

That Applicant, Rocky Mountain Natural Gas Company, Inc., be, and it hereby is, authorized and empowered to issue and sell the initial series of its First Mortgage Bonds, Series of 1959, to mature January 1, 1974, in the principal amount of \$125,000, to be dated January 1, 1959, to bear interest at a rate of six (6.00) per cent per annum, and to be secured by the Indenture of Mortgage and Deed of Trust of Applicant to The First National Bank of Denver, Trustee, dated as of January 1, 1959, filed as a late-filed exhibit, April 10, 1959.

That Applicant be, and it hereby is, authorized to use and apply the proceeds derived from the issuance and sale of the \$125,000 principal amount of its Series of 1959 Bonds for the construction and installation of a natural gas distributing system at Dove Creek, Colorado, and for other corporate purposes.

That the Series of 1959 Bonds authorized to be issued and sold hereunder shall bear on the face thereof a serial number for proper and easy identification; and that within sixty (60) days from the issuance and delivery of said Bonds, Applicant shall make verified report to this Commission of such serial numbers placed on such Bonds as are initially issued.

That Applicant be, and it hereby is, authorized, in reflecting in its accounts the consummation of the financing outlined above, to make and record the various accounting entries in accordance with the Uniform System of Accounts for Electric and Gas Utilities prescribed by the National Association of Railroad and Utilities Commissioners, and adopted by this Commission on October 19, 1938.

That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to the Series of 1959 Bonds authorized hereunder, or interest thereon, on the part of the State of Colorado.

That within sixty (60) days after the issue and sale of said Series of 1959 Bonds, Applicant shall file with this Commission a conformed copy of its executed original Indenture dated as of January 1, 1959.


That within ninety (90) days from the date of the sale of said Series of 1959 Bonds authorized to be issued and sold hereunder, Applicant shall make, pursuant to the terms and conditions of this Order, a verified report to this Commission of the issue and disposition of said Bonds, the fees, commission, and expenses incident to such sale including charges by the Trustee. Accompanying such report there shall also be submitted a pro forma balance sheet as of December 31, 1958, reflecting the issuance and sale of said Bonds and supporting journal entries which shall reflect the exercise of the authority herein granted, together with copies of the accompanying entries recorded on Applicant's books as a result of the consummation of such financing.

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

ORDERED, That the authority herein granted shall be exercised

from and after this date, this Order being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Nigro

Ralph C. Hohn  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 14th day of April, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE THE ESTABLISHMENT OF A MILEAGE SCALE )  
OF RATES FOR TRANSPORTATION OF BULK )  
CEMENT, HYDRAULIC, PORTLAND OR NATURAL, )  
IN TANK VEHICLES, MINIMUM WEIGHT 35,000 )  
POUNDS, BY COLORADO MOTOR CARRIERS' )  
ASSOCIATION, AGENT, MOTOR FREIGHT TARIFF )  
NO. 14, COLORADO P.U.C. NO. 13, ISSUED )  
BY J. R. SMITH, CHIEF OF TARIFF BUREAU, )  
4060 ELATI STREET, DENVER 16, COLORADO. )  
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CASE NO. 1585

-----  
April 15, 1959  
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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 16, 1959, designated as set forth in Appendix "A", attached hereto and made a part hereof.

Under the provision 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.

In justification of the attached scale of rates as appearing in the attached appendix, Mr. J. R. Smith, Chief of Tariff Bureau for this Association, states in part as follows:

"For a good many years the problem of different rates for the transportation of cement by different carriers, and the wide spread in the minimum weights being applied, as well as the level of the rates themselves, in many instances, have been of concern to the Commission, the shippers and the carriers.

"On January 23, 1959, we notified our cement carrier members that there would be a meeting in the Association Office on February 2 to discuss the possibility of establishing uniform rates and minimum weights for the intrastate transportation of cement, in bags and in bulk, by all carriers.

"The meeting was held, as scheduled, with ten carrier representatives attacking the problems  
\* \* \* \*

"The proposed bulk rates result in both increases and reductions, not because of any particular desire on the part of the carriers to increase or reduce rates, but because of the give and take necessary to correct inequities in the progression of the rates in the presently effective scales.

"The carriers represent that these proposed bulk rates will provide them with rates from 1¢ to 6¢ per 100 pounds lower than those which they propose to establish soon to apply on shipments of cement in bags, and that they are just, fair and reasonable rates for use in connection with their usual day-to-day service where special situations and conditions do not prevail."

No change in the present specific commodity rates on cement are involved in the proposed distance scale of rates.

#### 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, appear to represent just, fair and reasonable rates and charges and should be authorized and an order 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 16, 1959, be the prescribed rates, rules, regulations and provisions of the Commission.
4. All motor vehicle common carriers who are affected by the changes prescribed herein shall publish or cause to be published new tariffs reflecting the changes prescribed herein.

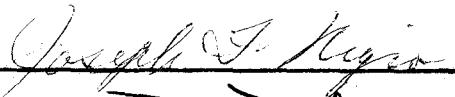
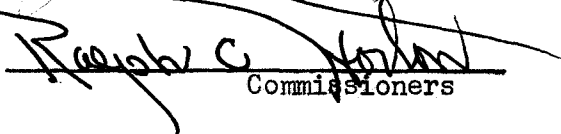
5. All private carriers by motor vehicle to the extent they are affected by the changes involved herein shall publish, or cause to be published rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

6. 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 subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

7. 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.

8. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

COMMISSIONER ZARLENGO NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 15th day of April, 1959.

mem

APPENDIX "A"

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT  
MOTOR FREIGHT TARIFF NO. 14, COLO. P.U.C. NO. 13

ITEM NO.	COMMODITY DESCRIPTION		
250	Column "F" Rates will apply on the following:		
	Cement, Hydraulic, Portland, or Natural, in bulk, in tank vehicles, minimum weight 35,000 pounds.		
The following Rates are in Cents per 100 Pounds			
DISTANCE - MILES	COLUMN F		
	Minimum Weight 35,000 Pounds		
	#Plains Scale	#Differential Scale	#Mountain Scale
10 Miles and Under	6	1	7
15 Miles and Over 10	7	1	8
20 " " " 15	8	1	9
25 " " " 20	9	1	10
30 " " " 25	10	1	11
35 " " " 30	11	2	13
40 " " " 35	12	2	14
45 " " " 40	13	2	15
50 " " " 45	14	2	16
55 " " " 50	15	3	18
60 " " " 55	16	3	19
65 " " " 60	17	3	20
70 " " " 65	18	3	21
75 " " " 70	19	3	22
80 " " " 75	19½	3	22½
85 " " " 80	20	4	24
90 " " " 85	20½	4	24½
95 " " " 90	21	4	25
100 " " " 95	22	4	26
105 " " " 100	23	4	27
110 " " " 105	24	5	29
115 " " " 110	25	5	30
120 " " " 115	26	5	31
125 " " " 120	27	5	32
130 " " " 125	28	5	33
135 " " " 130	28½	6	34½
140 " " " 135	29	6	35
145 " " " 140	29½	6	35½
150 " " " 145	30	6	36
160 " " " 150	31	6	37
170 " " " 160	32	7	39
180 " " " 170	33	7	40
190 " " " 180	34	7	41
200 " " " 190	35	7	42
210 " " " 200	36	7	43
220 " " " 210	37	8	45
230 " " " 220	38	8	46
240 " " " 230	39	8	47
250 " " " 240	40	8	48
260 " " " 250	41	8	49
270 " " " 260	42	9	51
280 " " " 270	43	9	52
290 " " " 280	44	9	53

(Continued)

The following Rates are in Cents per 100 Pounds

DISTANCE - MILES	COLUMN F		
	Minimum Weight 35,000 Pounds		
	#Plains Scale	#Differential Scale	#Mountain Scale
300 Miles and Over 290	45	9	54
310 " " " 300	46	9	55
320 " " " 310	47	10	57
330 " " " 320	48	10	58
340 " " " 330	49	10	59
350 " " " 340	50	10	60
# For explanation of Plains, Mountain or Differential Scales, see Item No. 110 of above tariff.			



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
NORTHWEST WATER CORPORATION, A COR- )  
PORATION, DENVER, COLORADO, FOR PER- ) APPLICATION NO. 16836-Securities  
MISSION TO CHANGE CAPITALIZATION OF )  
THE COMPANY. )  
-----

-----  
April 16, 1959  
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Appearances: Irving J. Hayutin, Esq., Den-  
ver, Colorado, for Applicant;  
J. Fred Schneider, Esq., Den-  
ver, Colorado, for the Pillar  
of Fire and Parr Farms, Inc.;  
Edwin R. Lundborg, Esq., Denver  
Colorado, and  
E. R. Thompson, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

On January 22, 1959, the Northwest Water Corporation filed application for authorization to change its capitalization to consist entirely of 150,000 shares of \$1.00 par value, voting and participating common stock, thus eliminating all preferred stock. This request for authorization to change its capital stock is pursuant to Commission's Decision No. 44689, Application No. 13240, dated October 4, 1955, whereby "the proposed capitalization of the Company, consisting entirely of common and preferred stock and more particularly set forth in a certificate of Amendment to Certificate of Incorporation, dated and filed with the Commission, October 3, 1955, shall not be changed in any respect without prior express permission of the Commission; and that the Commission shall retain jurisdiction of this matter to issue such further Order, or Orders as may become appropriate."

This provision in the Commission's Order was brought about

by the Company's original Application No. 13240, January 14, 1955, for a certificate of convenience and necessity to serve a new housing development known as Shaw Heights lying generally north and adjacent to Westminster. The Certificate of Amendment to the Articles of Incorporation, Exhibit 4-A in evidence, stated that the Company's authorized capitalization was merely 9940 shares of capital stock of which 300 shares, par value \$1.00, was voting and controlling in all respects; 8,700 shares, \$1.00 par, Class "B" stock entitled to make one water tap on the Company lines; and 940 shares, \$150 par value, Class "C" stock entitled to purchase Class "B" stock under certain conditions. Neither Class "B" nor "C" stock would be entitled to dividends. Because of such proposed capitalization, the Application No. 13240 was denied in Commission Decision and Order No. 44661.

On October 3, 1955, the Company amended its Articles of Incorporation whereby the Class "B" and Class "C" stock were reclassified respectively as Class "B", 6% Preferred Stock, \$1.00 par value and Class "C", 6% Preferred stock, \$150.00 par value, whereupon the Commission handed down the above-noted Order and Decision No. 44869, October 4, 1955. This Order granted the Company a certificate of public convenience and necessity to serve water for domestic purposes to an ultimate number of 300 homes to be located in the Shaw Heights Development set forth by metes and bounds in said Order.

After due notice to all interested parties, the present application was set for hearing at 9:30 A. M., Thursday, February 11, 1959, at which time and place it was heard and at the conclusion of the evidence, the matter was taken under advisement.

No petitions of intervention were filed with the Commission prior to the hearing and no one appeared at the hearing in opposition to the authority sought by Applicant in this matter.

The Northwest Water Corporation is a Colorado Corporation authorized under and by virtue of the laws of the State of Colorado,

and is a public utility operating company, subject to the jurisdiction of this Commission. Among other things, it is incorporated for the purpose of distributing and selling water for domestic and other uses. Its principal business address is 1529 York Street, Denver 6, Colorado.

The present capitalization of the Company, as set forth in the Certificate of Amendment to Certificate of Incorporation filed with the Secretary of State, October 3, 1955, provides for authorized capital stock of 9,940 shares consisting of 300 shares of Class "A" stock, \$1.00 par value; 8,700 shares of Class "B", 6% Preferred Stock, \$1.00 par value; and 940 shares of Class "C", 6% Preferred Stock, \$150.00 par value.

The Class "A" stock has exclusive and sole right to vote in stockholders' meetings of the Corporation and in the election of the Directors and in the management of the affairs of the Corporation. The Class "B" and "C" stockholders are not entitled to vote by reason of their holdings thereof, but are entitled to 6% dividends non-cumulative.

The Company's capitalization as of December 31, 1958, was as follows:

Long-term notes	\$ 48,000	37.7%
Class "A" Stock (300 shares)	300	
Class "B" Preferred (550 shares)	550	
Class "C" Preferred (241 shares)	36,150	
	<u>37,000</u>	
Paid in Surplus	86,950	
Earned Surplus (Deficit)	(44,735)	
Total equity	<u>79,215</u>	62.3%
Total capitalization	<u>\$127,215</u>	100.0%

Applicant's witness, Arthur B. Hayutin, testified that all the present seven stockholders had agreed to the proposed recapitalization on the following basis:

For each share of Class "A" Stock presently outstanding, five shares of new common stock will be issued.

For each 11 shares of Class "B" Stock presently outstanding, ten shares of new common stock shall be issued.

For each share of Class "C" Stock presently outstanding, two shares of new common stock shall be issued together with a \$100, 15-year, five per cent debenture, convertible at any time within five years from date of issue for four shares of new common stock.

A signed copy of the agreement was filed with this Application No. 16836, and Applicant's witness testified that the seven signers thereof are the present owners of all the outstanding shares of stock of the Northwest Water Corporation.

As a result of the proposed trade of present securities for the new common shares as indicated above, the pro forma capitalization of the Company appears as follows:

Long-term notes & debentures	\$ 72,100	56.7%
Common stock (150,000 shares authorized)	2,482	
Paid in surplus	97,368	
Earned surplus (deficit)	(44,735)	
Total equity	<u>55,115</u>	43.3%
Total Capitalization	\$127,215	100.0%

At the present time the common stockholders have sole voice in the Company's affairs; under the proposed capitalization the present "A" stockholders would hold 1500 shares of the 2482 shares, or approximately 60%. Present "A" stockholders have also certain interests in the associated companies, parties to the agreement for recapitalization to-wit: S-H Investment Company, and S and H Builders, Inc.

Applicant's witness testified that the purpose of the proposed recapitalization was to make the securities of the Company more attractive to investors so that additional capital could be raised for further development of the Company's water system.

He stated that the new common stock would be \$1.00 par value, full voting and participating and that all old "A", "B" and "C" stock would be eliminated. The total number of new common shares to be authorized would be 150,000 shares as in the original Articles of In-

corporation (filed with the Secretary of State, January 14, 1955, and subsequently amended). Applicant agreed to file as a late-filed exhibit, the Company's balance sheet as of December 31, 1958, and a corresponding pro forma balance sheet showing the results of the recapitalization and a copy of the Original Articles of Incorporation, which it did February 25, 1959.

Applicant did not offer in evidence a copy of a proposed Amendment to the Articles of Incorporation setting forth the proposed capitalization and provisions relating thereto. Therefore, we will require that once such Amendment to the Articles is in effect, the proposed authorized capitalization shall not be changed or altered without express permission of the Commission after hearing duly had.

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

##### THE COMMISSION FINDS:

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

That the Applicant, Northwest Water Corporation, is a public utility as defined in Chapter 115-1-4, Colorado Revised Statutes, 1953.

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

That the Commission is fully advised in the premises.

That the proposed change in capitalization to entirely 150,000 common shares, \$1.00 par value, full voting and participating, is not inconsistent with the public interest and that the Order sought should issue and should be made effective forthwith.

That the proposed capitalization of 150,000 shares of common stock, \$1.00 par value should not in the future be changed or altered without prior permission of the Commission.

O R D E R

THE COMMISSION ORDERS:

That Northwest Water Corporation be, and it hereby is, authorized to change its capital structure to consist entirely of 150,000 shares of common stock, \$1.00 par value, full voting and participating.


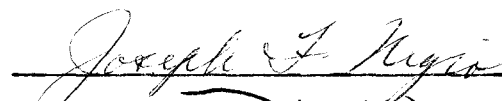
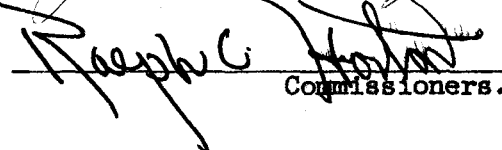
That the proposed capitalization of the Company, consisting entirely of 150,000 shares of Common Stock, \$1.00 par full voting and participating shall not be changed in any respect without prior express permission of the Commission.

That within ninety (90) days from the date of this Order, Applicant shall file with this Commission a copy of the Certificate of Amendment to Certificate of Incorporation of the Northwest Water Corporation, certified by the Secretary of State of the State of Colorado, setting forth the change in capitalization as herein authorized and approved.

That the Commission shall retain jurisdiction of the matter to issue such Order, or Orders, as may become appropriate.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 16th day of April, 1959.

mls



Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 9, 1959, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

On April 3, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

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

Report of said Examiner states that at the hearing, Phillip Salazar testified he is transferor herein, and one of transferees herein; that there is no consideration for transfer of said operating rights, as it is merely a family affair, inasmuch as he is desirous of taking his brother into partnership with him in operations under Permit No. B-5083; that there are no outstanding unpaid operating obligations against said permit; that Louis Salazar has a net worth of approximately \$2,500.00; that transferees have sufficient equipment to continue operations under Permit No. B-5083; that neither transferor nor transferees have any financial or proprietary interest in any other operating rights granted by this Commission.

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

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

Report of the Examiner recommends that authority herein sought should be granted.

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

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred



to therein should be approved.

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

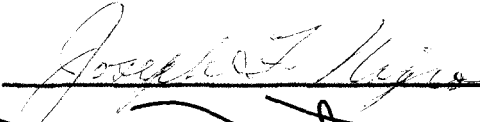
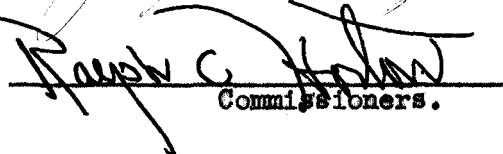
That Phillip Salazar, Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-5083 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Phillip Salazar and Louis Salazar, co-partners, doing business as "Salazar Brothers," 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 permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The right of transferees to operate under this Order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by 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

  
  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 16th day of April, 1959.

ea

original

(Decision No. 52072)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HENRY T. POWELL, 7020 EAST 52ND )	
PLACE, DENVER, COLORADO, FOR AU- )	
THORITY TO TRANSFER PERMITS NOS. )	<u>APPLICATION NO. 16970-PP-Transfer</u>
B-5474 AND B-5474-I TO ROY O. )	
BUSSINGER, 6880 EAST 54TH PLACE, )	
DENVER, COLORADO. )	
----- )	

-----  
April 16, 1959  
-----

Appearances: Henry T. Powell, Denver,  
Colorado, pro se;  
Roy O. Bussinger, Denver,  
Colorado, pro se;  
Raymond B. Danks, Esq.,  
Denver, Colorado, for  
Colorado Transfer and  
Warehousemen's Association.

S T A T E M E N T

By the Commission:

Heretofore, Henry T. Powell, Denver, Colorado, was granted  
a Class "B" permit, authorizing him to operate as a private carrier  
by motor vehicle for hire, for the transportation of:

freight, between all points in Denver, Colorado,  
and a two-mile radius of the City Limits of the  
City and County of Denver, for North Eastern  
Motor Freight, Inc., in both interstate and  
intrastate commerce, interstate operating rights  
being subject to the provisions of the Federal  
Motor Carrier Act of 1935, as amended,

said operating rights being designated "Permits Nos. B-5474 and  
B-5474-I."

By the above-styled application, said permit-holder seeks  
authority to transfer said Permits Nos. B-5474 and B-5474-I to  
Roy O. Bussinger, Denver, Colorado.

Said application was regularly set for hearing before  
the Commission, at the Hearing Room of the Commission, 330 State  
Office Building, Denver, Colorado, April 9, 1959, at two o'clock  
P. M., due notice thereof being forwarded to all parties in interest.

On April 3, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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, Henry T. Powell, the transferor herein, testified that the consideration for transfer of Permits Nos. B-5474 and B-5474-I is the sum of \$550.00; that there are no outstanding unpaid operating obligations against said permits.

Report of said Examiner further states that at the hearing, Roy O. Bussinger testified he is transferee herein; that he is the owner of a 1947 G.M.C. one and one-half-ton truck; that he has a net worth of \$4,000.00; that neither he nor transferor have any financial or proprietary interest in and to any other operating rights issued by this Commission.

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

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

Report of the Examiner recommends that authority herein sought be granted.

## F I N D I N G S

### THE COMMISSION FINDS:

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

That the proposed transfer is compatible with the public interest, and should be authorized, 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 Henry T. Powell, Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title and interest in and to Permits Nos. B-5474 and B-5474-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Roy O. Bussinger, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

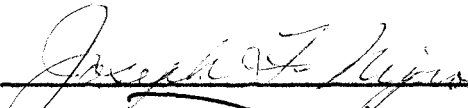
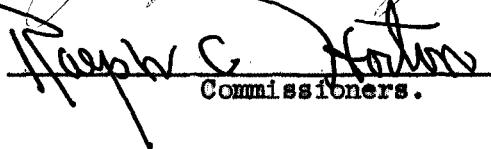
That the right of transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to time of transfer of said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

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

That transfer of interstate operating rights herein authorized is subject to the provisions of 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.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 16th day of April, 1959.

ea

original.

(Decision No. 52073)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
A. V. DAVIS, DOING BUSINESS AS )  
"DAVIS VAN AND STORAGE COMPANY," )  
710 WASHINGTON, GREAT BEND, KANSAS, )  
FOR AUTHORITY TO TRANSFER INTER- )  
STATE OPERATING RIGHTS TO DAVIS VAN )  
AND STORAGE, INC., 710 WASHINGTON, )  
GREAT BEND, KANSAS. )  
----- )

PUC NO. 2787-I-Transfer

-----  
April 16, 1959  
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S T A T E M E N T

By the Commission:

Heretofore, A. V. Davis, doing business as "Davis Van and Storage Company," Great Bend, Kansas, was granted a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, in interstate commerce, and PUC No. 2787-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to Davis Van and Storage, Inc., Great Bend, Kansas.

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

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, as set forth in the Order following.

O R D E R


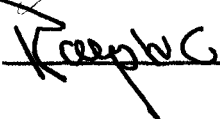

THE COMMISSION ORDERS:

That A. V. Davis, doing business as "Davis Van and Storage Company," Great Bend, Kansas, should be, and he hereby is, authorized

to transfer all his right, title, and interest in and to PUC No. 2787-I to Davis Van and Storage, Inc., Great Bend, Kansas, subject to payment of outstanding indebtedness against said certificate, 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.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 16th day of April, 1959.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ROSS HEWETT )  
POST OFFICE BOX 634 )  
BAYARD, NEBRASKA. )  
-----

PUC NO. 2921-I

-----  
April 16, 1959  
-----

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. 2921-I be suspended for six months from March 17, 1959.

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 Ross Hewett, Bayard, Nebraska, be, and he is hereby, authorized to suspend his operations under PUC No. 2921-I until September 17, 1959.

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

*Joseph F. Tigra*  
*Ralph C. Horton*  
*Henry E. Zalusky*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of April 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
C. E. HART, DOING BUSINESS AS, )  
"C. E. HART TRUCKING" )  
817 - 24TH. STREET, )  
GREELEY, COLORADO. )  
-----)

PERMIT NO. M-14117

-----  
April 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
C. E. Hart, Dba C. E. Hart Trucking, Greeley, Colorado  
requesting that Permit No. M-14117 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14117, heretofore issued to \_\_\_\_\_  
C. E. Hart, Dba C. E. Hart Trucking, Greeley, Colorado be,  
and the same is hereby, declared cancelled effective April 13, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Norton  
Henry E. Zink  
Commissioners

Dated at Denver, Colorado,

this 16th day of April, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
R. W. CHITWOOD, DOING BUSINESS AS, )  
"CHITWOOD MUSIC AND APPLIANCE" )  
BIG ELK MEADOWS )  
ESTES PARK, COLORADO. )  
-----

PERMIT NO. M-12093

-----  
April 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
R. W. Chitwood, Dba Chitwood Music and Appliance, Estes Park, Colorado  
requesting that Permit No. M-12093 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12093, heretofore issued to \_\_\_\_\_  
R. W. Chitwood, Dba Chitwood Music and Appliance, Estes Park, Colorado be,  
and the same is hereby, declared cancelled effective March 11, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Norton  
Wm. E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 16th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
G. W. WYATT, DOING BUSINESS AS, )  
"17TH STREET GROCERY" )  
1702 WEST COLORADO AVENUE )  
COLORADO SPRINGS, COLORADO. )  
-----)

PERMIT NO. M-11888

-----  
April 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
G. W. Wyatt, Dba 17th Street Grocery, Colorado Springs, Colorado  
requesting that Permit No. M-11888 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11888, heretofore issued to \_\_\_\_\_  
G. W. Wyatt, Dba 17th Street Grocery, Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective April 19, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
King E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 16th day of April, 1959.

ds

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
T. C. PARKINSON AND R. C. PARKINSON, )  
CO-PARTNERS, DOING BUSINESS AS "PARK- )  
INSON TRANSFER AND TRANSPORTATION )  
COMPANY," R. F. D. 2, BOX 35A, DELTA, ) APPLICATION NO. 16960-Transfer  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 934 TO WILLIAM T. PARKINSON, )  
DOING BUSINESS AS "PARKINSON T & T )  
CO.," 856 MEEKER STREET, DELTA, COLO- )  
RADO. )  
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-----  
April 16, 1959  
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Appearances: T. C. Parkinson, Delta,  
Colorado, pro se;  
William T. Parkinson,  
Delta, Colorado, pro  
se.

S T A T E M E N T

By the Commission:

T. C. Parkinson and R. C. Parkinson, co-partners, doing  
business as "Parkinson Transfer and Transportation Company," Delta,  
Colorado, are the owners and operators of PUC No. 934, authorizing:

Transfer, moving and drayage in Delta, Colorado,  
and the transportation of farm products, includ-  
ing livestock, and farm supplies, including coal,  
used furniture from farm to farm, farm to town,  
and town to farm within a radius of 50 miles of  
Delta, and from and to points in said Delta area  
to and from points in the State of Colorado, and  
the transportation of telephone poles, mine sup-  
plies, including powder and supplies for U. S.  
Forest Ranger Camps from Delta to points in said  
area, and fuel oil and distillates from Rangely  
oil field to Denver, PROVIDED, applicant shall  
not engage in the transportation of merchandise  
ordinarily handled by line-haul carriers between  
points on established route of scheduled common  
carriers serving such points singly or in combi-  
nation in competition with said carriers, except  
the distribution of furniture shipped by rail in  
pooled car carload lots to Delta for distribution  
to merchants in towns within said area, and for  
transportation where competitive in character

with line-haul service he shall charge rates 20% in excess of those charged by line-haul common carriers, if any, operating between said points.

Decision No. 43494 eliminates the right to transport livestock into or from Jackson County, Colorado, and by Decision No. 48346, the certificate was extended by authorizing transportation of general freight, from point to point within the City of Delta, Colorado.

By the instant application, transferors seek authority to transfer the operating rights above set forth to William T. Parkinson, doing business as "Parkinson T. & T. Co.," Delta, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Montrose, Colorado, at ten o'clock A. M., April 8, 1959, and at the conclusion of the evidence, the matter was taken under advisement by the Commission.

At the hearing, T. C. Parkinson, one of the transferors, and William T. Parkinson, the transferee, appeared in support of the application. The transferee being the son of transferors, the consideration for the transfer is love and affection. The evidence disclosed that there are no outstanding obligations against the certificate, the reason for the transfer being the advanced age of the father.

The evidence further disclosed that the net worth of the transferee is approximately \$20,000, his financial responsibility being established to the satisfaction of the Commission. The transferee is an experienced truck operator and has ample equipment with which to carry on the proposed operation.

No one appeared in opposition to the granting of the authority herein sought, and it appears to the Commission that the transfer should be authorized.

## 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 proposed transfer is compatible with the public interest and should be authorized, as set forth in the Order following.

## O R D E R

### THE COMMISSION ORDERS:

That T. C. Parkinson and R. C. Parkinson, co-partners, doing business as "Parkinston Transfer and Transportation Company," Delta, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 934 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to William T. Parkinson, doing business as "Parkinson T. & T. Co.," Delta, 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 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.

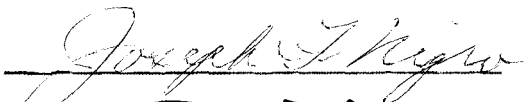
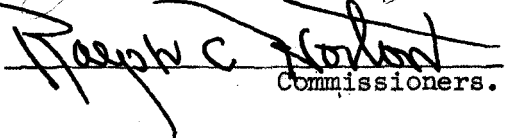
The tariff of rates, rules, and regulations of transferors shall, upon proper adoption notice, become and remain those of trans-

feree 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.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 16th day of April, 1959.



original

(Decision No. 52079)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
T. C. PARKINSON AND R. C. PARKINSON, )	
CO-PARTNERS, DOING BUSINESS AS )	
"PARKINSON TRANSFER AND TRANSPORTA- )	
TION COMPANY," R. F. D. 2, BOX 35A, )	APPLICATION NO. 16961-PP-Transfer
DELTA, COLORADO, FOR AUTHORITY TO )	
TRANSFER PERMIT NO. A-60 TO WILLIAM )	
T. PARKINSON, DOING BUSINESS AS )	
"PARKINSON T. & T. CO.," 856 MEEKER, )	
STREET, DELTA, COLORADO. )	
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-----  
April 16, 1959  
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Appearances: T. C. Parkinson, Delta,  
Colorado, pro se;  
William T. Parkinson,  
Delta, Colorado, pro  
se.

S T A T E M E N T

By the Commission:

T. C. Parkinson and R. C. Parkinson, co-partners, Delta,  
Colorado, are the owners and operators of Permit No. A-60, which  
authorizes the transportation of:

Freight over Colorado Highways 6 or U. S.  
50 between Grand Junction and Montrose and  
intermediate points;

General freight, from point to point within  
the Cities or Towns of Delta, Montrose, and  
Grand Junction, State of Colorado.

By the instant application, said permit-holders seek auth-  
ority to transfer said operating rights to William T. Parkinson, do-  
ing business as "Parkinson T. & T. Co.," Delta, Colorado.

Said application, pursuant to prior setting, after appro-  
priate notice to all interested parties, was heard at the Court House  
in Montrose, Colorado, at ten o'clock A. M., April 8, 1959, and at  
the conclusion thereof, the matter was taken under advisement by the

Commission.

At the hearing, T. C. Parkinson, one of the transferors, and William T. Parkinson, the transferee, appeared in support of the application. The transferee being the son of transferors, the consideration for the transfer is love and affection. The evidence disclosed that there are no outstanding obligations against the certificate, the reason for the transfer being the advanced age of the father.

The evidence further disclosed that the net worth of the transferee is approximately \$20,000, his financial responsibility being established to the satisfaction of the Commission. The transferee is an experienced truck operator, and he has ample equipment with which to carry on the operation.

No one appeared in opposition to the granting of the authority herein sought, and it appears to the Commission that the transfer should be authorized.

#### 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 proposed transfer is compatible with the public interest and should be authorized, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That T. C. Parkinson and R. C. Parkinson, co-partners, doing business as "Parkinson Transfer and Transportation Company," Delta, Colorado, be, and they hereby are, authorized to transfer all their right, title and interest in and to Permit No. A-60 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to William T. Parkinson, doing business

as "Parkinson T. & T. Co.," Delta, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

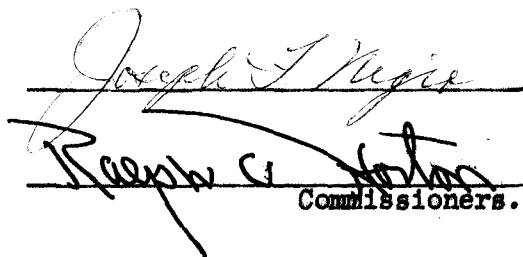
That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of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

The right of transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by 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.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 16th day of April, 1959.

mls

original

\* \* \*

APPLICATION NO. 16983-PP-Transfer

April 16, 1959

## S T A T E M E N T

Thomas C. Halbert, Grand Junction, Colorado, is the owner and operator of Permit No. B-5674, authorizing:

Said application was regularly set for hearing, and heard, at the Court House in Grand Junction, Colorado, at ten o'clock A. M.,

on April 9, 1959, and at the conclusion of the evidence, the matter was taken under advisement by the Commission.

The transferee, Thomas N. Sterner, appeared in support of the application, and testified that the consideration for the transfer of the permit, together with the equipment, is \$2,500, to be paid to the transferor upon approval of the transfer by this Commission. The evidence further disclosed that the net worth of transferee is approximately \$9,000; that he is an experienced truck operator and has ample equipment with which to operate.

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

The operating experience and financial responsibility of the transferee 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 hereby made a part of these Findings by reference.

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Thomas C. Halbert, Grand Junction, Colorado, be, and he is hereby, authorized to transfer all his right, title, and interest in and to Permit No. B-5674 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Thomas N. Sterner, Grand Junction, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.


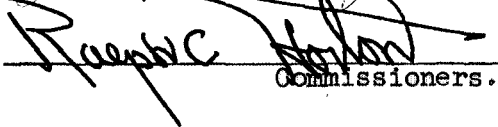
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 16th day of April, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ERNEST EDGAR GEAR )  
RFD )  
COLLBRAN, COLORADO. )  
----- )

PERMIT NO. M-10834

-----  
April 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Ernest Edgar Gear, Collbran, Colorado  
requesting that Permit No. M-10834 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10834, heretofore issued to \_\_\_\_\_  
Ernest Edgar Gear, Collbran, Colorado be,  
and the same is hereby, declared cancelled effective April 16, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zwick  
Commissioners

Dated at Denver, Colorado,

this 16th day of April, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ALSON W. STEELE )  
ROUTE 2, POST OFFICE BOX 118 )  
WOOD RIVER, NEBRASKA. )  
----- )

PERMIT NO. M-1913

-----  
April 16, 1959

STATEMENT

By the Commission:

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

Alson W. Steele, Wood River, Nebraska

requesting that Permit No. M-1913 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1913, heretofore issued to \_\_\_\_\_

Alson W. Steele, Wood River, Nebraska

be,

and the same is hereby, declared cancelled effective March 27, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph I. Negro  
Joseph C. Norton  
Wm. E. Ziehl  
Commissioners

Dated at Denver, Colorado,

this 16th day of April, 1959.

ds



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ALSON W. STEELE )  
ROUTE 2, POST OFFICE BOX 118 )  
WOOD RIVER, NEBRASKA. )  
----- )

PERMIT NO. B-4852

-----  
April 16, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Alson W. Steele, Wood River, Nebraska  
requesting that Permit No. B-4852 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4852, heretofore issued to \_\_\_\_\_  
Alson W. Steele, Wood River, Nebraska be,  
and the same is hereby, declared cancelled effective March 27, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Norton  
Wm. E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 16th day of April, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BIRD CITY EQUITY MERCANTILE EXCHANGE )  
BIRD CITY, KANSAS. )  
----- )

PERMIT NO. M-4669

-----  
April 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Bird City Equity Mercantile Exchange, Bird City, Kansas  
requesting that Permit No. M-4669 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4669, heretofore issued to \_\_\_\_\_  
Bird City Equity Mercantile Exchange, Bird City, Kansas be,  
and the same is hereby, declared cancelled effective April 21, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Horton  
Henry E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 16th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ELVA AND IRVING BINKLEY, DOING )  
BUSINESS AS, "BINK'S MUSIC SHOP" )  
505 NORTH 25TH. )  
GRAND JUNCTION, COLORADO. )  
-----)

PERMIT NO. M-15764

-----  
April 16, 1959

STATEMENT

By the Commission:

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

Elva & Irving Binkley, Dba Bink's Music Shop, Grand Junction, Colorado

requesting that Permit No. M-15764 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15764, heretofore issued to \_\_\_\_\_

Elva & Irving Binkley Dba Bink's Music Shop, Grand Junction, Colorado be,

and the same is hereby, declared cancelled effective February 25, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Norton  
Wm. E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 16th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ROBERT G. AND RUSSELL G. STEWART, )  
DOING BUSINESS AS, "STEWART BROTHERS )  
STONE COMPANY" )  
POST OFFICE BOX 947, LYONS, COLORADO.)  
-----)

PERMIT NO. M-15326

-----  
April 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Robert G. & Russell G. Stewart, Dba Stewart Brothers Stone Co., Lyons, Colorado  
requesting that Permit No. M-15326 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15326, heretofore issued to \_\_\_\_\_  
Robert G. & Russell G. Stewart, Dba Stewart Brothers Stone Co., Lyons, Colorado be,  
and the same is hereby, declared cancelled effective April 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Garth C. Horton  
Henry E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 16th day of April, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MARGIE MINOLETTI, DOING BUSINESS AS, )  
MINOLETTI BROTHERS COAL MINE" )  
POST OFFICE BOX 364 )  
DURANGO, COLORADO. )  
-----)

PERMIT NO. M-4479

-----  
April 16, 1959

STATEMENT

By the Commission:

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

Margie Minoletti, Dba Minoletti Brothers Coal Mine, Durango, Colorado

requesting that Permit No. M-4479 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4479, heretofore issued to \_\_\_\_\_

Margie Minoletti, Dba Minoletti Brothers Coal Mine, Durango, Colorado be,

and the same is hereby, declared cancelled effective December 31, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Raymond C. Horton  
Henry C. Ziehlings  
Commissioners

Dated at Denver, Colorado,

this 16th day of April, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE AND GERTRUDE BROWN, DOING )  
BUSINESS AS, "BROWN'S USED FURNITURE")  
5421 EAST 65TH. AVENUE )  
DERBY, COLORADO. )  
-----)

PERMIT NO. M-14646

-----  
April 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
George & Gertrude Brown, Dba Brown's Used Furniture, Derby, Colorado  
requesting that Permit No. M-14646 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14646, heretofore issued to \_\_\_\_\_  
George & Gertrude Brown, Dba Brown's Used Furniture, Derby, Colorado be,  
and the same is hereby, declared cancelled effective December 31, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zalusky  
Commissioners

Dated at Denver, Colorado,

this 16th day of April, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
W. H. COLLIER )  
SUNOL, NEBRASKA. )  
----- )

PERMIT NO. M-15410

-----  
April 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
W. H. Collier, Sunol, Nebraska  
requesting that Permit No. M-15410 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15410, heretofore issued to \_\_\_\_\_  
W. H. Collier, Sunol, Nebraska be,  
and the same is hereby, declared cancelled effective April 3, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph I. Negro  
Ralph C. Horton  
Wm. E. Zalusky  
Commissioners

Dated at Denver, Colorado,

this 16th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. H. COLLIER )  
SUNOL, NEBRASKA. )

PUC NO. 4166-I

-----  
April 16, 1959  
-----

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. 4166-I be suspended for six months from April 3, 1959.

F I N D I N G S

THE COMMISSION FINDS:

That W. H. Collier, Sunol, Nebraska, be, and he is hereby, authorized to suspend his operations under PUC No. 4166-I until October 3, 1959.

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

*Joseph F. Negro*  
*Joseph C. Horton*  
*Henry E. Zurlings*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of April 1959.

ds



(Decision No. 52091)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
CHARLES RICHIE, ROUTE 2, )	PERMITS NOS. B-4197
BRIGHTON, COLORADO. )	M-12142
- - - - - )	CASE NO. 88845-INS.

- - - - -  
April 16, 1959  
- - - - -

S T A T E M E N T

By the Commission:

On February 25, 1959, the Commission entered its Order in Case No. 88845-Ins., revoking Permits Nos. B-4197 and M-12142 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that Respondent herein has filed an affidavit with the Commission, stating he has not conducted operations under Permits Nos. B-4197 and M-12142 for the period November 29, 1958 to April 14, 1959, and requesting reinstatement of said operating rights.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Permits Nos. B-4197 and M-12142 should be, and the same hereby are, reinstated, as of April 14, 1959, revocation order entered by the Commission in Case No. 88845-Ins. of date February 25, 1959, being hereby vacated, set aside, and held for naught, as of April 14, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

COMMISSIONER HENRY E. ZARLENCO  
NOT PARTICIPATING.  
Dated at Denver, Colorado,  
this 16th day of April, 1959.

*Joseph L. Nigro*  
*Ralph C. Nigro*  
Commissioners.

original

(Decision No. 52092)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
GLEN G. HUBER, DOING BUSINESS AS )	
"DAD'S DISPOSAL SERVICE," 2246 )	
FIELD STREET, LAKEWOOD, COLORADO, )	
FOR AUTHORITY TO TRANSFER PUC NO. )	APPLICATION NO. 16988-Transfer
1968 TO LAVERNE WELCH AND ROGER )	
WELCH, CO-PARTNERS, DOING BUSINESS )	
AS "MOUNTAIN VIEW RUBBISH REMOVAL )	
COMPANY," 480 INDEPENDENCE STREET, )	
LAKEWOOD, COLORADO. )	
----- )	

-----  
April 17, 1959  
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Appearances: George W. Harper, Esq.,  
Denver, Colorado,  
for Applicants;  
Nick Keller, Golden, Colo-  
rado, for Jefferson County  
Disposal Service District.

S T A T E M E N T

By the Commission:

Heretofore, Glen G. Huber, doing business as "Dad's Disposal Service," Lakewood, Colorado, was granted a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of:

garbage and trash, from points in the following-described territory:

extending from the line commonly designated as the center line of Kipling Street, which line is the most easterly boundary line of said area, to a line one mile east of the City of Golden, which said line is the most westerly boundary line of the area, and extending from a line three hundred feet north of and paralleling West 26th Avenue, which last said line is the most northerly boundary line of the area, to a line two thousand feet south of and paralleling West Alameda Avenue, which said line is the most southerly boundary line of the area, which said area consists of approximately seventeen square miles, being approximately five and one-half miles between the east and west boundary lines, and three and one-half miles between the north and south boundary lines,

on the one hand, and dumps and disposal places located in Jefferson County, Colorado, on the other hand,

said operating rights being designated "PUC No. 1968."

By the above-styled application, said certificate-holder seeks authority to transfer said PUC No. 1968 to Laverne Welch and Roger Welch, co-partners, doing business as "Mountain View Rubbish Removal Company," Lakewood, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 10, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 3, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

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

Report of the Examiner states that at the hearing, Glen G. Huber testified he is transferor herein, being the owner and operator of PUC No. 1968; that the consideration for transfer of said operating rights is the sum of \$20,000, copy of Purchase Contract being on file with the Commission; that there are no outstanding unpaid operating obligations against said certificate.

Report of the Examiner further states that at the hearing, LaVerne Welch, one of transferees herein, testified he and Roger Welch have entered into an agreement to purchase PUC No. 1968; that they have had experience in the trucking business; that they have sufficient equipment with which to carry on said operations; that they have a net worth of approximately \$50,000, financial statement being on file with the Commission; that neither transferor nor transferees has any financial or proprietary interest in any other operating rights granted by this Commission.

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

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

Report of the Examiner recommends that authority herein sought be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That the proposed transfer is compatible with the public interest, and should be authorized, 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 Glen G. Huber, doing business as "Dad's Disposal Service," Lakewood, Colorado, should be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 1968 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Laverne Welch and Roger Welch, co-partners, doing business as "Mountain View Rubbish Removal Company," Lakewood, 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

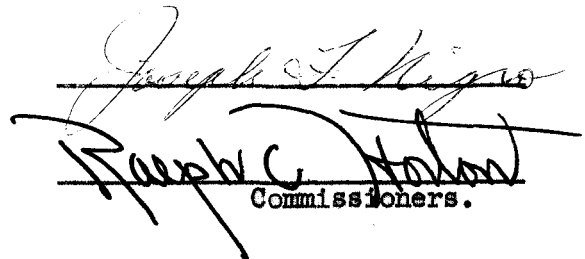
date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
**NOT PARTICIPATING.**

Dated at Denver, Colorado,  
this 17th day of April, 1959.

ea

original

(Decision No. 52093)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
NORRIS M. NELSEN, DOING BUSINESS AS )  
"MOUNTAIN DISPOSAL SERVICE," 1902 )  
WASHINGTON STREET, GOLDEN, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. )  
2875 TO ALVERNE A. JONES, DOING )  
BUSINESS AS "MOUNTAIN DISPOSAL SER- )  
VICE," 4240 IRIS STREET, WHEATRIDGE, )  
COLORADO. )  
- - - - - )

APPLICATION NO. 16987-Transfer

- - - - -  
April 17, 1959  
- - - - -

Appearances: Alverne A. Jones, Wheatridge,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Norris M. Nelsen, doing business as "Mountain Disposal Service," Golden, Colorado, was granted a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of:

trash, garbage, rubbish, and kindred matters, on call and demand, within that portion of Jefferson County lying west of an imaginary line running north and south which would parallel the West City Limits of the City of Morrison, Colorado, excluding from said area the City of Golden, Colorado,

said operating rights being known as "PUC No. 2875."

By the above-styled application, said certificate-holder seeks authority to transfer said PUC No. 2875 to Alverne A. Jones, doing business as "Mountain Disposal Service," Wheatridge, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 10, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 3, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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, transferee herein appeared in support of the application, stating he has a net worth of \$10,000, a statement of which is on file with the Commission; that he has sufficient equipment to carry on the operations under PUC No. 2875; that the consideration for transfer of said operating rights is the sum of \$4,000, including equipment; that there are no outstanding unpaid operating obligations against said certificate; that neither transferor nor transferee has any financial or proprietary interest in any other operating rights granted by this Commission.

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

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

Report of the Examiner recommends that authority herein sought be granted.

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

##### THE COMMISSION FINDS:

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

That the proposed transfer is compatible with the public interest, and should be authorized, 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 the same hereby is, approved.

That Norris M. Nelsen, doing business as "Mountain Disposal Service," Golden, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2875 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Alverne A. Jones, doing business as "Mountain Disposal Service," Wheatridge, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Regier*  
*Joseph C. Bolton*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 17th day of April, 1959.

ea



Original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ARTHUR L. FERRIER AND JACK RIBELIN, )  
CO-PARTNERS, DOING BUSINESS AS )  
"FERRIER & RIBELIN," MONTROSE, COLO- ) APPLICATION NO. 16965-PP-Extension  
RADO, FOR AUTHORITY TO EXTEND OPER- )  
ATIONS UNDER PERMIT NO. B-5673. )  
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April 16, 1959  
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Appearances: John P. Thompson, Esq., Denver,  
Colorado, for Applicants;  
Orville Dunlap, Montrose, Colo-  
rado, for Orville Dunlap &  
Sons;  
Marion R. Smyser, Esq., Denver,  
Colorado, for copy of Order.

S T A T E M E N T

By the Commission:

Arthur L. Ferrier and Jack Ribelin, co-partners, doing  
business as "Ferrier & Ribelin," Montrose, Colorado, are the owners  
and operators of Permit No. B-5673, authorizing:

Transportation of forest and sawmill products,  
consisting of logs and rough lumber, from and  
to forests and railroad loading points, and  
places of storage, within a one-hundred-mile  
radius of Montrose, Colorado, excluding any  
service east of a line drawn north and south  
parallel to the Continental Divide, at Lead-  
ville, Colorado.

On February 2, 1959, said permit-holders filed their appli-  
cation for authority to extend operations under Permit No. B-5673, to  
include the right to transport forest and sawmill products, including  
finished lumber, from forests and places of storage, and sawmills,  
within a radius of one hundred miles of Montrose, Colorado, only west  
of the Continental Divide, to Denver, Colorado Springs, and Pueblo,  
Colorado, for Colorado Lumber Products, Inc., only.

The application was regularly set for hearing, and heard, at the Court House in Montrose, Colorado, at ten o'clock A. M., April 8, 1959, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, applicants, by their attorney, moved to amend their application, as follows:

"Transportation of forest and sawmill products, including finished lumber, from forests and storage places, and sawmills, within a radius of 100 miles of Montrose, Colorado, only west of the Continental Divide, to Denver, Colorado Springs, and Pueblo, Colorado, for Colorado Lumber Products, Inc., only; and restricted to the use of flat-bed equipment only."

There being no objection, the amendment was permitted.

Jack Ribelin, one of the co-partners, appeared at the hearing and testified that he had been requested by the Colorado Lumber Products, Inc., to perform the service as set forth in the amended application. Exhibit No. 1 discloses that the co-partnership has a net worth of approximately \$107,000, and the equipment that applicants will use in their proposed service is set forth by Exhibit No. 2.

It appears that applicants are well qualified by experience and have suitable equipment to carry on the proposed operation.

Arthur Ferrier, the other co-partner, corroborated the testimony of the Witness Ribelin.

Harry Welden, Vice-President and General Manager of Colorado Lumber Products, Inc., testified as to the need of his company for a specialized service. The witness stated that it was their desire to have a carrier who would devote exclusive service to his company, and that they believed from their experience that a common carrier service would not adequately take care of their needs.

No evidence was introduced on behalf of protestants.

It does not appear that the proposed extended operation of

applicants will impair the efficiency of any motor vehicle common carrier service with which they will compete.

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:

The above and foregoing Statement is made a part of these Findings by reference.

That the authority for extension sought herein should be granted, as amended at the hearing.

#### O R D E R

##### THE COMMISSION ORDERS:

That Arthur L. Ferrier and Jack Ribelin, co-partners, doing business as "Ferrier & Ribelin," Montrose, Colorado, should be, and hereby are, authorized to extend operations under Permit No. B-5673, so that operating rights under said permit, as extended, shall be as follows:

Transportation of forest and sawmill products, consisting of logs and rough lumber, from and to forests and railroad loading points, and places of storage, within a one-hundred-mile radius of Montrose, Colorado, excluding any service east of a line drawn north and south parallel to the Continental Divide, at Leadville, Colorado.

Transportation of forest and sawmill products, including finished lumber, from forests and storage places, and sawmills, within a radius of 100 miles of Montrose, Colorado, only west of the Continental Divide, to Denver, Colorado Springs, and Pueblo, Colorado, for Colorado Lumber Products, Inc., only; and restricted to the use of flat-bed equipment only.

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

*Joseph F. Higgins*  
*Ralph C. Watson*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 16th day of April, 1959.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF EMORY G. EARLE AND JUNE G. EARLE, CO-PARTNERS, ROUTE 2, MONTROSE, COLORADO, FOR A CERTIFICATE OF PUB- LIC CONVENIENCE AND NECESSITY, AUTH- ORIZING EXTENSION OF OPERATIONS UNDER PUC NO. 2350.	}	<u>APPLICATION NO. 16959-Extension</u>
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April 17, 1959  
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Appearances: Bryant, Petrie, Waldeck and  
King, Esqs., Montrose,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Emory G. Earle and June G. Earle, co-partners, Montrose,  
Colorado, are the owners and operators of PUC No. 2350, authorizing:

Transportation of houses and buildings,  
including box cars, from point to point  
within a radius of seventy-five miles of  
Montrose, Colorado, and the remaining  
portions of Dolores, Montezuma, La Plata,  
Hinsdale, Mineral, and Gunnison Counties  
not included in said seventy-five-mile  
radius, and that portion of Saguache  
County lying west of the Continental Di-  
vide, State of Colorado.

By the instant application, said certificate-holders seek  
authority to extend their operations under PUC No. 2350, to include  
the Counties of Chaffee and Lake.

The application was regularly set for hearing, and heard,  
at the Court House in Montrose, Colorado, at ten o'clock A. M.,  
April 8, 1959, and at the conclusion thereof, the matter was taken  
under advisement.

The evidence discloses that the applicant Emory G. Earle  
is presently operating under Certificate of Public Convenience and

Necessity No. 2350, and by reason of this operation has had numerous requests to serve the Counties of Chaffee and Lake. It appears that he has ample equipment for the moving of houses and has performed an excellent service in the territory applicants are now authorized to serve.

The Commission, on October 15, 1958, granted Temporary Authority to applicants to transport houses and buildings, including box cars, in the Counties of Chaffee and Lake.

Several witnesses appeared in support of the application for extension. They stated that there were no locally-domiciled carriers for the movement of houses, and that this service was needed in the Counties of Chaffee and Lake.

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

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:

The above and foregoing Statement is made a part of these Findings by reference.

That public convenience and necessity require the proposed extended service of applicants, 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 service of applicants Emory G. Earle and June G. Earle, co-partners, Montrose, Colorado, under PUC No. 2350, to include the transportation of houses and buildings, including box cars, in the Counties of Chaffee and Lake, State of Colorado, and this Order shall be taken, deemed and held to be a certificate of public convenience

and necessity therefor.

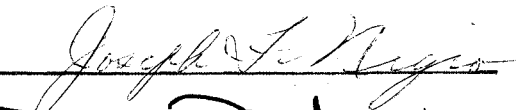
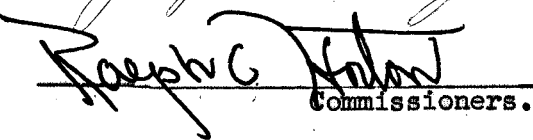
That applicants shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 17th day of April, 1959.

mls

Original

(Decision No. 52096)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ALVIN RICKS AND HELEN RICKS, CO- )  
PARTNERS, 602 GUNNISON AVENUE, GRAND ) APPLICATION NO. 16968-PP-Transfer  
JUNCTION, COLORADO, FOR AUTHORITY TO )  
TRANSFER PERMIT NO. B-5375 TO P. J. )  
HOLZMEISTER, 39 MAIN STREET, MONT- )  
ROSE, COLORADO. )  
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April 17, 1959  
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Appearances: P. J. Holzmeister, Montrose,  
Colorado, Transferee, pro  
se;  
Marion R. Smyser, Esq., Den-  
ver, Colorado, for Rio  
Grande Motor Way, Inc.;  
Orville Dunlap, Montrose,  
Colorado, for Orville Dun-  
lap and Son.

S T A T E M E N T

By the Commission:

Alvin Ricks and Helen Ricks, co-partners, Grand Junction,  
Colorado, are the owners and operators of Permit No. B-5375, author-  
izing:

Transportation of cement, brick, cinder blocks,  
and aggregates, from point to point within a  
radius of seventy-five miles of Grand Junction,  
Colorado; and coal between points within a ra-  
dius of seventy-five miles of Grand Junction,  
Colorado, provided, however, that for any ser-  
vices rendered by applicants in competition  
with scheduled line-haul common carriers, appli-  
cants shall charge rates which shall be at least  
twenty per cent in excess of those charged by  
said common carrier services.

Transportation of sand, gravel and other road-  
surfacing materials, from point to point within  
a radius of fifty miles of Grand Junction, Colo-  
rado.

By the instant application, said permit-holders seek auth-  
ority to transfer said operating rights to P. J. Holzmeister, Mont-  
rose, Colorado.

The application was regularly set for hearing, and heard, at the Court House in Montrose, Colorado, at ten o'clock A. M., April 8, 1959, and at the conclusion thereof, the matter was taken under advisement.

P. J. Holzmeister, the transferee, appeared at the hearing in support of the application and stated that the consideration for the transfer is the sum of \$5,000; that his net worth is approximately \$70,000; that he is well qualified by experience to carry on the operation, and that he has ample equipment.

It appears from the evidence that the transferors are indebted to Orville Dunlap and Sons for services rendered. In addition, the Commission is in receipt of a communication from the Colorado Motor Carriers' Association, stating that said transferors are indebted to the association in the sum of \$20.00 for association dues and tariff service.

The operating experience and financial responsibility of the transferee 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 proposed transfer is compatible with the public interest and should be authorized, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Alvin Ricks and Helen Ricks, co-partners, Grand Junction, Colorado, be, and they are hereby, authorized to transfer all their right, title and interest in and to Permit No. B-5375 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to P. J. Holzmeister, Montrose, Colorado, subject to payment of outstanding indebtedness against said operation,



if any there be, whether secured or unsecured.

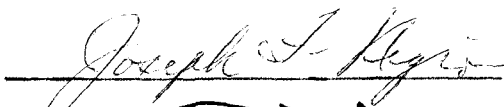
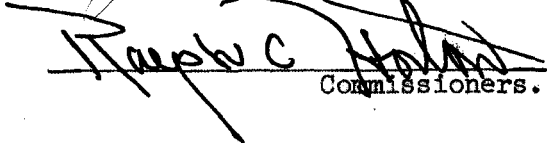
That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of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

The right of transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by 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.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 17th day of April, 1959.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DOROTHY TINDALL AND ERNEST E. )	
MARTIN, CO-PARTNERS, DOING BUSI- )	
NESS AS "GATEWAY-URAVAN STAGE," )	APPLICATION NO. 16974-Transfer
274 28½ ROAD, GRAND JUNCTION, )	
COLORADO, FOR AUTHORITY TO TRANSFER )	
PUC NO. 1216 TO HARRY B. HAWKS, )	
MONTROSE, COLORADO. )	
----- )	

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April 17, 1959  
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Appearances: Cecil S. Haynie, Esq., Grand  
Junction, Colorado, for  
Transferors and Transferee.

S T A T E M E N T

By the Commission:

Dorothy Tindall and Ernest E. Martin, co-partners,  
doing business as "Gateway-Uravan Stage," Grand Junction, Colo-  
rado, are the owners and operators of PUC No. 1216, authorizing:

Transportation of freight from, to and between  
Grand Junction, and Gateway, Colorado, to all  
intermediate points, save and except that no  
authority is granted to render service between  
Grand Junction and Whitewater or Whitewater and  
Grand Junction or points intermediate thereto;  
freight, from, to, and between Grand Junction,  
Gateway, and Uravan, Colorado, via Colorado  
Highway No. 141, excluding therefrom the trans-  
portation of livestock, uncrated household goods  
and office furniture, and heavy commodities  
requiring special equipment for handling same,  
save and except no service is authorized between  
Grand Junction and Whitewater, or Whitewater and  
Grand Junction, or points intermediate thereto;  
passengers and express, between Uravan and Grand  
Junction and intermediate points, via Highways  
Nos. 141, Uravan to Whitewater, and No. 50, White-  
water to Grand Junction, save and except that no  
service shall be rendered between Grand Junction  
and Whitewater and intermediate points, and no  
express shall be carried between Gateway and  
Grand Junction, or between Grand Junction and  
Gateway, Colorado;

service within the City of Grand Junction, Colo-  
rado.

By the instnat application, filed December 15, 1958, said certificate-holders seek authority from this Commission to transfer operating rights under PUC No. 1216 to Harry B. Hawks, Montrose, Colorado.

The application was regularly set for hearing, and heard, at the Court House in Grand Junction, Colorado, at ten o'clock A. M., on April 9, 1959, and at the conclusion thereof, the matter was taken under advisement by the Commission.

The evidence disclosed that the consideration for the transfer of the certificate and two trucks is the sum of \$10,500, of which \$3,500 has been paid down, the balance of \$6,500 is to be paid by installments, said indebtedness being evidenced by a promissory note secured by chattel mortgage, and approval of the Commission is herein asked to mortgage said certificate.

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

The operating experience and financial responsibility of the transferee 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 proposed transfer is compatible with the public interest and should be authorized, and the mortgage approved, as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Dorothy Tindall and Ernest E. Martin, co-partners, doing business as "Gateway-Uravan Stage," Grand Junction, Colorado, be, and they are hereby, authorized to transfer all their right, title, and interest in and to PUC No. 1216 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Harry B. Hawks, Montrose, Colorado, subject to payment

of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

Transferee is permitted to mortgage the within described certificate for the unpaid portion of the purchase price and shall file said mortgage with the Commission on its execution.


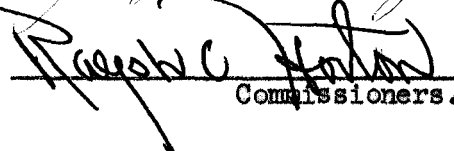
That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 17th day of April, 1959.

original

(Decision No. 52098)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
JOHN L. OTTO, GENERAL DELIVERY, )	
TINY TOWN, COLORADO, FOR A CLASS )	<u>APPLICATION NO. 16826-PP</u>
"B" PERMIT TO OPERATE AS A PRIVATE )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
April 17, 1959  
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S T A T E M E N T

By the Commission:

By the above-styled application, John L. Otto, Tiny Town, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of rough lumber, poles and posts, from forests and sawmills within a radius of ten miles of Schaeffer's Crossing, to Denver, Colorado processing plants, and to lumber yards at Watkins, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 10, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 3, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, applicant failed to appear, either in person or by counsel. Thereupon, the records and files of the Commission were made a part of the record, and the matter was taken under advisement.

The files disclose that applicant is qualified, financially and by experience, to conduct his proposed operations; that he is

presently operating under a Temporary Authority issued by this Commission.

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

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

Report of the Examiner recommends that permit issue to applicant herein.

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

#### O R D E R

##### THE COMMISSION ORDERS:

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

That John L. Otto, Tiny Town, 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 rough lumber, poles and posts, from forests and sawmills within a radius of ten miles of Schaeffer's Crossing, to Denver, Colorado processing plants, and to lumber yards at Watkins, Colorado.

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

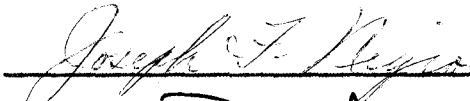
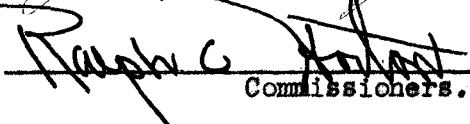
That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of

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

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 HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 17th day of April, 1959.

ea

(Decision No. 52099)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

IN THE MATTER OF THE APPLICATION OF  
H. L. JOHNSON, DOING BUSINESS AS  
"H. L. JOHNSON TRUCKING COMPANY,"  
BOX 926, FORT MORGAN, COLORADO,  
FOR A CERTIFICATE OF PUBLIC CON-  
VENIENCE AND NECESSITY, AUTHORIZING  
EXTENSION OF OPERATIONS UNDER PUC  
NO. 2400 AND PUC NO. 2400-I.

APPLICATION NO. 16901-Extension

April 17, 1959

Appearances: Max Snydal, Esq., Fort Morgan,  
Colorado, for Applicant;  
Barry and Dawkins, Esqs.,  
Denver, Colorado, by  
H. L. Boyle, Esq., Denver,  
Colorado, for Basin Truck  
Line;  
Jones and Meiklejohn, Esqs.,  
Denver, Colorado, by  
Leslie R. Kehl, Esq., Denver,  
Colorado, for Denver-Chicago  
Trucking Company, Inc.,  
North Park Transportation  
Company, South Park Motor  
Lines, L. E. Whitlock Truck  
Service, Cornelius Transfer  
and Storage, Stanton Trans-  
portation Company, Neff  
Trucking Company, Inc.

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission at the Court House, Fort Morgan, Colorado, April 3, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 2, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of the Commission, to conduct the hearing on said application.

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



Applicant herein seeks authority to extend operations under PUC No. 2400 and PUC No. 2400-I, to include the right to transport oil field drilling equipment and supplies, from point to point within the State of Colorado.

Report of the Examiner states that at the hearing, authority herein sought was opposed by Denver-Chicago Transport Company, Inc., (PUC No. 1515, PUC No. 1515-I), North Park Transportation Company (PUC No. 1600 and PUC No. 1600-I), South Park Motor Lines (PUC No. 1026 and PUC No. 1026-I), L. E. Whitlock Truck Service (PUC No. 1934, PUC No. 1934-I and PUC No. 2407), Cornelius Transfer and Storage (PUC No. 346), Stanton Transportation Company (PUC No. 1370 and PUC No. 1370-I), and Neff Trucking Company, Inc. (PUC No. 2359 and PUC No. 2359-I), all having authority that would be competitive with applicant, in the event the instant application were granted.

During the course of the hearing, applicant agreed he would exclude from authority sought, the transportation of petroleum and petroleum products. Thereupon, Basin Truck Line and Denver-Chicago Transport Company, Inc., withdrew as protestants herein.

At the hearing, H. L. Johnson, applicant herein, testified he is the owner and operator of PUC No. 2400 and PUC No. 2400-I; that he operates five trucks under said certificates; that he has been in the transportation business since 1915; that there are three supply outlets located in Fort Morgan, furnishing oilfield equipment and supplies to the oil industry; that he is the only motor vehicle transporter of such commodities located in Fort Morgan; that he has received numerous requests for service outside his present authority; that he owns a 2,100-gallon tank which can be moved from one truck to another; that it is not practical to call for truck service from one part of the state to another.

Richard L. Smith testified he is a tool-pusher for B. A. Allison Drilling Company, located in Fort Morgan and Denver, Colorado;

that said company is engaged in the general oil business in the Denver-Julesburg Area; that his company had used applicant's service for the past two years; that said service was good; that he has had need for extra service from time to time which applicant could not render; that if the instant application is granted, his company will use applicant's proposed service.

John Fry testified he is District Manager of Christensen Supply; that his company supplies core barrels and drums to the oil-field industry; that this type of transportation requires either a float or pole trailer; that applicant has furnished his company with this type of transportation service, and that said service was good; that his company could not get service out of Fort Morgan to a point south of Walsenburg on one occasion; that it is important that his company have someone with authority to serve from Fort Morgan to other parts of the State.

Will Johnson testified he is Superintendent of Perry-Hansen Company, which company renders drilling contractor service; that his company drills in many places in the State of Colorado; that said company is now drilling a well thirty miles west of Cortez, Colorado; that his company has experienced difficulty getting service in said area; that services rendered for his company by applicant have been good. Witness is the son of applicant.

Lynn Cooper testified he is local Manager for U. S. Smelting and Refining Company; that he has charge of said company's oil production and drilling operations on the Western Slope of Colorado; that his company maintains a yard at Fort Morgan, and needs transportation service from that yard to points in the State of Colorado; that his company has used applicant's services, which were good.

Lee Stockard testified he is Superintendent of the Hunt Oil Company's Colorado operations; that his company is now operating in Lincoln and Baca Counties.

In opposition to the granting of authority herein sought, Mrs. Richard Eshe testified she is part owner, with her husband, of South Park Motor Lines; that said company is authorized to serve between points within a twenty-mile radius of Hartsel and Jefferson, to and from Denver; that there has been some oil-drilling activity in this territory, and in the past has brought a material part of her company's business; that said company needs all possible business.

Peter Coy testified he is President and General Manager of North Park Transportation Company; that the granting of the authority herein sought would be in conflict with his company's business; that said company is now serving wells which are being drilled in Jackson County, Colorado, and that in the past has served in Grand County; that this type of business comprises twenty-five per cent of the freight business of his company.

L. R. Keith testified he is Manager in Sterling, Colorado, for Whitlock Truck Service; that said company serves the oil industry out of Sterling, Colorado, Kimball and Sidney, Nebraska, and Hays, Kansas; that the granting of the instant application would materially affect his company's revenue, inasmuch as all his company's revenue in Northeastern Colorado is derived from oilfield transportation.

George Brougham, of Sterling, Colorado, testified he is bookkeeper and dispatcher for Neff Trucking Company, Inc.; that he has had seven years' experience in the trucking industry; that his company is engaged in serving oilfields under its Mercer Description authority, using over fifty pieces of motor vehicle equipment, as shown on Description of Equipment on file with the Commission.

C. R. Cornelius testified he is Vice-President and Manager of Cornelius Transfer and Storage Company; that his company owns, and is operating, twelve winch trucks; that said company is serving the oil industry in Southeastern Colorado; that they are now serving several oil and drilling companies; that this business comprises seventy-five per cent of said company's business; that this business

is material and necessary for continued operations by said company.

Operating rights of Stanton Transportation Company, together with those of applicant and protestants herein were made a part of the record herein.

Report of the Examiner comments that applicant has rendered a very satisfactory service to both suppliers and their customers, as well as to oilfields; that protestants herein are also rendering such services under their respective certificates of public convenience and necessity; that protestants are located in widely separated parts of the state; that no complaint was made regarding services of protestants; that it is apparent that there is no lack of service in the territories served by protestants herein; that the granting of additional operating rights would impair protestants' ability to render adequate service.

Report of the Examiner recommends that the instant application 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 Report of the Examiner referred to therein should be approved.

That the above-styled application should be denied.

#### 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 Application No. 16901 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

COMMISSIONER HENRY E. ~~ZARLENGO~~  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 17th day of April, 1959.

ea

*Joseph F. Negro*  
*Joseph C. Holman*  
Commissioners.

original

(Decision No. 52100)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROBERT J. ORR, 2240 WEST 57TH PLACE, )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 16897-PP

-----  
April 20, 1959  
-----

Appearances: Jones and Meiklejohn, Esqs.,  
Denver, Colorado, for Appli-  
cant.

S T A T E M E N T

By the Commission:

Applicant herein sought authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of roofing material and supplies, and siding material and supplies, from Denver, Colorado, and points within a radius of five miles thereof, to points in the State of Colorado, with return of empty containers, pallets, and other incidental facilities used in transporting said commodities, for the Ruberoid Company, only.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 19, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On March 12, 1959, said hearing was vacated, upon request of Attorneys for Applicant.

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

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.



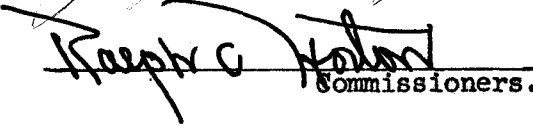
O R D E R

THE COMMISSION ORDERS:

That Application No. 16897-PP should be, and the same hereby is, dismissed, at request of Attorneys 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.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day of April, 1959.

mls

original

(Decision No. 52101)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
KATHERINE FUOCO, EARL J. FUOCO AND )  
JAMES E. FUOCO, CO-PARTNERS, DOING )  
BUSINESS AS "JIM FUOCO MOTOR COM- )  
PANY," 748 NORTH 1 STREET, GRAND )  
JUNCTION, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 16978-PP

-----  
April 20, 1959  
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S T A T E M E N T

By the Commission:

By the instant application, the applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants, within a radius of fifty miles of said pits and supply points; 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, with due notice to all interested parties, at the Court House in Grand Junction, Colorado, at ten o'clock A. M., April 9, 1959.

When the matter was called for hearing, applicants did not

appear, either in person or by counsel, at the time and place designated for hearing.

The files were made a part of the record and the matter was taken under advisement.

On April 2, 1959, the Denver Chicago Transport Company, Inc., by Alvin J. Meiklejohn, Jr., Esq., filed a protest to the granting of the above captioned application, wherein said protestant stated that it had no objection to the granting of the authority if the operations were limited to the use of dump trucks, only, in the transportation of road-surfacing materials.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

### O R D E R

#### THE COMMISSION ORDERS:

That Katherine Fuoco, Earl J. Fuoco and James E. Fuoco, co-partners, doing business as "Jim Fuoco Motor Company," 748 North 1 Street, Grand Junction, Colorado, should be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, 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. The transporta-



tion of road-surfacing materials is to be limited to the use of dump trucks, only.

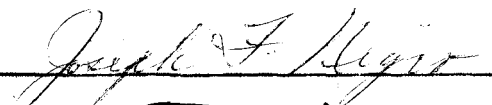
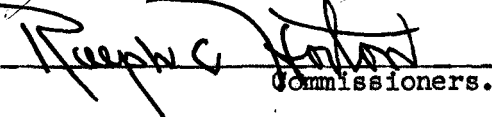
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day of April, 1959.

mls

original

(Decision No. 52102)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BRYAN A. NICHOLS, ROUTE 1, FRUITA, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 16980-PP

-----  
April 20, 1959  
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Appearances: Bryan A. Nichols, Fruita,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, the applicant above named 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; farm produce and coal, from point to point within a radius of fifty miles of Grand Junction, Colorado.

Said application was regularly set for hearing, and heard, at the Court House in Grand Junction, Colorado, on April 9, 1959, and at the conclusion thereof, the matter was taken under advisement by the Commission.

At the hearing, applicant appeared in support of his application, testifying as to his equipment and operating experience. He stated he has work lined up to do and is financially able to carry on his proposed operations.

No one appeared at the hearing in opposition to the granting of the permit; however, on April 2, 1959, Denver Chicago Transport Company, Inc., by its Attorney, Alvin J. Meiklejohn, Jr., filed a protest to the granting of the application, stating that said company has no objection to the granting of the authority if the operations were limited to the use of dump trucks only in the transportation of road-surfacing materials.

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

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

That Bryan A. Nichols, Route 1, Fruita, 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; farm produce and coal, from point to point within a

radius of fifty miles of Grand Junction, Colorado, the transportation of road-surfacing materials being hereby restricted to the use of dump trucks, only.

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

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

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

*Joseph F. Negro*  
*Ralph C. Holton*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day of April, 1959.

mls

original

(Decision No. 52103)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ELMER E. NICHOLS, 2828 NORTH AVENUE, )  
GRAND JUNCTION, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
-----

APPLICATION NO. 16981-PP

-----  
April 20, 1959  
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Appearances: Elmer E. Nichols, Grand  
Junction, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

By the instant application, Elmer E. Nichols, Grand Junction, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; 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 and farm produce, from point to point within a radius of fifty miles of Grand Junction, Colorado.

Said application was regularly set for hearing, and heard, at the Court House in Grand Junction, Colorado, at ten o'clock A. M., April 9, 1959, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, applicant appeared in support of his application testifying as to his financial ability, equipment and operating experience. He stated his net worth was approximately \$8,000; that he has work lined up to do; that he is familiar with the rules and regulations of the Commission and will abide by them if the authority herein sought is granted.

No one appeared at the hearing in opposition to the granting of the authority sought; however, on April 2, 1959, Denver Chicago Transport Company, Inc., by its Attorney, Alvin J. Meiklejohn, Jr., filed a protest to the granting of the application, stating that said company has no objection to the granting of the authority if the operations were limited to the use of dump trucks only in the transportation of road-surfacing materials.

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

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

That Elmer E. Nichols, 2828 North Avenue, Grand Junction, 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; coal and farm produce, from point to point within a radius of fifty miles of Grand Junction, Colorado; the transportation of road-surfacing materials being hereby restricted to the use of dump trucks, only.

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

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

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

*Joseph F. Meyer*  
*Joseph C. Holton*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day of April, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEROGE W. RUPE, ROUTE 1, GRAND JUNC- )  
TION, COLORADO, FOR A CLASS "B" PER- )  
MIT TO OPERATE AS A PRIVATE CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 16982-PP

-----  
April 20, 1959  
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Appearances: George W. Rupe, Grand Junc-  
tion, Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, George W. Rupe, Grand Junction, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; 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.

The application was regularly set for hearing, and heard, at the Court House in Grand Junction, Colorado, at ten o'clock A. M., April 9, 1959, and at the conclusion thereof, the matter was taken under advisement.



Applicant appeared at the hearing in support of his application, stating that his net worth is approximately \$20,000; that he has ample equipment with which to carry on his proposed operations; that he has work lined up to do; that he is familiar with the rules and regulations of the Commission and will abide by them if the authority herein sought is granted.

No one appeared at the hearing in opposition to the granting of the authority sought; however, on April 2, 1959, Denver Chicago Transport Company, Inc., by its Attorney, Alvin J. Meiklejohn, Jr., filed a protest to the granting of the application, stating that said company had no objection to the granting of the authority if the operations are limited to the use of dump trucks only in the transportation of road-surfacing materials.

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

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

That George W. Rupe, Route 1, Grand Junction, 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 Colo-

rado, to roofing jobs within a radius of fifty miles of said pits and supply points. The transportation of road-surfacing materials is hereby limited to the use of dump trucks, only.


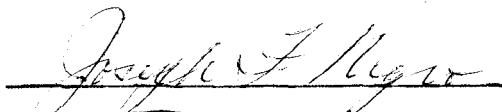
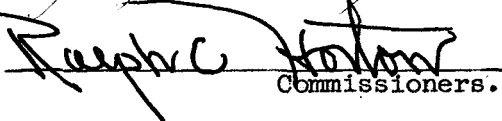
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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 HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day of April, 1959.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ARTHUR D. GIRTON, MONTROSE, COLO- )  
RADO, FOR AUTHORITY TO OPERATE AS A )  
CLASS "B" PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
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APPLICATION NO. 16967-PP

-----  
April 20, 1959  
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Appearances: Arthur D. Girton, Montrose,  
Colorado, pro se;  
Marion R. Smyser, Esq.,  
Denver, Colorado, for Rio  
Grande Motor Way, Inc.;  
Orville Dunlap, Montrose,  
Colorado, as his interest  
may appear.

S T A T E M E N T

By the Commission:

On February 5, 1959, the applicant herein filed his appli-  
cation for authority to operate as a Class "B" private carrier by  
motor vehicle for hire, for the transportation of forest and sawmill  
products, consisting of logs and rough lumber, from and to forests  
and railroad loading points and places of storage, within a radius of  
one hundred miles of Montrose, Colorado, excluding service east of a  
line drawn north and south parallel to the Continental Divide, at  
Leadville, Colorado.

Said application was regularly set for hearing, and heard,  
at the Court House in Montrose, Colorado, on April 8, 1959, and at  
the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant has a  
net worth of approximately \$30,000, and he plans to haul for the Colo-  
rado Lumber Products, Inc.; that he is an experienced truck operator  
and is presently operating under a temporary authority from this Com-

mission; that he has work lined up to do; and that he is familiar with the rules and regulations of the Commission and will abide by them if the authority sought is granted.

Protestants introduced no evidence at the hearing, and it does not appear to the Commission that the proposed service of applicant will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

### F I N D I N G S

#### THE COMMISSION FINDS:

The above and foregoing Statement is made a part of these Findings by reference.

That the authority sought should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That Arthur D. Girton, Montrose, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of forest and sawmill products, consisting of logs and rough lumber, from and to forests and railroad loading points and places of storage, within a radius of one hundred miles of Montrose, Colorado, excluding service east of a line drawn north and south parallel to the Continental Divide, at Leadville, Colorado.

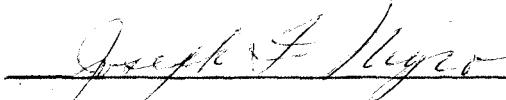
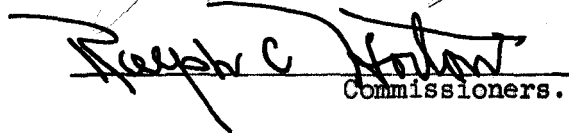
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 authority sheets.

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 HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day of April, 1959.

mls

original

(Decision No. 52106)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	}	<u>APPLICATION NO. 16966-PP</u>
S. V. FINDLEY, MONTROSE, COLORADO,		
FOR A CLASS "B" PERMIT AUTHORIZING		
OPERATIONS AS A PRIVATE CARRIER BY		
MOTOR VEHICLE FOR HIRE.	}	
-----		

-----  
April 20, 1959  
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Appearances: S. V. Findley, Montrose,  
Colorado, pro se;  
Orville Dunlap, Montrose,  
Colorado, as his inter-  
est may appear.

S T A T E M E N T

By the Commission:

On February 4, 1959, the applicant herein filed his applica-  
tion for a Class "B" permit to operate as a private carrier by motor  
vehicle for hire, for the transportation of forest and sawmill pro-  
ducts, consisting of logs and rough lumber, from and to forests and  
railroad loading points, and places of storage, within a radius of one  
hundred miles of Montrose, Colorado, excluding service east of a line  
drawn north and south parallel to the Continental Divide, at Leadville,  
Colorado.

Said application was regularly set for hearing, and heard,  
at the Court House in Montrose, Colorado, on April 8, 1959, and at  
the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant has a  
net worth of \$25,000; that he is an experienced truck operator, operat-  
ing under Temporary Authority issued by this Commission; that he has  
work lined up to do; and that he is familiar with the rules and regula-  
tions of the Commission and will abide by them, if the authority sought

is granted.

No evidence was introduced on behalf of any protestants, and it does 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 authority sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That S. V. Findley, Montrose, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of forest and sawmill products, consisting of logs and rough lumber, from and to forests and railroad loading points, and places of storage, within a radius of one hundred miles of Montrose, Colorado, excluding service east of a line drawn north and south parallel to the Continental Divide, at Leadville, 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 authority sheets.

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

  
Joseph F. Nigro  
Rueph C. Johnson  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day of April, 1959.

mls



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	}	<u>APPLICATION NO. 16979-PP</u>
GEORGE V. LIVERMAN, 2236 ORCHARD		
AVENUE, GRAND JUNCTION, COLORADO,		
FOR A CLASS "B" PERMIT TO OPERATE		
AS A PRIVATE CARRIER BY MOTOR VE-		
HICLE FOR HIRE.	}	
-----	}	

-----  
April 20, 1959  
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Appearances: George V. Liverman, Grand  
Junction, Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, George V. Liverman, Grand Junction, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of uranium and vanadium ore, from mines located in Township 50-North, Range 17-West, N. M. P. M., Mesa County, Colorado, to mills within a radius of thirty miles thereof, for Terminal Exploration Company and Poland Construction Company, only.

Said application was regularly set for hearing, and heard, at the Court House in Grand Junction, Colorado, at ten o'clock A.M., April 9, 1959, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, applicant appeared in support of his application, stating that he is financially able and has ample equipment to carry on his proposed operation; that he has work lined up to do for the two companies, viz., Terminal Exploration Company and Poland Construction Company.

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

It does 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 the applicant were established to the satisfaction of the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

### O R D E R

#### THE COMMISSION ORDERS:

That George V. Liverman, Grand Junction, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of uranium and vanadium ore, from mines located in Township 50-North, Range 17-West, N. M. P. M., Mesa County, Colorado, to mills within a radius of thirty miles thereof, for Terminal Exploration Company and Poland Construction Company, only.

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

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

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

*Joseph T. Nigro*  
*Harold C. Horton*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day of April, 1959.

ea

original

(Decision No. 52108)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
R. J. BUSH, DOING BUSINESS AS "R. J. )  
BUSH LUMBER COMPANY," MONTROSE, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 16963-PP

-----  
April 20, 1959  
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S T A T E M E N T

By the Commission:

By the instant Application, applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of forest and sawmill products, consisting of logs and rough lumber, from and to forests and railroad loading points, and places of storage, within a radius of one hundred miles of Montrose, Colorado, excluding service east of a line drawn north and south parallel to the Continental Divide, at Leadville, Colorado.

Said application was regularly set for hearing, with notice to all parties in interest, at the Court House in Montrose, Colorado, at ten o'clock A. M., April 8, 1959.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

The files were made a part of the record and the matter was taken under advisement.

No one appeared in opposition to the granting of the authority sought, and it did not appear that the granting of said permit and operations by applicant thereunder, will tend to impair the efficiency of any common carrier service with which applicant will compete.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought herein should be granted.

O R D E R

THE COMMISSION ORDERS:

That R. J. Bush, doing business as "R. J. Bush Lumber Company," Montrose, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of forest and sawmill products, consisting of logs and rough lumber, from and to forests and railroad loading points, and places of storage, within a radius of one hundred miles of Montrose, Colorado, excluding service east of a line drawn north and south parallel to the Continental Divide, at Leadville, 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 authority sheets.

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

*Joseph L. Higgins*  
*Ralph C. Gordon*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day of April, 1959.

original

(Decision No. 52109)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
WILLIAM E. CORBIN, P. O. BOX 451, )	
AUSTIN, COLORADO, FOR A CLASS "B" )	APPLICATION NO. 16964-PP
PERMIT TO OPERATE AS A PRIVATE CAR- )	
RIER BY MOTOR VEHICLE FOR HIRE. )	
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April 20, 1959  
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Appearances: William E. Corbin, Austin,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, William E. Corbin, Austin, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, lumber, and logging equipment, from point to point within a radius of fifty miles of Delta, Colorado.

The application was regularly set for hearing, after appropriate notice to all interested parties, at the Court House in Montrose, Colorado, at ten o'clock A. M., April 8, 1959, where the matter was heard and taken under advisement.

At the hearing, the evidence disclosed that the net worth of applicant is approximately \$5,000; that he is an experienced truck operator; that he has ample equipment; that he has work lined up to do; and that he is familiar with the rules and regulations of the Commission and will abide by them if the authority sought is granted.

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

It does 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 authority sought should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That William E. Corbin, Austin, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, lumber, and logging equipment, from point to point within a radius of fifty miles of Delta, Colorado.

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

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

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

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day of April, 1959.  
mls

*Joseph I. Negro*  
*Ralph C. Horton*  
Commissioners.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THOMAS BLACKMORE AND ARCHIE BLACK- )  
MORE, CO-PARTNERS, DOING BUSINESS )  
AS "BLACKMORE BROTHERS," RIDGEWAY, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 16962-PP

-----  
April 20, 1959  
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Appearances: Thomas Blackmore, Ridgeway,  
Colorado, pro se;  
Archie Blackmore, Ridgeway,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

On February 2, 1959, the applicants herein, as co-partners, doing business as "Blackmore Brothers," filed their application for a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of forest and sawmill products, consisting of logs and rough lumber, from and to forests, railroad loading points, and places of storage, within a radius of one hundred miles of Montrose, Colorado, excluding service east of a line drawn north and south parallel to the Continental Divide, at Leadville, Colorado.

The application was regularly set for hearing, and heard, at the Court House in Montrose, Colorado, on April 8, 1959, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, both applicants appeared in support of their application. The evidence disclosed that the net worth of the co-partnership is \$90,000; that they are presently operating under Temporary Authority issued by this Commission; that they have ample equipment and are experienced truck operators; that they have work

lined up to do; and that they are familiar with the rules and regulations of the Commission and will abide by them if the authority sought is granted.

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

It does 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 authority sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Thomas Blackmore and Archie Blackmore, co-partners, doing business as "Blackmore Brothers," Ridgeway, Colorado, should be, and they are hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of forest and sawmill products, consisting of logs and rough lumber, from and to forests, railroad loading points, and places of storage, within a radius of one hundred miles of Montrose, Colorado, excluding service east of a line drawn north and south parallel to the Continental Divide, at Leadville, Colorado.

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

That this Order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of their customers, copies of all special contracts or memoranda of


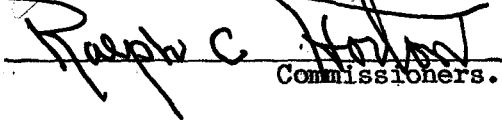


their terms, the necessary tariffs, required insurance, and have secured authority sheets.

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.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day of April, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
W. C. MIZAR AND DON L. NEALLEY, CO-  
PARTNERS, DOING BUSINESS AS "SAN  
ISABEL LUMBER COMPANY," RYE, COLO-  
RADO, FOR A CLASS "B" PERMIT TO  
OPERATE AS A PRIVATE CARRIER BY  
MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16950-PP

-----  
April 21, 1959  
-----

Appearances: W. C. Mizar, Rye, Colo-  
rado, pro se;  
Don L. Nealley, Rye,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

This is an application for a Class "B" permit, authorizing operations as a private carrier by motor vehicle for hire, for the transportation of lumber and sawmill products, from San Isabel Forest, to lumber yards within a radius of five miles of Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Pueblo, Colorado, April 1, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the operator of Jones Lumber and Supply Company testified that he has timber in the San Isabel Forest; that he requires a trucker to transport rough lumber to customers in the Denver area; that at the present time, this customer will be without service, or he must engage in the trucking business, as a Commercial Carrier, which he does not desire to do.

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

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

### F I N D I N G S

#### THE COMMISSION FINDS:

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

### O R D E R

#### THE COMMISSION ORDERS:

That W. C. Mizar and Don L. Nealley, co-partners, doing business as "San Isabel Lumber Company," Rye, Colorado, should be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of lumber and sawmill products, from San Isabel Forest, to lumber yards within a radius of five miles of Denver, Colorado.

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

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

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

*Joseph L. Hyslop*  
*Ralph C. Horton*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 21st day of April, 1959.  
mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
TONY PANARISO, 1900 NORWOOD, PUEBLO, )	
COLORADO, FOR A CLASS "B" PERMIT TO )	APPLICATION NO. 16949-PF
OPERATE AS A PRIVATE CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
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-----  
April 21, 1959  
-----

Appearances: Tony Panariso, Pueblo,  
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 Court House, Pueblo, Colorado, April 1, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, no one appeared in opposition to the granting of authority herein sought.

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

It does not appear that applicant's proposed operations, as hereinafter limited, 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 permit should issue to applicant herein, as set forth in the Order following:

#### O R D E R

##### THE COMMISSION ORDERS:

That Tony Panariso, 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 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; transportation of road-surfacing materials to be limited to the use of dump trucks, only.

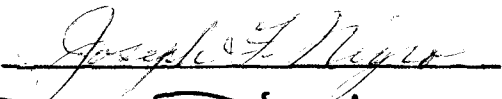
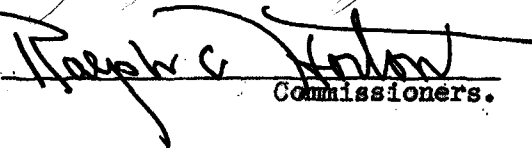
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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 HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 21st day of April, 1959.

mls

original

(Decision No. 52113)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF }  
JOHN A. JAVERNICK, 709 COBALT, }  
CANON CITY, COLORADO, FOR A CLASS }  
"B" PERMIT TO OPERATE AS A PRIVATE }  
CARRIER BY MOTOR VEHICLE FOR HIRE. }

APPLICATION NO. 16948-PP

-----  
April 21, 1959  
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Appearances: John A. Javernick, Canon  
City, Colorado, pro se.

S T A T E M E N T

By the Commission:

This is an application for authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of coal, from southern Colorado coal fields, in Fremont County, Colorado, to Colorado Southern Power Company, at Canon City and Pueblo, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Pueblo, Colorado, April 1, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that applicant is a partner in a coal mine in the Fremont County Area; that from time to time he is called upon to deliver coal to customers within a fifty-mile radius of Canon City, Colorado; that with the decline of large-scale coal-mining in Colorado, and the lack of substantial storage facilities, it is often necessary for customers -- especially those engaged in public service -- to require the services of a coal-hauler on immediate notice.

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

No one appeared in protest to the granting of authority herein sought.

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

#### O R D E R

##### THE COMMISSION ORDERS:

That John A. Javernick, Canon City, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of coal, from southern Colorado Coal fields, in Fremont County, Colorado, to Colorado Southern Power Company, at Canon City and Pueblo, Colorado.

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

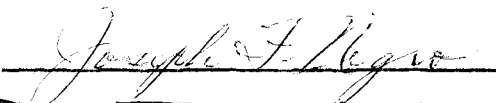
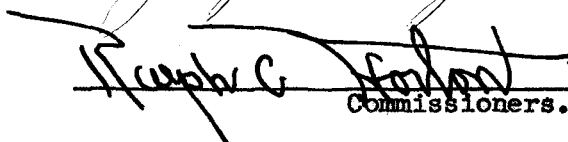
That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

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.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 21st day of April, 1959.

mls

original

(Decision No. 52114)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
CHARLES L. COOPER, 215 MICHIGAN, )	
PUEBLO, COLORADO, FOR A CLASS "B" )	APPLICATION NO. 16946-PP
PERMIT TO OPERATE AS A PRIVATE )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
April 21, 1959  
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Appearances: Charles L. Cooper, Pueblo,  
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 Court House, Pueblo, Colorado, April 1, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, no one appeared in opposition to the

granting of authority herein sought.

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

It does not appear that applicant's proposed operations, as hereinafter limited, 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 permit should issue to applicant herein, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Charles L. Cooper, 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 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, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

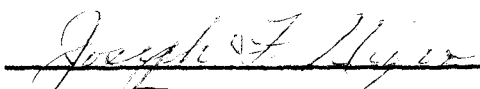
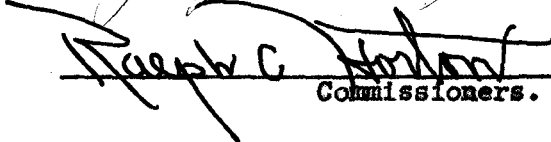
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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 HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 21st day of April, 1959.

ca

regard

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
MILTON G. MYERS, DOING BUSINESS AS )	
"SALIDA TRASH AND GARBAGE SERVICE," )	
504 JONES STREET, SALIDA, COLORADO, )	
FOR AUTHORITY TO TRANSFER PUC NO. )	APPLICATION NO. 16943-Transfer
4037 TO RUDY J. OVERSOLE AND NANCY )	
C. OVERSOLE, CO-PARTNERS, DOING )	
BUSINESS AS "SALIDA TRASH AND GAR- )	
BAGE SERVICE," 1406 "G" STREET, )	
SALIDA, COLORADO. )	
----- )	

-----  
April 21, 1959  
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Appearances: Rudy J. Oversole, Salida,  
Colorado, pro se;  
Nancy C. Oversole, Salida,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Milton G. Myers, doing business as "Salida  
Trash and Garbage Service," Salida, Colorado, was granted a certifi-  
cate of public convenience and necessity, authorizing him to operate  
as a common carrier by motor vehicle for hire, for the transportation,  
on call and demand, of:

ashes, trash, garbage, waste, debris, and other  
refuse, within and between all points within the  
corporate limits of the City of Salida, Chaffee  
County, Colorado, and between all points in an  
area surrounding the corporate limits of the City  
of Salida, Colorado, within a radius of two miles  
from said corporate limits of said City of Salida,  
Colorado,

said operating rights being designated "PUC NO. 4037."

By the above-styled application, said certificate-holder  
seeks authority to transfer said PUC No. 4037 to Rudy J. Oversole  
and Nancy C. Oversole, co-partners, doing business as "Salida Trash  
and Garbage Service," Salida, Colorado.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Court

House, Pueblo, Colorado, April 1, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it was established that sale of said operating rights is in accordance with "Contract of Sale and Purchase," copy of which is on file with the Commission; that there are no outstanding unpaid operating obligations against said certificate; that transferees, pecuniarily and otherwise, are qualified to carry on the operation.

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

### 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, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Milton G. Myers, doing business as "Salida Trash and Garbage Service," Salida, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 4037 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Rudy J. Oversole and Nancy C. Oversole, co-partners, doing business as "Salida Trash and Garbage Service," Salida, 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 this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Harold C. Hobart  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 21st day of April, 1959.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LOUIS BLEA, 917 DAMSON STREET, )  
PUEBLO, COLORADO, FOR A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND NE- ) APPLICATION NO. 16941  
CESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

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April 21, 1959  
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Appearances: James G. Elliott, Esq.,  
Pueblo, Colorado,  
for Applicant;  
Levi Martinez, Esq.,  
Pueblo, Colorado,  
for Community Trash  
Haulers' Association,  
Fred W. Martinez.

S T A T E M E N T

By the Commission:

This is an application by Louis Blea, Pueblo, Colorado,  
for a certificate of public convenience and necessity, to operate  
as a common carrier by motor vehicle for hire, for the transportation  
of fertilizer, trash, ashes, and other refuse, within the City of  
Pueblo, Colorado, and from point to point within a radius of twenty  
miles thereof.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Court  
House, Pueblo, Colorado, April 1, 1959, and at the conclusion of  
the evidence, the matter was taken under advisement.

At the hearing, applicant testified in his own behalf,  
stating he had been called upon from time to time to pick up  
fertilizer in the area sought to be served herein, and it is his  
intention to engage in the business during working time. Applicant  
indicated he had made a survey in the vicinity of Mesa Junction, and  
it was his opinion that an ash and trash service is required.



The application was protested by an association of trash-haulers in Pueblo, and one trash-hauler in particular, who is the President of the Association, testified that Pueblo is being adequately served on ash and trash hauling, and that the equipment of many of the presently-authorized haulers was idle part of the time.

It was indicated, however, that many of the protesting trash-haulers are likewise employed at the steel mills in Pueblo, and that the ash and trash hauling is only a part-time occupation with them.

As this Commission has repeatedly stated on many prior occasions, it is our opinion that the problem of ash and trash hauling is fundamentally a health problem. This Commission has never sought to regulate the rates on ash and trash hauling because of the great disparity in the type and nature of the services rendered and the miles traveled by the respective haulers.

In view of this unusual aspect of the ash and trash operations, we do not feel justified in creating and establishing a monopolistic situation for any particular segment of any one industry. If it can be shown that the granting of any authorities might destroy the public service which is required, then we believe this Commission would be warranted in restricting the number of authorities issued. In the instant case, however, there was no such showing. We accordingly must grant the application.

The financial responsibility of the applicant was established to the satisfaction of the Commission, as well as his operating dependability.

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

##### THE COMMISSION FINDS:

That public convenience and necessity require applicant's proposed motor vehicle common carrier operations, 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:


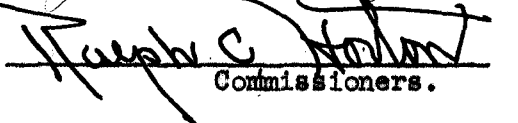
That public convenience and necessity require the motor vehicle common carrier service, on call and demand, for the transportation of fertilizer, trash, ashes, and other refuse, within the City of Pueblo, Colorado, and from point to point within a radius of twenty miles thereof, and this Order shall 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 21st day of April, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RAY TITTEL, DOING BUSINESS AS )  
"HUERFANO FREIGHT LINE," 512 PENN, )  
WALSENBURG, COLORADO, FOR A CLASS )  
"B" PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 16947-PP

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April 21, 1959  
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Appearances: Ray Tittel, Walsenburg,  
Colorado, pro se;  
Ernest Sandoval, Esq.,  
Walsenburg, Colorado,  
for City Transfer and  
Storage, Baudino Trans-  
fer, Cadwell Trucking  
Company.

S T A T E M E N T

By the Commission:

This is an application by Ray Tittel, Walsenburg, Colorado, seeking a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of oil well materials and supplies, from point to point within a radius of fifty miles of Walsenburg, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Pueblo, Colorado, April 1, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it appeared that applicant has been operator of PUC No. 391 and PUC No. 391-I, as well as a Class "M" permit, issued by this Commission. He is seeking authority to transfer his common carrier authority to another carrier. Most of his operation has been under his Class "M" permit, involving the sale of cement and mud for

oil-well drilling companies.

Applicant asserts that he has been employed to haul pipe from one well to another in Huerfano County. It was indicated that there is some activity in oil well drilling in the Huerfano County Area. The nature and extent thereof was not disclosed to the Commission.

It was also indicated that the only shipper for whom the applicant would haul pipe is Pan American Petroleum Corporation, in Huerfano County.

The application was protested by common carriers in the area who have authority to perform services sought to be rendered by applicant herein. It was indicated, however, that these carriers either did not have the equipment or had not solicited the business.

From the evidence, it is apparent that the principal hauling would be from one oil well to another, in connection with other services rendered by applicant. It is our view that the type of service required by the driller is one of a highly personalized nature that classically requires services of a private carrier.

In view of the positivity of the evidence, however, this carrier will not be given a general authority to operate as a private carrier, but he shall be restricted to the customer and the area upon which there was testimony.

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

It does not appear that applicant's proposed operation, as hereinafter limited, 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 permit should issue to applicant herein, as set forth

in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Ray Tittel, Walsenburg, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of oil well materials and supplies, from point to point within Huerfano County, Colorado, for Pan American Petroleum Corporation, only.

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

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

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 in all other respects, the above-stated 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

*Joseph F. Negin*  
*Joseph C. Horton*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 21st day of April, 1959.

mls

original

(Decision No. 52118)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RIO GRANDE MOTOR WAY, INC., 775 )  
WAZEE STREET, DENVER, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE ) APPLICATION NO. 16956-Extension  
AND NECESSITY, AUTHORIZING EXTENSION )  
OF OPERATIONS UNDER PUC NO. 149. )  
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April 21, 1959  
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Appearances: Marion R. Smyser, Esq., Den-  
ver, Colorado, for Appli-  
cant;  
Jack Coleman, Gunnison, Colo-  
rado, for Gunnison Truck  
Line.

S T A T E M E N T

By the Commission:

On February 27, 1959, Rio Grande Motor Way, Inc., the appli-  
cant herein, filed its application for authority to extend authority  
under PUC No. 149, to include the transportation of general commodities  
between Somerset, Colorado, located on Colorado Highway 135; and the  
Paonia damsite and the contractors' supply point at or near the junc-  
tion of Colorado Highway 135 and Colorado 133.

The application was regularly set for hearing before the Com-  
mission at the District Court Room, Court House, Gunnison, Colorado, on  
April 7, 1959, notice thereof having been forwarded to all parties in  
interest. The matter was there heard and taken under advisement.

R. E. Turano, General Traffic Manager of Rio Grande Motor Way,  
Inc., appeared and testified for and on behalf of the application. Sever-  
al exhibits were introduced as to applicant's fitness, including appli-  
cant's financial statement and list of equipment.

The witness testified that in applicant's operation terminals

and docks are maintained for the purpose of pick-up and delivery and the handling of freight, and they are presently offering a complete scheduled freight service in Western Colorado adjacent to the territory herein sought to be served in the instant application. He testified that applicant has been solicited by shippers serving the Paonia damsite at or near the junction of Colorado Highway 135 and Colorado Highway 133 near Paonia, Colorado, and as a result of said request for service, the Commission, through its Enforcement Division, on March 2, 1959, issued temporary or emergency authority to applicant to perform the service asked for in the instant application.

No evidence was introduced in protest to the application.

#### 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, and incorporated herein.

That public convenience and necessity require the applicant's extended motor vehicle common carrier scheduled service as proposed in the application.

That the applicant is fit and proper, has sufficient equipment, and is financially able to render the service required.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extended common carrier motor vehicle, scheduled, service of Rio Grande Motor Way, Inc., to include the transportation of general commodities between Somerset, Colorado, located on Colorado Highway 135, and the Paonia damsite and the contractors' supply point at or near the junction of Colorado Highway 135 and Colorado 133, 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 its carrier system according to the schedule filed, except when prevented by Act of God, the public enemy or extreme conditions.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negron*  
*Ralph C. Horton*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 21st day of April, 1959.

mls



original

(Decision No. 52119)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
JOHN R. LAWSON, DOING BUSINESS AS )	
"LAWSON TRUCK LINE," 918 - 14TH )	
STREET, GREELEY, COLORADO, FOR )	APPLICATION NO. 16994-PP-Transfer
AUTHORITY TO TRANSFER PERMIT NO. )	
A-765 TO LEE FREIGHT, INC., 2103 )	
6TH AVENUE, GREELEY, COLORADO. )	
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April 21, 1959  
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Appearances: Ralph Waldo, Jr., Esq.,  
Greeley, Colorado,  
for Transferor and  
Transferee;  
Howard Hicks, Denver,  
Colorado, for Centen-  
nial Truck Lines, Inc.,  
as his interest may  
appear.

S T A T E M E N T

By the Commission:

John R. Lawson, doing business as "Lawson Truck Line,"  
Greeley, Colorado, is the owner and operator of Permit No. A-765,  
authorizing transportation of:

Freight, between Denver and Fort Collins and  
all intermediate points via U. S. Highway 287  
and/or via Greeley and Ault and intermediate  
points via U. S. Highways 85-87 and Colorado  
14; and between Loveland and Greeley and in-  
termediate points via Colorado Highway 16;

Feed and beans between points within a 10-  
mile radius of Gill, Colorado, and Denver,  
Colorado.

Freight, in pick-up and delivery service,  
from and to all points within a radius of  
five miles of the city limits of the City  
and County of Denver, and from and to all  
points within a radius of five miles of the  
city limits of the City of Greeley, Colorado,  
limited to movements where prior or subse-  
quent line-haul movement is required.

By the instant application, said permit-holder seeks authority to transfer said operating rights to Lee Freight, Inc., Greeley, Colorado.

The application was regularly set for hearing, and heard, at 330 State Office Building, Denver, Colorado, at 9:30 o'clock A. M., on April 16, 1959, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, John R. Lawson, the transferor herein, testified that he has operated under his permit continuously since he acquired same; that he is presently operating two trucks; that he is selling the permit for \$25,000, of which amount \$1,000 has been paid down, \$14,000 is to be paid upon approval of this Commission of the transfer, and the balance of \$10,000 is to be evidenced by a promissory note payable in four annual instalments, commencing April 4, 1960, and payable annually thereafter, together with interest.

The witness further testified that there are no outstanding obligations against the operation, and that he is selling the permit on account of his health.

Frank A. Williams, Jr., an officer of Lee Freight, Inc., testified that Lee Freight, Inc., is a corporation and the Articles of Incorporation of said company are attached to the application as Exhibit A; that he and Martin B. Williams and Hubert E. Lee are the incorporators. He identified Exhibit C, which is a financial statement of Lee Freight, Inc., and also his own individual financial statement, and stated that if the corporation needed additional funds that he would put the necessary money into the operation to secure its financial stability.

Martin B. Williams testified substantially the same as Frank A. Williams, and also gave his financial statement, which is Exhibit E.

No evidence was introduced on behalf of protestants, and it appears that the proposed transfer is in the public interest and should be approved, and permission given to mortgage the permit and equipment.

The operating experience and financial responsibility of the transferees 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 proposed transfer is in the public interest and should be approved.

### O R D E R

#### THE COMMISSION ORDERS:

That John R. Lawson, doing business as "Lawson Truck Line," Greeley, Colorado, be, and he is hereby, authorized to transfer all his right, title and interest in and to Permit No. A-765 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Lee Freight, Inc., Greeley, Colorado, subject to payment of outstanding indebtedness against said operations, if any there be, whether secured or unsecured.

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

the part of the Commission, unless such time shall be extended by the Commission, upon proper application.


The right of transferee to operate under this Order shall depend upon its 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.

Transferee is hereby permitted to mortgage the within described permit and equipment for the unpaid portion of the purchase price, and shall file said mortgage with the Commission upon its execution.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Negro  
Ralph C. Hobart  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 21st day of April, 1959.

mls

original

(Decision No. 52120)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE RAILWAY EXPRESS AGENCY, INCOR- )  
PORATED, DENVER, COLORADO, TO WITH- )  
DRAW ITS AGENCY AT MACK, COLORADO. )  
-----

APPLICATION NO. 16938

At a General Session of  
The Public Utilities Com-  
mission of the State of  
Colorado, held at its  
offices in Denver, Colo-  
rado, April 20, 1959.

INVESTIGATION AND SUSPENSION DOCKET NO. 420

-----  
April 20, 1959  
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S T A T E M E N T

By the Commission:

On February 20, 1959, The Railway Express Agency, Incorporated, by Oren F. Lewis, Superintendent, filed its petition under Rule No. 6 of the Commission's Rules and Regulations Pertaining to Railroads and Express Companies Operating in the State of Colorado.

Request was made by petitioner for an Order authorizing the withdrawal of its Agency office from the Station at Mack, Mesa County, Colorado, effective March 20, 1959. Thereafter, a corrected form of notice was posted at the station to show a proposed effective date of April 20, 1959. Agency service at Mack is now provided by the Rio Grande Railroad Agent on duty from 7:15 A. M., until 4:15 P. M., Monday through Friday.

As indicated by petitioner, improved highways and the competition of other types of carriers have contributed to a continued decline in traffic at Mack whereby an average of only four shipments per month were handled during the past year in 1958. It is submitted

that the average revenue of \$17.82 per shipment has not been sufficient to overcome the costs of transportation and related Agency expenses, thereby resulting in an operating loss and the proposed closing is requested. In order to maintain Express service in the area when the station is closed, it is proposed that the Express shipments be handled at the Railroad Station of Fruita, located eight miles to the south and also served by the connecting highway U. S. 6 and 50.

The intention of Applicant having been properly publicized by the posting of public notice at the station in Mack, the Commission has received a petition bearing 61 signatures and other protests indicating that discontinuance of the agency service will cause great inconvenience to the residents of Mack and adjacent area.

It appears then that people and merchants of the Mack area are not in accord with the proposed change of service; therefore, in order to obtain a full understanding of this situation, it is necessary to suspend the effective date of the proposed closing so that a more complete investigation may be had. The application and file in this matter will, therefore, be transferred to Investigation and Suspension Docket No. 420 on the Commission's Docket.

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

##### THE COMMISSION FINDS:

That the application of The Railway Express Agency, Incorporated, to withdraw its agency service from the station at Mack, Colorado, and transfer said service to the office at Fruita, Colorado, should be suspended pending a more complete investigation of the matter.

#### O R D E R

##### THE COMMISSION ORDERS:

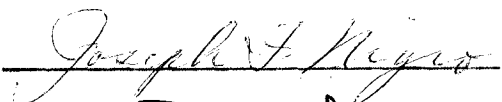
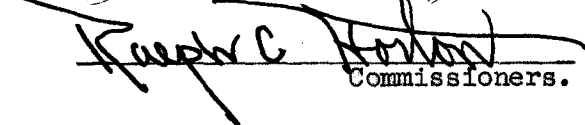
That the effective date of the proposed change of Express handling from the station at Mack to the station at Fruita, Colorado,

by Railway Express Agency, Incorporated, be, and it hereby is, suspended for a period of one hundred twenty (120) days from April 20, 1959, or until August 18, 1959, unless otherwise ordered.

That Application No. 16938, originally assigned to the instant proceedings, be, and it is hereby, closed, and all records and files of said application be transferred to Investigation and Suspension Docket No. 420.

That a copy of this Order be filed with Application No. 16938 and with Investigation and Suspension Docket No. 420, and copies be served on Oren F. Lewis, Superintendent, for Applicant, The Railway Express Agency, Incorporated, Express Annex, Union Terminal Building, Denver 17, Colorado, and the following Protestants herein: W. M. Epstein, General Chairman, Order of Railroad Telegraphers, 633 Cooper Building, Denver 2, Colorado; Emmett Elizondo, Pine Crest Sheep Co., Fruita, Colorado; Koch Grocery, Mack, Colorado; Ruth Service Station & Garage, Mack, Colorado; Mrs. Frank Lawler, Uintah Rock Depot, Mack, Colorado; Dan McIntyre, Rancher, Mack, Colorado; and Chris P. Joufflas, Rancher, Mack, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day of April, 1959.

mls

original

(Decision No. 52121)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
AMOS CROSBY, DOING BUSINESS AS "57 )  
TRANSIT," 251 COLORADO AVENUE, GRAND )  
JUNCTION, COLORADO, FOR AUTHORITY TO )  
TRANSFER TO KENNETH CROSBY AND LEWIS )  
CROSBY, CO-PARTNERS, DOING BUSINESS )  
AS "YELLOW CAB COMPANY," 142 NORTH )  
SEVENTH STREET, GRAND JUNCTION, )  
COLORADO, A PORTION OF PUC NO. 2102. )

APPLICATION NO. 16975-Transfer

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April 21, 1959  
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Appearances: Cecil S. Haynie, Esq., Grand  
Junction, Colorado, for  
Transferor and Transferees.

S T A T E M E N T

By the Commission:

Amos Crosby, doing business as "57 Transit," Grand Junction,  
Colorado, is the owner and operator of PUC No. 2102, authorizing:

Transportation by taxi, at taxi rates, of  
passengers, baggage and packages to, from  
and between all points within a 50-mile  
radius of Grand Junction, Colorado; trans-  
portation by taxi, at taxi rates, of pas-  
sengers, baggage and packages from and to  
all points within a 15-mile radius of  
Grand Junction, Colorado, to all points  
within a 100-mile radius of Grand Junction,  
Colorado, with the right to give round-trip  
service to identical passengers, originat-  
ing in said 15-mile radius, with a waiting  
time not to exceed 10 hours, excluding  
round-trip service to an area within a  
radius of 5 miles of Delta, Colorado, and  
an area within a radius of 5 miles of  
Montrose, Colorado;

Transportation of airplane passengers, hold-  
ing valid air tickets to destination, and of  
baggage and packages, by station wagon or  
airport limousine, between the Montrose Air-  
port and Grand Junction, Colorado, and the  
Grand Junction Municipal Airport (Walker  
Field);



Transportation of air express and air freight from and to all points within a five-mile radius of Grand Junction, Colorado, and to and from the Grand Junction Municipal Airport (Walker Field);

Transportation of passengers and baggage, in sightseeing service, at sightseeing rates, in station wagons having less than 12-passenger capacity, from Grand Junction, Colorado, and to all points within 150 miles of Grand Junction, Colorado, excluding, however, any such service between Grand Junction, Colorado, and the Colorado National Monument;

Transportation by taxi, at taxi rates, of passengers, baggage and packages from Grand Junction, Colorado, to any points in the State of Colorado, for emergency purposes only;

Airport limousine service for passengers, baggage and packages, and air freight and air express between points in the City of Grand Junction and from all points within a five-mile radius of Grand Junction, Colorado, from and to the Grand Junction Municipal Airport (Walker Field).

On December 15, 1958, said certificate-holder filed his application with the Commission for authority to transfer a portion of PUC No. 2102; on February 13, 1959, an amended application was filed seeking to transfer the entire authority under said PUC No. 2102 to Kenneth Crosby and Lewis Crosby, co-partners, doing business as "Yellow Cab Company," Grand Junction, Colorado.

The application was regularly set for hearing, and heard, at the Court House, Grand Junction, Colorado, at ten o'clock A. M., April 9, 1959, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the evidence disclosed that the consideration for the proposed transfer is \$50,000, of which a portion is to be paid in cash and the balance to be paid in installments, said indebtedness being evidenced by a promissory note secured by chattel mortgage, and approval of the Commission is sought herein to mortgage said certificate and the equipment.

Transferees are operating as co-partners and are well qualified by experience to carry on the operations and, in the judgment of the Commission, are financially responsible. The transferees will continue the operation as performed by the transferor in the past.

No one appeared in opposition to the granting of the authority sought and it appears that the proposed transfer is compatible with the public interest.

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

### O R D E R

#### THE COMMISSION ORDERS:

That Amos Crosby, doing business as "57 Transit," Grand Junction, Colorado, be, and he is hereby, authorized to transfer all his right, title, and interest in and to PUC No. 2102 -- with authority as set forth in the above and foregoing Statement, which is made a part hereof by reference -- to Kenneth Crosby and Lewis Crosby, co-partners, doing business as "Yellow Cab Company," Grand Junction, 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.

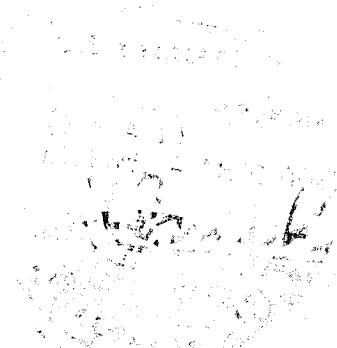
The tariff of rates, rules, and regulations of transferor shall, upon proper adoption notice, become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

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.

The transferees are hereby permitted to mortgage the within described certificate and equipment for the unpaid portion of the purchase price, and shall file said mortgage with the Commission upon its execution.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



*Joseph F. Meyer*  
*Joseph C. Horst*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 21st day of April, 1959.

mls

original

(Decision No. 52122)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CLYMERS' ROSE GLEN DAIRY, INC., 301 )  
SANTA CLARA AVENUE, GRAND JUNCTION, )  
COLORADO, FOR A CLASS "B" PERMIT TO ) APPLICATION NO. 16976-PP  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----)

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April 21, 1959  
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Appearances: Eugene H. Mast, Esq.,  
Grand Junction, Colo-  
rado, for Applicant.

S T A T E M E N T

By the Commission:

On January 28, 1959, Clymers' Rose Glen Dairy, Inc.,  
the applicant herein, filed application for a Class "B" permit  
to operate as a private carrier by motor vehicle for hire, for  
the transportation of raw fluid bulk milk, as follows:

- (a) to pick up said commodity at any point  
within an air line radius of twenty miles  
from the City of Grand Junction, and to  
transport the same to the plant of Clymers'  
Rose Glen Dairy, Inc., 301 Santa Clara  
Avenue, Grand Junction, Colorado, or to  
Delta, Colorado;
- (b) to pick up said commodity at any point  
within an air line radius of ten miles from  
the City of Rifle, Garfield County, Colorado,  
and to transport the same into the City of  
Rifle, Colorado, or to the plant of the appli-  
cant, Grand Junction, Colorado, at the address  
above shown, or Delta, Colorado;
- (c) to pick up said commodity at any point  
within an air line radius of thirty miles  
from the City of Delta, Colorado, and to  
transport the same into the City of Delta,  
Colorado, or to the plant of applicant at  
Grand Junction, Colorado;

for Western Colorado Milk Producer's Asso-  
ciation, Inc., excluding handling of C. O. D.  
shipments.

The above application was regularly set for hearing, and heard, in the County Court Room of the Court House in Grand Junction, Colorado, on April 9, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

Fred C. Clymer, the President of the applicant corporation, testified that he was acquiring bulk tanks for the transportation of raw fluid milk, and would transport for the Western Colorado Milk Producers Association, Inc. It appears that the applicant is presently engaged in the dairy business and through contract with Western Colorado Milk Producers is now going to transport bulk milk into Grand Junction. It also appears that applicant is well qualified financially and will operate two pieces of equipment for the transportation of bulk milk.

Mr. Robert Statwood, Manager of Western Colorado Milk Producers Association, Inc., testified that due to marketing conditions it is necessary that they have a carrier who will devote his entire time to the transportation of bulk milk; that they requested applicant to ask for this permit and if the permit is granted, they will use the service. The witness further states that there is no other carrier in Grand Junction equipped to take care of this transportation.

No one appeared protesting the granting of the application, and it therefore appears that the granting of said permit will not impair the service of common carriers who may have authority to conduct the operation proposed by applicant.

#### 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 application should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Clymers' Rose Glen Dairy, Inc., Grand Junction, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of raw fluid bulk milk, as follows:

(a) to pick up said commodity at any point within an air line radius of twenty miles from the City of Grand Junction, and to transport the same to the plant of Clymers' Rose Glen Dairy, Inc., 301 Santa Clara Avenue, Grand Junction, Colorado, or to Delta, Colorado;

(b) to pick up said commodity at any point within an air line radius of ten miles from the City of Rifle, Garfield County, Colorado, and to transport the same into the City of Rifle, Colorado, or to the plant of the applicant, Grand Junction, Colorado, at the address above shown, or Delta, Colorado;

(c) to pick up said commodity at any point within an air line radius of thirty miles from the City of Delta, Colorado, and to transport the same into the City of Delta, Colorado, or to the plant of applicant at Grand Junction, Colorado;

for Western Colorado Milk Producer's Association, Inc., excluding handling of 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 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 authority sheets.

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

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 21st day of April, 1959.

original

(Decision No. 52123)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ORVILLE DUNLAP AND HAROLD DUNLAP, )  
CO-PARTNERS, DOING BUSINESS AS )  
"ORVILLE DUNLAP AND SON," ROUTE 3, )  
MONTROSE, COLORADO, FOR A CERTIFI- ) APPLICATION NO. 16958-Extension  
CATE OF PUBLIC CONVENIENCE AND NE- )  
CESSITY, AUTHORIZING EXTENSION OF )  
OPERATIONS UNDER PUC NO. 1861. )  
----- )

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April 22, 1959  
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Appearances: Brooks and Miller, Esqs.,  
Montrose, Colorado,  
for Applicant;  
Charles A. Petrie, Esq.,  
Montrose, Colorado,  
for Telluride Transfer;  
John H. Lewis, Esq., Denver,  
Colorado, for Verl Harvey;  
Marion R. Smyser, Esq.,  
Denver, Colorado, for  
Rio Grande Motor Way, Inc.;  
Stanley Blunt, Canon City,  
Colorado, for Southwestern  
Transportation Company.

S T A T E M E N T

By the Commission:

Orville Dunlap and Son, the applicants herein, are the  
owners and operators of PUC No. 1861, authorizing:

Transportation, (a) on call and demand, of farm  
products (including livestock) and farm supplies  
(specifically including farm machinery and equip-  
ment, feed, used furniture and household goods),  
mill and mine supplies, ore and petroleum products,  
between, from, and to points within a radius of  
50 miles of Norwood, (excluding service between  
points served by the Rio Grande Motor Way, Inc.);

(b) general freight on schedule via U. S. Highway  
50 and State Highways Nos. 62, 108, 145, 90, (or  
Colorado 141 instead of U. S. 50), from and to  
Grand Junction and Montrose, to and from points  
west of (but not including) Ridgeway, as far as  
Paradox by way of Placerville, with the right to  
serve locally between Ridgeway and Paradox; service  
to include Placerville, and for the transportation  
of freight between Montrose and Paradox, via Uravan  
and intermediate points, except that no freight may  
be handled locally between Montrose and Placerville.

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

By Decision No. 48679, extended to designate Highway 340 instead of No. 108, inasmuch as that is now the correct designation. Authorized to engage in the business of transporting household goods, general freight, farm machinery, heavy machinery, ore, petroleum products, all farm supplies, store fixtures and supplies, and sand and gravel from point to point within the City of Montrose, Colorado, in their operations under PUC No. 1861 and I, having established their "Grandfather Rights."

Transportation of all commodities authorized under paragraph (b) of said operating rights, over Highway No. 97 to Nucla, and intermediate points, and to include Highway No. 80 to a point on the Dolores River known as Slick Rock, to the Union Carbide Nuclear mill sites, and intermediate points.

On February 2, 1959, applicants filed their application to extend their authority under Certificate of Public Convenience and Necessity No. 1861 to include the transportation of cement from Portland, Colorado, to points and places and between points within a radius of fifty miles of Norwood, Colorado.

The above application was regularly set for hearing, and heard, at the Court House in Montrose, Colorado, on April 8, 1959, and at the conclusion thereof, the matter was taken under advisement.

At the hearing held on the above date, several witnesses appeared in support of the application, and for the purpose of convenience, we will briefly review and summarize the evidence as interpreted by us at the hearing.

Orville Dunlap, the senior partner of the co-partnership herein, testified as to the nature of the business that the co-partnership is conducting under their certificate. He reviewed the authority and the equipment used and the number of employees used in the operation. The witness stated that he had had requests to haul sacked cement to customers located in Montrose or immediately adjacent to the city of Montrose; that he was not certain as to the scope of their present authority, and for a time hauled cement in the belief that cement was or might be included in their authority.



After he had hauled several loads, he was informed that his cement hauls to Montrose were not incorporated in his authority and thereafter he immediately filed the present application.

Several shipper-witnesses appeared in support of the application. Mr. C. A. Walker, Manager of Burkey Lumber Company, stated his company used approximately 24,000 sacks of cement per year which was shipped from Portland, Colorado. It appears that the witness has used several carriers in hauling cement; that in the overall, the service was good by all carriers but it appears his preference is the service of applicants for the reason that they unloaded the cement using their own labor and did not tie up the loading dock as long as competing carriers.

Mr. Weir, of Weir Readymix, domiciled near Montrose, Colorado, stated he had also used other carriers and preferred applicants' service over other carriers of cement for the reason that he felt applicants' unloading service was superior to that of other carriers.

Elbert F. Morland, Superintendent of the Independent Lumber Company, domiciled at Montrose, Colorado, stated his company in the past has used rail service. The witness stated, however, he felt they might in the future ship by truck and if they did, they felt applicants' proposed service would be advantageous to them.

Mr. Bill Snyder, of Ready-mix cement, stated he purchased his cement from one Harry Hawks, a dealer in cement; that he was well satisfied with his present operations but felt that sometime in the future it might be advantageous to his business if more carriers were authorized to transport cement.

Harold Dunlap, one of the co-partners of applicant company, corroborated the testimony of his father who was the first witness to testify.

Several witnesses appeared protesting the application, and we will attempt to summarize their testimony.

Marshall E. Dodson, an employee of Verl Harvey, stated his company was only interested in bulk cement and was not particularly interested in sacked cement. He stated that Verl Harvey has state-wide authority and is equipped to take care of all shipments of bulk cement.

Ralph Turano, General Traffic Manager of Rio Grande Motor Way, Inc., testified as to the service offered by his company. This witness contends that the traffic is needed by his company and that his company can serve under their present authority all the public witnesses here appearing.

Stanley Blunt, of Southwestern Transportation Company, testified as to the service he is offering to the Montrose area. Southwestern Transportation is a domiciled carrier at Portland, Colorado, and delivers cement state-wide. He has specially designed equipment and is attempting to give a complete and efficient cement delivery service from Portland. He stated that he has served part of the public witnesses here testifying and it is his judgment that he is now delivering the major portion of sacked cement to the Montrose area.

C. J. Schuler, of Telluride Transfer, testified as to the effect of a new certificated carrier of cement on his operation.

We have carefully considered the evidence of applicant, the public witnesses, and the evidence of protestants. In our consideration of the evidence, we have had ever in mind the interest of the cement shippers adjacent to the city of Montrose, and we cannot say that public convenience and necessity require applicants' proposed operation. We said In Re Fort Morgan-Brush Transportation, 8 Colo. P. U. C. 1704, which we believe is applicable here: "In an 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." We also said In Re Lah's Application No. 2621, 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 proved."

The testimony of the representatives of the shippers supporting the application is that they are now employing existing transportation facilities, and other than the unloading, the existing carriers are giving an excellent service. No doubt a grant of authority to perform the proposed service would be a convenience to applicant and to possibly one or more shippers. This alone, in our judgment, is not sufficient to prove public convenience and necessity.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

### O R D E R

#### THE COMMISSION ORDERS:

That Application No. 16958 of Orville Dunlap and Harold Dunlap, co-partners, doing business as "Orville Dunlap and Son," Montrose, Colorado, 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

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of April, 1959.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HARRY B. HAWKS, MONTROSE, COLORADO, )  
FOR AUTHORITY TO EXTEND OPERATIONS ) APPLICATION NO. 16665-PP-Extension  
UNDER PERMIT NO. B-1365. ) AMENDED  
----- )

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April 21, 1959  
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Appearances: Brooks and Miller, Esqs.,  
Montrose, Colorado,  
for Applicant;  
Jones and Meiklejohn, Esqs.,  
Denver, Colorado, for  
R. B. "Dick" Wilson, Inc.;  
Charles A. Petrie, Esq.,  
Montrose, Colorado, for  
Telluride Transfer;  
John H. Lewis, Esq., Denver,  
Colorado, for Verl Harvey;  
Stanley Blunt, Canon City,  
Colorado, for Southwestern  
Transportation Company;  
Orville Dunlap, Montrose,  
Colorado, for Orville  
Dunlap and Son.

S T A T E M E N T

By the Commission:

On October 6, 1958, Harry B. Hawks, Montrose, Colorado,  
the applicant herein, filed his application for an extension of  
his private carrier permit. On October 27, 1958, he filed an  
amended application wherein he asked for the following authority:

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; sand and gravel, from pits and  
supply points, 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; in-  
sulrock, from supply points to roofing jobs within  
a radius of fifty miles of said pits and supply  
points, limited to the use of dump trucks, only;  
redi-mix wet cement, from point to point within a  
radius of fifty miles of Montrose, Colorado, and

from said area to Gunnison, Colorado, and to points within a radius of ten miles of Gunnison, Colorado; sacked or bulk cement, to and from points within a radius of fifty miles of Montrose, Colorado, from and to points within the State of Colorado; scrap metals and junk, to and from points within a radius of sixty miles of Montrose, Colorado, from and to points within the State of Colorado.

The amended application was eventually set for hearing, and heard, April 8, 1959, at the Court House in Montrose, Colorado, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the applicant asked to restrict his application by limiting it to sacked cement, and omitting from his territory on his cement hauling, the following: Telluride, Placerville, Norwood, Naturita, Nuela, Uravan, Bed Rock and Slick Rock, and the further limitation of being restricted to two shippers, viz., Phillip Schneider, of Montrose, Colorado, and Grand Mesa Lumber Company, of Grand Junction, Colorado.

Formal protest was filed by R. B. "Dick" Wilson, Inc., as to the use of equipment, but they failed to appear and substantiate their protest.

Harry B. Hawks, the applicant, testified in support of his application. He testified as to the present business he conducts under Private Carrier Permit No. B-1365; as to the equipment used, and his financial status. He asks for a sand and gravel permit, a limited authority covering cement, and wishes to haul scrap metals and junk.

In support of his application, applicant had two shipper-witnesses, viz., Mrs. Jack Freeman, who is associated with her husband in the junk business, and Phil Schneider, who operates a ready-mix concrete plant in Montrose.

Mrs. Freeman, the wife of Jack Freeman who operates a scrap metal and junk business, testified as to their need for applicant's proposed service in hauling scrap metal and junk.

Phil Schneider, who operates the ready-mix concrete plant, testified that he is presently purchasing cement from the applicant herein. If we understand the facts clearly, applicant has no need for a private carrier permit to haul Mr. Schneider's cement for the reason that applicant is a dealer in cement.

Upon the record as made, and after a careful consideration thereof, the Commission is of the opinion, and finds, that it did not appear from the evidence that the granting of the proposed extension (other than cement), will impair the efficiency of existing adequate common carrier motor vehicle service now operating in the area sought to be served by applicant.

We might add, for the purpose of clarification, that we have no corroborating evidence supporting applicant's desire to serve the Grand Mesa Lumber Company at Grand Junction, and as they did not appear, we feel we can safely assume they now receive adequate service.

As to Phil Schneider, he purchases his cement from applicant and is apparently satisfied.

The question of transporting junk and scrap metal is asked for in a sixty-mile radius, and the only protest to that haul was made by Rio Grande Motor Way, Inc., a line-haul carrier who can only offer service in conjunction with its line-haul authority.

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

##### THE COMMISSION FINDS:

That the instant application, as hereinafter restricted, should be granted for the reasons set forth in the preceding Statement which, by reference, is made a part of these Findings.

#### O R D E R

##### THE COMMISSION ORDERS:

That Harry B. Hawks, Montrose, Colorado, should be, and he hereby is, authorized to extend his operations under Permit

No. B-1365, to include the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado; to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; 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, the transportation of road-surfacing materials to be limited to the use of dump trucks, only; scrap metals and junk, to and from points within a radius of sixty miles of Montrose, Colorado, from and to points within the State of Colorado.

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

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

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 21st day of April, 1959.

ca

*Joseph F. Meyer*  
*Ralph C. [Signature]*  
Commissioners.

original

(Decision No. 52125)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RAY TITTEL, DOING BUSINESS AS )  
"HUERFANO FREIGHT LINE," 512 PENN- )  
SYLVANIA AVENUE, WALSENBURG, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER PUC ) APPLICATION NO. 16942-Transfer  
NO. 391 AND PUC NO. 391-I TO JOHN V. )  
GEISER, DOING BUSINESS AS "HUERFANO )  
FREIGHT LINE," LA VETA, COLORADO. )  
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April 22, 1959  
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Appearances: Ray Tittel, Walsenburg,  
Colorado, pro se;  
John V. Geiser, La Veta,  
Colorado, pro se;  
Ernest Sandoval, Esq.,  
Walsenburg, Colorado,  
for City Transfer and  
Storage, Baudino Trans-  
fer, Cadwell Trucking  
Company.

S T A T E M E N T

By the Commission:

This is an application for authority to transfer PUC No. 391  
and PUC No. 391, from Ray Tittel, doing business as "Huerfano Freight  
Line," Walsenburg, Colorado, to John V. Geiser, doing business as  
"Huerfano Freight Line," La Veta, Colorado, said PUC No. 391 and PUC  
No. 391-I being the right to operate as a common carrier by motor ve-  
hicle for hire, for the transportation of:

freight, between Redwing and Walsenburg, Colo-  
rado, and intermediate points, but not includ-  
ing points between Tioga and Walsenburg; farm  
products, including livestock, farm machinery,  
including farm equipment, used furniture and  
household goods (in household lots), timber  
and sawmill products, between points within  
the area (except as herein restricted), extend-  
ing north to the Huerfano-Custer County Line,  
east to U. S. 85, south to U. S. 160 and west  
to the crest of the mountains, which is sub-  
stantially the western boundary line of Huer-



fano County, and from and to points in said area, to and from points in the State of Colorado, provided, that the south boundary line of pick-up area for commodities other than livestock shall be the township line between Townships 28-S and 29-S and south boundary lines of pick-up area for livestock shall be a line drawn east and west through a point five miles north of La Veta, and applicant shall not transport household goods or farm machinery between Denver and Gardner, Colorado;

(By Decision No. 28275) Applicant authorized to discontinue line-haul scheduled service between Gardner and Walsenburg and intermediate points, and to substitute call and demand service from, to, and between the same points, in lieu thereof;

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

Said application was regularly set for hearing, and heard, at the Court House, Pueblo, Colorado, April 1, 1959, pursuant to notice to all parties in interest.

It appears that transferor acquired PUC No. 391 and PUC No. 391-I approximately one year ago. At the hearing, said transferor testified that he has been unable to operate the line profitably, and that he has become deeply indebted; that he desires to transfer the certificates to John V. Geiser, doing business as "Huerfano Freight Line," La Veta, Colorado, who is the owner and operator of PUC No. 1440 and PUC No. 1440-I, and has been in the trucking business for some twenty-seven years, and who has the equipment and financial resources to operate said certificates.

The transfer was vigorously opposed by Anna Gasperetti, owner of City Transfer and Storage, at Walsenburg, Colorado, and by James Houghton, who represented Cadwell Trucking Company, of Pueblo, Colorado.

It was the contention of Mrs. Gasperetti that this certificate should be cancelled.

In view of the fact that a certificate of public convenience and necessity constitutes a property right, it is our opinion that this Commission is without authority to arbitrarily cancel such a certificate, except in those cases where good cause has been shown and according to the requirement of due process of the Federal and State Constitutions.

It is our opinion that this certificate, standing alone, cannot now be a profitable operation, and it should seem to be in the public interest that it be combined and consolidated into one operation, as will be done by Mr. Geiser under PUC No. 1440 and PUC 1440-I.

Upon examination of PUC No. 391 and PUC No. 391-I, it is apparent that from time to time the certificate has been modified to meet changing economic conditions. As a result, the certificate, as it now stands, requires clarification in the wording, and while it is not our intention to compress or detract from this certificate in any manner, in this Order we shall re-write the certificate, solely for the purposes of effecting the clarification thereof in its worth. No change will be made in the rights to operate under the certificate. Said certificate will then be merged into PUC No. 1440 and PUC No. 1440-I, and PUC No. 391 and PUC No. 391-I will thereupon be cancelled.

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.

That PUC No. 319 and PUC No. 391-I should be consolidated with PUC No. 1440 and PUC No. 1440-I.

O R D E R

THE COMMISSION ORDERS:

That Ray Tittel, doing business as "Huerfano Freight Line," Walsenburg, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 391 and PUC No. 391-I to John V. Geiser, doing business as "Huerfano Freight Line," La Veta, Colorado, subject to payment of outstanding indebtedness against said operations, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said 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 transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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

That transfer of interstate operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act

of 1935, as amended.

That PUC No. 391 and PUC No. 391-I should be, and hereby are, merged with, and made a part of, PUC No. 1440 and PUC No. 1440-I, said consolidated operation, in the future, to be known as "PUC No. 1440 and PUC No. 1440-I," and that operating rights under consolidated certificates shall be as follows:

Transportation on call and demand of farm products, including livestock, farm supplies, farm machinery and equipment, sand and gravel, coal, household goods, including used furniture, timber and sawmill products, between points in the following described territory:

beginning at a point west of Walsenburg on the Huerfano and Alamosa County line; thence north along the west line of Huerfano County to the Huerfano-Custer County line; thence east along said Huerfano-Custer County line to the intersection of the boundary lines of Huerfano, Custer and Pueblo County lines; thence due east to U. S. Highway No. 85; thence south on U. S. Highway 85 to Walsenburg; thence due south 20 miles from Walsenburg; thence west to a point which would be 20 miles west of La Veta; thence north to a point due east of the intersection of the Huerfano Alamosa County intersection; thence west to place of beginning, and from and to said territory, to and from points in the State of Colorado.

That any duplicating authority under PUC No. 391 and PUC No. 391-I, and PUC No. 1440 and PUC No. 1440-I, should be, and the same hereby is, cancelled and revoked.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of April, 1959.

mls

*Joseph F. Meyer*  
*Ralph C. Holton*  
Commissioners.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
AREND LENDERINK, DOING BUSINESS AS )	
"ARAPAHOE RUBBISH REMOVAL," 3905 )	
SOUTH BROADWAY, ENGLEWOOD, COLORADO, )	
FOR AUTHORITY TO TRANSFER PUC NO. )	APPLICATION NO. 16984-Transfer
2042 TO AREND LENDERINK AND ANDREW )	
BOSMAN, CO-PARTNERS, DOING BUSINESS )	
AS "ARAPAHOE RUBBISH REMOVAL," 3905 )	
SOUTH BROADWAY, ENGLEWOOD, COLORADO. )	
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April 22, 1959  
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Appearances: Robert McLean, Esq., Denver,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Arend Lenderink, doing business as "Arapahoe Rubbish Removal," Englewood, Colorado, was granted a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of:

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

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 regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado,

said operating rights being designated "PUC No. 2042."

By the above-styled application, said certificate-holder seeks authority to transfer said PUC No. 2042 to Arend Lenderink and Andrew Bosman, co-partners, doing business as "Arapahoe Rubbish Removal," Englewood, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 10, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 3, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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, Arend Lenderink testified he is transferor, and one of transferees, herein; that the purpose of this application is to create a co-partnership; that headquarters of transferee will be the same, and the business operation and equipment used will continue to remain the same as when conducted as an individual; that consideration for transfer herein is the sum of \$5,000; that there are no outstanding unpaid operating obligations against said PUC No. 2042; that his co-partner has had thirty years' experience in the trucking business; that neither he nor his co-partner has any financial or proprietary interest in any other operating rights granted by this Commission.

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

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

Report of the Examiner recommends that authority herein sought be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

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

That Arend Lenderink, doing business as "Arapahoe Rubbish Removal," Englewood, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2042 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Arend Lenderink and Andrew Bosman, co-partners, doing business as "Arapahoe Rubbish Removal," Englewood, 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 auth-

ority 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

*Joseph F. Nigro*  
*Joseph C. Tolson*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of April, 1959.

mls



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DONALD L. MIKELSON, DOING BUSINESS )	
AS "BRIGHTON-FT. LUPTON TRANSFER," )	
BOX 236, BRIGHTON, COLORADO, FOR )	APPLICATION NO. 16985-Transfer
AUTHORITY TO TRANSFER PUC NO. 2693 )	
TO BRIGHTON-FT. LUPTON TRANSFER, )	
INC., BRIGHTON, COLORADO. )	
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April 22, 1959  
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Appearances: E. B. Evans, Esq., Denver,  
Colorado, for Applicants;  
Howard D. Hicks, Denver,  
Colorado, for Centennial  
Truck Lines, Inc.

S T A T E M E N T

By the Commission:

Heretofore, Donald L. Mikelson, doing business as "Brighton-Ft. Lupton Transfer," Brighton, Colorado, was granted a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of:

freight and express, except milk and cream,  
between Denver, Colorado, on the one hand,  
and the following-described territory, on  
the other hand, to-wit:

commencing at the north boundary line (80th Avenue) of the Town of Derby, Colorado, extended westerly some one and one-half miles to and across the Platte River; thence north, generally parallel thereto, to a point situated some mile and three-quarters west of Brighton; thence north along the highway paralleling and at a distance of about a mile west of said river to a point about a mile and three-quarters west of the northern limits of Fort Lupton; thence east to a point about a mile and three-quarters east of said Town Limits of Ft. Lupton; thence south on a line running approximately two miles east of the Ft. Lupton-Brighton-Denver Highway to the easterly extension of the north boundary line

(80th Avenue) of the Town of Derby, Colorado, to and including the City of Ft. Lupton, Colorado, with service being authorized to all points in said territory intermediate between the north boundary line of Derby, Colorado, and Fort Lupton, Colorado, including Ft. Lupton;

freight and express, from and to points within a radius of five miles of the City Limits of the City and County of Denver, to and from points in applicant's presently-authorized territory, except Denver, Colorado,

said operating rights being designated "PUC 2693."

By the above-styled application, said certificate-holder seeks authority to transfer said PUC No. 2693 to Brighton-Ft. Lupton Transfer, Inc., Brighton, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 10, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 3, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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, Donald L. Mikelson, transferor herein, testified that he has been the owner and operator of PUC No. 2693 for five years; that he has formed a corporation, for the express purpose of transferring said operating rights to said corporation; that he will continue in the active management and operation of said corporation. He identified, and submitted in evidence, Exhibit A (Financial Statement); Exhibit B (Description of Equipment); and Exhibit C, being the Articles of Incorporation of transferee.

Mr. Mikelson further testified that the consideration of transfer is Capital Stock of said corporation, except two qualifying shares, and all dock and office equipment; that the purpose of transferring said operating rights to the corporation is to avoid personal liability, and for tax reasons.

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

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

Report of the Examiner recommends that authority herein sought be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

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

That Donald L. Mikelson, doing business as "Brighton-Ft. Lupton Transfer," Brighton, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2693 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Brighton-Ft. Lupton Transfer, Inc., Brighton, 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

  
Joseph F. Negro  
Joseph W. C. Holman  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of April, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
M. L. YOUNGMAN AND A. HANSEN, CO- )  
PARTNERS, DOING BUSINESS AS "M. L. )  
YOUNGMAN," 3791 SOUTH HURON 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. 16582-PP-Amended  
SUPPLEMENTAL ORDER

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April 22, 1959  
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Appearances: William G. Berge, Esq., Denver,  
Colorado, for Applicant;  
Leslie R. Kehl, Esq., Denver,  
Colorado, for R. B. "Dick"  
Wilson, Inc.

S T A T E M E N T

By the Commission:

On September 30, 1958, the Commission entered its Decision No. 51015 in the above-styled application, granting to applicant herein a Class "B" permit to operate as a private carrier by motor vehicle for hire.

Inasmuch as said applicant has not fulfilled requirements set forth in said Decision No. 51015,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to the above-styled applicant by Decision No. 51015, of date September 30, 1958, should be, and hereby are, revoked, for failure of said applicant to comply with requirements set forth in said Decision No. 51015.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Holman*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of April, 1959.

mls

original

(Decision No. 52130)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DANIEL HARDRICK, 1109 WEST 18TH, )  
PUEBLO, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 16536-PP  
SUPPLEMENTAL ORDER

-----  
April 22, 1959  
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S T A T E M E N T

By the Commission:

On September 29, 1958, the Commission entered its Decision No. 51012 in the above-styled application, granting to applicant herein a Class "B" permit, authorizing operation as a private carrier by motor vehicle for hire.

Inasmuch as said applicant has not fulfilled requirements set forth in said Decision No. 51012,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to the above-styled applicant by Decision No. 51012, of date September 29, 1958, should be, and hereby are, revoked, for failure of said applicant to comply with requirements set forth in said Decision No. 51012.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of April, 1959.  
mls

*Joseph F. Negro*  
*Ralph C. Holman*  
Commissioners.

original

(Decision No. 52131)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LELAND BEEKEN, 302 EL PASO BOULE- )  
VARD, MANITOU SPRINGS, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
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APPLICATION NO. 16715-PP  
SUPPLEMENTAL ORDER

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April 22, 1959  
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Appearances: Leland Beeken, Manitou Springs,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

On December 19, 1958, the Commission entered its Decision No. 51427 in the above-styled matter, granting to applicant herein a Class "B" permit, authorizing operation as a private carrier by motor vehicle for hire.

Inasmuch as said applicant has not fulfilled requirements set forth in said Decision No. 51427,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to the above-styled applicant by Decision No. 51427, of date December 19, 1958, should be, and hereby are, revoked, for failure of said applicant to comply with requirements set forth in said Decision No. 51427.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. [Signature]*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of April, 1959.  
mls



original

(Decision No. 52132)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CLAYTON L. CROMWELL AND GLEN L. )  
ADAMS, CO-PARTNERS, DOING BUSINESS )  
AS "NOB HILL FEED & SUPPLY COMPANY," )  
2523 NORTH MAIN, COLORADO SPRINGS, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 16603-PP  
SUPPLEMENTAL ORDER

-----  
April 22, 1959  
-----

Appearances: Clayton L. Cromwell, Colorado  
Springs, Colorado, for  
Applicants;  
Conour and Conour, Esqs., Del  
Norte, Colorado, for James  
E. Ashton.

S T A T E M E N T

By the Commission:

On October 8, 1958, the Commission entered its Decision No. 51075 in the above-styled application, granting to applicants herein a Class "B" permit, authorizing operation as a private carrier by motor vehicle for hire.

Inasmuch as said applicants have not fulfilled requirements set forth in said Decision No. 51075,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to the above-styled applicants by Decision No. 51075, of date October 8, 1958, should be, and hereby are, revoked, for failure of said applicants to comply with requirements

set forth in said Decision No. 51075.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Higgins*  
*Joseph C. Hobson*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of April, 1959.

mls

original

(Decision No. 52133)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RALPH M. ALLEN, P. O. BOX 285, )  
GOLDEN, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 16612-PP  
SUPPLEMENTAL ORDER

-----  
April 22, 1959  
-----

Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, for R. B. "Dick"  
Wilson, Inc.

S T A T E M E N T

By the Commission:

On October 22, 1958, the Commission entered its Decision No. 51147 in the above-styled matter, granting to applicant herein a Class "B" permit, authorizing him to operate as a private carrier by motor vehicle for hire, as set forth in said Decision No. 51147.

Inasmuch as said applicant has not fulfilled requirements set forth in said Decision No. 51147,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to the above-captioned applicant by Decision No. 51147, of date October 22, 1958, should be, and hereby are, revoked, for failure of said applicant to comply with requirements set forth in said Decision No. 51147.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

COMMISSIONER HENRY E. ZARRENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of April, 1959.  
mls

*Joseph F. Regier*  
*Ralph C. Holton*  
Commissioners.

original

(Decision No. 52134)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

IN THE MATTER OF THE APPLICATION OF )	
EUGENE CHAPEN, GENERAL DELIVERY, )	
PAGOSA SPRINGS, COLORADO, FOR A )	APPLICATION NO. 16680-PP
CLASS "B" PERMIT TO OPERATE AS A )	<u>SUPPLEMENTAL ORDER</u>
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
----- )	

-----  
April 22, 1959  
-----

Appearances: Eugene Chapen, Pagosa Springs,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

On November 5, 1958, the Commission entered its Decision No. 51207 in the above-styled matter, granting to applicant herein a Class "B" permit, authorizing operation as a private carrier by motor vehicle for hire.

Inasmuch as said applicant has not fulfilled requirements set forth in said Decision No. 51207,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to the above-styled applicant by Decision No. 51207, of date November 5, 1958, should be, and hereby are, revoked, for failure of said applicant to comply with requirements set forth in said Decision No. 51207.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.  
Dated at Denver, Colorado,  
this 22nd day of April, 1959.  
ea

*Joseph F. Meyer*  
*Ralph C. Horton*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PETE FUSEDE AND HAROLD D. BROPHY, )  
CO-PARTNERS, 2510 ONEIDA STREET, )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 16578-PP  
SUPPLEMENTAL ORDER

-----  
April 22, 1959  
-----

Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, for R. B. "Dick"  
Wilson, Inc.

S T A T E M E N T

By the Commission:

On October 1, 1958, the Commission entered its Decision No. 51012 in the above-styled matter, granting to applicants herein a Class "B" permit, authorizing operation as a private carrier by motor vehicle for hire.

Inasmuch as said applicants have not fulfilled requirements set forth in said Decision No. 51021,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to the above-captioned applicants by Decision No. 51021, of date October 21, 1958, should be, and hereby are, revoked, for failure of said applicants to comply with requirements set forth in said Decision No. 51021.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

COMMISSIONER HENRY E. FARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of April, 1959.

ea

*Joseph F. Murphy*  
*Ralph C. Herbert*  
Commissioners.

original

(Decision No. 52136)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PETE J. MOYA, 3137 WEST LONGFELLOW )  
PLACE, DENVER, COLORADO, FOR A CLASS ) APPLICATION NO. 16576-PP  
"B" PERMIT TO OPERATE AS A PRIVATE ) SUPPLEMENTAL ORDER  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----)

-----  
April 22, 1959  
-----

Appearances: Leslie R. Kehl, Esq.,  
Denver, Colorado, for  
R. B. "Dick" Wilson, Inc.

S T A T E M E N T

By the Commission:

On October 1, 1958, the Commission entered its Decision No. 51022 in the above-styled matter, granting to applicant herein a Class "B" permit, authorizing him to operate as a private carrier by motor vehicle for hire, as set forth in said Decision No. 51022.

Inasmuch as said applicant has not fulfilled requirements set forth in said Decision No. 51022,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to the above-captioned applicant by Decision No. 51022, of date October 1, 1958, should be, and hereby are, revoked, for failure of said applicant to comply with requirements set forth in said Decision No. 51022.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of April, 1959.

ea

*Joseph F. Meyer*  
*Joseph C. Johnson*  
Commissioners.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

IN THE MATTER OF THE APPLICATION OF )  
DONALD G. HARRIS, 2303 WEST OXFORD, )  
LITTLETON, COLORADO, FOR A CLASS "B" ) APPLICATION NO. 16572-PP  
PERMIT TO OPERATE AS A PRIVATE ) SUPPLEMENTAL ORDER  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

-----  
April 22, 1959  
-----

Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, for R. B. "Dick"  
Wilson, Inc.

S T A T E M E N T

By the Commission:

On October 1, 1958, the Commission entered its Decision No. 51023 in the above-styled matter, granting to applicant herein a Class "B" permit, authorizing him to operate as a private carrier by motor vehicle for hire, as set forth in said Decision No. 51023.

Inasmuch as said applicant has not fulfilled requirements set forth in said Decision No. 51023,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be revoked.

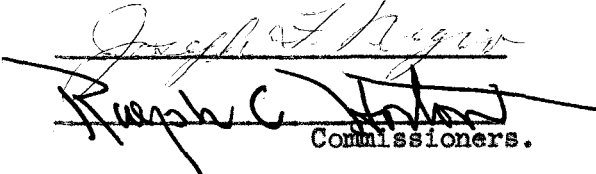
O R D E R

THE COMMISSION ORDERS:

That operating rights granted to the above-captioned applicant by Decision No. 51023, of date October 1, 1958, should be, and hereby are, revoked, for failure of said applicant to comply with requirements set forth in said Decision No. 51023.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

COMMISSIONER HENRY E. ZARLNGO  
NOT PARTICIPATING.  
Dated at Denver, Colorado,  
this 22nd day of April, 1959.  
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 TO ) APPLICATION NO. 16892-Extension  
SERVE THE HIGH SCHOOL BUILDING OF )  
THE BROOMFIELD PUBLIC SCHOOLS, )  
LOCATED IN SE $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF SECTION 26, )  
TOWNSHIP 1-SOUTH, RANGE 69-WEST, )  
BOULDER COUNTY, COLORADO. )  
----- )

IN THE MATTER OF THE APPLICATION OF )  
UNION RURAL ELECTRIC ASSOCIATION, )  
INC., BRIGHTON, COLORADO, FOR AUTH- )  
ORITY TO EXTEND FACILITIES TO SERVE ) APPLICATION NO. 16998-Extension  
BROOMFIELD HIGH SCHOOL IN THE SOUTH- )  
EAST  $\frac{1}{4}$  OF SECTION 26, TOWNSHIP 1- )  
SOUTH, RANGE 69-WEST, BOULDER )  
COUNTY, COLORADO. )  
----- )

-----  
April 22, 1959  
-----

Appearances: Lee, Bryans, Kelly and Stans-  
field, Esqs., Denver, Colo-  
rado, by  
Fletcher Thomas, Esq.,  
and  
Bryant O'Donnell, Esq.,  
for Public Service Company  
of Colorado;  
Grant, Shafroth, Toll, Chilson  
and McHendrie, Esqs., by  
John Shafroth, Esq., Denver,  
Colorado, for Union Rural  
Electric Association, Inc.;  
J. M. McNulty, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

On February 27, 1959, Public Service Company of Colorado  
filed its application to extend its electric lines and facilities  
to serve a proposed new High School of the Broomfield Public Schools,  
to be located in the Southeast Quarter of the Southeast Quarter  
(SE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 26, Township 1-South, Range 69-West, Boulder



County, Colorado. The Union Rural Electric Association, Inc., on March 16, 1959, filed a protest to the granting of the above application to the Public Service Company of Colorado. On April 2, 1959, Union Rural Electric Association, Inc. filed its application to render electric service to the Broomfield High School and on April 3, 1959, Public Service Company of Colorado filed a protest on the application of Union Rural Electric Association, Inc., to serve the Broomfield High School.

The above-entitled applications were set for hearing by the Commission, after due notice to interested parties, and heard upon a consolidated record, on Thursday, April 16, 1959, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado. At the conclusion of the hearing, the matters were taken under advisement by the Commission.

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 Applicant 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 Nos. 15076 and 15150.

Dr. Mervin C. Nolte, Superintendent of Schools for District No. 43, Boulder County, testified at the hearing in regard to the proposed new High School. The school is to be located upon a forty-acre tract in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 26, Township 1-South, Range 69-West, Boulder County, Colorado. This proposed site is just north of the community of Broomfield Heights, which is presently being built by the Turnpike Land Company. It is planned that the first school building to be constructed will be a Junior High School, to accommodate 500 pupils. Eventually, when all of the school facilities are constructed, there will also be a

Senior High School. It is expected that when completed the schools will accommodate 2,500 pupils. Dr. Nolte identified Exhibit "F" as being a letter of application from the School District No. 43 to the Public Service Company of Colorado, requesting both electric and gas service for the new High School building. He further stated that bids for the construction of the new school were to be submitted in the near future, and that very shortly they would need electric service at the site.

The Public Service Company of Colorado is presently serving Broomfield Heights Subdivision, which lies immediately adjacent to the south of the school site. It has a three-phase primary line approximately 600 feet south of the proposed new school. Union Rural Electric Association is presently serving three customers in Section 26, and it has single-phase primary line also approximately 600 feet south of the proposed school site.

The location of the new High School is within the defined territory in Appendix "A" in our Decision No. 47074 of January 7, 1957.

It was apparent from the testimony at the hearing that public convenience and necessity requires electric service at the proposed new school site to be located in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 26, Township 1-South, Range 69-West.

After reviewing the testimony and exhibits, including those in the record, by reference, and having in mind the interest of the public, we believe this interest can best be served by an extension of the facilities of Public Service Company of Colorado. We will, accordingly, grant the application of Public Service Company of Colorado in our Order to follow.

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

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of both Applicants herein, and of the subject matter of the instant applications.

That the Commission is fully advised in the premises.

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

That public convenience and necessity require that Application No. 16892 of Public Service Company of Colorado be granted to supply electric service to the public school to be built in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 26, Township 1-South, Range 69-West, all as more fully shown on Public Service Company's Exhibit "I", being a map introduced at the hearing and, by reference, made a part hereof.

That Public Service Company of Colorado is fully qualified to render said electric service, and it appears from the record that public interest can best be served by the granting of said application.

That Application No. 16998 of Union Rural Electric Association, Inc. should consequently be denied.

That Public Service Company of Colorado should render electric service under the certificate to be granted herein under the applicable rates, rules and regulations of said Public Service Company of Colorado, now or hereafter on file with this Commission, until changed according to law and the rules and regulations of this Commission.

#### O R D E R

#### THE COMMISSION ORDERS:


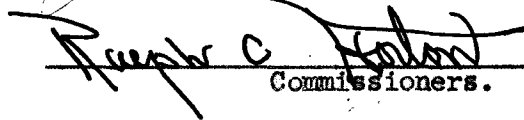
That Public Service Company of Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to render electric service to the new public High School to be located in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 26, Township 1-South, Range 69-West, Boulder County, Colorado, all as more fully shown on Public Service Company of Colorado, Exhibit "I", being a map introduced at the hearing, 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. 16998, of Union Rural Electric Association, Inc., Brighton, Colorado, 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.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of April, 1959.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE DEPARTMENT OF HIGHWAYS OF THE )  
STATE OF COLORADO, 4201 EAST )  
ARKANSAS AVENUE, DENVER, COLORADO, )  
FOR AUTHORITY TO CLOSE AND ARABDON )  
AN EXISTING HIGHWAY-RAILWAY GRADE )  
SEPARATION ON AN APPROACH TO STATE )  
HIGHWAY NO. 1 (U. S. 85 & 87) ON THE )  
ATCHISON, TOPEKA AND SANTA FE RAIL- )  
WAY COMPANY AT ITS MILEPOST 671 PLUS )  
108 FEET, IN EL PASO COUNTY, STATE )  
OF COLORADO. )  
-----

APPLICATION NO. 16973

-----  
April 22, 1959  
-----

Appearances: Joseph M. Montano, Esq.,  
Denver, Colorado, for  
Applicant;  
Douglas McHendrie, Esq.,  
Denver, Colorado, for  
The Atchison, Topeka &  
Santa Fe Railway Com-  
pany;  
J. L. McNeill, Denver,  
Colorado, for the Staff  
of the Commission.

S T A T E M E N T

By the Commission:

The above-entitled application was filed with the Commission on March 24, 1959, and was thereafter set to be heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on April 16, 1959.

Appropriate notice of said hearing was forwarded to interested parties, including the Chairman of the Board of County Commissioners of El Paso County and to The Superintendent of the United States Air Force Academy, Colorado Springs, Colorado. Pursuant to said notice, the matter was heard by the Commission and taken under advisement.

Purpose of the application is to secure Commission approval for the closure and removal of a railroad overpass structure that is no longer necessary due to non-use of the related roadway. The following exhibits were received at the hearing after explanation was given by Mr. E. L. King, who is Assistant to the Surveys and Plans Engineer of the Department of Highways, at Denver, Colorado.

Exhibit A: (As attached to Application)  
Blue print map from an aerial photograph to show location of new highway U. S. 85-87 and the old highway underpass to be closed at Santa Fe Mile Post 671 + 108 feet.

Exhibit B: Prepared Statement of Mr. E. L. King to explain further details of: Location, agreements, approvals, lack of need, manner of removal and distribution of costs regarding the old Breed underpass structure.

Exhibit C: (To be late-filed) Copy of a supplemental agreement whereby the provision for retention of the grade separation structure at Milepost 671 + 108 feet is to be deleted from the current Agreement of January 8, 1954, and the original Agreement of December 31, 1923, for the structure is to be cancelled.

It appears from the testimony as received at the hearing that extensive changes in land use have gradually developed in the area adjacent to the instant underpass at Mile Post 671 + 108 feet. In Application No. 12831 of the Department of Highways and by Commission Decision No. 43685, dated November 22, 1954, authority was granted for the construction of a four-lane highway underpass at Milepost 671 + 429 feet, or distant some 320 feet northwesterly from the Old Breed structure. That decision also recognized the old underpass and the related roadway as a continuing public thorough-fare for local use and nearby homes.

During the latter part of 1954 and in 1955 the Land Acquisition Commission of the State of Colorado acquired extensive acreage northerly from the underpasses herein referred to and subsequently

transferred, in fee, more than 15,000 acres to the United States as the site for The United States Air Force Academy. The several homesites intended to be served by the original highway and the underpass at Milepost 641 plus 108 feet were acquired by said Commission and now lie within the Academy lands. Hence, the Breed underpass and the highway passing thereunder are no longer in use due to the extensive changes in land use and ownership as effected in recent years.

The most recent development in the area, as described by Mr. King, is the designation of the newly built four-lane highway as a part of the National System of Interstate and Defense Highways. In this regard, the former access of the old road to the new highway will be denied at the south side of the old underpass and thereby eliminate the usage of the old highway and the underpass structure.

In further explanation regarding removal of the railroad bridge and closure of the embankment opening, Mr. King noted that in time of heavy rainfall, certain volumes of water as falling on the highway would have been drained away through the former opening. With reference to Map Exhibit "A", he indicated a large drainage structure under the rail line at some 400 feet to the southeast from the Breed underpass. It was his belief that this particular opening afforded protection to the rail line and adjacent lands whereby rainfall runoff would be conducted away and not be impounded in the area.

It appears now that the old separation structure is no longer useful as such since there is no traffic on the roadway. Removal of the bridge and closure of the embankment opening by the railroad company will permit a salvaging of the steel and other bridge materials and simplify track maintenance at the site. Further, the principal parties, namely, Colorado Department of Highways and Santa Fe Railway Company are in full agreement that the work may be done

and expenses thereof to be covered jointly as follows:

Santa Fe Railway to bear all costs incidental to removal of the structure and backfilling the opening.

Department of Highways to bear costs of all other work necessary to the highway, including closing openings, median crossings and obliteration of approaches.

No protests were received at the hearing and none appears in the files of the Commission. No response to the notice of the Commission was received from El Paso County or The Air Force Academy.

### F I N D I N G S

#### THE COMMISSION FINDS:

That due to non-use and abandonment of the former highway (Colorado No. 1), the proposed removal of the Old Breed highway underpass structure and subsequent closure of the opening at Santa Fe Mile Post 671 + 108 feet is a reasonable request and is not contrary to the public convenience and necessity.

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

That the approval as sought should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That authority is hereby granted for the abandonment and removal of the highway-underpass structure as located on former Colorado Highway No. 1 at Santa Fe Milepost 671 plus 108 feet, in El Paso County, Colorado.

That removal of the structure, closure of the railroad embankment and restoration of safe operating trackage is to be effected by The Atchison, Topeka and Santa Fe Railway Company.

That obliteration of the highway approaches and related work shall be the responsibility of the Department of Highways.

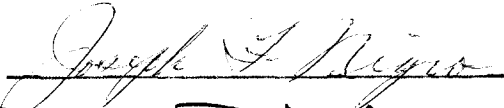
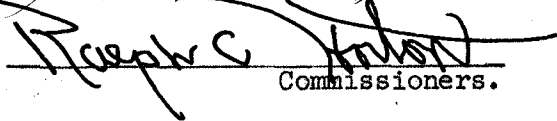
That the work to be done, division of expense and continuing



maintenance shall all be in accordance with the foregoing Statement and Exhibits "A", "B" and "C", all of which, by reference, are made a part hereof.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of April, 1959.

mls

original

(Decision No. 52140)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

PLATEAU NATURAL GAS COMPANY	)	APPLICATIONS NOS. 13247
RE: REFUNDS IN APPLICATIONS	)	13248
NOS. 13247, 13248 AND 15451.	)	15451
-----	)	<u>SUPPLEMENTAL ORDER</u>

-----  
April 20, 1959  
-----

Appearances: Lee, Bryans, Kelly and Stans-  
field, Esqs., Denver, Colorado,  
by  
E. A. Stansfield, Esq., Denver,  
Colorado, for Applicant;  
Edwin R. Lundborg, Esq., Denver,  
Colorado, and  
J. M. McNulty, Denver, Colo-  
rado, for the Staff of the  
Commission.

S T A T E M E N T

By the Commission:

On the 20th day of April, 1959, Plateau Natural Gas Company filed its "Petition for Rehearing" with the Commission, upon the Commission's Decision No. 51993, issued April 1, 1959, assigning various errors alleged to have been committed by the Commission on the Company's Plan for Refund.

After reviewing the decision, the files, and this Commission's procedure in this case, it is our opinion that Petition for Rehearing should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That Petition for Rehearing in the above-styled matter filed on behalf of Plateau Natural Gas Company should be granted.

O R D E R


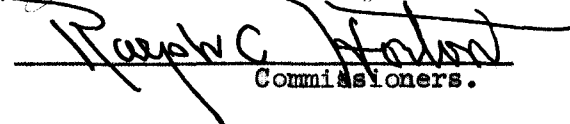
THE COMMISSION ORDERS:

That Petition for Rehearing in the above-styled matter,

on behalf of Plateau Natural Gas Company be, and the same hereby  
is, granted.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 20th day of April, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WALTER AND STELLA D. OLICK, DOING )  
BUSINESS AS, "WALTER OLICK" )  
415 SOUTH 3RD. AVENUE )  
STERLING, COLORADO. )  
-----

PERMIT NO. M-15738

-----  
April 22, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Walter & Stella D. Olick, Dba Walter Olick, Sterling, Colorado  
requesting that Permit No. M-15738 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15738, heretofore issued to \_\_\_\_\_  
Walter & Stella D. Olick, Dba Walter Olick, Sterling, Colorado be,  
and the same is hereby, declared cancelled effective April 21, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Norton  
Henry E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 22nd day of April, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LEO G. SCROGGS AND WILLIAM R. BATES )  
DOING BUSINESS AS, "TILE ROOFING" )  
2120 OLIVE STREET )  
DENVER 7, COLORADO. )  
-----

PERMIT NO. M-15248

-----  
April 22, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Leo G. Scroggs & William R. Bates, Dba Tile Roofing, Denver, Colorado  
requesting that Permit No. M-15248 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15248, heretofore issued to \_\_\_\_\_  
Leo G. Scroggs & William R. Bates, Dba Tile Roofing, Denver, Colorado be,  
and the same is hereby, declared cancelled effective April 24, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Samuel C. Horton  
Wm. E. Zwick  
Commissioners

Dated at Denver, Colorado,

this 22nd day of April, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DOMINICK GENOVA )  
311 EAST 3RD. )  
PUEBLO, COLORADO. )  
----- )

PERMIT NO. M-14235

-----  
April 22, 1959

STATEMENT

By the Commission:

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

Dominick Genova, Pueblo, Colorado

requesting that Permit No. M-14235 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14235, heretofore issued to \_\_\_\_\_

Dominick Genova, Pueblo, Colorado

be,

and the same is hereby, declared cancelled effective April 10, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Horton  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 22nd day of April, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
DAN DRIETH )  
6821 WARREN DRIVE )  
DENVER 21, COLORADO. )  
-----

PERMIT NO. B-3082

-----  
April 22, 1959  
-----

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-3082 be suspended for six months from April 14, 1959.

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 Dan Drieth, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-3082 until October 14, 1959.

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

*Joseph F. Negro*  
*Ralph C. Horton*  
*Henry E. Zuckerman*  
\_\_\_\_\_  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of April 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
UCAN DRILLING CORPORATION )  
SEMINOLE, TEXAS. )  
----- )

PERMIT NO. M-1648

-----  
April 22, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Ucan Drilling Corporation, Seminole, Texas  
requesting that Permit No. M-1648 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1648, heretofore issued to \_\_\_\_\_  
Ucan Drilling Corporation, Seminole, Texas be,  
and the same is hereby, declared cancelled effective April 17, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
George C. Horton  
Henry E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 22nd day of April, 1959.

ds



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS )  
OF FRED T. KIRBY AND CHARLES )  
L. KIRBY, DOING BUSINESS AS, )  
"KIRBY AND SONS PRODUCE" )  
405 N.E. "B" STREET, )  
BENTONVILLE, ARKANSAS. )  
-----

PUC NO. 3985-I

-----  
April 22, 1959  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Fred T. Kirby and Charles L. Kirby, Dba Kirby and Sons Produce, Bentonville, Arkansas, requesting that Certificate of Public Convenience and Necessity No. 3985-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 3985-I, heretofore issued to Fred T. Kirby and Charles L. Kirby, Dba Kirby and Sons Produce, Bentonville, Arkansas, be, and the same is hereby declared cancelled effective April 17, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Robert C. Horton  
Henry E. Zuckerman  
Commissioners.

Dated at Denver, Colorado,  
this 22nd day of April 1959.

ds

original

(Decision No. 52147)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
PLATEAU NATURAL GAS COMPANY, A COR- )	
PORATION ORGANIZED AND EXISTING UNDER )	
THE LAWS OF THE STATE OF COLORADO, )	APPLICATION NO. 16819-Securities
FOR AN ORDER AUTHORIZING THE ISSU- )	<u>SUPPLEMENTAL ORDER</u>
ANCE OF \$1,300,000 PRINCIPAL AMOUNT )	
OF ITS FIRST MORTGAGE BONDS. )	
----- )	

-----  
April 21, 1959  
-----

Appearances: Lee, Bryans, Kelly & Stansfield,  
Esqs., Denver, Colorado, by  
E. A. Stansfield, Esq., and  
Bryant O'Donnell, Esq., for  
Applicant;  
Gordon and Gordon, Esqs., Lamar,  
Colorado, and  
Henry S. Sherman, Esq., Denver,  
Colorado, for Protestants,  
the City of Lamar, Colorado,  
and the National Alfalfa  
Dehydration & Milling Company;  
E. R. Lundborg, Esq., Denver,  
Colorado and  
E. R. Thompson, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

The Commission by its Decision No. 51739 in this pro-  
ceeding, upon the terms and conditions set forth therein, author-  
ized and empowered the Applicant to issue and sell a new series  
of its First Mortgage and Collateral Trust Bonds, Series B, due  
January 15, 1979, in the principal amount of \$1,300,000 at par,  
to be dated January 15, 1959, to bear interest at 6.25% per annum,  
and to be secured by the Indenture of Mortgage and Deed of Trust  
of Applicant dated March 1, 1956, as supplemented by a proposed  
First Supplemental Indenture to be dated January 1, 1959, and in-  
cluding a proposed Second Supplemental Indenture to be dated as of  
January 15, 1959, under which the new proposed Series B Bonds were

to be issued.

Subsequent to said decision, Applicant has made certain modifications in the form of its proposed First Supplemental Indenture to be dated January 1, 1959, and its proposed Second Supplemental Indenture to be dated January 15, 1959, introduced at the hearing on said application as Exhibits G and E, respectively, as more specifically set forth upon the petition of the Applicant filed with the Commission on April 17, 1959.

Such petition states:

"That in negotiations between the Applicant, the proposed purchasers of the new Series B bonds and the holders of the outstanding bonds of the Applicant, the form of the proposed First Supplemental Indenture and Second Supplemental Indenture which were received in evidence as Exhibits G and E respectively has been modified since the date of Commission Decision No. 51739 in the following respects:

- (a) By adding a new section to said First Supplemental Indenture designated as 'Section 2.04. Method of Evidencing Availability of Effective Available Net Additions as a Basis for the Issuance of Bonds Pursuant to Section 5.03 hereof,' appearing at page 41 of the April 10th proof of said First Supplemental Indenture; and
- (b) By revising Sections 4.08 and 4.09 of said First Supplemental Indenture dealing with a possible increase in the sinking fund in the event certain of the controlled gas reserves of both the Plateau Division of Applicant and the Kansas Pipeline Division of Applicant should be exhausted; and
- (c) By changing the proposed date of said Second Supplemental Indenture and the proposed new Series B bonds from January 15, 1959 to March 1, 1959, and the maturity date of said bonds from January 15, 1979 to March 1, 1979.

The petition also states "that attached hereto are the final proofs of said indentures marked 'First Supplemental Indenture, dated as of January 1, 1959' and 'Second Supplemental Indenture, dated as of March 1, 1959.' "

As indicated above in the proposed changes in the First and Second Supplemental Indentures, Applicant does not propose to change interest rates or redemption rates or other features which would directly affect the Company's gas consumers but certain provisions for securing the loans under this Indenture. Therefore, in the order and decision to follow, we will authorize and approve such revisions of Applicant's First and Second Supplemental Indentures as filed April 17, 1959.

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

##### THE COMMISSION FINDS:

That Applicant, Plateau Natural Gas Company, a Colorado corporation, is a public utility as defined by 115-1-3, Colorado Revised Statutes, 1953;

That this Commission retains jurisdiction of said Applicant and the subject matter of the petition herein to the end that it may make further order or orders in the premises as to it may seem to be proper and desirable;

That the Commission is fully advised in the premises;

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

That the proposed changes enumerated above, as set forth in Applicant's petition and incorporated in the proofs of Indenture filed as additional exhibits, filed April 17, 1959 herein, should be authorized and approved.

#### O R D E R

##### THE COMMISSION ORDERS:

1. That the first paragraph of the Order of the Commission dated February 11, 1959 (Decision No. 51739), reading as follows:

"That Applicant, Plateau Natural Gas Company be, and it hereby is, authorized and empowered to issue and sell a new series of its First Mortgage and Collateral Trust Bonds, Series B, due January 15, 1979, in the principal amount of \$1,300,000, at par, to be dated January 15, 1959, to bear interest at a rate of 6.25% per annum, and to be secured by the Indenture of Mortgage and Deed of Trust of Applicant to Continental Illinois National Bank and Trust Company of Chicago and Edward J. Friedrich, Trustees, dated March 1, 1956, as supplemented, including the Second Supplemental Indenture to be dated as of January 15, 1959, substantially in the form of 'Exhibit E,' but with such modifications as Applicant or its counsel may deem necessary or proper or find desirable in consummating the proposed sale of said Series B Bond;"

be amended to read as follows:

"That Applicant, Plateau Natural Gas Company be, and it hereby is, authorized and empowered to issue and sell a new series of its First Mortgage and Collateral Trust Bonds, Series B, due March 1, 1979, in the principal amount of \$1,300,000, at par, to be dated March 1, 1959, to bear interest at a rate of 6.25% per annum, and to be secured by the Indenture of Mortgage and Deed of Trust of Applicant to Continental Illinois National Bank and Trust Company of Chicago and Edward J. Friedrich, Trustees dated March 1, 1956, as supplemented, including the Second Supplemental Indenture to be dated as of March 1, 1959, substantially in the form of the proof of said Second Supplemental Indenture accompanying Applicant's petition filed with this Commission on April 17, 1959."

2. That the paragraph of the Order of the Commission dated February 11, 1959 (Decision No. 51739), reading as follows:

"That within sixty (60) days after the issue and sale of said Series B Bonds, Applicant shall file with this Commission a conformed copy of its First Supplemental Indenture to be dated January 1, 1957, and a conformed copy of the Second Supplemental Indenture to be dated January 15, 1959, covering the issue of the Series B Bonds to be sold hereunder;"

be amended to read as follows:

"That within sixty (60) days after the issue and sale of said Series B Bonds, Applicant shall file with this Commission a conformed copy of its First Supplemental Indenture to be dated January 1, 1957, and a conformed copy of the Second Supplemental Indenture to be dated March 1, 1959 covering the issue of the Series B Bonds to be sold hereunder;"

3. That in all other respects the provisions contained in the Order of the Commission dated February 11, 1959 (Decision

No. 51739) shall remain unchanged.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ralph C. Horton  
Joseph J. Nease  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 21st day of April, 1959.

ea

original

(Decision No. 52148)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
COLORADO CENTRAL POWER COMPANY, )	
3470 SOUTH BROADWAY, ENGLEWOOD, )	
COLORADO, FOR A CERTIFICATE OF PUB- )	APPLICATION NO. 16991
LIC CONVENIENCE AND NECESSITY, )	
AUTHORIZING EXERCISE OF FRANCHISE )	
RIGHTS IN THE TOWN OF MILLIKEN, )	
COUNTY OF WELD, STATE OF COLORADO. )	
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-----  
April 23, 1959  
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Appearances: Allen, Lynch & Rouse, Esqs.,  
Denver, Colorado, by  
Philip A. Rouse, Esq.,  
for Applicant;  
Everett R. Thompson, Denver,  
Colorado, and  
J. M. McNulty, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

On March 30, 1959, Colorado Central Power Company, through its Attorneys, filed the above-entitled application with the Commission seeking a certificate of public convenience and necessity to exercise franchise rights in the Town of Milliken, Weld County, Colorado, for the generation, transmission, distribution and sale of electric energy in said Town of Milliken.

The matter was set for hearing, after due notice to interested parties, on April 16, 1959, at two o'clock P. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado. At said time and place the matter was duly heard by the Commission, and at the conclusion of the hearing, taken under advisement.

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

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Delaware, qualified to do business in Colorado as a foreign corporation. Applicant is also a public utility company, subject to the jurisdiction of this Commission, engaged primarily in the purchase, transmission, distribution and sale of electric energy at various points in the State of Colorado. A certified copy of Applicant's Articles of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission.

The evidence at the hearing disclosed that on March 4, 1959, Applicant was granted a twenty-five year franchise by the Board of Trustees of the Town of Milliken. Said franchise is designated as Ordinance No. 93 and is entitled as follows:

AN ORDINANCE BY THE TOWN OF MILLIKEN, STATE OF COLORADO, GRANTING TO COLORADO CENTRAL POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE AUTHORIZING THE CONSTRUCTION, ACQUISITION, MAINTENANCE AND OPERATION IN AND THROUGH SAID TOWN, AND ALL ADDITIONS THERETO, OF PLANTS, WORKS AND SYSTEM FOR THE MANUFACTURE OR GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY, AND THE SALE THEREOF TO SAID TOWN AND TO CONSUMERS THEREIN, FOR LIGHT, HEAT, POWER, AND OTHER PURPOSES BY MEANS OF CONDUITS, CABLES, POLES, WIRES AND ANY OTHER DEVICES OR MEANS USED FOR, OR IN, THE MANUFACTURE OR GENERATION, DISTRIBUTION, TRANSMISSION AND SALE OF ELECTRIC ENERGY, CONSTRUCTED IN, ALONG, ACROSS, OVER, UNDER AND THROUGH ALL STREETS, ALLEYS, PUBLIC WAYS AND PLACES IN SAID TOWN, AND IN ALL ADDITIONS THERETO, AND FIXING THE TERMS AND CONDITIONS THEREOF.

A certified copy of the franchise contained in Ordinance No. 93, together with a proof of publication and formal acceptance by the Company and recording of said Ordinance by the Town Clerk were introduced at the hearing and marked Exhibits Nos. 1, 2, 3, and 4, respectively, and said exhibits, by reference, are made a part hereof.

Also introduced at the hearing as Exhibit No. 5, was a certified copy of the Ordinance No. 94, which provides for an occupation tax on Colorado Central Power Company. This occupation tax provides



for an annual payment in the amount of 2% of the gross revenue earned within the corporate limits of the Town for a three-year period beginning March 1, 1959, for a  $2\frac{1}{2}\%$  tax on gross revenue for a three-year period beginning March 1, 1962, and a 3% tax on gross revenues for the remaining nineteen-year period of the franchise after March 1, 1965. The tax is not applied to billings in excess of \$2,500 per year from any single customer; nor to the amount of uncollectible accounts; nor to revenue received from the Town from street lighting services. In the past, Applicant has not been paying a tax as such, but has made an allowance to the Town for street lights. The present tax will increase Applicant's franchise costs in the Town of Milliken in comparison to what it had been paying for allowance for street lighting.

As of April 1, 1959, Applicant was serving 191 meters in the Town of Milliken. Applicant is the only public utility rendering electric service in said Town and it has been rendering said service since 1926. Prior to that time, electric service was rendered by a predecessor company. Applicant will continue to render electric service under the rates presently on file with the Commission until such time as they are changed according to law and the rules and regulations of this Commission.

The witness for Applicant estimated that during the period under the new franchise, the Company expected to invest approximately \$47,750.00 in the Town of Milliken to enable it to render service. The figure of \$47,750.00 will be used for the setting of the issuance fee for the certificate sought herein, but it shall not be binding upon the Commission in any future proceedings where rates or valuation may be an issue.

After reviewing the testimony and evidence presented by Applicant at the hearing in regard to this matter, we believe that the Application should be granted.

## F I N D I N G S

### THE COMMISSION FINDS:

That the Commission has jurisdiction of Colorado Central Power Company and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

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

That public convenience and necessity require, and will require, the exercise by Colorado Central Power Company of the franchise rights granted in Ordinance No. 93 of the Town of Milliken, dated March 4, 1959, for the purchase, generation, transmission, distribution and sale of electric energy in said Town by Colorado Central Power Company, and that the permission sought should be granted.

## O R D E R

### THE COMMISSION ORDERS:

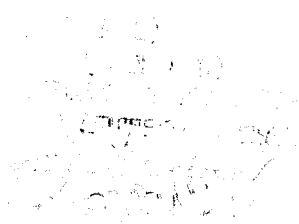
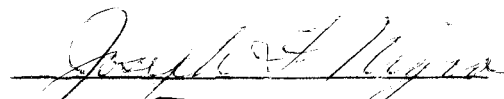
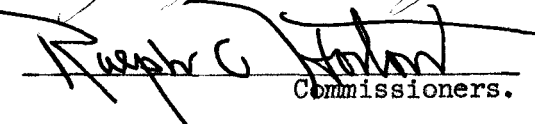
That public convenience and necessity require, and will require, the exercise by Colorado Central Power Company of franchise rights granted in and by Ordinance No. 93 of the Town of Milliken, Weld County, Colorado, dated March 4, 1959, identified as Exhibit No. 1, herein, and, by reference, made a part hereof, for the purchase, generation, transmission, distribution and sale of electricity by Colorado Central Power Company in said Town, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That Colorado Central Power Company shall install, operate and maintain its electric system and supply service in the area heretofore designated in accordance with its schedules of electric rates, 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 the Commission.

That Colorado Central Power Company shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts and shall continue to keep its practices as to the testing of meters, consumers' deposits, operations, records of meters and complaints in accordance with the requirements of the Commission.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 23rd day of April, 1959.

mls

reginald

(Decision No. 52149)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
COLORADO CENTRAL POWER COMPANY, 3470 )  
SOUTH BROADWAY, ENGLEWOOD, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- ) APPLICATION NO. 16992  
IENCE AND NECESSITY, AUTHORIZING )  
EXERCISE OF FRANCHISE RIGHTS IN THE )  
TOWN OF JOHNSTOWN, COUNTY OF WELD, )  
STATE OF COLORADO. )  
----- )

-----  
April 23, 1959  
-----

Appearances: Allen, Lynch and Rouse, Esqs.,  
Denver, Colorado, by  
Philip A. Rouse, Esq., Denver,  
Colorado, for Applicant;  
Everett R. Thompson, Denver,  
Colorado, and  
J. M. McNulty, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

On March 30, 1959, Colorado Central Power Company,  
through its Attorneys, filed the above-entitled application with  
the Commission, seeking a certificate of public convenience and  
necessity to exercise franchise rights in the Town of Johnstown,  
Weld County, Colorado, for generation, transmission, distribution  
and sale of electric energy in said Town of Johnstown.

The matter was set for hearing after due notice to  
interested parties, on April 16, 1959, at two o'clock P. M., in  
the Hearing Room of the Commission, 330 State Office Building,  
Denver, Colorado. At said time and place the matter was duly  
heard by the Commission, and at the conclusion of the hearing  
was taken under advisement.

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

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Delaware, qualified to do business in Colorado as a foreign corporation. Applicant is also a public utility company, subject to the jurisdiction of this Commission, engaged primarily in the purchase, transmission, distribution and sale of electric energy at various points in the State of Colorado. A certified copy of Applicant's Articles of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission.

The evidence at the hearing disclosed that on March 2, 1959, Applicant was granted a twenty-five year franchise by the Board of Trustees of the Town of Johnstown. Said franchise is designated as Ordinance No. 121, and is entitled as follows:

AN ORDINANCE BY THE TOWN OF JOHNSTOWN, STATE OF COLORADO, GRANTING TO COLORADO CENTRAL POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE AUTHORIZING THE CONSTRUCTION, ACQUISITION, MAINTENANCE AND OPERATION IN AND THROUGH SAID TOWN, AND ALL ADDITIONS THERETO, OF PLANTS, WORKS AND SYSTEM FOR THE MANUFACTURE OR GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY, AND THE SALE THEREOF TO SAID TOWN AND TO CONSUMERS THEREIN, FOR LIGHT, HEAT, POWER, AND OTHER PURPOSES BY MEANS OF CONDUITS, CABLES, POLES, WIRES AND ANY OTHER DEVICES OR MEANS USED FOR, OR IN, THE MANUFACTURE OR GENERATION, DISTRIBUTION, TRANSMISSION AND SALE OF ELECTRIC ENERGY CONSTRUCTED IN, ALONG, ACROSS, OVER, UNDER AND THROUGH ALL STREETS, ALLEYS, PUBLIC WAYS AND PLACES IN SAID TOWN, AND IN ALL ADDITIONS THERETO, AND FIXING THE TERMS AND CONDITIONS THEREOF.

A certified copy of the franchise contained in Ordinance No. 121, together with a proof of publication, formal acceptance by the Company, and recording of said Ordinance by the Town Clerk, were introduced at the hearing and marked Exhibits Nos. 1, 2, 3, and 4, respectively, and said exhibits, by reference, are made a part hereof.

Also introduced at the hearing as Exhibit No. 5, was a certified copy of the Ordinance No. 122, which provides for an occupation tax on Colorado Central Power Company. This occupation tax provides for an annual payment in the amount of 2% of the gross

revenue earned within the corporate limits of the Town for a three-year period beginning March 1, 1959; for a  $2\frac{1}{2}\%$  tax on gross revenue for a three-year period beginning March 1, 1962; and a 3% tax on gross revenues for the remaining nineteen-year period of the franchise after March 1, 1965. The tax is not applied to billings in excess of \$2,500 per year from any single customer; nor to the amount of uncollectible accounts; nor to revenue received from the Town from street lighting services. In the past, Applicant has not been paying a tax as such, but has made an allowance to the Town for street lights. The present tax will increase Applicant's franchise costs in the Town of Johnstown in comparison to what it has been paying for allowance for street lighting.

As of April 1, 1959, Applicant was serving 401 meters in the Town of Johnstown. Applicant is the only public utility rendering electric service in said Town, and it has been rendering said service since 1926. Prior to that time, electric service was rendered by a predecessor company. Applicant will continue to render electric service under the rates presently on file with the Commission until such time as they are changed according to law and the rules and regulations of this Commission.

The witness for Applicant estimated that during the period under the new franchise, the Company expected to invest approximately \$120,300 in the Town of Johnstown to enable it to render service. The figure of \$120,300 will be used for the setting of the issuance fee for the certificate sought herein, but it shall not be binding upon the Commission in any future proceedings where rates or valuation may be an issue.

After reviewing the testimony and evidence presented by Applicant at the hearing in regard to this matter, we believe that the Application should be granted.

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

##### THE COMMISSION FINDS:

That the Commission has jurisdiction of Colorado Central

Power Company and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

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

That public convenience and necessity require, and will require, the exercise by Colorado Central Power Company of the franchise rights granted in Ordinance No. 121 of the Town of Johnstown, dated March 2, 1959, for the purchase, generation, transmission, distribution and sale of electric energy in said Town by Colorado Central Power Company, and that the permission sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the exercise by Colorado Central Power Company of franchise rights granted in and by Ordinance No. 121 of the Town of Johnstown, Weld County, Colorado, dated March 2, 1959, identified as Exhibit No. 1 herein, and, by reference, made a part hereof, for the purchase, generation, transmission, distribution and sale of electricity by Colorado Central Power Company in said Town, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That Colorado Central Power Company shall install, operate and maintain its electric system and supply service in the area heretofore designated in accordance with its schedules of electric rates, 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 Colorado Central Power Company shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts and shall continue to keep its practices as to the testing of meters, consumers' deposits, operations, records of meters and complaints in accordance with the requirements of the Commission.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Hobson*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 23rd day of April, 1959.

ea



original

(Decision No. 52150)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
COLORADO CENTRAL POWER COMPANY, 3470 )	
SOUTH BROADWAY, ENGLEWOOD, COLORADO, )	
FOR A CERTIFICATE OF PUBLIC CONVEN- )	APPLICATION NO. 16865
IENCE AND NECESSITY, AUTHORIZING )	
EXERCISE OF FRANCHISE RIGHTS IN THE )	
TOWN OF HUDSON, COUNTY OF WELD, )	
STATE OF COLORADO. )	
----- )	

-----  
April 23, 1959  
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Appearances: Allen, Lynch and Rouse, Esqs.,  
                  Denver, Colorado, by  
                  Philip A. Rouse, Esq.,  
                  for Applicant;  
                  Everett R. Thompson, Denver,  
                  Colorado, and  
                  J. M. McNulty, Denver, Colo-  
                  rado, for the Commission.

S T A T E M E N T

By the Commission:

On February 11, 1959, Colorado Central Power Company, through its Attorneys, filed the above-entitled application with the Commission seeking a certificate of public convenience and necessity to exercise franchise rights in the Town of Hudson, Weld County, Colorado, for the generation, transmission, distribution and sale of electric energy in said Town of Hudson.

The matter was set for hearing after due notice to interested parties, on April 16, 1959, at two o'clock P. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado. At said time and place the matter was duly heard by the Commission, and at the conclusion of the hearing taken under advisement.

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

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Delaware, qualified to do business in Colorado as a foreign corporation. Applicant is also a public utility company subject to the jurisdiction of this Commission, engaged primarily in the purchase, transmission, distribution and sale of electric energy at various points in the State of Colorado. A certified copy of Applicant's Articles of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission.

The evidence at the hearing disclosed that on January 5, 1959, Applicant was granted a twenty-five year franchise by the Board of Trustees of the Town of Hudson. Said franchise is designed as Ordinance No. 57, and is entitled as follows:

"AN ORDINANCE BY THE TOWN OF HUDSON, STATE OF COLORADO, GRANTING TO COLORADO CENTRAL POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE AUTHORIZING THE CONSTRUCTION, ACQUISITION, MAINTENANCE AND OPERATION IN AND THROUGH SAID TOWN, AND ALL ADDITIONS THERETO, OF PLANTS, WORKS, AND SYSTEM FOR THE MANUFACTURE OR GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY, AND THE SALE THEREOF TO SAID TOWN AND TO CONSUMERS THEREIN, FOR LIGHT, HEAT, POWER AND OTHER PURPOSES BY MEANS OF CONDUITS, CABLES, POLES, WIRES AND ANY OTHER DEVICES OR MEANS USED FOR, OR IN, THE MANUFACTURE OR GENERATION, DISTRIBUTION, TRANSMISSION AND SALE OF ELECTRIC ENERGY CONSTRUCTED IN, ALONG, ACROSS, OVER, UNDER AND THROUGH ALL STREETS, ALLEYS, PUBLIC WAYS AND PLACES IN SAID TOWN, AND IN ALL ADDITIONS THERETO, AND FIXING THE TERMS AND CONDITIONS THEREOF."

A certified copy of the franchise contained in Ordinance No. 57, together with a proof of publication, formal acceptance by the Company, and recording of said Ordinance by the Town Clerk, were introduced at the hearing and marked Exhibits "A", "B", "C", and "D", respectively, and said exhibits, by reference, are made a part hereof.

Also introduced at the hearing as Exhibit "E" was a certified copy of the Ordinance No. 58, which provides for an occupation tax on Colorado Central Power Company. This occupation tax provides for an annual payment in the amount of 2% of the gross

revenue earned within the corporate limits of the Town for a three-year period beginning January 1, 1959; for a  $2\frac{1}{2}\%$  tax on gross revenue for a three-year period beginning January 1, 1962; and a 3% tax on gross revenues for the remaining nineteen-year period of the franchise after January 1, 1965. The tax is not applied to billings in excess of \$2,500 per year from any single customer; nor to the amount of uncollectible accounts; nor to revenue received from the Town from street lighting services. In the past, Applicant has not been paying a tax as such but has made an allowance to the Town for street lights. The present tax will increase Applicant's franchise costs in the Town of Hudson in comparison to what it has been paying for allowance for street lighting.

As of December 31, 1958, Applicant was serving 184 meters in the Town of Hudson. Applicant is the only public utility rendering electric service in said Town, and it has been rendering said service since 1926. Prior to that time, electric service was rendered by a predecessor company. Applicant will continue to render electric service under the rates presently on file with the Commission until such time as they are changed according to law and the rules and regulations of this Commission.

The witness for Applicant estimated that during the period under the new franchise, the Company expected to invest approximately \$46,000 in the Town of Hudson to enable it to render service. The figure of \$46,000 will be used for the setting of the issuance fee for the certificate sought herein, but it shall not be binding upon the Commission in any future proceedings where rates or valuation may be an issue.

After reviewing the testimony and evidence presented by Applicant at the hearing in regard to this matter, we believe that the Application should be granted.

## F I N D I N G S

### THE COMMISSION FINDS:

That the Commission has jurisdiction of Colorado Central Power Company and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

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

That public convenience and necessity require, and will require, the exercise by Colorado Central Power Company of the franchise rights granted in Ordinance No. 57 of the Town of Hudson, dated January 5, 1959, for the purchase, generation, transmission, distribution and sale of electric energy in said Town by Colorado Central Power Company, and that the permission sought should be granted.

## O R D E R

### THE COMMISSION ORDERS:


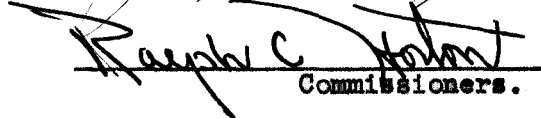
That public convenience and necessity require, and will require, the exercise by Colorado Central Power Company of franchise rights granted in and by Ordinance No. 57 of the Town of Hudson, Weld County, Colorado, dated January 5, 1959, identified as Exhibit "A" herein, and, by reference, made a part hereof, for the purchase, generation, transmission, distribution and sale of electricity by Colorado Central Power Company in said Town, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That Colorado Central Power Company shall install, operate and maintain its electric system and supply service in the area heretofore designated in accordance with its schedules of electric rates, 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 Colorado Central Power Company shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts and shall continue to keep its practices as to the testing of meters, consumers' deposits, operations, records of meters and complaints in accordance with the requirements of the Commission.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 23rd day of April, 1959.

ea

original

(Decision No. 52151)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E. G. (JACK) PERRY, DOING BUSINESS )  
AS "SERVICE TRUCK LINE," 3275 SOUTH )  
SANTA FE DRIVE, ENGLEWOOD, COLORADO, )  
FOR AUTHORITY TO TRANSFER PERMIT NO. )  
A-16 TO E. J. CAMPBELL, 4809 COLO- )  
RADO BOULEVARD, DENVER, COLORADO, )  
AND R. W. BRAUN, 6161 EAST QUINCY )  
AVENUE, CHERRY HILLS, COLORADO, IN )  
ACCORDANCE WITH MORTGAGE FORECLOSURE.)  
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APPLICATION NO. 16969-Transfer

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April 23, 1959  
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Appearances: Albert A. Norbont, Esq.,  
Denver, Colorado, and  
John F. Mueller, Esq.,  
Denver, Colorado, for  
Applicants;  
Ralph H. Knull, Denver,  
Colorado, for Rio  
Grande Motor Way, Inc.;  
Howard Hicks, Denver,  
Colorado, for Centennial  
Truck Lines, Inc.

S T A T E M E N T

Before the Commission:

E. G. (Jack) Perry, doing business as "Service Truck Line,"  
Englewood, Colorado, is the owner and operator of Permit No. A-16,  
authorizing:

Transportation of freight between Denver  
and Pueblo, Colorado, and intermediate  
points, and from and to said points to and  
from Greeley, Fort Collins, Gunnison, over  
U. S. 85; between Severance and Denver,  
Colorado; Colorado 14, Severance to Fort  
Collins; U. S. 87, Fort Collins to Denver;  
U. S. 50, Pueblo to Gunnison;

Extended by Decision No. 37027 to include  
the transportation of sugar only from  
Sugar City to Denver, via Colorado 96, to  
point west of Olney Springs; thence on un-  
numbered road to Fowler; thence U. S. 50  
to Pueblo; thence to Denver, with no re-

turn haul and limited to haul for one customer, the National Sugar Manufacturing Co., unless further extended by the Commission by Order, after application and hearing.

The above-mentioned application filed by the Petitioners seek to transfer Permit No. A-16 from E. G. (Jack) Perry, doing business as "Service Truck Line," Englewood, Colorado, to E. J. Campbell, Denver, Colorado, and R. W. Braun, Cherry Hills, Colorado, on the basis of foreclosure proceedings. In substance, however, the petitioners actually seek the transfer of said permit regardless of the basis.

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, April 9, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

It appeared that the transferee, E. J. Campbell, has been in the wholesale liquor business for some 18 years in a very substantial way and that R. W. Braun has been in business as a florist for many years; that both transferees have had experience with operating trucks in their own business and in hiring transportation by trucks; that in September of 1955 the transferees foreclosed a mortgage purporting to cover the permit in question and certain equipment of Perry; that said mortgage had been authorized by the Commission to the Denver National Bank, as mortgagee, which Bank in turn assigned the paper to the transferees; that the transferees have invested some \$16,300 in the transaction without reimbursement. The transferees testified that they are ready, able and willing to operate under the permit, will personally supervise its operation, and will engage competent help to carry on such operation. The transferees have not operated under the permit since September 21, 1955,

but Perry has, but solely for the purpose of indicating that there was no intention to abandon the permit.

Mr. Perry testified that the operation was profitable prior to the foreclosure and that substantial demand has been made upon him from time to time to provide service under the permit since the foreclosure. The transferees both testified to their intent to clear any Government liens which may attach against the permit or any equipment which they will use and have assured the Commission they will file such release as a late filed Exhibit. The transferees, although contending that they have title to the permit, have not operated because of the lack of authority from the Commission to carry on operations.

Mr. Perry testified that he has no objection whatsoever to the transfer and is desirous that the same be made, as he does not claim any right or interest in the permit.

Protestants contend and made statements to the effect that the permit had been abandoned and that if revived their business would suffer; said protestants being Rio Grande Motor Way, Inc., and Centennial Truck Lines, Inc.

It does not appear that the proposed transfer will impair the efficiency of any common carrier service operating in the territory which is involved in the 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.

That abandonment involves intention of total relinquishment and the evidence does not support such finding in this case.

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 E. G. (Jack) Perry, doing business as "Service Truck Line," Englewood, Colorado, should be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. A-16 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to E. J. Campbell, Denver, Colorado, and R. W. Braun, Cherry Hills, 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 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

*Joseph I. Regier*  
*Henry E. Paulsen*  
Commissioners.

COMMISSIONER RALPH C. HORTON NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 23rd day of April, 1959.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRED REIN, JR., DOING BUSINESS AS )  
"REIN TRANSPORTATION COMPANY," 747 )  
JACKSON STREET, DENVER, COLORADO, ) APPLICATION NO. 16986-Transfer  
FOR AUTHORITY TO TRANSFER PUC NO. )  
454 TO DONALD L. MIKELSON, BRIGHTON, )  
COLORADO. )  
- - - - - )

- - - - -  
April 27, 1959  
- - - - -

Appearances: E. B. Evans, Esq., Denver,  
Colorado, for Applicants;  
Howard D. Hicks, Denver,  
Colorado, for Centennial  
Truck Lines, Inc.

S T A T E M E N T

By the Commission:

Heretofore, Fred Rein, Jr., doing business as "Rein  
Transportation Company," Denver, Colorado, was granted a certifi-  
cate of public convenience and necessity (PUC No. 454), author-  
izing him to operate as a common carrier by motor vehicle for  
hire, as follows:

Transportation of farm supplies from Ione,  
Fort Lupton, Brighton, Golden, and Denver,  
to points within the following described  
territory:

Sections 7, 8, 9, 10, 11, 14, 15, 16, 17,  
18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30,  
31, 32, 33, 34 and 35, in Township 2-North,  
Range 65-West; N $\frac{1}{2}$  of Section 3, SW $\frac{1}{4}$  of Sec-  
tion 3, Sections 4, 5, 6, 7, 8, and 9, W $\frac{1}{2}$  of  
Section 10, SE $\frac{1}{4}$  of Section 10, S $\frac{1}{2}$  of Section  
11, S $\frac{1}{2}$  of Section 12, all of Sections 13, 14,  
15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26,  
27, 28, 29, 30, 31, 32, 33 and 34, in Township  
1-North, Range 65-West; Sections 4, 5, 6, 7,  
8, 9, 17 and 18, in Township 1-South, Range  
65-West; Sections 1, 2, 3, 4, 9, 10, 11, 12,  
13, 14, 15, 16 and E $\frac{1}{2}$  of Section 17, in Town-  
ship 1-South, Range 66- West; Sections 13, 14,  
15, 22, 23, 24, 25, 26, 27, 34, 35 and 36, in  
Township 1-North, Range 66-West.

Transportation of freight, from and to Denver, to and from points within, as well as to points within the territory described as that part of the territory contained in PUC No. 410 which lies west of the first section line east of Keenesburg (said west part being described as follows: commencing at a point on the East Section Line of Section 26, Township 2-North, Range 64-West, immediately east of Keenesburg; thence north 4 miles; thence west 8 miles; thence south 19 miles; thence east 8 miles; thence north 15 miles to the point of beginning); general commodities, in less than truckload lots, from Denver, to Derby, Welby, East Lake and the Rocky Mountain Arsenal, near Derby, and three filling stations located on U. S. Highway No. 6 between Derby and Hudson, and from Denver to points in the area presently authorized to serve under PUC No. 454, except Adams City and Dupont and other points, if any, on U. S. Highway No. 85, with back-haul of empty containers and returned merchandise, provided that service to and from Derby shall cease upon termination of the war between the United States and Germany, unless, for good cause shown, this period of time may be extended.

By the above-styled application, said certificate-holder seeks authority to transfer PUC No. 454 to Donald L. Mikelson, Brighton, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 10, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 3, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

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

Report of said Examiner states that at the hearing, transferor testified that he is the owner and operator of PUC No. 454; that he has operated under PUC No. 454 continuously since 1937; that there are no outstanding unpaid operating obligations against

said operation. Transferor also introduced in evidence Exhibit B, being copy of Sales Agreement.

Report of the Examiner further states that transferee appeared at the hearing, testifying that he was familiar and well acquainted with the Rein operation, as he has operated the same under Temporary Authority issued by this Commission; that he has entered into an agreement with transferor herein to purchase PUC No. 454. He introduced into evidence Exhibit B (Sales Agreement), and stated that the consideration for transfer of said operating rights and ICC No. MG-58342, is the sum of \$2,000, \$500 of which has been paid, the balance to be paid at the rate of \$100 per month, with interest at the rate of six percent, all being secured by a note and chattel mortgage. Transferee also identified Exhibit A, being Financial Statement, and Exhibit C, a list of equipment, of which only Units 4 and 5 will be used in operations proposed by him.

Mr. Mikelson further testified he is purchasing PUC No. 454 expressly for his brother, who is presently out of the State; that he will later transfer said operating rights to his brother, subject to approval of this Commission.

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

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

Report of the Examiner recommends that authority herein sought be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That Fred Rein, Jr., doing business as "Rein Transportation Company," Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title and interest in and to PUC No. 454 --- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Donald L. Mikelson, Brighton, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Kiger*  
*Ralph C. Anthony*  
*Henry E. Zalusky*  
Commissioners.

Dated at Denver, Colorado  
this 27th day of April, 1959.  
es

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MC NAMAR BOILER AND TANK COMPANY )  
POST OFFICE BOX 858 )  
TULSA I, OKLAHOMA. )  
----- )

PERMIT NO. M-10974

-----  
April 27, 1959  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
McNamar Boiler and Tank Co., Tulsa, Oklahoma  
requesting that Permit No. M-10974 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10974, heretofore issued to \_\_\_\_\_  
McNamar Boiler and Tank Co., Tulsa, Oklahoma be,  
and the same is hereby, declared cancelled effective April 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Joseph C. Norton*  
*Henry E. Zalusky*  
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
COLORADO IRON WORKS COMPANY )  
C/O THE MINE AND SMELTER SUPPLY CO. )  
POST OFFICE BOX 9041, 3800 RACE ST., )  
DENVER 16, COLORADO. )  
-----)

PERMIT NO. M-9857

-----  
April 27, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Colorado Iron Works Company, Denver, Colorado  
requesting that Permit No. M-9857 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9857, heretofore issued to \_\_\_\_\_  
Colorado Iron Works Company, Denver, Colorado be,  
and the same is hereby, declared cancelled effective August 1, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Norton  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JAMES GERYE JR., JAMES GERYE, SR. )  
AND VICTORIA M. GERYE, DOING BUSINESS )  
AS GERYE AND COMPANY )  
POST OFFICE BOX 201 )  
MILLIKEN, COLORADO.-----)

PERMIT NO. M-13656

-----  
April 27, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from James Gerye Jr.  
James Gerye, Sr. & Victoria M. Gerye, Dba Gerye and Co., Milliken, Colorado  
requesting that Permit No. M-13656 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13656, heretofore issued to James Gerye, Jr.  
James Gerye, Sr., & Victoria M. Gerye, Dba Gerye & Co., Milliken, Colorado be,  
and the same is hereby, declared cancelled effective October 31, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Horton  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 195 9.

ds



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HERBERT F. JONES, DOING BUSINESS AS, )  
"VENETIAN BLIND LAUNDRY" )  
1100 EAST 17TH. AVENUE )  
DENVER 18, COLORADO. )  
-----)

PERMIT NO. M-10145

-----  
April 27, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Herbert F. Jones, Dba Venetian Blind Laundry, Denver, Colorado  
requesting that Permit No. M-10145 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10145, heretofore issued to \_\_\_\_\_  
Herbert F. Jones, Dba Venetian Blind Laundry, Denver, Colorado be,  
and the same is hereby, declared cancelled effective April 1, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph J. Negro  
Ralph C. Horton  
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
E. E. KEETON, DOING BUSINESS AS, )  
"KEETON MOTOR COMPANY" )  
221 HARRISON AVENUE )  
LEADVILLE, COLORADO. )  
-----)

PERMIT NO. M-14430

-----  
April 27, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
C. E. Keeton, Dba Keeton Motor Co., Leadville, Colorado  
requesting that Permit No. M-14430 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14430, heretofore issued to \_\_\_\_\_  
C. E. Keeton, Dba Keeton Motor Co., Leadville, Colorado be,  
and the same is hereby, declared cancelled effective April 18, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph G. Norton  
Wm. E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DEAN AND NORMAN MCCLELLAN, DOING )  
BUSINESS AS, "MC CLELLAN BROTHERS" )  
POST OFFICE BOX 1191 )  
CORTEZ, COLORADO. )  
-----)

PERMIT NO. M-14282

-----  
April 27, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Dean & Norman McClellan, Dba McClellan Brothers, Cortez, Colorado  
requesting that Permit No. M-14282 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14282, heretofore issued to \_\_\_\_\_  
Dean & Norman McClellan, Dba McClellan Brothers, Cortez, Colorado be,  
and the same is hereby, declared cancelled effective April 16, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zullings  
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WILLIAM E. DURSTON )  
1514 EAST 21ST. AVENUE, )  
DENVER 5, COLORADO. )  
----- )

PERMIT NO. M-1836

-----  
April 27, 1959  
-----

STATEMENT

By the Commission:

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

William E. Durston, Denver, Colorado

requesting that Permit No. M-1836 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1836, heretofore issued to \_\_\_\_\_

William E. Durston, Denver, Colorado

be,

and the same is hereby, declared cancelled effective March 25, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BOLEN MACHINE WORKS, INCORPORATED )  
POST OFFICE BOX 1080 )  
GRAND JUNCTION, COLORADO. )  
----- )

PERMIT NO. M-3313

-----  
April 27, 1959

STATEMENT

By the Commission:

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

Bolen Machine Works, Inc. Grand Junction, Colorado

requesting that Permit No. M-3313 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3313, heretofore issued to \_\_\_\_\_

Bolen Machine Works, Inc., Grand Junction, Colorado be,

and the same is hereby, declared cancelled effective April 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Samuel C. Horton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
PRICE FURNITURE COMPANY, INCORPORATED )  
8695 NORTH WASHINGTON AVENUE, )  
THORNTON, COLORADO. )  
-----)

PERMIT NO. M-9007

-----  
April 27, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Price Furniture Company, Inc., Thornton, Colorado  
requesting that Permit No. M-9007 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9007, heretofore issued to \_\_\_\_\_  
Price Furniture Company, Inc., Thornton, Colorado be,  
and the same is hereby, declared cancelled effective April 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
George C. Norton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
SAMUEL A. KING )  
POST OFFICE BOX 204 )  
CORTEZ, COLORADO. )  
----- )

PERMIT NO. M-13743

-----  
April 27, 1959

STATEMENT

By the Commission:

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

Samuel A. King, Cortez, Colorado

requesting that Permit No. M-13743 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13743, heretofore issued to \_\_\_\_\_

Samuel A. King, Cortez, Colorado

be,

and the same is hereby, declared cancelled effective March 29, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Garth C. Norton  
Wm. E. Zuehlke  
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HARRY G. DENNIS, DOING BUSINESS AS, )  
"DENNIS AUTO SERVICE" )  
1326 SOUTH TEJON )  
COLORADO SPRINGS, COLORADO. )  
-----)

PERMIT NO. M-14600

-----  
April 27, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Harry G. Dennis, Dba Dennis Auto Service, Colorado Springs, Colorado  
requesting that Permit No. M-14600 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14600, heretofore issued to \_\_\_\_\_  
Harry G. Dennis, Dba Dennis Auto Service, Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective April 18, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Robert C. Nelson  
Henry E. Zalkow  
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 1959.

ds



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ABE ZIEGLER )  
1700 NORTH CHAMBERS ROAD )  
DENVER 8, COLORADO. )  
-----

PERMIT NO. B-3465

-----  
April 27, 1959  
-----

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-3465 be suspended for six months from April 15, 1959.

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 Abe Ziegler, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-3465 until October 15, 1959.

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

Joseph F. Nigro  
Ralph C. Boston  
Wm. E. Ziegler  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of April 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
E. D. KISNER ) PUC NO. 3690  
1430 SOUTH NAVAJO )  
DENVER 23, COLORADO. )  
-----

-----  
April 27, 1959  
-----

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. 3690 be suspended for six months from April 20, 1959.

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 E. D. Kisner, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under PUC No. 3690 until October 20, 1959.

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

*Joseph F. Negro*  
*Frank C. Horton*  
*Henry E. Zank*  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of April 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GEORGE BECKER, JR. )  
466 SOUTH LAMAR STREET ) PERMIT NO. B-5638  
LAKEWOOD 26, COLORADO. )  
-----

-----  
April 27, 1959  
-----

S T A T E M E N T

By the Commission:

On February 11, 1959, the Commission authorized George Becker, Jr. Lakewood, Colorado, to suspend operations under his permit no. B-5638 until August 9, 1959.

The Commission is now in receipt of a communication from the above-named permittee requesting this permit to 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-5638 should be, and the same is hereby, reinstated as of April 21, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Wm. E. Zwick  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of April 1959.

ds

original

(Decision No. 52167)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)
RAY TITTEL, DOING BUSINESS AS	)
"HUERFANO FREIGHT LINE," 512	)
PENNSYLVANIA AVENUE, WALSENBURG,	)
COLORADO, FOR AUTHORITY TO TRANSFER	)
PUC NO. 391 AND PUC NO. 391-I TO	)
JOHN V. GEISER, DOING BUSINESS AS	)
"HUERFANO FREIGHT LINE," LA VETA,	)
COLORADO.	)
-----	)

APPLICATION NO. 16942-Transfer  
SUPPLEMENTAL ORDER

-----  
April 24, 1959  
-----

Appearances: Ray Tittel, Walsenburg,  
Colorado, pro se;  
John V. Geiser, La Veta,  
Colorado, pro se;  
Ernest Sandoval, Esq.,  
Walsenburg, Colorado,  
for City Transfer and  
Storage, Baudino Trans-  
fer, Cadwell Trucking  
Company.

S T A T E M E N T

By the Commission:

On April 22, 1959, the Commission entered its Decision No. 52125 in the above-styled application, authorizing transfer of PUC No. 391 and PUC No. 391-I from Ray Tittel, doing business as "Huerfano Freight Line," Walsenburg, Colorado, to John V. Geiser, doing business as "Huerfano Freight Line," La Veta, Colorado, and consolidating said operating rights with PUC No. 1440 and PUC No. 1440-I, owned and operated by said John V. Geiser.

In the Order contained in said Decision No. 52125, consolidated authority under said PUC Nos. 391, 391-I, 1440 and 1440-I was set forth.

It now appears that through inadvertence, interstate operating rights were not set forth in the Order contained in Decision No. 52125.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 52125 should be amended to conform to the facts, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 52125 of date April 22, 1959, should be, and the same hereby is, amended, nunc pro tunc, as of said 22nd day of April, 1959, by inserting the following paragraph, immediately preceding the paragraph reading:

"That any duplicating authority under PUC No. 391 and PUC No. 391-I, and PUC No. 1440 and PUC No. 1440-I, should be, and the same hereby is, cancelled, and revoked.",

appearing on Page 5 of said Decision No. 52125:

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

That, except as herein amended, said Decision No. 52125 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph T. Myers  
Ralph C. Anderson  
Henry G. Adams  
Commissioners

Dated at Denver, Colorado,  
this 24th day of April, 1959.

ca

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF )  
EMPIRE ELECTRIC ASSOCIATION, INC., )  
CORTEZ, COLORADO, FOR APPROVAL )  
TO BORROW MONEY FROM THE NATIONAL )  
RURAL ELECTRIFICATION ADMINISTRA- )  
TION. )  
----- )

APPLICATION NO. 17032  
Securities

S T A T E M E N T

By the Commission:


Upon consideration of the application filed April 17, 1959,  
by Empire 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 14, 1959,  
at 10:00 o'clock A. M., Basement, New Court House, Durango, Colorado, respect-  
ing the matters involved and the issues presented in this proceeding. Any  
interested municipality or any representative of interested consumers or  
security holders of applicant corporation, and any other person whose partic-  
ipation herein is in the public interest, may intervene in said proceedings.  
Intervention petitions should be filed with the Commission on or before May 8,  
1959, and should set forth the grounds of the proposed intervention, and the  
position and interest of the petitioners, in the proceeding, and must be sub-  
scribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Meyer  
Ralph C. Hobart  
Samuel G. Gaudin  
Commissioners

Dated at Denver, Colorado,  
this 24th day of April, 1959.

original

(Decision No. 52169)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RALPH FREDRICK PORTER, 2912 JOSE- )  
PHINE STREET, DENVER, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 16833

-----  
April 27, 1959  
-----

Appearances: Ralph Fredrick Porter, Den-  
ver, Colorado, pro se;  
Mrs. Robert McLean, Esq.,  
Denver, Colorado, for  
Associated Rubbish Remov-  
al Association.

S T A T E M E N T

By the Commission:

By application filed October 15, 1958, Ralph Fredrick Porter, Denver, Colorado, seeks authority to operate as a common carrier by motor vehicle for hire, for the transportation of ashes and trash in the areas from Colorado Boulevard to Quebec, and from 32nd Avenue to Montview.

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, February 6, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant and several witnesses in his behalf testified that there was a need for the additional service which the applicant proposes to give in the area. Applicant testified that he had many calls and has been operating under a Temporary Authority and that he has complied with all requests for service and to his

knowledge no one has been dissatisfied with such service, and, that applicant is willing that the service be limited to the use of only one one-half ton pickup truck.

A number of witnesses testified in protest to the granting of the application stating that they could use more work themselves and would be willing to purchase additional equipment if and when the demand exceeded the capacity of their facilities. As the rates are not regulated, it would appear that the inconsequential harm which might result in granting the application will be off-set by the additional competition which will result in some regulation as to rates.

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

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

#### 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.

#### 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 Ralph Frederick Porter, Denver, Colorado, for the transportation of ashes and trash, from Colorado Boulevard to Quebec Street, and from Sixteenth Avenue, or Mount View Boulevard, to Thirty-Second Avenue, to officially designated and approved dumps and disposal places in the Counties of Adams, Arapahoe and Jefferson, State of Colorado, limited to the use of only one one-half ton pickup truck, 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

Joseph J. Nigro  
Robert C. Hobart  
Henry E. Zaulinger  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of April, 1959.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES E. PARTCH AND JOSEPH E. PARTCH, )  
CO-PARTNERS, DOING BUSINESS AS )  
"PARTCH BROTHERS," 303 NORTH MAIN )  
STREET, GUNNISON, COLORADO, FOR A ) APPLICATION NO. 16955-Extension  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY, AUTHORIZING EXTEN- )  
SION OF OPERATIONS UNDER PUC NO. )  
1636. )  
----- )

-----  
April 27, 1959  
-----

Appearances: Porter, Klingsmith and  
Studholme, Esqs., Gun-  
nison, Colorado, for  
Applicants;  
John P. Thompson, Esq.,  
Denver, Colorado, for  
Gunnison Truck Line;  
Marion R. Smyser, Esq.,  
Denver, Colorado, for  
Rio Grande Motor Way, Inc.;  
Stanley Blunt, Canon City,  
Colorado, for Southwestern  
Transportation Company;  
Shirley Avery, Buena Vista,  
Colorado for Eveready  
Freight Service;  
Auborn Howard, Gunnison,  
Colorado, for Lake City  
Truck Line, for copy  
of Order.

S T A T E M E N T

By the Commission:

Partch Brothers, a co-partnership consisting of James E.  
Partch and Joseph E. Partch, are the owners and operators of PUC  
No. 1636, which authorizes:

Transportation of ore to Leadville, Colorado,  
from points west of the Continental Divide  
within a radius of 25 miles of Sargents,  
Colorado; transportation of ores and concen-  
trates, by motor vehicle for hire, from points  
within a radius of 3 miles of White Pine,  
Colorado, to Salida, Colorado; transportation  
of ores and concentrates and coal, between  
points within a 30-mile radius of Gunnison,

Colorado, excluding from said radius all points lying east of the Continental Divide, and that portion of said radius covered by PUC No. 1292 now owned and operated by the Lake City Truck Line, to Salida, and Leadville, Colorado; mine timbers and supplies, between points in said area and from Leadville or Salida, Colorado, to said area, all authority to be restricted against service between towns served by scheduled common carriers.

On December 4, 1958, the applicants herein filed their application to extend their authority under certificate of public convenience and necessity to include:

Transportation of ore from points west of the Continental Divide within a radius of twenty-five miles of Sargents, Colorado; transportation of ores and concentrates by motor vehicle for hire from points within a radius of 3 miles of White Pine, Colorado, to points within the State of Colorado; transportation of ores and concentrates and coal between points within a 30-mile radius of Gunnison, Colorado (excluding from said radius all points lying east of the Continental Divide and that portion of said radius covered by PUC No. 1292 now owned and operated by the Lake City Truck Line), to any point within the State of Colorado, together with haul back from the Tallahassee Creek Mining area in Fremont County, Colorado; mine timbers and supplies between points in said area and from outside points into said area, all authority to be restricted against service between towns served by scheduled common carriers.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House in Gunnison, Colorado, April 7, 1959, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, it appeared that applicants' ore authority originally was separated from Certificate of Public Convenience and Necessity No. 797, that is, ore to Leadville, Colorado, by Decision No. 24822. On May 27, 1949, by Decision No. 32742, Certificate of Public Convenience and Necessity No. 1636 was extended to include the transportation of ore and concentrates by motor vehicle for hire from points within a radius of 3 miles of White Pine, Colorado, to Salida, Colorado, and on June 15, 1953, said certificate was further extended by Decision No. 40747 to include the transportation of ores, concentrates and coal between points within a

30-mile radius of Gunnison, Colorado, excluding from said area all points lying east of the Continental Divide and that portion of said radius covered by PUC No. 1292 now owned and operated by Lake City Truck Line, to Salida and Leadville, Colorado; mine timbers and supplies between points in said area and from Leadville or Salida to said area, all authority to be restricted against service between towns served by scheduled common carriers.

James E. Partch, appearing in support of the application, reviewed the operations under PUC No. 1636 and number of ore shipments made. He testifies he has had requests from two mining companies, viz., Pinnacle and Gibraltar, and that these companies are based within his original grant of authority, that is, the 25 mile radius of Sargents.

Bill Scott, a geologist for the Pinnacle company, whose operation is approximately 5 miles from Sargents, stated he contacted applicants as they were the locally-domiciled common carriers, for their service to Rifle, Canon City, and possibly other uranium reduction plants situated in Colorado.

Wayne Stone, of Gibraltar Mining Company, who operates at Perry Creek, twelve miles distant from Sargents, reviewed their operation and stated they had approximately 1,000 tons of blocked ore, and at present his company would ship to Canon City and Rifle.

Jack Coleman, one of the operators of the Gunnison Truck Line, owner of PUC No. 797, described his operation, equipment and willingness to serve all shippers of ore under his present authority. He states that recently his company has spent considerable sums of money on new equipment and as a result need all the potential ore business in the area they are certificated to serve.

Stanley Blunt, who operates Southwestern Transportation Company in Canon City, stated he was a common carrier operating within 35 miles of Canon City, of all commodities, and to and from all points in the State. The witness vigorously protested any service in ore to and from his base area.

Shirley Avery and Henry Gilmore both testified against the granting of the authority, and their evidence was considered by the Commission.

This application is basically for transportation of ore and concentrates, together with mine timbers and supplies. We have carefully reviewed the evidence submitted at the hearing. We have carefully reviewed Decisions Nos. 24822, 32742 and 40747. Applicants are common carriers of ore. Historically, they have been the ore carriers in the Sargents-White Pine mineral area. In 1945, their predecessors purchased the ore haul out of this area from the predecessor of the Gunnison Truck Line, which authority was taken out of Certificate No. 797. That transfer split a certificate and it appears from the record that Gunnison Truck Line intended to transfer its ore and concentrate authority from a 25-mile radius of Sargents to loading and shipping points. Technically, we doubt if this was accomplished. It now appears they have sold their rights and, due to changed marketing conditions and new discoveries, have under their general commodity authority retained their ore and concentrate rights except the haul to Leadville. They are now here vigorously protesting the hauling of ore and concentrates out of this area.

Mr. Stanley Blunt, of Southwestern Transportation Company, is the call and demand common carrier of all commodities, based at Canon City, and in our judgment, is entitled to some protection. However, we must remember that applicant is also a common carrier whose service is likewise dedicated to public use, and it appears that he, also, is entitled to the hauling of ores and concentrates in his certificated area. Applicants' authority has served the mining industry within a 25-mile radius of Sargents for many years. Mining has had its ups and downs but this certificate has always been available to take care of the needs of this area for the hauling of ores and concentrates, and because their present authority does not fully cover designation points, we do not feel that the services of this certificate of public convenience and necessity should be lost to the public.

## F I N D I N G S

### THE COMMISSION FINDS:

That public convenience and necessity require the extended service of applicant company under Certificate of Public Convenience and Necessity No. 1636 as hereinafter limited in the Order, for the reasons set forth in the preceding Statement, which is made a part of these Findings, by reference.

In all other respects the application should be denied.

## O R D E R

### THE COMMISSION ORDERS:

That public convenience and necessity require the extended motor vehicle common carrier, call and demand, service of James E. Partch and Joseph E. Partch, co-partners, doing business as "Partch Brothers," Gunnison, Colorado, under PUC No. 1636, for the transportation of ore and concentrates to points within the State of Colorado from points and places within a 25-mile radius of Sargents, Colorado; mine timbers and mining supplies between points in the 25-mile radius of Sargents, Colorado, and from points in the State of Colorado to points in said area, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Hobart  
Henry E. Zallinger  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of April, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ANDRES SISNEROS )  
1213 DAWSON STREET )  
PUEBLO, COLORADO. )  
----- )

PERMIT NO. M-14670

-----  
April 27, 1959

STATEMENT

By the Commission:

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

Andres Sisneros, Pueblo, Colorado

requesting that Permit No. M-14670 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14670, heretofore issued to \_\_\_\_\_

Andres Sisneros, Pueblo, Colorado be,

and the same is hereby, declared cancelled effective October 31, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zuckerman  
Commissioner

Dated at Denver, Colorado,

this 27th day of April, 1959.

ds



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WILLIAM E. BREWER )  
BELLVUE, COLORADO. )  
----- )

PERMIT NO. M-2566

-----  
April 27, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
William E. Brewer, Bellvue, Colorado  
requesting that Permit No. M-2566 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2566, heretofore issued to \_\_\_\_\_  
William E. Brewer, Bellvue, Colorado be,  
and the same is hereby, declared cancelled effective February 28, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WILLIAM E. BREWER )  
BELLVUE, COLORADO. ) PERMIT B-4841

-----  
April 27, 1959  
-----

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-4841 be suspended for six months from February 28, 1959.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That William E. Brewer, Bellvue, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4841 until August 28, 1959.

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

*Joseph F. Negro*  
*Robert C. Jordan*  
*Henry E. Zaulinger*  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of April 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ROBERT G. MC GUIRE )  
 )  
DEL NORTE, COLORADO. )  
 )  
----- )

PERMIT NO. M-5660

-----  
April 27, 1959

STATEMENT

By the Commission:

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

Robert G. McGuire, Del Norte, Colorado

requesting that Permit No. M-5660 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5660, heretofore issued to \_\_\_\_\_

Robert G. McGuire, Del Norte, Colorado be,

and the same is hereby, declared cancelled effective February 23, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Joseph C. Nelson*  
*Henry C. Zuckerman*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,

this 27th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ROBERT G. MC GUIRE )  
DEL NORTE, COLORADO. )  
-----

PERMIT NO. B-1518

-----  
April 27, 1959  
-----

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-1518 be suspended for six months from February 23, 1959.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Robert G. McGuire, Del Norte, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-1518 until August 23, 1959.

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

*Joseph C. Tolson*  
*Henry E. Zerkow*  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of April 1959

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ROBERT G. MC GUIRE )  
DEL NORTE, COLORADO. )

PERMIT NO. B-1543

-----  
April 27, 1959  
-----

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-1543 be suspended for six months from February 23, 1959.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Robert G. McGuire, Del Norte, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-1543 until August 23, 1959.

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

*Joseph F. Negro*  
*Ralph C. Norton*  
*Henry E. Zwick*  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of April 1959.

ds

original

(Decision No. 52177)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE KANSAS-COLORADO UTILITIES, )  
INC. ) CASE NO. 5163  
----- )

-----  
April 27, 1959  
-----

S T A T E M E N T

By the Commission:

It appears that Kansas-Colorado Utilities, Inc. was a gas pipeline company subject to the jurisdiction of this Commission, for the period January 1, 1954 to and including June 18, 1956; that during said period, Kansas-Colorado Utilities, Inc. purchased gas from Colorado Interstate Gas Company, for resale to industrial customers, under Rate Schedule IS-3 of Colorado Interstate Gas Company; that said rate schedule of Colorado Interstate Gas Company contained rate increases applied by Colorado Interstate Gas Company under the provisions of the Natural Gas Act of 1938, as amended, under its Dockets Nos. G-2260 and G-2576; that as a result of a settlement of said rate case, it appears that Kansas-Colorado Utilities, Inc. received a refund under said Schedule for said period from Colorado Interstate Gas Company on the rates charged.

To date, said Kansas-Colorado Utilities, Inc. has failed to submit any plan for refund to this Commission, nor has it offered to make any refund to its customers.

It is the opinion of this Commission that the operation of Kansas-Colorado Utilities, Inc. during the period specified was subject to the jurisdiction of this Commission, and that the matter of refunds received by the Respondent is a proper subject of investigation by this Commission.

O R D E R

THE COMMISSION ORDERS:

That Kansas-Colorado Utilities, Inc., be, and it hereby is, ordered to appear at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, May 5th, 1959, at 10:00 o'clock A. M., and show cause unto this Commission whether or not it has received any moneys as refund of settlement of cases arising under Federal Power Commission Dockets Nos. G-2260 and G-2576, for the period January 1, 1954, to and including June 18, 1956, for gas purchased by the Respondent from Colorado Interstate Gas Company, under Schedule IS-3.

That in the event said Kansas-Colorado Utilities, Inc., has received any said refunds, why said moneys, or any part thereof, should not be refunded to its customers.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Higgins  
Harvey C. Holcomb  
Frank E. Mulenga  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of April, 1959.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
JOHN W. KAMP, DOING BUSINESS AS )	
"KAMP MOVING & STORAGE COMPANY," )	
1620 PLATTE STREET, DENVER, COLO- )	
RADO, FOR A CERTIFICATE OF PUBLIC )	APPLICATION NO. 16990-Extension
CONVENIENCE AND NECESSITY, AUTHORIZ- )	
ING EXTENSION OF OPERATIONS UNDER )	
PUC NO. 3628. )	

-----  
April 28, 1959  
-----

Appearances: Harold D. Torgan, Esq., Den-  
ver, Colorado, for Appli-  
cant;  
George F. Harsh, Esq., Den-  
ver, Colorado, for Thomas  
D. Lane Truck Line;  
E. B. Evans, Esq., Denver,  
Colorado, for Westway  
Motor Freight, Inc.,  
Brighton-Ft. Lupton Ex-  
press, Inc., Goldstein  
Transportation and Storage,  
Inc., Brighton-Ft. Lupton  
Transfer;  
Ed Tuxhorn, Byers, Colorado,  
for Byers-Denver Truck Line;  
Bernard E. Schilt, Esq., Den-  
ver, Colorado, for Berkeley  
Moving and Storage.

S T A T E M E N T

By the Commission:

Heretofore, John W. Kamp, doing business as "Kamp Moving & Storage Company," Denver, Colorado, was granted a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the 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,

said operating rights being designated "PUC No. 3628."



By the above-styled application, said certificate-holder seeks authority to extend operations under said PUC No. 3628, to include the right to transport new and used household goods and office furniture within a twenty-five-mile radius of Colfax and Broadway, Denver, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 7, 1959, due notice thereof being forwarded to all parties in interest.

On April 3, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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 he is owner and operator of PUC No. 3628; that he has continuously operated under said certificate since the Year 1910; that he is financially able, and possesses all necessary and special equipment required to render his proposed extended operation; that he has been rendering the service sought herein for many Commercial enterprises and individuals located in the Denver area; that he has had a vast number of requests from said enterprises to make deliveries outside the City Limits of Denver, because of the fact that the management of said enterprises negotiates many sales with persons residing outside Denver, but due to limitation of applicant's present territorial authority, he has had to refuse said requests; that he has also had many requests from persons residing both inside and outside Denver for his proposed extended service, but also, due to lack of authority, he has had to refuse same; that all requests for his services, which

are specialized in nature, have been for uncrated items; that the area surrounding Denver has had a tremendous growth during the past few years; that as a result of this growth, there has been an increased demand for transportation of commodities in the area he now seeks to serve; that if his present territorial and commodity restrictions remain the same, such restrictions will ultimately hurt his business, and impair his ability to adequately serve the public.

The instant application was strongly supported by four public witnesses, being operators of appliance stores located in Denver. Said witnesses testified they need applicant's proposed extended service, and if the instant application is granted, they will use said extended service; that applicant is a specialist in rendering this type of service; that they have used, and are now using, services of applicant on an almost exclusive basis in the City of Denver, and have found his services to be excellent; that since the area surrounding Denver is growing and developing at such a rapid rate, many of their sales now are negotiated and consummated with persons who reside outside Denver; that past experience has demonstrated the inadequacy of presently-existing carrier service to serve the area involved; that buying habits of their customers demand almost immediate shipment of the commodity involved, as soon as the sale has been consummated -- a service which only applicant has demonstrated an ability to perform.

Said application was opposed by Thomas D. Lane Truck Line, and Berkeley Moving and Storage Company. Testimony of opposing witnesses, in general, established the fact that they have the necessary equipment; are ready, willing and able to serve any customers who may desire service; that they need more business.

Thomas D. Lane, testifying in behalf of Thomas D. Lane Truck

Line, stated he has never hauled for any of applicant's witnesses, and consequently would not be hurt if authority herein sought were granted.

Jack R. Smith, representing Berkeley Moving and Storage Company, stated his company has been operating under authority containing a five-mile restriction to the City of Denver; that said restriction has not only hurt his business, but has unduly limited him from adequately serving the public.

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

Report of the Examiner recommends that applicant herein be authorized to extend operations, 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, 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 the same hereby is, approved.

That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of John W. Kamp, doing business as "Kamp Moving & Storage Company," Denver, Colorado, under PUC No. 3628, to include the right to transport new and used household goods and office furniture, between

points within a twenty-five-mile radius of the corner of Colfax and Broadway, Denver, Colorado, restricted to transportation of uncrated items, only, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph I. Myers  
Ralph C. Horton  
Henry C. Zuleygo  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of April, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
MONARCH TILE SALES OF COLORADO, )  
INC., 1301 SOUTH CHEROKEE STREET, )  
DENVER, COLORADO. )  
-----

PERMIT NO. M-15505  
CASE NO. 89624-INS.

-----  
April 28, 1959  
-----

S T A T E M E N T

By the Commission:

On April 22, 1959, the Commission entered its Order in Case No. 89624-Ins., revoking Permit No. M-15505 for failure of the above-named Respondent to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-15505 should be, and hereby is, reinstated, as of April 22, 1959, revocation order entered by the Commission on said date in Case No. 89624-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph J. Sigis  
Ralph C. Horton  
Henry E. Fairbank  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of April, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
VICTOR GRAFF, 4425 QUAY STREET, )  
WHEATRIDGE, COLORADO. )  
----- )

PUC NO. 3261  
CASE NO. 89571-INS.

-----  
April 28, 1959  
-----

S T A T E M E N T

By the Commission:

On April 22, 1959, in Case No. 89571-Ins., the Commission entered its Order revoking PUC No. 3261 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 3261 should be, and the same hereby is, reinstated, as of April 22, 1959, revocation order entered by the Commission on said date in Case No. 89571-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph A. Meyer*  
*Ralph C. Hobart*  
*George E. Zuley*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of April, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
KAYSAL, INC., 2050 HUMBOLDT )  
STREET, DENVER, COLORADO. )  
-----

PERMIT NO. M-6985  
CASE NO. 89539-INS.

-----  
April 28, 1959  
-----

S T A T E M E N T

By the Commission:

On April 22, 1959, in Case No. 89539-Ins., the Commission entered its Order, revoking Permit No. M-6985 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission by said Respondent, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

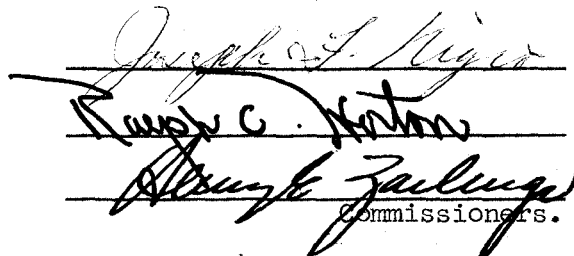
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-6985 be, and the same hereby is, reinstated, as of April 22, 1959, revocation Order entered by the Commission on said date in Case No. 89539-Ins., being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of April, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE RAMSTETTER, DOING BUSINESS AS )  
"CENTRAL CITY BUS LINE," BOX 696, )  
CENTRAL CITY, COLORADO, FOR A CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 16940

-----  
April 29, 1959  
-----

Appearances: George R. Gaubatz, Esq.,  
Idaho Springs, Colorado,  
for Applicant;  
John R. Barry, Esq., Den-  
ver, Colorado, for Con-  
tinental Bus System, Inc.;  
and Rocky Mountain Freight  
Lines;  
George F. Harsh, Esq., Den-  
ver, Colorado, for Thomas  
D. Lane Truck Lines;  
Paul M. Hupp, Esq., Denver,  
Colorado, for Denver-  
Boulder Bus Co.

S T A T E M E N T

By the Commission:

By application filed November 18, 1958, the above-named applicant seeks authority to operate as a common carrier by motor vehicle for hire, for the transportation of passengers, baggage, newspapers and light express, between Denver and Golden, and intermediate points, on the one hand, and Central City, and points intermediate, between the junction of Highways Nos. 6 and 119, and Central City, on the other hand; provided, that any shipment of express shall not exceed 65 pounds in weight and shall not be transported in any other vehicle than the vehicle used for the transportation of passengers and at rates that shall not be less than those charged by line-haul common carriers rendering the same service.



Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Central City, Colorado, March 31, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

The records and evidence disclosed that there is no passenger service available for some eight months of the year; that the passenger service available during the remainder of the year is more or less incidental to tourist transportation; that there is no denial that the need and necessity exists for the passenger service proposed.

Nora L. Scott, Director of Public Welfare, Gilpin County, testified that she handles assistance applications, makes investigations, etc.; that many times the indigent sick must be transported by private car, which results not only in delay and great inconvenience, but results also in additional expense to the public fund; that there are no doctors or dentists in Gilpin County; that what service the applicant has rendered since beginning his operations has been very satisfactory. Many other witnesses were present who, it was stipulated by counsel, would testify as to the need for passenger service. A list of such witnesses is incorporated in Exhibit A.

Witnesses testified that great inconvenience was many times experienced because of the lack of light express package service; that many times flowers were desired and could not be obtained in time.

The Town Druggist testified that on many occasions sick people with prescriptions had to wait as much as one to two days to have their prescriptions filled, because of lack of some ingredient; but, if the package service, as proposed, is available, this will be avoided.

A witness testified that there was no service for hauling newspapers for Black Hawk and Central City. No one disputed this contention.

The applicant testified that he is ready, willing and able to provide the service as proposed and the evidence bears this out, but applicant contends that he must have light express package service for the overall operation to be economically feasible.

Lane, a protestant as to the express service, testified that to grant light express to the applicant would injure his operation as he is dependent thereon. Investigation made by the Commission of Lane's records discloses that for the four month period, December 1, 1958, through March 31, 1959, there were 129 minimum shipments, with a total revenue of \$258.00; that of these, 61 shipments were of 65 pounds or less, with a total revenue of \$122.00.

It appears that if the service proposed is authorized the revenue loss to Lane is not so substantial as to offset the resulting good for the public interest resulting from the granting of the application, as such light express undoubtedly is necessary to bolster the operation to make it economically feasible.

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

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

#### 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.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle, scheduled service of George Ramstetter, doing business as "Central City Bus Line," Central City, Colorado, for the transportation of passengers, baggage, newspapers, and light

express, between Denver and Golden, and intermediate points, on the one hand, and Central City, and points intermediate, between the junction of Highways Nos. 6 and 119, and Central City, on the other hand; provided, that any shipment of express shall not exceed 65 pounds in weight and shall not be transported in any other vehicle than the vehicle used for the transportation of passengers, and at rates that shall not be less than those charged by line-haul common carriers rendering the same service, 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 this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Higgins  
Ralph C. Norton  
Henry E. Ziegler  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of April, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE S. LECHNER, DOING BUSINESS )  
AS, "LECHNER'S SERVICE STATION" )  
3835 SOUTH SHERMAN STREET )  
ENGLEWOOD, COLORADO )  
-----)

PERMIT NO. M-3626

-----  
April 30, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
George S. Lechner, Dba Lechner's Service Station, Englewood, Colorado  
requesting that Permit No. M-3626 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3626, heretofore issued to \_\_\_\_\_  
George S. Lechner, Dba Lechner's Service Station, Englewood, Colorado be,  
and the same is hereby, declared cancelled effective April 24, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Norton  
Henry E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 30th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE A. OCAMB, DOING BUSINESS AS, )  
"A - APPLIANCE REPAIR" )  
1202 WEST COLORADO AVENUE ) PERMIT NO. M-428  
COLORADO SPRINGS, COLORADO. )  
-----)

-----  
April 30, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
George A. Ocamb, Dba A-Appliance Repair, Colorado Springs, Colorado  
requesting that Permit No. M-428 be cancelled.

FINDINGS

THE COMMISSION FINDS:

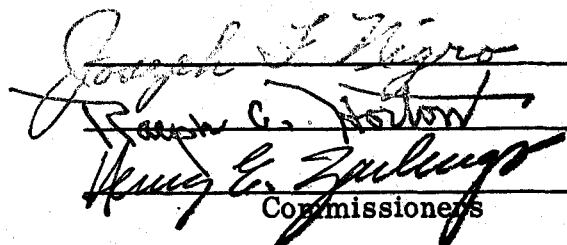
That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-428, heretofore issued to \_\_\_\_\_  
George A. Ocamb, Dba A-Appliance Repair, Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective April 23, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,

this 30th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MELVIN PETERS )  
POST OFFICE BOX 403 )  
BRUSH, COLORADO. )  
----- )

PERMIT NO. M-536

-----  
April 30, 1959

STATEMENT

By the Commission:

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

Melvin Peters, Brush, Colorado

requesting that Permit No. M-536 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-536, heretofore issued to \_\_\_\_\_

Melvin Peters, Brush, Colorado be,

and the same is hereby, declared cancelled effective April 12, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 30th day of April, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
THEODORE B. SHARKEY )  
526 KIMBARK )  
LONGMONT, COLORADO. )  
----- )

PERMIT NO. M-4873

-----  
April 30, 1959  
-----

STATEMENT

By the Commission:

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

Theodore B. Sharkey, Longmont, Colorado

requesting that Permit No. M-4873 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4873, heretofore issued to \_\_\_\_\_

Theodore B. Sharkey, Longmont, Colorado be,

and the same is hereby, declared cancelled effective May 3, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Norton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 30th day of April, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BIRKBY LUMBER COMPANY )  
120 SOUTH 5TH. STREET )  
LAMAR, COLORADO. )  
----- )

PERMIT NO. M-8983

-----  
April 30, 1959

STATEMENT

By the Commission:

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

Birkby Lumber Company, Lamar, Colorado

requesting that Permit No. M-8983 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8983, heretofore issued to \_\_\_\_\_

Birkby Lumber Company, Lamar, Colorado be,

and the same is hereby, declared cancelled effective April 15, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zwick  
Commissioners

Dated at Denver, Colorado,

this 30th day of April, 1959.

ds



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
KENLAND OIL COMPANY )  
C/O CAMERON CRUDE OIL CORPORATION )  
POST OFFICE BOX 1688 )  
TULSA 3, OKLAHOMA. )  
-----)

PERMIT NO. M-12511

-----  
April 30, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Kenland Oil Company, Tulsa, Oklahoma  
requesting that Permit No. M-12511 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12511, heretofore issued to \_\_\_\_\_  
Kenland Oil Company, Tulsa, Oklahoma be,  
and the same is hereby, declared cancelled effective April 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph G. Horton  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 30th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
PETER M. BAUM AND LE ROY BERGHORN, )  
DOING BUSINESS AS, "B-P AUTO PARTS )  
AND ACCESSORIES )  
836 GROVE STREET, DENVER 4, COLORADO )  
-----)

PERMIT NO. M-12518

-----  
April 30, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Peter M. Baum & LeRoy Berghorn, Dba B-P Auto Parts & Accessories, Denver, Colorado  
requesting that Permit No. M-12518 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12518, heretofore issued to Peter M. Baum &  
LeRoy Berghorn, Dba B-P Auto Parts & Accessories, Denver, Colorado be,  
and the same is hereby, declared cancelled effective April 10, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
James C. Gordon  
Wm. E. Zolinger  
Commissioners

Dated at Denver, Colorado,  
this 30th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
PHIL MC CLUSKEY, DOING BUSINESS AS, )  
"SILVERTON SUPPLY" )  
POST OFFICE BOX 125, )  
SILVERTON, COLORADO. )  
-----)

PERMIT NO. M-13095

-----  
April 30, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Phil McCluskey, Dba Silvertown Supply, Silvertown, Colorado  
requesting that Permit No. M-13095 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13095, heretofore issued to \_\_\_\_\_  
Phil McCluskey, Dba Silvertown Supply, Silvertown, Colorado be,  
and the same is hereby, declared cancelled effective April 25, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Robert C. Norton*  
*Wm E. Zuckerman*  
Commissioners

Dated at Denver, Colorado,

this 30th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
VINCENT E. AND A. M. HOLLAND, DOING )  
BUSINESS AS, "HOLLAND AUTO PARTS )  
302 STATE, )  
ALAMOSA, COLORADO. )  
-----)

PERMIT NO. M-13840

-----  
April 30, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Vincent E. & A.M. Holland, Dba Holland Auto Parts, Alamosa, Colorado  
requesting that Permit No. M-13840 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13840, heretofore issued to \_\_\_\_\_  
Vincent E. & A.M. Holland, Dba Holland Auto Parts, Alamosa, Colorado be,  
and the same is hereby, declared cancelled effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 30th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CARL CHRISTIANSEN )  
106 SOUTH COURT )  
ULYSSES, KANSAS. )  
----- )

PERMIT NO. M-12532

-----  
April 30, 1959

STATEMENT

By the Commission:

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

Carl Christiansen, Ulysses, Kansas

requesting that Permit No. M-12532 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12532, heretofore issued to \_\_\_\_\_

Carl Christiansen, Ulysses, Kansas

be,

and the same is hereby, declared cancelled effective April 10, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Horton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 30th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE RICHARD CARNAHAN )  
REDSTONE, COLORADO. )

PERMIT NO. M-1707

April 30, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
George Richard Carnahan, Redstone, Colorado  
requesting that Permit No. M-1707 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1707, heretofore issued to \_\_\_\_\_  
George Richard Carnahan, Redstone, Colorado be,  
and the same is hereby, declared cancelled effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zaidinger  
Commissioners

Dated at Denver, Colorado,

this 30th day of April, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
BALLENTINE PRODUCE, INC., 1200 )  
NEW U. S. HIGHWAY 64-71, ALMA, )  
ARKANSAS. )  
-----

PERMIT NO. M-12428  
CASE NO. 89479-INS.

-----  
April 29, 1959  
-----

S T A T E M E N T

By the Commission:

On April 22, 1959, in Case No. 89479-Ins., the Commission entered its Order, revoking Permit No. M-12428 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-12428 be, and it hereby is, reinstated, as of April 22, 1959, revocation Order entered by the Commission on said date in Case No. 89479-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Meyer  
Ralph C. Holton  
Allen E. Adams  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of April, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
CARL QUINN, P. O. BOX 415, GREEN )	PERMIT NO. M-766
MOUNTAIN FALLS, COLORADO. )	CASE NO. 89809-INS.
----- )	

-----  
April 29, 1959  
-----

S T A T E M E N T

By the Commission:

Heretofore, on April 22, 1959, in Case No. 89809-Ins., the Commission entered its Order, revoking Permit No. M-766 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission by said Respondent, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-766 be, and it hereby is, reinstated, as of April 22, 1959, revocation order entered by the Commission on said date in Case No. 89809-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph T. Quinn*  
*Joseph C. Horton*  
*Henry E. Scales*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of April, 1959.

ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. E. KELLOGG AND W. J. MOON, CO- )  
PARTNERS, DOING BUSINESS AS )  
KELLOGG GRAIN COMPANY TRUCK DIV- )  
ISION," 4661 BRIGHTON BOULEVARD, )  
DENVER, COLORADO, FOR AUTHORITY TO )  
TRANSFER INTERSTATE OPERATING RIGHTS )  
TO KELLOGG GRAIN CO. TRUCK DIV., A )  
CORPORATION, 4661 BRIGHTON BOULEVARD, )  
DENVER, COLORADO. )  
-----)

PUC NO. 4274-I-Transfer

-----  
April 29, 1959  
-----

S T A T E M E N T

By the Commission:

Heretofore, J. E. Kellogg and W. J. Moon, co-partners, doing business as "Kellogg Grain Co. Truck Div.," Denver, Colorado, were granted a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, in interstate commerce, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Said certificate-holders now seek authority to transfer said operating rights to Kellogg Grain Co. Truck Div., Denver, Colorado, a corporation.

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

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

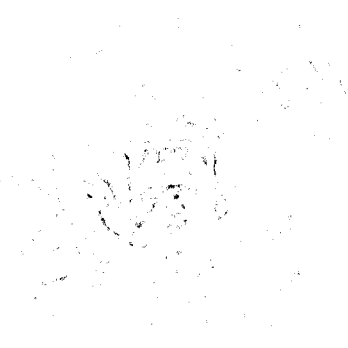
THE COMMISSION ORDERS:

That J. E. Kellogg and W. J. Moon, co-partners, doing

business as "Kellogg Grain Co. Truck Div.," Denver, Colorado, should be, and hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 4274-I to Kellogg Grain Co. Truck Div., a corporation, Denver, Colorado, 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

  
Joseph F. Steyer  
Joseph G. Horton  
Samuel E. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of April, 1959.

ea

original

(Decision No. 52197)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRANK POTOKER, 1227 BEULAH, PUEBLO, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 2458 TO PUEBLO MILK TRANS- ) APPLICATION NO. 16944-Transfer  
PORT, INC., 824 MAJESTIC BUILDING, )  
DENVER, COLORADO. )  
-----)

IN THE MATTER OF THE APPLICATION OF )  
THOMAS C. BELL AND DELLA LEE BELL, )  
CO-PARTNERS, WETMORE, COLORADO, FOR )  
AUTHORITY TO TRANSFER PERMIT NO. ) APPLICATION NO. 16945-PP-Transfer  
B-3079 TO PUEBLO MILK TRANSPORT, )  
INC., 824 MAJESTIC BUILDING, DENVER, )  
COLORADO. )  
-----)

-----  
April 30, 1959  
-----

Appearances: Paul M. Hupp, Esq., Denver,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

The above-styled applications by Pueblo Milk Transport,  
Inc., and Frank Potoker and Thomas C. Bell and Della Lee Bell,  
seek authority to transfer PUC No. 2458, held by said Frank  
Potoker, which provides:

transportation of milk and cream and other  
dairy products, to Pueblo, Colorado, from the  
following-described territory, together with  
back-haul of empty containers: beginning at  
a point 10 miles north of Pueblo, Colorado;  
thence west 30 miles; thence south 20 miles;  
thence east approximately 60 miles to State  
Highway No. 167; thence south to a point 10  
miles south of U. S. Highway No. 50; thence  
east along a line parallel to U. S. Highway  
No. 50 and 10 miles south thereof to a point  
directly south of Manzanola; thence north to  
Manzanola; thence north along the middle of  
State Highway No. 207 to Crowley; thence  
north to the intersection of a line drawn  
east and west 10 miles north of Pueblo, Colo-  
rado; thence westerly along said line to the  
point of beginning,

and Permit No. B-3079, held by Thomas C. Bell and Della Lee Bell, which provides:

transportation of milk to Pueblo, from farms within a radius of  $7\frac{1}{2}$  miles of Wetmore, and from farms within a distance of 3 miles of State Highway No. 96 between Wetmore and Pueblo, with back-haul of empty cans and feed from Pueblo to said farms; transportation of milk from farms within a radius of five miles of Florence to Pueblo, with back-haul of empty cans,

to Pueblo Milk Transport, Inc..

Said applications, pursuant to prior setting, after appropriate notice to all parties in interest, were heard at the Court House, Pueblo, Colorado, April 1, 1959, and at the conclusion of the evidence, the matters were taken under advisement.

Pueblo Milk Transport, Inc. is a newly-formed corporation, for the purpose of assuming the operation of the certificate and permit herein sought to be transferred. It is owned by the same stockholders who own Colorado Milk Transport, which is a large operator that carries on its business in Northern Colorado.

Kenneth Martin, who is the President of Pueblo Milk Transport, Inc., is an experienced, efficient operator, as has been proven by his operation of Colorado Milk Transport.

The training and experience of the transferee, by virtue of its management by Mr. Kenneth Martin and others involved with Colorado Milk Transport, certainly provides sufficient evidence to establish the ability of the transferee to serve the public.

The question of financial responsibility, however, poses a very different and more grave question.

Pueblo Milk Transport, Inc. purports to have assets of \$8,250.00, consisting of \$7,000 value in operating rights, which it seeks to acquire by virtue of the applications here, and \$1,250.00 in cash, which are amounts receivable in the sale of stock. Its total liabilities amount to \$7,000 for the purchase of the operating rights,

leaving a net worth of \$1,250.

Since this is a corporation, no personal liability is attached to any stockholder or officer of the corporation. Thus at first blush, it would appear that the financial responsibility of transferee is rather precarious.

Giving some consideration, however, to the fact that Mr. Martin enjoys a good reputation and financial responsibility, and that he is agreeable to certain restrictions in the operation of his company, as a condition of transfer, the doubt regarding financial responsibility can be reasonably mitigated.

Mr. Martin testified that he will immediately file a new schedule of tariffs that will effect a decrease in rates for shippers.

In view of all of these circumstances, we deem that the transfer is in the public interest.

In order to protect the public, however, we feel that as a condition of accepting the transfer, Pueblo Milk Transport, Inc. must be restricted in some of its financial operations until its financial condition becomes more stabilized. We do not believe that any salaries should be paid to any officer of the corporation. Wages and expenses to be paid employees shall be limited only to those who are performing operational services for the company in the regular course of business, and not as officers of the corporation.

We believe that no dividend should be paid, and that the Pueblo Milk Transport, Inc. should not be permitted to acquire any other authorities, save and until the debt ratio of the company is no greater than fifty per cent.

There arises another question in this transfer on the comingling of a private carrier and a common carrier authority, and the use of one truck. This practice ordinarily is not permitted by the Commission. It is our opinion that if this transfer is to be

authorized, it should be allowed only under a common carrier authority. We accordingly will hereafter enter an order that will incorporate the pertinent parts of the Class "B" permit in the common carrier authority, and we shall then cancel the remainder of the private carrier authority. Conversion of the non-overlapping parts of the Class "B" authority to a common carrier authority, and the cancellation of the balance, we feel is likewise a condition of this transfer.

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

##### THE COMMISSION FINDS:

That the proposed transfers are compatible with the public interest and should be authorized, subject to the conditions hereinafter set forth.

#### O R D E R

##### THE COMMISSION ORDERS:

That Frank Potoker, Pueblo, Colorado, be, and he hereby is, authorized to transfer and sell unto Pueblo Milk Transport, Inc., PUC No. 2458, subject to the conditions hereinafter set forth.

That Thomas C. Bell and Della Lee Bell, Wetmore, Colorado, be, and they hereby are, authorized to transfer Permit No. B-3079 to Pueblo Milk Transport, Inc., subject to the conditions hereinafter set forth.

That said transfers shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said certificate and 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 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.

The right of transferee to operate under this Order shall depend upon its 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.

That from and after the date of the acceptance of this transfer, subject to the Commission's Order, PUC No. 2458 shall read as follows:

Transportation of milk and cream and other dairy products, to Pueblo, Colorado, from the following-described territory, together with back-haul of empty containers:

beginning at a point 10 miles north of Pueblo, Colorado; thence west 30 miles; thence south 20 miles; thence east approximately 60 miles to State Highway No. 167; thence south to a point 10 miles south of U. S. Highway No. 50; thence east along a line parallel to U. S. Highway No. 50 and 10 miles south thereof to a point directly south of Manzanola; thence north to Manzanola; thence north along the middle of State Highway No. 207 to Crowley; thence north to the intersection of a line drawn east and west 10 miles north of Pueblo, Colorado; thence westerly along said line to the point of beginning;

transportation of milk to Pueblo, from farms within three miles of State Highway No. 96 between Wetmore and Livesley, with back-haul of

empty cans, and feed from Pueblo to said farms;  
transportation of milk from farms within a  
radius of five miles of Florence, to Pueblo,  
with the right to back-haul empty cans.

That as of the date of the acceptance of this transfer  
by Pueblo Milk Transport, Inc., Permit No. B-3079 be, and the same  
is hereby, revoked and cancelled.

That as a condition of accepting this transfer, Pueblo  
Milk Transport, Inc. shall not pay any salary or expenses to any  
officer; it shall not declare any dividend or acquire any additional  
operating rights, save and until its debt ratio shall be reduced to  
no greater than fifty per cent, and then only upon authority of this  
Commission; that all wages paid to employees shall be consistent  
with similar wages paid in the area for similar services, and shall  
be restricted to services rendered by employees in the ordinary  
course of business, and not as officers of the corporation.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Hobart*  
*Henry E. Anderson*  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of April, 1959.

mls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LESTER MAST AND BERYL BOWKER, )  
CO-PARTNERS, DOING BUSINESS AS )  
"L & D MARKET," 204 EAST SECOND, )  
JULESBURG, COLORADO. )  
-----

PERMIT NO. M-11251  
CASE NO. 89754-INS.

-----  
April 30, 1959  
-----

S T A T E M E N T

By the Commission:

On April 22, 1959, in Case No. 89754-Ins., the Commission entered its Order, revoking Permit No. M-11251 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

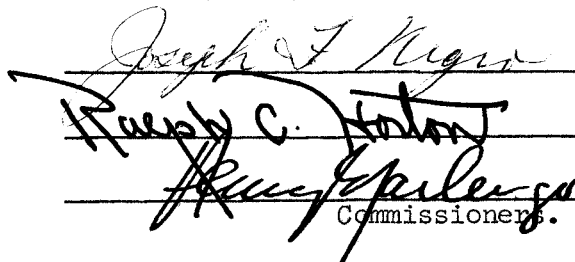
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-11251 should be, and the same hereby is, reinstated, as of April 22, 1959, revocation order entered by the Commission on said date in Case No. 89754-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of April, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ROY IRISH, 8600 NORTH ZUNI )  
STREET, DENVER, COLORADO. )  
-----

PERMIT NO. M-11034  
CASE NO. 89456-INS.

-----  
April 30, 1959  
-----

S T A T E M E N T

By the Commission:

On April 22, 1959, in Case No. 89456-Ins., the Commission entered its Order, revoking Permit No. M-11034 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that said Respondent has made proper insurance filing with the Commission, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-11034 be, and the same hereby is, reinstated, as of April 22, 1959, revocation order entered by the Commission on said date in Case No. 89456-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Norton*  
*Harry J. ...*  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of April, 1959.

mls

original

(Decision No. 52200)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN B. ABLE, DOING BUSINESS AS )  
"MONTEZUMA TRUCK LINE," DURANGO, )  
COLORADO, FOR AUTHORITY TO TRANSFER ) APPLICATION NO. 16786-Transfer  
TO W. F. CHRISTENSEN, 305 EAST )  
BROADWAY, FARMINGTON, NEW MEXICO, )  
A PORTION OF PUC NO. 360. )  
----- )

IN THE MATTER OF THE APPLICATION OF )  
JOHN B. ABLE, DOING BUSINESS AS )  
"MONTEZUMA TRUCK LINE," DURANGO, )  
COLORADO, FOR AUTHORITY TO TRANSFER ) APPLICATION NO. 16787-Transfer  
PUC NO. 848 TO W. F. CHRISTENSEN, )  
305 EAST BROADWAY, FARMINGTON, NEW )  
MEXICO. )  
----- )

SUPPLEMENTAL ORDER

-----  
April 30, 1959  
-----

Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for Applicants;  
Howard Yelverton, Denver, Colo-  
rado, for Goldstein Trans-  
portation and Storage, Inc.,  
as his interest may appear;  
McKelvey and McKelvey, Esqs.,  
Durango, Colorado, for Durango  
Transfer and Storage Company.

S T A T E M E N T

By the Commission:

The above-styled applications were regularly set for hearing before the Commission, at the Court House, Durango, Colorado, February 18, 1959, due notice thereof being forwarded to all parties in interest.

Prior to the time set for hearing of said applications, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of said Examiner states that at the time and place designated for hearing, applicants herein requested dismissal of Application No. 16787. Thereupon, hearing was held on Application No. 16786 only.

Report of the Examiner further states that at the hearing, John B. Able, owner of PUC Nos. 360 and 848, which he operates under the name "Montezuma Truck Line," being transferor herein, appeared and testified in behalf of the instant application to transfer portions of PUC No. 360, stating he proposes to transfer portions of PUC No. 360 which provide for general cartage business within the City Limits of Cortez, Colorado, and transportation of household goods and office furniture and equipment between points within a radius of fifty miles of Cortez, Colorado, and from said area to other points in the State of Colorado, subject to restrictions contained in said PUC No. 360; that if said transfer is approved by the Commission, he will be restricted against rendering service as contained therein; that he has rendered the type of service sought to be transferred in the territory involved herein; that the total consideration for said transfer is \$10,000, all of which has been paid; that there are no outstanding unpaid operating obligations against said operations; that the public interest would be enhanced by said transfer, because transferee will furnish superior experience, special personnel and equipment.

W. F. Christensen, transferee herein, also appeared and testified in support of the application, stating that by virtue of authority granted by the State of New Mexico, he had considerable experience in the field of household goods and office furniture and equipment moving business in that State; that if authorized, he will establish and operate a warehouse in Cortez, Colorado, from which he will conduct operations; that he has a net worth of \$167,000, statement thereof being on file with the Commission; that he has ample, suitable, and specialized equipment with which to conduct operations; that he has experienced personnel ready to step in and assist, if and

when this Commission gives authority herein sought; that consideration for transfer of said operating rights is the sum of \$10,000, all of which has been paid.

Sherman Montgomery, Mayor pro tem of Cortez, Colorado, and a banker and real estate man of said city, appeared and testified in support of the instant application. His testimony disclosed that transferee has vast experience in the field in which he is seeking to engage; that the City of Cortez is growing rapidly; that as a result of such growth, many new people are moving into said city, thereby creating construction of new homes and establishment of new business enterprises; that said city needs the service the instant transfer would establish; that, in his opinion, the public interest would be better served if the Commission would grant authority herein sought.

J. H. Strahan, doing business as "Durango Transfer and Storage Company," appeared in protest to the granting of authority herein sought. His testimony disclosed he is owner and operator of PUC No. 1886, with operations based at Durango, Colorado; that he has adequate equipment and ample personnel to render service herein involved; that he maintains a business listing in the Cortez Telephone Directory. In comparing his service with that proposed by transferee herein, his testimony disclosed that transferee could render a better and more adequate service. Protestant did not introduce any evidence to establish that transferee was not a fit and proper person, and that he was not financially able to carry on said operations, and that transfer herein sought would not be in the public interest.

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

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

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

##### THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part

of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the proposed transfer is compatible with the public interest, and should be authorized, 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 John B. Able, doing business as "Montezuma Truck Line," Durango, Colorado, should be, and he hereby is, authorized to transfer a portion of PUC No. 360 to W. F. Christensen, doing business as "Cortez Transfer and Storage," Farmington, New Mexico, said operating rights to be assigned a new number, and to read as follows:

"Transportation of general commodities between points in Cortez, Colorado; and the transportation of household goods and office furniture and equipment, between points within a radius of fifty miles of Cortez, Colorado, and from said area, to and from other points in the State of Colorado, save and except that no authority is granted to transport commodities between points now served by scheduled motor truck common carriers."

That operating rights retained by transferor herein under PUC No. 360 and PUC No. 360-I shall be as follows:

"Transportation of freight, except household goods and office furniture and equipment, between points in the territory bounded on the west by the Colorado-Utah State Line, on the south by the Colorado-New Mexico State Line, and on the north and east by a line running through Dolores and Mancos; provided, however, that he shall not engage in transporting freight between the Towns of Cortez, Mancos, and Dolores, or any of them.

"Transportation of all commodities, except household goods and office furniture and equipment, into, out of, and between points within a fifty-mile radius of Cortez, Colorado, and from said area to and from other points in the State of Colorado, save and except that no authority is granted applicant to transport commodities between points now served by scheduled motor truck common carriers, with the exception of livestock and farm products, with the further restriction of no service to be performed between points in Cortez, Colorado.

"Between all points in the State of 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."

That, upon consummation of transfer of operating rights herein authorized, all conflicting authority contained under PUC No. 848 shall be cancelled and revoked, so that in the future, operating rights under said PUC No. 848 shall read as follows:

"Transportation, not on schedule, of farm products, including livestock, and farm supplies, including feed, building materials, farm machinery and equipment, and coal, sand, gravel, and road contractors' supplies, machinery and equipment, from point to point in an area extending fifty miles north and thirty miles east of Dolores, Colorado, and the Colorado State Line on the south and west, and from and to points in said area, to and from points in the State of Colorado, provided, however, that applicant shall not establish a line-haul service on schedule under this Order, and shall not transport merchandise, or otherwise operate in competition with certificated line-haul common carriers, and shall not engage in transportation of any commodities between points within the City of Cortez, Colorado."

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 the Commission.

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

transfer of said certificate.

That Application No. 16787 should be, and the same hereby  
is, dismissed, upon request of applicants therein.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Horton  
Henry E. Salinger  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of April, 1959.

ea



\* \* \*

IN THE MATTER OF THE APPLICATION OF  
WALES TRUCKING COMPANY, 319 FOREST  
AVENUE, DALLAS, TEXAS, FOR AUTHOR-  
ITY TO TRANSFER PUC NO. 1826 TO  
B. F. WALKER, INC., 100 WEST SEVENTH  
STREET, FORT WORTH, TEXAS.

-----

APPLICATION NO. 16873-Transfer  
SUPPLEMENTAL ORDER

April 30, 1959

Appearances: Truman A. Stockton, Jr., Esq.,  
Denver, Colorado, for  
Transferor and Transferee;  
Carll V. Kretsinger, Esq.,  
Kansas City, Missouri,  
for J. L. Cox & Son, Inc.,  
and J. O. "Red" Willett  
Pipeline Stringing Cor-  
poration;  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for  
Stanton Transportation  
Company.

## S T A T E M E N T

**By the Commission:**

By Decision No. 51840, dated March 4, 1959, the Commission authorized the transfer of Certificate of Public Convenience and Necessity No. 1826 from Wales Trucking Company, the transferor herein, to B. F. Walker, Inc., the transferee.

Subsequently, on March 13, 1959, Stanton Transportation Company, a protestant herein, by its attorney, filed application for rehearing. This application for rehearing was set for Oral Argument on April 28, 1959, at 330 State Office Building, Denver, Colorado, at which time and place said argument was heard.

The Commission has reviewed the evidence adduced at the hearing on said application, has carefully considered the petition for rehearing filed herein and each and every allegation thereof, and the arguments of counsel, and is of the opinion that said petition should be denied.

F I N D I N G S

THE COMMISSION FINDS:

That Petition for Rehearing filed herein by Stanton Transportation Company should be denied.

The Commission further finds that the transfer of the above certificate is in the public interest.

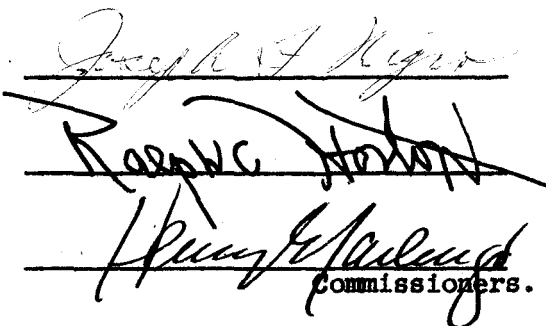
O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing in the above-styled matter, filed by Stanton Transportation Company, by its attorney, should be, and the same is hereby, denied.

This Order shall become effective on the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of April, 1959.

ea

original

(Decision No. 52202)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
MARKET STREET TRANSFER & STORAGE )	
CO., INC., 1615 MARKET STREET, )	
DENVER, COLORADO, FOR A CERTIFI- )	<u>APPLICATION NO. 16880</u>
CATE OF PUBLIC CONVENIENCE AND NE- )	
CESSITY TO OPERATE AS A COMMON )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
May 1, 1959  
-----

Appearances: Stanford L. Hyman, Esq.,  
Denver, Colorado,  
for Applicant;  
Raymond B. Danks, Esq.,  
Denver, Colorado, for  
Colorado Transfer &  
Warehousemen's Asso-  
ciation, and Weicker  
Transfer and Storage  
Company; Centennial  
Truck Lines.

S T A T E M E N T

By the Commission:

On January 21, 1959, Market Street Transfer & Storage Co., Inc., a corporation, filed its application for an order authorizing the granting of a certificate of public convenience and necessity to transport general commodities as a common carrier in and within a ten-mile radius of the City and County of Denver, State of Colorado.

The above application was regularly set for hearing, at 330 State Office Building, Denver, Colorado, on March 9, 1959. After the matter had been called for hearing, applicant asked to have the matter continued to a date convenient to the Commission. There being no serious objection, the matter was so continued by Decision No. 51873.

On April 7, 1959, Application No. 16880 was reset for hearing on April 20, 1959, at 330 State Office Building, Denver, Colorado, with notice to all parties in interest, at which time and

place the above application was heard, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, several witnesses appeared in support of the application, and it will be our purpose to briefly review and summarize the testimony:

L. O. Wells, of 1615 Market Street, Denver, Colorado, testified that he was the President of applicant company and identified Exhibit A, which was the Articles of Incorporation of the applicant company that had been duly filed with the Secretary of State, and a copy of which was submitted at the hearing. The witness states that he has been in business for twenty-five years, in Denver, operating a wholesale fruit and storage business. By virtue of this operation, he is experienced in the operation of motor vehicles as he obtained a commercial carrier permit for that operation, and as a result is familiar with the rules and regulations of the Public Utilities Commission. He states he has acquired three pieces of equipment which he will use in his proposed operation, and if additional equipment is needed, is financially able to purchase same. It appears that the witness now owns a warehouse at 1615 Market Street in Denver which is leased to the corporation and will be used in conjunction with applicant's proposed operation. The witness further states that in connection with his warehouse he will handle fruits and vegetables and desires authority to pick up and deliver these vegetables to points in the Metropolitan area of Denver, which territory he has determined in his application would be within a ten-mile radius of Denver. The witness states he has contacted various customers located in the vicinity of his warehouse who promised him a portion of their business in transporting frozen foods, etc., if said application is granted. On cross-examination, the witness stated that he had no prospective customers who were interested in the transportation of household goods.

Jack Turner, who is in the business of selling fruit products, consisting principally of fruit and eggs, located at 1845 Wazee Street, Denver stated he has four  $1\frac{1}{2}$ -ton trucks which they use for deliveries; that on occasion he has rented equipment from rental companies and hires extra drivers from the employment service. In those instances, the witness stated he would use the proposed service of applicant. The witness contends that applicant's place of business is only three blocks from his place of business, and would provide a handy service for him if the application is granted.

Irving Wasko, who is connected with the Lamar Produce Company at 1637 Market Street, is in the business of distributing poultry and eggs as a wholesaler in Denver. He has two pieces of equipment which he uses for deliveries, and there would be times that he, too, would like the proposed service of applicant during rush deliveries. Other testimony corroborated the testimony of Witnesses Wasko and Turner.

We have briefly reviewed the testimony of applicant's witnesses. Several protestants appeared protesting the granting of the application, among whom were Hubert Work, Executive Vice-President of Weicker Transfer and Storage Company. This witness states his company is in the business of making deliveries in Denver and the Metropolitan area; that they have many pieces of equipment and that said equipment has not been kept busy; that they solicited business by advertisement in the Telephone Directory, on radio, and personal solicitation; that they can take care of the business mentioned by the witnesses who testified in support of the application; that his company is anxious to get more business, and the witness stated that there is ample service available in Denver to take care of all transportation needs asked for by applicant.

Clarence Marlowe, of Morgan Transfer and Storage Company, corroborated the testimony of Mr. Work.

Other witnesses appeared, viz., Howard D. Hicks, of Centennial Truck Lines; Kenneth Williamson, of Westway Motor Freight;

and R. D. Wolford, of Navajo Freight Lines. They all testified as to the service they are authorized to render in Denver and the Metropolitan Area, and the service they were now giving under their authority.

The Commission has carefully reviewed the evidence, and is of the opinion that there is ample service now in Denver to take care of the transportation needs asked for in the instant application. No doubt a grant of authority to perform the proposed service would be a convenience to the applicant and to the shipper-witnesses who appeared before the Commission. The question of public convenience and necessity is, in substance, whether or not the new service will serve a useful purpose responsive to a public demand or need. Before an additional carrier may be granted authority to compete with existing carriers there should be convincing evidence that there is not adequate existing service available. No such showing has been made here. To hold otherwise would chart a course that would result in a highly competitive condition that would render regulation ineffectual where the strong could gobble the weak, with the public interest being the prime victim.

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

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Walter C. Horton*  
*Alvin G. Selinger*  
Commissioners

Dated at Denver, Colorado,  
this 1st day of May, 1959.  
ea

original

(Decision No. 52203)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PETITION OF )	
THE DENVER AND RIO GRANDE WESTERN )	
RAILROAD COMPANY, TO WITHDRAW ITS )	<u>INVESTIGATION AND SUSPENSION</u>
AGENCY AT AUSTIN, COLORADO. )	<u>DOCKET NO. 417</u>
----- )	

-----  
April 30, 1959  
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S T A T E M E N T

By the Commission:

On November 28, 1958, The Denver & Rio Grande Western Railroad Company, by W. G. Horner, Superintendent of Transportation, filed its petition under Rule No. 6 of the Commission's Rules and Regulations Pertaining to Railroads Operating in the State of Colorado, requesting authority to withdraw its Agency at Austin, Delta County, Colorado, effective December 30, 1958.

Subsequent to the posting of public notice in accordance with the Commission's rules herein, numerous protests were filed with the Commission indicating that the proposed action will cause great inconvenience to the residents of Austin and adjacent area. Thereafter, the Commission, by its Decision No. 51474, dated December 24, 1958, suspended the effective date of the proposed station closing for one hundred and twenty (120) days, or until April 30, 1959, and ordered that an investigation be made in the matter.

The matter was set to be heard on Wednesday, April 8, 1959, at the Court House in Montrose, Colorado. However, due to press of legislative duties, counsel for Protestants requested that the hearing date be vacated and reset to a later date. That request was granted.

It appears now that another hearing date cannot be established before April 30, 1959, and a further suspension will be required.

F I N D I N G S

THE COMMISSION FINDS:

That the withdrawal of the Agency Service at Austin, Colorado, should be further suspended for a period of ninety (90) days from April 30, 1959, or until July 29, 1959.

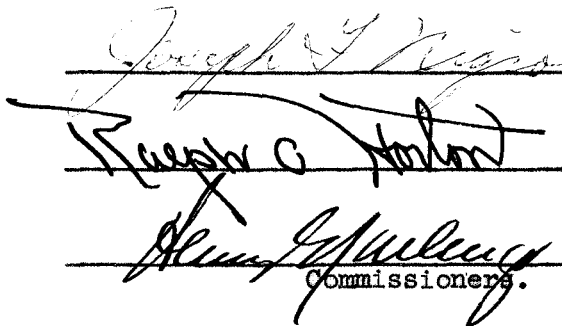
O R D E R

THE COMMISSION ORDERS:

That the effective date of the proposed Agency removal at Austin, Delta County, Colorado, be, and it hereby is, further suspended for a period of ninety (90) days from April 30, 1959, or until July 29, 1959, unless otherwise ordered.

That a copy of this Order be filed with the application herein, and a copy hereof be served on T. A. White, Esq., Rio Grande Building, Denver, Colorado, Attorney for Applicant; and the following protestants herein: W. M. Epstein, General Chairman, The Order of Railroad Telegraphers, 633 Cooper Building, Denver 2, Colorado; Gay C. Williamson, General Merchandise, Austin, Colorado; Benson Palmer, Palmer & Co., Cedaredge, Colorado; Ferris M. Green, Superintendent, Agricultural Experiment Station, Austin, Colorado; Mr. and Mrs. Kenneth E. Cole, Local Grocery Store, Box 506, Austin, Colorado; Wendall Williamson, Austin, Colorado; Helge Hulteen, Antelope Hill Orchards, Austin, Colorado, and I. E. Williamson, Austin, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of April, 1959.  
ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LINCOLN CAB, INC., 7407 GRANDVIEW, )  
ARVADA, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY, ) APPLICATION NO. 17007-Extension  
AUTHORIZING EXTENSION OF OPERATIONS )  
UNDER PUC NO. 3768. )  
- - - - - )

- - - - -  
May 4, 1959  
- - - - -

Appearances:   Gelt and Grossman, Esqs.,  
                  Denver, Colorado, and  
                  Stockton, Linville and Lewis,  
                  Esqs., Denver, Colorado,  
                  for Applicant;  
                  Walter M. Simon, Esq., Denver,  
                  Colorado, for Yellow Cab,  
                  Inc., Checker Cab Company,  
                  Aurora Cab Company, Engle-  
                  wood Cab Company, Derby  
                  Cab Company, and Publix  
                  Cab Company;  
                  Charles E. Williams, Esq.,  
                  Boulder, Colorado, for  
                  Boulder Stage Lines, Inc.;  
                  John F. Mueller, Esq., Denver,  
                  Colorado, for Zone Cab  
                  Company.

S T A T E M E N T

By the Commission:

Lincoln Cab, Inc., 7407 Grandview Avenue, Arvada, Colo-  
rado, the applicant herein, is the owner of a certificate of public  
convenience and necessity which, generally, authorizes the trans-  
portation of:

Passengers and their baggage in taxicab service  
as follows: Between all points and places in  
Jefferson and Boulder Counties within a fifteen-  
mile radius of Arvada, Colorado, excluding pickup  
service within a nine-mile radius of Boulder,  
Colorado, reserving, however, the right to return  
passengers on a round-trip basis as long as the  
waiting period is not to exceed one hour; also  
excluding pickup of passengers south of Thirty-  
eighth Avenue, Denver, Colorado, reserving, how-  
ever, the right to return passengers on a round-  
trip basis, as long as the waiting period is not

to exceed one hour; restricted to the use of two vehicles, said vehicles to be seven-passenger automobiles, excluding driver; tariff of rates shall be the same as those in effect in the Metropolitan Denver Area.

On February 11, 1959, the applicant herein filed its application to extend its certificate of public convenience and necessity to include the transportation of passengers and their baggage, in taxicab service, on call and demand, (1) between all points and places in Jefferson, Boulder and Adams Counties, Colorado, within a fifteen-mile radius of Arvada, Colorado; and (2) between points in said area on the one hand, and, on the other, points within fifty miles of Arvada, Colorado, without the right to furnish sightseeing service, and further restricted against the picking up of passengers within a nine-mile radius of Boulder, Colorado (reserving, however, the right to return passengers on a round-trip basis, as long as the waiting period does not exceed one hour), and further restricted to the use of four vehicles, said vehicles to be seven-passenger automobiles, excluding driver.

The above application was regularly set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on April 24, 1959, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is presently operating under his certificate of public convenience and necessity, and has done so continuously since the issuance of said certificate. He operates two taxicabs, maintains a secretarial telephone service, and it appears that applicant corporation has a net worth of approximately \$6,000.

Witness Hedden, President and General Manager of applicant company, testified as to his operations, and due to the business, feels the restriction limiting his operations should be raised to four taxicabs to take care of the business in the Arvada area. The witness states the authority is not clear, as it does not clearly state his authority and, in his judgment, is ambiguous. The witness

further states the service offered is from his base area to Denver and a local service in his certificated area.

It appears a stipulation was entered into at the original hearing, wherein he interpreted that he was restricted to pickup of passengers west of 38th Avenue extended beyond the Denver City Limits. This statement was corroborated by representatives of Yellow Cab, Inc., and its associated companies.

The evidence discloses that applicant has had numerous requests for service in Lakewood and Westminster. Several public witnesses appeared in support of the application, among whom were the following: Robert McCormick, 1363 Pierce Street, Secretary of the Industrial Development Committee of the Jefferson County Chamber of Commerce, Miles H. Gray, President of the Arvada Chamber of Commerce, and other public witnesses. The substance of their testimony was to the effect that the service from Denver to the area by the Denver taxicab carriers was excellent, but the evidence indicated that the service between points in the area was not good, and was not satisfactory. The witnesses stated that the local service of applicant was good, but at times he was too busy and there was a delay in securing local service, and this was particularly true in bad weather.

At the conclusion of the evidence on behalf of the application, applicant, through his attorney, asked to amend his application in the following particulars, by adding, to-wit: "That portion of the fifteen-mile radius in Adams County lying on or west of U. S. Highway No. 87." This amendment was permitted by the Commissioner taking the hearing.

Fay S. Elliott, of Yellow Cab and its affiliate companies, and James Shannon, of Zone Cab, testified as to the service offered by their respective companies, both vigorously protesting the granting of any extension for fear that it would tend to take business from their operations. Their testimony indicated they were presently giving service to the area and that their service would be improved in the future.

In considering this application, we recognize that applicant is a certificated motor vehicle common carrier, authorized to transport passengers and their baggage, domiciled in Arvada. This Commission, by Decision No. 47944, dated May 23, 1957, determined that public convenience and necessity demanded a taxicab service. It appears to the Commission that through some mistake the authority granted on said date by the above-numbered decision did not fully reflect the need of that area for taxicab service. However, the Commission did find that public convenience and necessity required a taxicab service catering to the needs of the residents of a suburban area of Denver surrounding Arvada. It now appears that applicant is here before the Commission not only to extend that authority but to also clarify it.

The Commission is of the opinion that the authority under Certificate of Public Convenience and Necessity No. 3768 should be modified and extended, to fill the needs of a fast-growing Denver suburb.

### 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 require the clarification and extension of Certificate of Public Convenience and Necessity No. 3768.

That the authority hereinafter granted encompasses and contains all of the territory now owned by applicant under Certificate No. 3768.

### O R D E R

#### THE COMMISSION ORDERS:

That public convenience and necessity require the extended common carrier motor vehicle, call and demand service of Lincoln Cab, Inc., Arvada, Colorado, for the transportation of passengers and their

baggage, in taxicab service, between points and places in Jefferson and Boulder Counties, and that part of Adams County lying west of U. S. Highway No. 87, when all of the same come within a fifteen-mile radius of the intersection of Wadsworth and Grandview Avenues, in Arvada, and from said area to Denver, with the right to return round-trip passengers when the waiting period does not exceed one hour; Provided, that there be no pick up of passengers within a nine-mile radius of Boulder, and within that part of the above-described area lying south of Colfax Avenue, for delivery to Denver, said operations to be restricted to the use of four vehicles, and that all authority now contained in Certificate No. 3768, be, and the same is hereby, cancelled and revoked, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That in all other respects the application is denied.

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 the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Johnson*  
*Henry J. Pauling*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of May, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PROTEST OF )  
DENVER-COLORADO SPRINGS-PUEBLO )  
MOTORWAY, INC., A COMMON CARRIER, )  
OF PROPOSED LOCAL SIGHTSEEING )  
TARIFF NO. 96, COLORADO P.U.C. )  
NO. 97, FILED BY COLORADO TRANS- )  
PORTATION COMPANY, DBA ROCKY )  
MOUNTAIN MOTOR COMPANY (DENVER )  
CAB COMPANY DIVISION) DENVER, )  
COLORADO. )  
-----

I & S NO. 421

-----  
April 30, 1959  
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S T A T E M E N T

By the Commission:

There has been filed with the Public Utilities Commission of the State of Colorado by the Colorado Transportation Company, DBA Rocky Mountain Motor Company (Denver Cab Company Division), Denver, Colorado, a new tariff containing schedules stating new individual rates to become effective on the first day of May, 1959, designated as follows:

Colorado Transportation Company DBA Rocky Mountain Motor Company (Denver Cab Company Division), Denver, Colorado, Local Sightseeing Tariff No. 96, Naming Round Trip Party Sightseeing Fares from Denver to North Entrance of United States Air Force Academy, Through Academy Grounds, Out South Entrance of United States Air Force Academy, to Colorado Springs, and Return to Denver.

The said tariff provides the following fares:

15 Passengers - 29 Passengers, incl. - - - - -	\$4.05
30 Passengers - 37 Passengers, incl. - - - - -	\$3.85
38 Passengers - 74 Passengers, incl. - - - - -	\$3.60
75 Passengers - 111 Passengers, incl. - - - - -	\$3.40
112 Passengers - - - - -	\$3.15

The minimum number of tickets required under this tariff under any one movement will be fifteen.

## F I N D I N G S

THE COMMISSION FINDS, That:

1. Upon protest from the Denver-Colorado Springs-Pueblo Motorway, Inc., it should enter upon a hearing concerning the lawfulness of the rates stated in said schedule contained in said tariff.
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:

1. Upon complaint without formal pleading it enter upon a hearing concerning the lawfulness of the rates and charges stated in said Tariff No. 96, Colorado P.U.C. No. 97.
2. The operation of said schedules contained in said tariff be suspended and that the use of the rates, charges, regulations and practices therein stated be deferred 120 days or until the 28th day of August, 1959, 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, charges, 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. Copy of this order be filed with said schedule in the office of the Commission and copies hereof be served upon Mr. I. B. James and Mr. D. B. James, c/o Colorado Transportation Company, 1805 Broadway, Denver 2, Colorado, the Denver-Colorado Springs-Pueblo Motorway, Inc., 17th and Broadway, Denver 2, Colorado, and Barry, Dawkins & Boyle, 738 Majestic Building, Denver 2, Colorado.

5. This proceeding be assigned for hearing at a future date to be determined by the Commission, due notice of such date and place of hearing being given to all interested parties.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph T. Negro  
Ralph C. Horton  
Henry G. Maclean  
Commissioners

Dated at Denver, Colorado,  
this 30th day of April, 1959.

mem



original

(Decision No. 52206)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
HIGHLINE ELECTRIC ASSOCIATION, A	)	
CORPORATION, HOLYOKE, COLORADO, FOR	)	
AN ORDER APPROVING THE ISSUANCE OF	)	APPLICATION NO. 15612-Securities
SECURITIES AND FOR AN ORDER AUTH-	)	<u>SUPPLEMENTAL ORDER</u>
ORIZING THE ISSUANCE OF SECURITIES	)	
AND THE APPLICATION OF THE PROCEEDS	)	
THEREFROM TO CERTAIN LAWFUL PURPOSES.	)	
-----	)	

-----  
May 4, 1959  
-----

S T A T E M E N T

By the Commission:

On April 28, 1959, the Highline Electric Association, filed with this Commission an application for authority to modify its loan agreement with the United States of America pertaining to the REA project designation "Colorado 29T Phillips," principal amount of \$1,520,000, dated May 20, 1957. This loan was authorized and approved by this Commission on September 3, 1957, in its Order, Decision No. 48630, Application No. 15612-Securities; the Commission, in this instance, authorized and approved the Amendment dated May 20, 1957, to Amending Loan Contract, dated May 8, 1952, as amended, and the Mortgage Note, dated May 21, 1957, designated "Colorado 29T Phillips," in the principal amount of \$1,520,000.

The parties above mentioned have now entered into an agreement which would modify the repayment obligations of Applicant. All of the \$1,520,000 has not been "drawn down" by Applicant and, therefore, it seeks to renew the loan on the unadvanced balance known as "principal balance;" thus, we understand that the provisions of the note as applied in the beginning will, in effect, be moved later in time to the date of this agreement, May 22, 1959, and thence will apply in the same manner to the payment of interest and repayment of "principal balance" over thirty-five years from this date.

In view of the fact that this Commission has previously authorized and approved the borrowing of the \$1,520,000, and that Applicant asked for no changes in the provision other than moving the period of the note to a later date (relative to the unadvanced portion), we see no need for a public hearing on this matter; and therefore, in the Order to follow, will authorize and approve the agreement between the United States of America and Highline Electric Association, dated as of May 22, 1959, pertaining to REA Project designation "Colorado 29T Phillips."

### F I N D I N G S

#### THE COMMISSION FINDS:

After careful consideration of this supplemental application of Highline Electric Association and of the data and records on file with this Commission pertaining hereto, the Commission is of the opinion that the agreement, subject herein, should be authorized and approved.

That this Commission has jurisdiction of the lines of Highline Electric Association in the acquired properties as to the subject matter of the instant application, as defined in 115-1-4, Colorado Revised Statutes, 1953.

That the Commission is fully advised in the premises.

That the Commission has retained jurisdiction of these proceedings to the end that it may make further Order, or Orders, in the premises as it may deem proper and desirable.

That the above and foregoing Statement is incorporated in these Findings by reference.

That the agreement between Highline Electric Association and the United States of America, dated May 22, 1959, referred to above and filed with this Commission April 28, 1959, is not inconsistent with the public interest.

### O R D E R

#### THE COMMISSION ORDERS:

That the agreement between Highline Electric Association and

the United States of America, dated May 22, 1959, and entitled "Colorado 29T Phillips" as set forth fully in the copy of the agreement attached to Application No. 15612-Securities, Supplemental, be, and the same is hereby, authorized and approved.

That this Order relates to Applicant's expenditures of borrowed money within the area of the acquired properties.

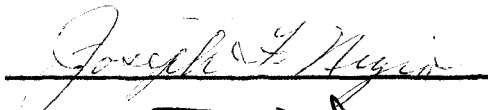
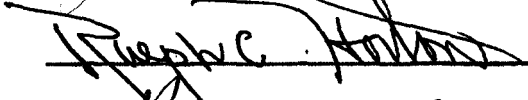

That Highline Electric Association, within one hundred twenty (120) days of the date hereof, or date of execution, shall file with this Commission a conformed copy of the executed agreement authorized and approved herein.

That nothing herein contained shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, said securities on the part of the State of Colorado, and

That in all other respects the Decision and Order No. 48630, Application No. 15612-Securities, shall remain in full force and effect.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of May, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PUBLICATION OF ITEM NO. 730 TO )  
COLORADO MOTOR CARRIERS' ASSOCIATION )  
TARIFF NO. 13, COLORADO P.U.C. NO. 12, )  
(IRON AND STEEL ARTICLES, AS NAMED) )  
FROM MINNEQUA AND PUEBLO, COLORADO, )  
TO UNITED STATES MISSILE LAUNCHING )  
BASES IN AND NEAR LOWRY BOMBING RANGE, )  
ISSUED BY J. R. SMITH, CHIEF OF TARIFF )  
BUREAU, 4060 ELATI ST., DENVER 16, COLO.)  
-----

CASE NO. 1585

-----  
May 5, 1959  
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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 May 8, 1959, 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.

The following information has been received in the office of the Commission relative to the proposed publication as submitted by Mr. Howard D. Hicks, General Traffic Manager, Centennial Truck Lines, Inc.

Item No. 730 was entered under the Colorado Motor Carriers' Association "Rules of Procedure" wherein independent action was taken by Centennial Truck Lines, Inc., for this publication. By this method all interested carriers parties to this tariff were notified wherein protest might be made. None was received.

Mr. Hicks states:

"\* \* \* We have been contacted by the shipper located at Pueblo or Minnequa, Colorado, who has advised us that there will be in excess of twelve thousand tons of steel and steel products to move to the Missile Launching Bases from Minnequa, Colorado, if it is possible for them to obtain this business on a bid contract. The rate proposed to the five Missile Launching sites will return between 56 or 60 cents per running mile on this traffic, which is well above the average for carriers in this area. In addition, there will be no loading or unloading expense as the loading and unloading will be done by the shipper and consignee respectively.

"None of the Missile Launching sites are on the scheduled line haul operations of any line haul carrier operating in intrastate traffic. In addition, due to the magnitude of this anticipated construction and large movement of steel products which it will necessitate within a relatively short period, it will be necessary that several call and demand carriers participate to meet the unusual transportation demands."

#### 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 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 May 8, 1959, 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 May 8, 1959, 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 May 8, 1959, 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

*Joseph F. New*  
*Joseph C. Horton*  
*Henry J. Zalusky*  
Commissioners

Dated at Denver, Colorado,  
this 5th day of April, 1959.

mem

APPENDIX "A"

Colorado Motor Carriers' Association, Agent  
Motor Freight Tariff No. 13, Colorado P.U.C. No. 12

5th Revised Page No. 38:

RATES ARE IN CENTS PER 100 POUNDS				
ITEM NO.	COMMODITY	FROM	TO	RATES
730	<p>Iron and Steel Articles, viz.: Pipe, conduit, wrought iron or steel; pipe, iron or steel, cast, NOI; nails or spikes, NOI, plain, galvanized, japanned or tinned, or coated with brass, bronze, cadmium, cement or copper, or with lead covered or lead rimmed heads; staples, NOI, galvanized or plain; wire, acid coppered, galvanized, painted, plain or tinned, including barbed wire, or copper, brass, bronze or cadmium coated, NOI; fencing, wire, welded or woven, or poultry netting, galvanized or plain; blades, or cutting edges, grader or scraper, steel; fence or clothes posts, with or without equipment of insulators or fittings; fence post fixtures, wire fence, consisting of brace collars, brace plates, brace rods, face plates, spreaders, tops, caps, clamps, clips and extension arms, or wire fence stays; pipe fittings, NOI, iron or steel, with or without metal seats, not plated; angles, NOI; bolts or nuts, NOI, or lag bolts (lag screws), plain, galvanized, japanned, painted or tinned, or coated with brass, bronze, cadmium, copper, lead or zinc; plate or sheet, NOI, galvanized, painted or plain, corrugated or not corrugated; bands or rods, structural, NOI; bars, NOI; pipe or tubing, iron or steel, wrought, not plate nor sheet, NOI; bases, structural; beams, NOI; channels, NOI; reinforcement, concrete and/or plaster, viz.: wire fabric or mesh; bar fabric or mesh; expanded metal; hangers, garment, wire, iron or steel; rails, railway track, iron or steel; rails, iron or steel, NOI, minimum weight 41,000 pounds.</p> <p>Subject to loading by the shipper and unloading by the consignee.</p> <p><u>Detention of Equipment:</u> Two hours' free unloading time will be allowed on all shipments tendered by the carrier to consignee between the hours of 8:00 A.M., and 2:00 P.M.</p> <p>Any delay in unloading in excess of the free time allowed, not caused by the carrier or his agent, will be charged for at a rate of \$7.50 per hour or fraction thereof, maximum \$15.00 for each 24-hour period.</p> <p>Time will be computed from original arrival of shipment at point of unloading.</p> <p>Charges arrived at hereunder shall be in addition to all other lawful charges applicable to the shipment.</p>	Minnequa, Colo. Pueblo, Colo.	Unites States Missile Launching Bases in and near Lowry Field Bombing Range, Sites 1, 2, 3, 4 and 5.	39½

original

(Decision No. 52208)

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 ELEC- )  
TRIC LINES AND FACILITIES TO SERVE ) APPLICATION NO. 16778-Extension  
THE VALLEY-HI SUBDIVISION LOCATED IN )  
THE NE<sup>1</sup>/<sub>4</sub> OF SECTION 34, TOWNSHIP 2 )  
SOUTH, RANGE 68 WEST OF THE 6TH P.M., )  
ADAMS COUNTY, COLORADO. )  
-----

IN THE MATTER OF THE APPLICATION OF )  
UNION RURAL ELECTRIC ASSOCIATION, )  
INC., BRIGHTON, COLORADO, FOR AUTH- )  
ORITY TO EXTEND ELECTRIC LINES TO ) APPLICATION NO. 16844-Extension  
SERVE THE VALLEY-HI SUBDIVISION, )  
LOCATED IN THE NE<sup>1</sup>/<sub>4</sub> OF SECTION 34, )  
TOWNSHIP 2 SOUTH, RANGE 68 WEST, )  
ADAMS COUNTY, COLORADO. )  
-----

-----  
May 6, 1959  
-----

Appearances: Bryant O'Donnell, Esq., Den-  
ver, Colorado, and  
Fletcher Thomas, Esq., Den-  
ver, Colorado, for Public  
Service Company of Colorado;  
John F. Shafroth, Esq., Den-  
ver, Colorado, for Union  
Rural Electric Association,  
Inc.;  
Paul M. Brown, Denver, Colo-  
rado, for the Staff of the  
Commission.

S T A T E M E N T

By the Commission:

Application No. 16778 was filed by Public Service Company  
of Colorado, and Application No. 16844 was filed by Union Rural Elec-  
tric Association, Inc.. Both of said applications request authority  
to serve the area known as Valley-Hi Subdivision.

At the time of the hearing, on March 25, 1959, the parties  
stipulated that said applications be consolidated for hearing and



said applications were heard on a consolidated record. At the conclusion of the hearing on said applications, the Commission took the matters under advisement.

At the hearing Exhibits were submitted and testified to by both parties and evidence in support of the applications was given.

The evidence is not too strong to the effect that the present public convenience and necessity require the service, however, the evidence is adequate and satisfactory that the future public convenience and necessity will require such service. The Subdivision Manager testified that he has two show houses already built, has made application to Public Service Company for service in Valley-Hi Subdivision, and is ready and able to start with the construction right away.

The evidence is likewise satisfactory and adequate that Public Service Company is ready, willing and able to provide the proposed service in a satisfactory manner and to maintain satisfactory service in the future. Public Service Company has the man-power, materials and financial resources to install and maintain such service.

The record discloses that Valley-Hi Subdivision is abutted on the west by an area heretofore certificated to Public Service Company by Decision No. 47890, dated May 7, 1957, and on the northeast corner by an area heretofore certificated to Public Service Company by Decision No. 47762, dated April 22, 1957.

The application of Union Rural Electric Association, Inc., is to serve this same area, however, the Commission, after thorough consideration of the facts in these matters, believes it would be in the public interest that the application of Public Service Company be granted, and that the application of Union Rural Electric Association, Inc. be denied.

## F I N D I N G S

### THE COMMISSION FINDS:

That the Commission has jurisdiction of both Applicants herein and of the subject matter involved in the instant applications.

That the Commission is fully advised in the premises.

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

That public convenience and necessity require that Application No. 16778 of Public Service Company of Colorado to extend electric lines and facilities to serve the Valley-Hi Subdivision located in the NE $\frac{1}{4}$  of Section 34, Township 2 South, Range 68 West of the 6th P. M., Adams County, Colorado, should be granted.

That Application No. 16844 of Union Rural Electric Association, Inc. 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 electric lines and facilities to serve the Valley-Hi Subdivision located in the NE $\frac{1}{4}$  of Section 34, Township 2 South, Range 68 West of the 6th P. M., Adams County, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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. 16844 of Union Rural Electric Asso-

ciation, Inc., be, and it hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Joseph C. Holton*  
*Henry E. Spilhaus*  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of April, 1959.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
COLORADO TRANSPORTATION COMPANY, )  
DOING BUSINESS AS "ROCKY MOUNTAIN ) APPLICATION NO. 16797-Extension  
MOTOR COMPANY," 1805 BROADWAY, DEN- )  
VER, COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY. )  
-----

IN THE MATTER OF THE APPLICATION OF )  
COLORADO TRANSPORTATION COMPANY, )  
DOING BUSINESS AS "DENVER CAB COM- ) APPLICATION NO. 16798-Extension  
PANY," 1805 BROADWAY, DENVER, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY. )  
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-----  
May 6, 1959  
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Appearances: Henry S. Sherman, Esq., Den-  
ver, Colorado, for Colo-  
rado Transportation Company;  
John R. Barry, Esq., Denver,  
Colorado, for Checker Cab  
Company and Denver-Colorado  
Springs-Pueblo Motor Way;  
Louis J. Carter, Denver, Colo-  
rado, for the staff of the  
Commission.

S T A T E M E N T

By the Commission:

On December 8, 1958, Colorado Transportation Company, the  
applicant herein, filed Application No. 16797 for a certificate of  
public convenience and necessity authorizing extension or clarifica-  
tion of operations under PUC No. 55 to include the right to trans-  
port passengers through the use of multi-passenger buses and other  
accepted and established means of motor vehicle transportation, in  
all its presently-certificated area from Denver to Pikes Peak and  
return.

Also, on the same date, said applicant filed Application  
No. 16798 for a certificate of public convenience and necessity

authorizing extension or clarification of operations under PUC No. 56 to include the right to transport passengers through the use of multi-passenger buses and other accepted and established means of motor vehicle transportation, in all its presently-certificated area from Denver to Pike's Peak and return.

The above applications were regularly set for hearing on Thursday, January 8, 1959, at 330 State Office Building, Denver, Colorado.

On January 5, 1959, Denver-Colorado Springs-Pueblo Motor Way, Inc., by its attorney, filed a Petition to Vacate the above setting, and the setting was vacated and re-set for hearing before the Commission on January 22, 1959, at which time the above applications were consolidated for the purpose of taking evidence, and at the conclusion thereof, both applications were taken under advisement.

At the hearing, the attorney for Checker Cab Company and Denver-Colorado Springs-Pueblo Motor Way moved that the applications be dismissed on the ground that the Commission has no jurisdiction at this moment to hear these matters or try these cases, and in support of said motion it is contended in the brief:

"In Application No. 14612, being Decision No. 47058, this Commission, pursuant to an application made by Checker Cab Company owners and operators of PUC No. 78, sought authority to do the same thing that the present Applicant seeks to do in this application, namely, use buses for sightseeing operations because the present demands of the public require such transportation. After hearing, a certificate was issued to the Applicant, Checker Cab Company, and Colorado Transportation Company petitioned for a rehearing claiming that the Commission had arbitrarily abused its discretion in granting this certificate. When this petition for rehearing was denied, Colorado Transportation Company appealed the Commission's decision to the District Court in and for the City and County of Denver and when the District Court sustained the Commission, Colorado Transportation Company appealed the District Court decision to the Supreme Court of

the State of Colorado where the case now rests, no decision or determination having been made. We therefore have this interesting situation-- Colorado Transportation Company in the person of I. B. James is arguing before the Supreme Court of the State of Colorado that the Public Utilities Commission was in error in granting to Checker Cab Company a Certificate of Public Convenience and Necessity to render sightseeing service by means of buses instead of limousines and at the same time the same Colorado Transportation Company in Application No. 16797 seeks to obtain from the Colorado Public Utilities Commission an identical certificate for an identical purpose, namely, the rendering of sightseeing service in buses instead of Limousines.

"In short, on the one hand, Protestant in the Checker Cab case says the Commission is wrong and cannot grant such authority but, on the other hand, says that when Colorado Transportation Company seeks such authority it should be granted."

The Commission has carefully considered this problem, and has determined that the question is legal in nature and is one that should be decided by the courts and, therefore, it is our best judgment that we are compelled to deny the motion. We do not wish to invade the jurisdiction of the courts and by this denial are not passing on the merits of protestants' motion.

In support of the application, several witnesses appeared and it is our purpose to briefly review and summarize the testimony of applicant's witnesses:

I. B. James, President of Colorado Transportation Company, stated his company is the owner of Certificates of Public Convenience and Necessity Nos. 55 and 56, and he is here asking the Commission to clarify their authority, contending that it is his opinion that they now have the right to use multi-passenger buses in their operation in sightseeing from Denver to the summit of Pike's Peak.

The witness endeavored to trace the history of the authority, contending that they presently have the authority to use buses in their Pike's Peak operation. However, we have reviewed the record,

together with the authorities referred to, and it is our best judgment that Colorado Transportation Company, doing business as "Rocky Mountain Motor Company," in Application No. 16797, and Colorado Transportation Company, doing business as "Denver Cab Company," does not now possess authority to transport passengers through the use of multi-passenger buses from Denver to Pike's Peak and return.

We have carefully examined the authority under Certificate of Public Convenience and Necessity No. 56, and we fail to find in that authority any right to transport passengers from Denver to Pike's Peak and return. And in Certificate of Public Convenience and Necessity No. 55, the authority is restricted, and by our interpretation it does not authorize transportation by multi-passenger buses.

The next question that confronts the Commission -- does public convenience and necessity require the extension of applicant's authority to authorize the use of multi-passenger buses? Witness James pointed out in his testimony that there has been a trend from smaller cars to buses; that buses provide a more satisfactory ride for tourists, and added that buses are air-conditioned and are definitely more economical as they only have to operate 120 bus-miles in lieu of 660 car-miles.

Nat G. Leonard, General Manager of Pikes Peak Automobile Company, stated that his company used 21-passenger buses in their Pike's Peak operation. He stated that the bus operation is more desirable for the reason that the tourists do not like jump-seats, and that the operation is more economical.

Edward H. Brown, Superintendent of Service for the Shirley-Savoy Hotel, in Denver, corroborated the testimony of Witness Leonard, and stated that by reason of twenty-four years of experience in contracting tourists, that the trend is now to passenger buses.

The Commission is of the opinion that if the service to the public can be materially improved by the substitution of improved equipment, it is our duty to the public to provide that service if economically feasible. In the instant application, we feel that if applicant is permitted to use this equipment that the public using the service will be the beneficiary.

We appreciate the position of Checker Cab Company, and realize that the applicant herein is not consistent with his past position before the Commission. However, we do not feel that due to the peculiar position in which we find ourselves that the public interest should suffer.

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

##### THE COMMISSION FINDS:

1. That public convenience and necessity require the extended motor vehicle common carrier sightseeing operations under PUC No. 55, as set forth in the Order following, and that the foregoing Statement is made a part of these Findings by reference.

2. That public convenience and necessity require the extended motor vehicle common carrier sightseeing operations under PUC No. 56, as set forth in the Order following, and that the foregoing Statement is made a part of these Findings by reference.

#### O R D E R

##### THE COMMISSION ORDERS:

1. That public convenience and necessity require the extended motor vehicle common carrier sightseeing operations of Colorado Transportation Company, doing business as "Rocky Mountain Motor Company," Denver, Colorado, under PUC No. 55, to include the right to transport passengers through the use of multi-passenger buses in all its presently certificated area from Denver to Pike's Peak and return, 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.

2. That public convenience and necessity require the extended motor vehicle common carrier sightseeing operations of Colorado Transportation Company, doing business as "Denver Cab Company," Denver, Colorado, under PUC No. 56, to include the right to transport passengers through the use of multi-passenger buses in all its presently certificated area from Denver to Pike's Peak and return, 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

*Joseph F. Regio*  
*Rueben C. Norton*  
*Glenn C. Chalange*  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of May, 1959.

original

(Decision No. 52210)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
FREDERIC A. BETHKE, ROSINA A. BETHKE,  
AND E. BONABEL DAVIS, DOING BUSINESS  
AS "CONSOLIDATED MILK LINES," GIL-  
CREST, COLORADO, FOR AUTHORITY TO  
TRANSFER TO BULK TRANSPORTERS, INC.,  
3434 WALNUT STREET, DENVER, COLORADO,  
A PORTION OF PUC NO. 557.  
- - - - -

APPLICATION NO. 17035-Transfer

- - - - -  
May 6, 1959  
- - - - -

Appearances: Marion F. Jones, Esq.,  
Denver, Colorado, and  
Leslie R. Kehl, Esq.,  
Denver, Colorado, for  
Transferors and Trans-  
feree.

S T A T E M E N T

By the Commission:

In Decision No. 41896, Application No. 12703-Extension,  
transferors were authorized to transport vinegar, in bulk, in tank  
trucks, between Denver, Colorado, on the one hand, and, on the other,  
Pueblo, Grand Junction, Fort Collins, Longmont, and Brighton, Colo-  
rado, over irregular routes.

In Decision No. 50481, Application No. 16284-Extension,  
transferors were authorized to transport dry sugar (in bulk) between  
Fort Morgan, Windsor, Johnstown, Longmont, Loveland, and points within  
three miles of those cities and towns, on the one hand, and, on the  
other, points in Colorado east of the Continental Divide.

In Decision No. 50626, Application No. 16284-Extension,  
transferors were authorized to transport liquid sugar and syrup re-  
sulting from the mixture of liquid sugar with corn syrup, in bulk,  
between Johnstown, Colorado, on the one hand, and, on the other, points  
in Colorado east of the Continental Divide.

All of the above authority is incorporated in Certificate No. 557.

On April 15, 1959, Frederic A. Bethke, Rosina A. Bethke, and E. Bonabel Davis, doing business as "Consolidated Milk Lines," Gilcrest, Colorado, filed their application for authority to transfer a portion of PUC No. 557, that is, the transportation of vinegar in bulk, in tank trucks, between Denver, Colorado, on the one hand, and, on the other, Pueblo, Grand Junction, Fort Collins, Longmont, and Brighton, Colorado, over irregular routes; transportation of dry sugar (in bulk) between Fort Morgan, Windsor, Johnstown, Longmont, Loveland, and points within three miles of said cities and towns, on the one hand, and, on the other, points in Colorado east of the Continental Divide; transportation of liquid sugar and syrup resulting from the mixture of liquid sugar with corn syrup, in bulk, between Johnstown, Colorado, on the one hand, and, on the other, points in Colorado east of the Continental Divide, to Bulk Transporters, Inc., a Colorado corporation, whose Articles of Incorporation are on file herein.

Said application was regularly set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on May 4, 1959, with notice to all interested parties, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that the transferors have entered into an agreement with the transferee to sell the above-described authority for a consideration of \$1,500.00, payable in cash upon approval of the transfer by the Commission.

The evidence further discloses that transferee is a corporation in which Frederic A. Bethke is the principal stockholder, and will operate the certificate. It further appears that there are no outstanding debts against the operations under Certificate No. 557.

The operating experience and pecuniary responsibility of transferee 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 proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

## O R D E R

### THE COMMISSION ORDERS:

That Frederic A. Bethke, Rosina A. Bethke, and E. Bonabel Davis, doing business as "Consolidated Milk Lines," Gilcrest, Colorado, be, and hereby are, authorized to transfer that portion of their authority under PUC No. 557, as described in Decisions Nos. 41896, 50481 and 50626, viz.: transportation of vinegar, in bulk, in tank trucks, between Denver, Colorado, on the one hand, and, on the other, Pueblo, Grand Junction, Fort Collins, Longmont, and Brighton, Colorado, over irregular routes; transportation of dry sugar (in bulk) between Fort Morgan, Windsor, Johnstown, Longmont, Loveland, and points within three miles of said cities and towns, on the one hand, and, on the other, points in Colorado east of the Continental Divide; transportation of liquid sugar and syrup resulting from the mixture of liquid sugar with corn syrup, in bulk, between Johnstown, Colorado, on the one hand, and, on the other, points in Colorado east of the Continental Divide, to Bulk Transporters, Inc., 3434 Walnut Street, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, a new number to be issued to transferee hereunder.

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 portion of PUC No. 557 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 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

*Joseph I. Nigro*  
*Ralph C. Horton*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 6th day of May, 1959.

ea

original

(Decision No. 52211)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) JOHN CADY AND CHARLES R. ALCORN, CO- ) PARTNERS, DOING BUSINESS AS "A & C ) DELIVERY SERVICE," 510 DEL NORTE, ) DENVER, COLORADO, FOR AUTHORITY TO ) OPERATE AS A CLASS "B" PRIVATE CAR- ) RIER BY MOTOR VEHICLE FOR HIRE. ) ----- )	APPLICATION NO. 17038-PP
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May 6, 1959  
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Appearances: John Cady, Denver, Colorado,  
                  pro se;  
                  Charles R. Alcorn, Denver,  
                  Colorado, pro se;  
                  Raymond B. Danks, Esq., Denver,  
                  Colorado, for Colorado Transfer  
                  and Warehousemen's Association;  
                  E. B. Evans, Esq., Denver, Colo-  
                  rado, for Westway Motor Freight,  
                  Inc., Navajo Freight Lines, Inc.;  
                  Overland Motor Express, Inc.,  
                  Brighton-Fort Lupton Transfer;  
                  Ed Tuxhorn, Byers, Colorado, for  
                  Byers-Denver Truck Line;  
                  Marion R. Smyser, Esq., Denver,  
                  Colorado, for Rio Grande Motor  
                  Way, Inc., and Larson Trans-  
                  portation Co.;  
                  Howard D. Hicks, Denver, Colo-  
                  rado, for Centennial Truck  
                  Lines, Inc.;  
                  John H. Lewis, Esq., Denver, Colo-  
                  rado, for Denver-Laramie-  
                  Walden Truck Line, Inc.;  
                  Floyd A. Henrikson, Loveland, Colo-  
                  rado, for Denver-Loveland Trans-  
                  portation Co.;  
                  Dewey W. Beard, Denver, Colorado,  
                  for North Eastern Motor Freight,  
                  Inc.;  
                  Hubert Work, Denver, Colorado, for  
                  Weicker Transfer & Storage  
                  Company;  
                  K. D. Wolford, Denver, Colorado,  
                  for Navajo Freight Lines, Inc.

S T A T E M E N T

By the Commission:

John Cady and Charles R. Alcorn, co-partners, doing business

as "A & C Delivery Service," Denver, Colorado, on February 17, 1959, filed their application for authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of insulation material, building supplies, and office furniture and supplies, from point to point within the State of Colorado; printed and printing materials, including envelopes, stationery and circulars, within a twenty-five-mile radius of Denver, for three customers only, to-wit: Lanning Brothers Printing Company, Tepper Printing Company, and Daumann Printing Company, all of Denver, Colorado.

The above application was regularly set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on May 4, 1959, after due notice to all interested parties, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicants are operating as a co-partnership, and hold a certificate of public convenience and necessity from this Commission, restricted to service within the City and County of Denver.

Charles R. Alcorn, one member of the co-partnership, testified that they made deliveries for three printing concerns here in Denver, and wished to enlarge their delivery area beyond the Denver city limits. He stated his company operated in Denver, making deliveries for printing firms and insulation material and building supplies for Wholesale Office Company, Commercial Products Company and A. H. Bennett Company, and that the co-partnership desires to extend their service to a twenty-mile radius of Denver.

John Cady also testified as to the operation, and apparently the co-partnership became confused in what they wished to do, and a recess was declared. Following said recess the application was amended as follows:

"Transportation of insulation material and building supplies within a 20-mile radius of Denver, limited to the use of two vehicles not to exceed 3/4-ton pickups, and limited to three customers, viz.: Wholesale Office Company, Commercial Products Company, and A. H. Bennett Company."

Mr. Ed Cady, local manager for A. H. Bennett Company, testified as to the need by his company of applicants' proposed service in the transportation of insulation materials and building supplies. The witness stated his company was engaged in industrial insulation and contracted jobs in Colorado; that for points within a 20-mile radius of Denver they had unsuccessfully used common carrier service. To correct this situation they rented trucks, but that was not satisfactory, and what they want now is a carrier who will haul out their supplies, deliver them to the job-site, and bring back any surplus that was left over, giving to his company an immediate, personalized service.

Ralph Kerzik, of Denver-Laramie-Walden Truck Line, testified as to the service offered by his company. The other protestants failed to produce any evidence.

In considering the above application, we would say that the amended application would not impair common carrier service, nor can we say that common carrier service offered by common carriers is adequate. The showing for the service for Lanning Brothers Printing Company, Tepper Printing Company and Daumann Printing Company is not, in our judgment, sufficient to grant a private carrier permit. We can say that the present service offered by common carriers is inadequate, but cannot say that the proposed service would not impair common carrier service. None of the printing companies or their representatives appears to testify, so that portion of the application, in our judgment, was not sufficient.

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

##### THE COMMISSION FINDS:

That the transportation of insulation material and building supplies within a 20-mile radius of Denver, limited to the use of two vehicles not to exceed 3/4-ton pickups, and limited to three customers, as hereinafter set forth in the Order, will not impair the efficiency of any common carriers, adequate or otherwise.



That for the balance of the application, insufficient showing on the part of applicants necessitates a denial.

O R D E R

THE COMMISSION ORDERS:

That John Cady and Charles R. Alcorn, co-partners, doing business as "A & C Delivery Service," Denver, Colorado, be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of insulation material and building supplies within a 20-mile radius of Denver, limited to the use of two vehicles not to exceed 3/4-ton pickups, and further limited to three customers, viz., Wholesale Office Company, Commercial Products Company, and A. H. Bennett Company, all of Denver, Colorado.

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

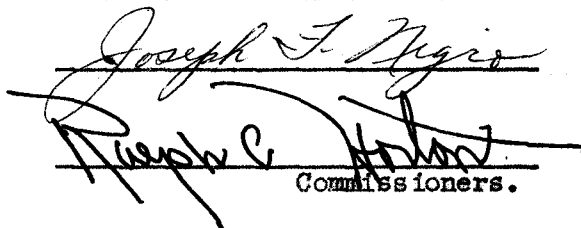
That this order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured authority sheets.

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

That in all other respects the application is denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 6th day of May, 1959.

ea

original

(Decision No. 52212)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. A. HAYS AND MERLE G. HAYS, CO- )  
PARTNERS, DOING BUSINESS AS "HAYS )  
TRUCK LINE," 211 SOUTH THIRD STREET, )  
LAMAR, COLORADO, FOR AUTHORITY TO )  
TRANSFER PERMIT NO. B-2971 AND PER- )  
MIT NO. B-2971-I TO LEONARD D. SNIFF )  
AND VIRGINIA LEE SNIFF, CO-PARTNERS, )  
DOING BUSINESS AS "SNIFF TRUCK LINE," )  
LAMAR, COLORADO. )

APPLICATION NO. 17037-PP-Transfer

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May 6, 1959  
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Appearances: John R. Barry, Esq., Denver,  
Colorado, for Transferors  
and Transferees.

S T A T E M E N T

By the Commission:

C. A. Hays and Merle G. Hays, co-partners, doing business as  
"Hays Truck Line," Lamar, Colorado, are the owners and operators of  
Permit No. B-2971 and B-2971-I, authorizing:

Transportation of livestock from points with-  
in Prowers County, Colorado, and from and to  
all points in said County, to and from all  
points in the State of Colorado; livestock,  
from point to point within a radius of ten  
(10) miles of Wiley, Colorado, but outside  
Prowers County, Colorado; and from and to  
points within said area, to and from Denver,  
Colorado, only; also the right to transport  
farm products, feed and farm supplies within  
a radius of twelve (12) miles of Wiley, in-  
cluding the right to pick up feed at Denver  
and points around Wiley, extending south to  
the State Line, west fifty (50) miles, east  
forty-five (45) miles, north one hundred  
twenty-five (125) miles, for destination  
points within said 12 mile radius of Wiley,  
including also the right to transport tur-  
keys, live or dressed, between points with-  
in a radius of twenty-five (25) miles of  
Wiley, provided, however, that all of said  
service shall be a farm service, including  
only transportation from farm to farm, farm  
to town, or town to farm; transportation of

livestock, from point to point within Kiowa County, Colorado, and between points in Kiowa County and all points within the State of Colorado, but that the holder hereof shall restrict his office for the solicitation of business to Lamar, Colorado;

interstate, between all points in the State of 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.

On March 3, 1959, said permit-holders filed their application for authority to transfer said authority to Leonard D. and Virginia Lee Sniff, co-partners, doing business as "Sniff Truck Line," Lamar, Colorado.

Said application was regularly set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on May 4, 1959, after due notice to all interested parties, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that the consideration for the transfer is the sum of \$2,500 for the certificate and \$20,000 for the equipment, \$12,000 of which has been paid as of this date.

The evidence further disclosed that the net worth of transferees is in excess of \$62,429; that they are experienced truck operators, have ample equipment, and are financially able to acquire more, if necessary.

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

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:

The above and foregoing Statement is made a part of these Findings by reference.

That the proposed transfer is compatible with the public interest and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That C. A. Hays and Merle G. Hays, co-partners, doing business as "Hays Truck Line," Lamar, Colorado, be, and they hereby are, authorized to transfer all their right, title and interest in and to Permit No. B-2971 and Permit No. B-2971-I -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Leonard D. Sniff and Virginia Lee Sniff, co-partners, doing business as "Sniff Truck Line," Lamar, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured; interstate operating rights transferred hereby being subject to the Federal Motor Carrier Act of 1935, as amended.

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 permits have been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of 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 permits up to the time of transfer of said permits.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Holton*  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 6th day of May, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE CANCELLATION OF ALL RATES, RULES, )  
REGULATIONS AND EXCEPTIONS THERETO, )  
PUBLISHED IN SECTION NO. 4 (LIVESTOCK) )  
OF THE TARIFF COLORADO P.U.C. NO. 13, )  
AND IN LIEU THEREOF, PUBLISH THE RATES, )  
RULES AND REGULATIONS FOR THE TRANSPOR- )  
TATION OF LIVESTOCK SET FORTH IN EXHIBIT )  
"A" ATTACHED TO APPLICATION NO. 333. )  
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CASE NO. 1585

-----  
May 6, 1959  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a petition from The Motor Truck Common Carriers' Association, as Agent, designated as Application No. 333, copy of which is attached hereto, and is self-explanatory.

Inasmuch as this matter represents an entirely new proposition governing the movement of livestock, intrastate in Colorado, it appears to the Commission that a pre-hearing conference would be most helpful to all interested parties in developing an orderly procedure at any subsequent hearing or hearings.

At such a conference, we believe, interested groups should attempt to appoint a spokesman or counsel to represent their respective groups, thereby holding the discussion to a minimum.

We further believe that the applicant should be prepared to outline what facts they propose to develop in support of the application, and to have available for distribution copies of any available exhibits which they propose to introduce at the hearing or hearings.

We further believe that the question of conducting hearings at locations other than Denver should be fully explored along with potential dates.

F I N D I N G S

THE COMMISSION FINDS, That:


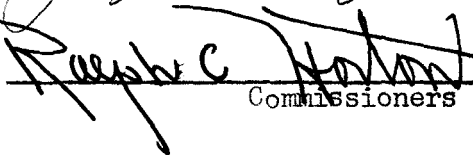
A pre-hearing conference should be held in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on May 15, 1959, at 11:00 A.M., to consider the various matters involved in Application No. 333.

O R D E R

THE COMMISSION ORDERS, That:

A pre-hearing conference in connection with Application No. 333, be, and it is hereby assigned in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on May 15, 1959, at 11:00 A.M.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 6th day of May, 1959.

mem

4060 Elati Street,  
Denver 16, Colorado.

February 5, 1958

To the Public Utilities Commission,  
State Office Building,  
Denver 2, Colorado.

APPLICATION NO. 333

The Motor Truck Common Carriers' Association, as agent, for and on behalf of carriers parties to its tariff Colo. P.U.C. No. 13, does hereby petition the Public Utilities Commission of the State of Colorado that it be permitted to publish the following tariff changes to become effective ten days after the filing thereof with the Public Utilities Commission:

Cancel all rates, rules, regulations and exceptions thereto published in Section No. 4 of tariff Colo. P.U.C. No. 13 and, in lieu thereof, publish the rates, rules and regulations for the transportation of livestock set forth in Exhibit "A", attached hereto and by reference made a part hereof.

Your petitioner represents that the proposed tariff changes will be published in The Motor Truck Common Carriers' Association, Agent, Motor Freight Tariff No. 14, Colo. P.U.C. No. 13.

Your petitioner bases this application upon the following facts which present certain special circumstances and conditions in support of the request herein made:

The present rates, rules, regulations and exceptions thereto, for the transportation of livestock between points within the State of Colorado are, at best, a patchwork affair which has grown and been extended first in one direction and then in another until we have a confused situation resulting in much misunderstanding and many different



interpretations as to the rates to be applied.

Also, this Commission and your petitioner have both received inquiries and protests concerning the use of the prescribed inflated mileage in determining rates between certain points within the state.

By the proposed publication we are attempting to eliminate the present uncertainty and confusion, to base the charge on the actual distance the livestock is transported, and to give the carriers an increase in rates.

This proposal was prepared and agreed to by the carriers in a series of meetings and innumerable conferences among themselves.

The first of these meetings was of a committee of ten which had been appointed to review the livestock rate situation. All members of this committee met in the Association office on December 20, 1957, and prepared the first draft of its recommendations.

By letter dated December 23, 1957, all livestock carrier members were given a copy of the committee's recommendations and were urged to attend a general livestock carrier meeting on January 3 to approve, reject or amend those recommendations.

The January 3 general meeting was attended by thirty-four carrier representatives who spent the entire day reviewing the committee's report and recommending various changes and additions.

After the changes and additions were made in the proposed new livestock tariff, the entire matter was reviewed again on January 31, 1958, by six members of the original committee of ten who instructed your petitioner to request authority to cancel the present livestock tariff in its entirety and to publish the matter set forth in Exhibit "A".

Your petitioner is informed and believes that this matter will be presented to members of the Colorado Cattlemen's Association at a meeting on February 6, 1958.

Your petitioner is not informed fully of all of the facts, figures and operating statistics which may be presented in support of this application, but he is informed that a number of carriers, representing a cross section of the industry, will appear at time of hearing to testify and to present evidence upon which this Commission can base its decision in this matter.

Wherefore, in order that all interested parties may be given an opportunity to be heard, your petitioner respectfully prays that this Honorable Commission set this matter for public hearing.

Respectfully submitted,

THE MOTOR TRUCK COMMON CARRIERS' ASS'N.

J. R. Smith, Chief of Tariff Bureau

## EXHIBIT "A"

Item No.	LIVESTOCK RULES AND REGULATIONS
	<p><u>APPLICATION OF RULES:</u></p> <p>The rules herein provided governing the movement of livestock are in addition to the general rules and regulations provided on pages 26 to 34 of tariff. If there is a conflict between these rules and the general rules and regulations, these rules shall supersede such conflicting rules and regulations. Where these rules are silent, the general rules and regulations shall apply.</p>
1300	<p><u>APPLICATION OF VOLUME MINIMUM WEIGHTS:</u>  <u>APPLICATION OF RATES ON SHEEP AND HORSES:</u></p> <p>Rates published herein, subject to a minimum weight of 20,000 pounds, will apply only on ordinary livestock, other than sheep and horses, except that the rates subject to a minimum weight of 20,000 pounds will not apply to any shipment originating at or destined to points located in mountain territory.</p> <p>Rates for the transportation of sheep and horses will be 15% greater than those published herein to apply on other livestock, subject to a minimum increase of 3¢ per 100 pounds.</p>
1320	<p><u>LIVESTOCK SUBJECT TO PARTURITION:</u></p> <p>Livestock subject to parturition within thirty (30) days from date of shipment will be accepted only at owner's risk.</p>
1330	<p><u>EXTRA CARE:</u></p> <p>When extra care is demanded by the shipper in the transportation of livestock, any extra expense incurred by the carrier shall be charged to the shipper at the actual cost of such extra care.</p>
1340	CANCEL
1350	<p><u>COMBINING SHIPMENTS:</u></p> <p>In the event any single shipper does not have tonnage sufficient to enable him to take advantage of the truckload rates, shipments from more than one owner at one loading to one unloading point may be consolidated and the rate to be charged will be that applicable on the total weight of the combined shipments. Multiple bills of lading will be issued for identification purposes.</p>

Item  
No.

LIVESTOCK RULES AND REGULATIONS

SHIPMENTS LOADED OR UNLOADED AT DIFFERENT PLACES:

- 1360 (A) On shipments of livestock, including horses, mules and asses, from one consignor to one consignee in one day and on one bill of lading but loaded and/or unloaded at different places, apply the rate applicable to the total weight of the shipment for the miles traveled from the first point of loading to the last point of unloading, plus \$2.50 for each stop other than that at the first point of loading and the last point of unloading.
- (B) In lieu of the minimum charge set forth in this section, less-than-truckload shipments may be consolidated in a single truck movement and the less-than-truckload rate will be applied on each shipment, subject to a minimum charge of 1,000 pounds at the less-than-truckload rate on each shipment, but in no case will the charge per truck movement be less than the minimum charge per shipment from the farthest loading point.

LOADING AND UNLOADING FACILITIES AT ORIGIN OR DESTINATION ONLY:

- 1370 Facilities for loading and unloading at origin or destination only shall be furnished by the shipper or owner of the livestock. In the event the shipper or consignee does not have facilities, same may be furnished by the carrier. The following charges will be made for such extra service:
- Trailer type loading chute - \$4.00 for livestock other than sheep for which the charge will be \$2.00. (Will not apply where the minimum charge is applied or where the less-than-truckload rate is assessed.)
- Delay in loading caused by improper loading facilities, \$3.00 per truck per hour or fraction thereof after the first hour.

STOPPING IN TRANSIT:

- At the request of the shipper, shipments may be stopped in transit between origin and destination for a maximum free time of two hours, subject to the following:
- 1380 (A) No additional charge will be made by the carrier for shipments which are weighed at directly intermediate points without unloading;
- (B) Shipments which are unloaded at the stop-in-transit point will be subject to the following additional charges:  
Sheep, hogs and horses,  $2\frac{1}{2}\%$  per 100 pounds;  
Other livestock,  $1\%$  per 100 pounds.
- (C) If, in order to accomplish the stop-in-transit, it is necessary that a distance be traversed which is in excess of the normal short-line highway distance from original point of shipment to final destination, such excess distance will be added to the normal short-line highway distance from origin to destination and the total number of miles traveled will be used in arriving at the rate applicable;

(ITEM CONCLUDED ON NEXT PAGE.)

Item No.	LIVESTOCK RULES AND REGULATIONS
1380	<p data-bbox="194 197 721 231"><u>STOPPING IN TRANSIT:</u> (Concluded)</p> <p data-bbox="194 260 1411 491">(D) Shipments which are held at the stop-in-transit point in excess of two hours will be re-billed as a shipment originating at the stop-in-transit point, except in instances where the carrier transporting the shipment to the stop-in-transit point is not authorized to originate shipments at the stop-in-transit point for delivery to the billed destination the shipment will not be re-billed but the delay in excess of two hours will be charged for at a rate of \$3.00 per truck per hour;</p> <p data-bbox="194 520 1411 651">(E) Shipper will be billed for any additional charges which may accrue at the stop-in-transit point for the use of facilities required to perform the requested service, or any additional expense incurred by the carrier due to the stop-in-transit.</p>
(New)	<p data-bbox="194 709 480 743"><u>TRANSIT INSURANCE:</u></p> <p data-bbox="194 772 1396 903">The cost of excess cargo or transit insurance coverage to protect the shipper against loss of or damage to livestock in transit will be charged for at the actual amount of such expense, in addition to all other applicable rates and charges.</p>
(New)	<p data-bbox="194 961 940 995"><u>DESCRIPTION OF PLAINS AND MOUNTAIN TERRITORIES:</u></p> <p data-bbox="194 1024 1411 1575">"Plains Territory" shall constitute that territory lying on and east of the following described line: "Beginning at a point on the Colorado-Wyoming State line five (5) miles west of U. S. Highway No. 287; thence south to Colorado Highway No. 186 (southwest of Ft. Collins); thence via said highway to the junction of same with U. S. Highway No. 34 (west of Loveland); thence via an air line to Lyons, Colorado; thence via Colorado Highway No. 7 to Boulder; thence via Colorado Highways No. 170 and 93 through Golden to Morrison, Colorado; thence via air line to the junction of Colorado Highways No. 67 and 105 (west of Sedalia); thence via Colorado Highway No. 105 to Palmer Lake; thence via U. S. Highway No. 85 to junction with Colorado Highway No. 164 (south of Breed); thence via Colorado Highway No. 164 to the junction with U. S. Highway No. 24 (west of Colorado Springs) including Manitou Springs, Stratton Park District, and Broadmoor District; thence via Colorado Highways No. 115 and 120 to Canon City, Colorado; thence via an air line through Wetmore and Beulah to Crow, Colorado; thence via U. S. Highway No. 85 through Walsenburg and Trinidad to the Colorado-New Mexico State line, including the territory between Trinidad and Tercio, Colorado."</p> <p data-bbox="194 1604 1411 1734">The following portions of the highways indicated will also be considered as plains territory in assessing the rates provided in this section: U. S. Highway No. 50, Montrose to Colorado-Utah State line; U. S. Highway No. 550, Montrose to Uncompahgre.</p> <p data-bbox="194 1764 1381 1827">"Mountain Territory" shall constitute all of the state not described above as plains territory.</p>

Item No.	LIVESTOCK RULES AND REGULATIONS	
	<u>METHOD OF DETERMINING DISTANCE TO BE USED IN ASSESSING RATES PUBLISHED IN THIS SECTION:</u>	
	Mileage to be used in assessing the rates published in this section will be that computed over the shortest practicable improved highway or highways as now or hereafter designated by the State or County Highway Departments.	
	(The term improved highway or highways, as used herein, means any state or county highway that is drained and maintained.)	
(New)	Actual distance shall be measured from the United States Post Office, or the generally recognized center of the community in the absence of a United States Post Office, except that the distance from and to Denver, Colorado, shall be measured to and from the Denver Union Stock Yards.	
	When shipments move under special permits required by and obtained from a municipal or state regulatory body or commission, which specifies therein the route to be traveled by the motor vehicle, the mileage to be used in determining the rate will be that via route specified in special permit.	
	Where, due to conditions beyond the control of the carrier, it is impractical to operate the truck over highways forming the shortest distance between origin and destination, the most practical route over which the truck can be moved will be shown in the bill of lading and the distance via such route will be used to determine the rate. The bill of lading will also show the reason for the route specified therein.	
	<u>REQUEST FOR EQUIPMENT OF ADDITIONAL LENGTH:</u>	
(New)	In the event the shipper, for his own convenience, orders a vehicle which is larger than that necessary for moving the shipment, such vehicle will be provided and will be charged for as follows:	
	When length of vehicle requested is:	The minimum weight upon which charges will be assessed will be:
	20 feet and under	10,000 pounds
	30 feet and over 20 feet	15,000 pounds
	Over 30 feet	22,000 pounds
	Subject to the provisions of Item No. 1330.	

Item  
No.

LIVESTOCK RULES AND REGULATIONS

SPECIAL TRANSPORTATION OF HORSES:

Horses, such as are valuable chiefly for breeding, show purposes or other special uses, which are transported in vans equipped with separate stalls for each animal, will be charged for at a rate of 10¢ per head per mile, subject to a minimum of 4 head per round trip.

Shipments transported a distance of 100 miles or less will be subject to a charge of \$1.25 per head in addition to all other applicable charges.

In the event the actual value of the animals transported exceeds \$200 each, the charges provided herein will be increased 1¢ per head per mile for each \$1,000 or fraction thereof actual value in excess of \$200.

Two or more consignees may combine their shipments to make up the required minimum number of head, subject to the following conditions:

- A. Distance between the different points of origin, if the horses are loaded at different places, must not exceed 10 miles;
- B. Distance between the different points of destination, if the horses are unloaded at different places, must not exceed 10 miles;
- C. Distance to be used in assessing rates will be the total miles traveled from first point of origin to the last point of destination;
- D. One caretaker must have charge of the entire shipment.

In the event the carrier has not less than a minimum shipment in one direction and has a less-than-truckload shipment in the reverse direction, for the same or a different shipper, the less-than-truckload shipment will be charged for at a rate of 10¢ per head per mile, based on the actual number of horses included in the less-than-truckload shipment.

In the event the carrier is requested to transport a portion of the minimum load specified above in one direction, and not less than the remainder of the minimum load in the reverse direction for the same or a different shipper, the charge for the combined movements will be that applicable to the total number of animals transported in both directions, based on one-half of the distance traveled in making the round trip.

1390

**LIVESTOCK**  
(Rates in cents per 100 pounds)

Miles	Minimum Charge per Shipment	Plains Scale						Mountain Scale						Differential Scale				
		Min. Wt. - Pounds						Min. Wt. - Pounds						Min. Wt. - Pounds				
		LTL	5M	10M	15M	18M	20M	LTL	5M	10M	15M	18M		LTL	5M	10M	15M	18M
		***	***			*	**		***	***				***	***			
5	\$ 3.60	14	10	8	7	6	6	41	12	12	11	10		10	2	2	2	2
10	4.80	18	14	11	10	8	8	42	19	16	14	12		10	5	4	4	4
15	6.00	22	19	13	12	11	11	44	25	19	17	14		11	6	5	4	4
20	7.20	26	23	16	14	13	13	46	30	22	19	17		11	7	5	5	5
25	8.40	30	26	18	16	14	14	48	35	25	21	18		11	8	6	5	5
30	9.60	34	28	20	18	16	16	51	37	27	23	20		12	8	6	6	6
35	10.80	38	30	22	19	17	17	53	41	29	25	22		12	10	7	6	6
40	12.60	41	32	24	20	18	18	55	42	31	26	23		13	10	7	6	6
45	13.80	44	34	25	22	19	19	57	46	33	28	24		13	11	7	6	6
50	15.60	46	36	26	23	20	20	59	47	35	30	25		13	11	8	7	7
55	16.80	48	37	28	24	22	22	61	48	37	31	26		14	11	8	7	7
60	18.00	50	38	29	25	23	23	64	50	39	32	29		14	12	8	7	7
65	19.80	52	40	30	26	24	24	66	53	40	34	30		16	12	10	8	8
70	21.00	53	42	31	28	25	25	68	55	41	36	32		16	13	10	8	8
75	22.80	54	43	32	29	26	26	71	56	42	38	35		17	13	10	8	8
80	24.00	55	45	34	30	28	28	72	58	44	40	36		17	14	10	10	10
85	25.20	56	46	36	31	29	29	74	60	46	41	37		17	14	11	10	10
90	27.00	58	48	37	32	30	30	76	62	48	42	38		17	14	11	10	10
95	28.20	60	49	38	34	31	31	79	65	50	44	40		18	15	12	10	10
100	30.00	62	51	40	35	33	33	82	67	52	46	41		19	16	12	11	11
110	33.00	65	53	41	37	35	35	85	70	54	48	43		19	16	12	11	11
120	36.00	67	55	43	40	37	37	88	72	56	52	47		20	17	13	12	12
130	39.00	70	58	46	42	40	40	91	75	59	55	50		20	17	13	13	13
140	42.00	72	61	49	44	42	42	94	79	63	58	53		22	19	16	13	13
150	45.00	74	63	52	47	44	44	97	82	67	61	55		23	20	16	14	14
160	48.00	77	66	54	49	47	47	100	86	71	64	59		23	20	17	14	14
170	51.00	79	69	58	52	49	49	103	89	74	67	62		24	21	17	16	16
180	54.00	83	72	61	54	52	52	108	94	79	71	66		25	22	18	17	17
190	57.00	88	77	65	56	54	54	114	99	84	74	70		26	23	19	17	17
200	60.00	92	81	69	59	56	56	120	104	88	77	73		28	24	20	18	18
210	63.00	96	85	73	62	59	59	125	109	92	82	77		29	26	22	19	19
220	66.00	100	88	75	66	61	61	130	113	96	86	79		30	27	23	20	20
230	69.00	104	91	77	70	64	64	135	118	100	90	83		31	27	23	20	20
240	72.00	108	94	79	73	66	66	140	122	103	95	85		32	28	24	22	22
250	75.00	112	97	82	77	68	68	145	126	106	100	89		34	29	24	23	23
260	78.00	116	101	85	80	71	71	151	131	110	104	91		35	30	25	24	24
270	81.00	120	105	90	84	73	73	156	136	115	109	95		36	32	28	25	25
280	84.00	124	109	94	88	76	76	161	141	121	114	98		37	33	28	26	26
290	87.00	127	112	97	91	78	78	166	146	126	119	102		38	34	29	28	28
300	90.00	131	116	101	95	80	80	170	151	131	124	106		40	35	30	29	29
310	93.00	134	119	104	98	83	83	175	156	136	128	109		41	36	31	30	30
320	96.00	138	123	108	102	85	85	180	160	140	133	112		42	37	32	31	31
330	99.00	142	127	112	106	88	88	184	165	145	137	115		42	38	34	31	31
340	102.00	145	130	114	108	90	90	188	169	150	140	119		43	39	35	32	32
350	105.00	149	133	116	112	92	92	193	172	151	145	122		44	40	35	34	34
360	108.00	152	135	118	115	95	95	198	176	153	150	126		46	41	35	35	35
370	111.00	156	138	119	117	97	97	203	179	155	152	128		47	42	36	35	35
380	114.00	160	141	121	119	100	100	208	183	158	155	131		48	42	36	36	36

See page 7 for explanation of symbols.



# LIVESTOCK

(Rates in cents per 100 pounds)

Miles	Minimum Charge per Shipment	Plains Scale						Mountain Scale					Differential Scale				
		Min. Wt. - Pounds						Min. Wt. - Pounds					Min. Wt. - Pounds				
		LTL	5M	10M	15M	18M	20M	LTL	5M	10M	15M	18M	LTL	5M	10M	15M	18M
		***	***			*	**	***	***				***	***			
390	\$117.00	163	143	123	121	102	102	212	186	160	157	134	49	43	37	36	36
400	120.00	167	146	125	124	104	104	217	190	163	161	138	50	44	37	37	37
410	123.00	170	149	128	126	107	107	222	195	167	164	142	52	45	38	38	38
420	126.00	174	153	131	128	109	109	227	199	170	167	144	53	47	40	38	38
430	129.00	178	156	133	131	112	112	230	202	173	170	148	53	47	40	40	40
440	132.00	193	165	136	133	114	114	251	215	178	173	150	58	50	41	40	40
450	135.00	197	168	139	136	116	116	256	219	181	176	154	59	51	42	41	41
475	142.80	206	176	145	138	122	122	269	229	188	180	157	62	53	43	42	42
500	150.00	216	184	152	142	130	130	281	240	198	184	161	65	56	46	42	42
525	158.40	226	193	160	149	137	137	293	251	208	193	164	67	58	48	44	44
550	168.00	235	201	167	156	144	144	306	262	217	203	168	71	61	50	47	47
575	180.00	242	209	176	163	151	151	316	273	229	212	172	73	63	53	49	49
600	192.00	252	217	181	170	158	158	328	282	235	222	175	76	65	54	52	52

\* Rates subject to a minimum weight of 18,000 pounds published under the plains scale of rates will apply only in determining rates on interterritorial movements involving travel in both plains and mountain territories.

\*\* Rates subject to a minimum weight of 20,000 pounds will not apply in determining rates on interterritorial movements.

\*\*\* Rates subject to minimum weights of 5,000 and 10,000 pounds will apply only on shipments moved at the convenience of the carrier.

4/1/59

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
VIRON L. GRAY )  
2109 EAST 9TH. )  
PUEBLO, COLORADO. )  
-----

PERMIT B-5324

-----  
May 7, 1959  
-----

S T A T E M E N T

By the Commission:

On December 24, 1958, the Commission authorized Viron L. Gray, Pueblo, Colorado, to suspend operations under his Permit No. B-5324 until July 15, 1959.

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-5324 should be, and the same is hereby, reinstated as of May 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Garth C. Horton  
Henry E. Zullinger  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of May 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
SABINO MATA )  
C/O CATHERINE MATA )  
924 WEST 2ND. STREET )  
LA JUNTA, COLORADO. )  
-----)

PERMIT NO. M-11951

-----  
May 7, 1959

STATEMENT

By the Commission:

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

Sabino Mata, La Junta, Colorado

requesting that Permit No. M-11951 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11951, heretofore issued to \_\_\_\_\_

Sabino Mata, La Junta, Colorado be,

and the same is hereby, declared cancelled effective April 16, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Boston  
Wm. E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 7th day of May, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
SVEN R. JENSEN )  
ROUTE 3 )  
COLORADO SPRINGS, COLORADO. )  
----- )

PERMIT NO. M-2283

-----  
May 7, 1959

STATEMENT

By the Commission:

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

Sven R. Jensen, Colorado Springs, Colorado

requesting that Permit No. M-2283 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2283, heretofore issued to \_\_\_\_\_

Sven R. Jensen, Colorado Springs, Colorado be,

and the same is hereby, declared cancelled effective April 20, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Samuel C. Horton  
Henry E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 7th day of May, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
THEODORE MORSE )  
ROUTE I, )  
EVERGREEN, COLORADO. )  
----- )

PERMIT NO. M-15022

-----  
May 7, 1959

STATEMENT

By the Commission:

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

Theodore Morse, Evergreen, Colorado

requesting that Permit No. M-15022 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15022, heretofore issued to \_\_\_\_\_

Theodore Morse, Evergreen, Colorado be,

and the same is hereby, declared cancelled effective May 10, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Ziehlings  
Commissioners

Dated at Denver, Colorado,

this 7th day of May, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CLARENCE T. BENNINGTON )  
2518 EAST 28TH. AVENUE )  
DENVER 5, COLORADO. )  
----- )

PERMIT NO. M-9744

-----  
May 7, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Clarence T. Bennington, Denver, Colorado  
requesting that Permit No. M-9744 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9744, heretofore issued to \_\_\_\_\_  
Clarence T. Bennington, Denver, Colorado \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zuckers  
Commissioners

Dated at Denver, Colorado,  
this 7th day of May, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
H. L. WILLIAMS )  
YUMA, COLORADO. )  
----- )

PERMIT NO. M-3076

-----  
May 7, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
H. L. Williams, Yuma, Colorado  
requesting that Permit No. M-3076 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3076, heretofore issued to \_\_\_\_\_  
H. L. Williams, Yuma, Colorado be,  
and the same is hereby, declared cancelled effective May 8, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Garth C. Horton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 7th day of May, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
H. L. WILLIAMS )  
YUMA, COLORADO. )  
PUC NO. 3420-I

-----  
May 7, 1959  
-----

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. 3420-I be suspended for six months from May 8, 1959.

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 H. L. Williams, Yuma, Colorado, be, and he is hereby, authorized to suspend his operations under PUC No. 3420-I until November 8, 1959.

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

*Joseph F. Negro*  
*Raymond C. Horton*  
*Henry E. Zuckerman*  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of May 1959

ds



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
J. S. WADE, DOING BUSINESS AS, )  
"PAONIA PLUMBING AND HEATING COMPANY" )  
PAONIA, COLORADO. )  
----- )

PERMIT NO. M-10408

-----  
May 7, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
J. S. Wade, Dba Paonia Plumbing & Heating Co., Paonia, Colorado  
requesting that Permit No. M-10408 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10408, heretofore issued to \_\_\_\_\_  
J. S. Wade, Dba Paonia Plumbing & Heating Co., Paonia, Colorado be,  
and the same is hereby, declared cancelled effective April 27, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 7th day of May, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
COCHRAN OIL CORPORATION )  
107 NORTH GRAND AVENUE )  
PUEBLO, COLORADO. )  
----- )

PERMIT NO. M-1469

-----  
May 7, 1959

STATEMENT

By the Commission:

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

Cochran Oil Corporation, Pueblo, Colorado

requesting that Permit No. M-1469 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1469, heretofore issued to \_\_\_\_\_

Cochran Oil Corporation, Pueblo, Colorado

be,

and the same is hereby, declared cancelled effective

March 15, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Norton  
Henry E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 7th day of May, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

ARTHUR P. BRUNEMEIER )

ROUTE I, POST OFFICE BOX 35, )

BERTHOUD, COLORADO. )

PERMIT NO. M-12852

May 7, 1959

STATEMENT

By the Commission:

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

Arthur P. Brunemeier, Berthoud, Colorado

requesting that Permit No. M-12852 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12852, heretofore issued to \_\_\_\_\_

Arthur P. Brunemeier, Berthoud, Colorado

be,

and the same is hereby, declared cancelled effective April 28, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 7th day of May, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
R. G. DOWELL, DOING BUSINESS AS, )  
"EDLER CASH STORE" )  
SPRINGFIELD, COLORADO. )  
----- )

PERMIT NO. M-11380

-----  
May 7, 1959

STATEMENT

By the Commission:

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

R. G. Dowell, Dba Edler Cash Store, Springfield, Colorado

requesting that Permit No. M-11380 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11380, heretofore issued to \_\_\_\_\_

R. G. Dowell, Dba Edler Cash Store, Springfield, Colorado be,

and the same is hereby, declared cancelled effective March 29, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Wm E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 7th day of May, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
W. H. WILLIAMS )  
319 ALPERTS )  
FORT COLLINS, COLORADO. )  
----- )

PERMIT NO. M-9505

-----  
May 7, 1959

STATEMENT

By the Commission:

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

W. H. Williams, Fort Collins, Colorado

requesting that Permit No. M-9505 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9505, heretofore issued to \_\_\_\_\_

W. H. Williams, Fort Collins, Colorado be,

and the same is hereby, declared cancelled effective April 28, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Wm. E. Ziegler  
Commissioners

Dated at Denver, Colorado,

this 7th day of May, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
W. H. WILLIAMS )  
319 ALPERT STREET )  
FORT COLLINS, COLORADO. )  
----- )

PERMIT NO. B-4890

-----  
May 7, 1959

STATEMENT

By the Commission:

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

W. H. Williams, Fort Collins, Colorado

requesting that Permit No. B-4890 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4890, heretofore issued to \_\_\_\_\_

W. H. Williams, Fort Collins, Colorado be,

and the same is hereby, declared cancelled effective April 28, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 7th day of May, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JACK ARNOLD )  
C/O LINN M. ARNOLD, ADMINISTRATRIX )  
6980 MAGNOLIA STREET )  
DERBY, COLORADO. )  
-----

PERMIT NO. B-4051

-----  
May 7, 1959  
-----

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-4051 be suspended for six months from May 3, 1959.

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 Jack Arnold, Derby, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-4051 until November 3, 1959.

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

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zurling  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of May 1959.

ds

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 AN  
ORDER AUTHORIZING IT TO ENTER INTO  
AGREEMENT EXTENDING ITS NOTE AND  
MORTGAGE OBLIGATIONS WITH THE UNITED  
STATES OF AMERICA AS OF MAY 4, 1959.

APPLICATION NO. 17079-Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application filed May 5, 1959,  
by Union Rural 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 21, 1959,  
at 9:00 o'clock A. M., 330 State Office Building, Denver, Colorado, respect-  
ing the matters involved and the issues presented in this proceeding. Any  
interested municipality or any representative of interested consumers or  
security holders of applicant corporation, and any other person whose  
participation herein is in the public interest, may intervene in said pro-  
ceedings. Intervention petitions should be filed with the Commission on or  
before May 15, 1959, and should set forth the grounds of the proposed inter-  
vention, and the position and interest of the petitioners, in the proceed-  
ing, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Hobart*  
*Harvey G. Zarlenga*  
Commissioners

Dated at Denver, Colorado,  
this 6th day of May, 1959.



original

(Decision No. 52229)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MELVIN V. FLOCK AND IRENE M. FLOCK, )  
3515 MAIN AVENUE, DURANGO, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- ) APPLICATION NO. 17047  
IENCE AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
- - - - - )

- - - - -  
May 7, 1959  
- - - - -

Appearances: Emigh and Emigh, Esqs.,  
Durango, Colorado,  
for Applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, applicants herein sought authority to operate as a common carrier by motor vehicle for hire, for the transportation of passengers, by four-wheel jeeps, or other similar vehicles, from Durango, Colorado, to various points within the State of Colorado and return, all trips to originate and terminate in Durango, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Durango, Colorado, May 14, 1959, due notice thereof being forwarded to all parties in interest.

The Commission is now in receipt of a communication from Emigh and Emigh, Attorneys for Applicants herein, requesting dismissal of said application, without prejudice.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That hearing of the above-styled application, presently set

for May 14, 1959, at Durango, Colorado, be, and the same hereby is,  
vacated.

That Application No. 17047 be, and the same hereby is,  
dismissed, without prejudice, at request of Attorneys for Appli-  
cants herein.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Reuben L. Horton  
Henry E. Carlson  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of May, 1959.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
JOHN B. SMITH, 2551 SOUTH LOGAN )	
STREET, DENVER, COLORADO, FOR A )	
CLASS "B" PERMIT TO OPERATE AS A )	APPLICATION NO. 17039-PP
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
----- )	

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May 8, 1959  
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Appearances: Julius Ginsberg, Esq.,  
Denver, Colorado,  
for Applicant;  
Raymond B. Danks, Esq.,  
Denver, Colorado, for  
Colorado Transfer and  
Warehousemen's Association;  
Ed Tuxhorn, Byers, Colorado,  
for Byers-Denver Truck Line;  
E. B. Evans, Esq., Denver,  
Colorado, for Westway  
Motor Freight, Boulder-  
Denver Truck Line, Navajo  
Freight Lines, Overland  
Motor Express, and Brighton-  
Fort Lupton Transfer;  
Howard D. Hicks, Denver, Colo-  
rado, for Centennial Truck  
Lines;  
K. D. Wolford, Denver, Colo-  
rado, for Navajo Freight  
Lines, Inc.

S T A T E M E N T

By the Commission:

On February 6, 1959, John B. Smith, of 2551 South Logan Street, Denver, Colorado, filed his application for a Class "B" private carrier by motor vehicle for hire, for the transportation of used household furniture, fixtures, effects, and other like articles, between points within the City and County of Denver and a ten-mile radius thereof.

The above application was regularly set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on May 4, 1959, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, John B. Smith, the applicant, testified in support of the application. He stated he had been connected with the auction business for the past eight years, and at times had been hired by auction companies for delivery of furniture and picking up furniture; that he was familiar with the business and because of his familiarity, certain auction companies in Denver had requested him to secure authority for pick-up and delivery service from the various auction companies. It also appears that applicant is experienced in trucking and is financially responsible. The witness further stated that the deliveries would be made within the City and County of Denver and within a ten-mile radius of said city; that distances beyond the ten-mile radius were not practical, and that he would charge the rates filed by the common carriers on this type of service.

John C. Campbell, F. Harvey Baldwin and Herman Hauschildt, who are auctioneers and who run auctions in Metropolitan Denver, appeared and testified that they needed and desired applicant's service in picking up and delivering articles from their auction sales. They stated that the deliveries generally consisted of only one or two articles, and they needed an immediate delivery. It further appears that the auctions are not held on the same day and applicant can serve approximately five auction places. The witnesses wanted a specialized, fast delivery service which they contended was not available by common carriers, especially within the area asked for in the application.

Protestants failed to introduce testimony in opposition to the granting of the instant application, so it therefore appears that the granting of the application as disclosed by the evidence and the record will not impair common carrier service authorized to serve in the area asked for in the instant application.

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

##### THE COMMISSION FINDS:

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

O R D E R

THE COMMISSION ORDERS:

That John B. Smith, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of uncrated used household furniture, fixtures and other like articles, between points in the City and County of Denver and a ten-mile radius thereof, limited to the use of one 3/4-ton truck, and further limited to the following customers, only: Ward Auction Company, Federal Auction Company, Rosvall Auction Company, Baldwin Auction Company, Westway Auction Company, Jim's Auction, and Red Barn Auction, all of Denver, Colorado, or lying within a ten-mile radius of the City and County of Denver.

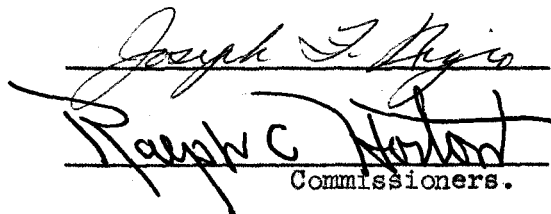
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 authority sheets.

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 HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 8th day of May, 1959.

original

(Decision No. 52231)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) GERALD M. GISI, YUMA, COLORADO, FOR ) AUTHORITY TO EXTEND OPERATIONS UNDER ) PERMIT NO. A-837. ) ----- )	<u>APPLICATION NO. 17036-PP-Extension</u>
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May 8, 1959  
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Appearances: Gerald M. Gisi, Yuma,  
Colorado, pro se;  
Howard D. Hicks, Denver,  
Colorado, for Centennial  
Truck Lines, Inc.;  
E. B. Evans, Esq., Denver,  
Colorado, for Brighton-  
Fort Lupton Transfer and  
Westway Motor Freight.

S T A T E M E N T

By the Commission:

Gerald M. Gisi, Yuma, Colorado, is the owner of Private Carrier Permit No. A-837, issued July 30, 1934, with authority to engage in the transportation business between Denver and the Colorado-Kansas state line and all intermediate points via U. S. Highway No. 85, U. S. Highway No. 6, Colorado State Highway No. 54, or via Colorado State Highway No. 81 (see Decision No. 8110).

On March 19, 1959, the applicant herein filed his application for authority to extend operations under Permit No. A-837 to include the right to transport:

Freight, in pick-up and delivery service, from and to points within a five-mile radius of Denver, provided all pick-ups of freight shall be destined to points on the line of applicant, and all deliveries shall originate along said line of applicant, and for clarification of said Permit No. A-837, to include the right to transport freight, between Denver, Colorado, and Greeley, Colorado, and all intermediate points, via U. S. Highway No. 85, and between Denver, Colorado and/or Greeley, Colorado, and the Colorado-Nebraska state line, and all intermediate points, via U. S. Highways Nos. 6 and 34, or via cut-off on U. S. Highway No. 6.

The above application was regularly set for hearing at 330 State Office Building, Denver, Colorado, on Monday, May 4, 1959, and upon due notice to all parties in interest was heard on said day, and was taken under advisement.

Applicant Gerald M. Gisi has been operating Permit No. A-837 since 1938, and has been giving service to his customers since that time. It appears from the record and the evidence submitted at the hearing that a number of wholesalers and business places have moved outside of the city limits of the City and County of Denver, and applicant testifies that in order for him to give a complete service to his customers who reside on his established route, that he be permitted to pick up and deliver to points within a five-mile radius of Denver.

Richard Hauck, a businessman residing in Yuma, and one of applicant's customers, testified as to his need for the extended service. It did not appear from the record that protestants were seriously protesting the granting of the extension for a five-mile radius around Denver.

Applicant Gisi requested that his authority be clarified and asks in his application the following:

"Freight between Denver and Greeley, and all intermediate points via U. S. Highway No. 85, and between Denver and/or Greeley and Colorado-Nebraska line, and all intermediate points, via U. S. Highway No. 6, or via cut-off on U. S. 6."

Protestants objected to transportation to Greeley and intermediate points and cross-examined applicant at some length. The Commission has carefully considered the record which includes the original permit, the evidence, and especially the cross-examination at the hearing. We have taken into account the fact that applicant has operated said permit for over twenty years, and we fail to find where his operation has materially changed during that time. We are familiar with the fact that this permit has changed hands since its issuance, and the facts further disclose that none of the highways named and described reach

the Colorado-Kansas line but do reach the Colorado-Nebraska line.

It is evident that applicant and his predecessors have used the highways named and described in said permit in the conduct of their transportation business, and that since the issuance of said permit the Highway Department of the State of Colorado has changed some of the numbers.

In view of the fact that the original permit erroneously used the word "Kansas" instead of "Nebraska" and that certain of the highway numbers have been changed, it appears that the description of applicant's operating authority heretofore granted should be clarified.

It is not the intent of the Commission in this order to alter or change the original grant of authority. Rather, it is to clarify it so it can be readily understood by applicant, his customers, competing carriers, and the Enforcement Department of the Commission.

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

##### THE COMMISSION FINDS:

1. That portion of the application for an extension to include the right to pick up and deliver freight from and to points within a five-mile radius of Denver, provided that all pick-ups of freight shall be destined to points on the line of applicant and all deliveries shall originate along said line of applicant be granted, for the reasons heretofore set forth in the Statement which is made a part of these Findings by reference. Upon the record as made, and after a careful consideration thereof, the Commission is of the opinion that it did not appear from the record and the evidence that the granting of this extension will impair the efficiency of existing adequate common carrier motor vehicle services now operating in the area sought to be served by applicant.

2. That public interest requires the clarification of the authority of Private Carrier Permit No. A-837.



O R D E R

THE COMMISSION ORDERS:


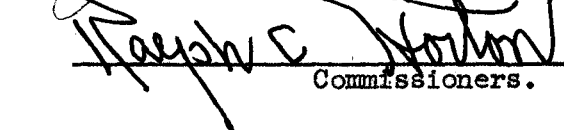
1. That Gerald M. Gisi, Yuma, Colorado, be, and he hereby is, authorized to extend his operations under Private Carrier Permit No. A-837 to include the right to transport freight in pickup and delivery service from and to points within a five-mile radius of Denver, provided all pickup of freight shall be destined to points on the line of applicant, and all deliveries shall originate along said line as authorized under his permit.

2. That the authority under Permit No. A-837 be, and the same is clarified to read as follows:

"Between Denver and the Colorado-Nebraska line, and all intermediate points via U. S. Highway No. 85, U. S. Highway No. 34, and U. S. Highway No. 6, provided that no service shall be rendered on U. S. Highway No. 6 between Denver and Wiggins, which shall be an alternate route only."

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 HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 8th day of May, 1959.

ea

original

(Decision No. 52232)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
JOHN E. SCHROYER, DOING BUSINESS AS  
"SCHROYERS," P. O. BOX 2035, COLO-  
RADO SPRINGS, COLORADO, FOR A CLASS  
"B" PERMIT TO OPERATE AS A PRIVATE  
CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 17018-PP

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May 8, 1959  
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Appearances: John E. Schroyer, 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 was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, April 29, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 27, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

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

Report of the Examiner states that at the hearing, applicant appeared in support of his application, testifying that he has suitable equipment with which to conduct his proposed operations; that he has a net worth of \$10,000; that he has received numerous requests for his proposed services; that he agrees to limit transportation of road-surfacing materials to the use of dump trucks.

No one appeared in opposition to the granting of authority herein sought, as limited by Applicant's testimony.

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

It does not appear that applicant's operations, as herein-after limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as limited by the Order following.

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

##### THE COMMISSION FINDS:

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

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

O R D E R

THE COMMISSION ORDERS:

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

That John E. Schroyer, doing business as "Schroyers," Colorado Springs, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in 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, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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

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

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.

*Joseph F. Hygie*  
*Ralph C. Horton*  
*Henry C. Zuleygo*  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of May, 1959.

mls

original

(Decision No. 52233)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
R. S. KEHR, CRIPPLE CREEK, COLORADO,	)	
FOR AUTHORITY TO TRANSFER PUC NO.	)	<u>APPLICATION NO. 17011-Transfer</u>
2661 TO ROBERT A. SCHWAB, CRIPPLE	)	
CREEK, COLORADO.	)	
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May 8, 1959  
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Appearances: Robert A. Schwab, Cripple  
Creek, Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, R. S. Kehr, Cripple Creek, Colorado, owner and operator of PUC No. 2661, seeks authority to transfer said operating rights to Robert A. Schwab, Cripple Creek, Colorado, said PUC No. 2661 being the right to operate as a common carrier by motor vehicle for hire, for the transportation of:

ashes, trash, and rubbish, from the Cities  
of Cripple Creek and Victor, Colorado, to  
the respective City Dumps of those cities.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, due notice thereof being forwarded to all parties in interest.

On April 27, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

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

Report of the Examiner states that at the hearing, Robert A. Schwab, transferee herein, appeared and testified in support of the application, stating he has suitable equipment with which to continue operations under PUC No. 2661; that he has a net worth of \$2,000; that he has experience in the transportation field; that the consideration for transfer of PUC No. 2661 is \$1,000; that there is no outstanding unpaid operating indebtedness against said certificate; that neither he nor transferor herein has any financial or proprietary interest in any other operating rights granted by this Commission.

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

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

Report of the Examiner recommends that authority herein sought be granted.

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

##### THE COMMISSION FINDS:

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

That the proposed transfer is compatible with the public interest, and should be authorized, 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 be, and the same hereby is, approved.

That R. S. Kehr, Cripple Creek, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2661 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Robert A.

Schwab, Cripple Creek, Colorado, subject to the payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

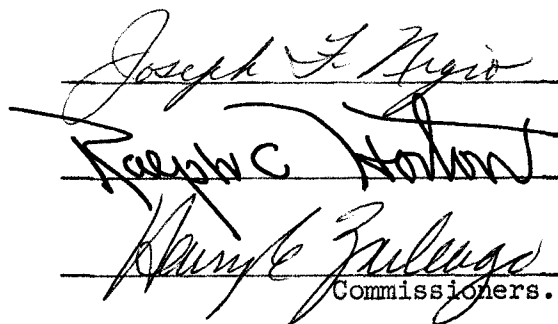
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements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

  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of May, 1959.

mls



original

(Decision No. 52234)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ERNEST ARANDA, 816 SOUTH WAHSATCH, )	
COLORADO SPRINGS, COLORADO, FOR A )	APPLICATION NO. 17012-PP
CLASS "B" PERMIT TO OPERATE AS A )	
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
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May 8, 1959  
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Appearances: Ernest Aranda, 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; sulfa-soil (fertilizer), from a point two miles south of Canon City, Colorado, to Colorado Springs, Colorado, for Western Agricultural Chemicals Company, of Colorado Springs, Colorado, only, and requests that in the event authority herein sought is granted, operating rights be known as "Permit

No. B-5457," being the number of a permit formerly held by him.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, April 29, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 27, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

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

Report of the Examiner states that at the hearing, applicant herein appeared and testified in support of his application, stating he has suitable equipment with which to conduct his proposed operations; that he has a net worth of \$10,000; that he is presently operating under Temporary Authority issued by this Commission; that he has received many requests for his proposed services; that he agrees to limit his operations to the use of dump trucks, in transportation of road-surfacing materials.

No one appeared in opposition to the granting of authority sought, as limited by applicant's testimony.

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

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

Report of the Examiner recommends that permit issue to applicant herein, 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 Report of the Examiner referred to therein should be approved.

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

O R D E R

THE COMMISSION ORDERS:

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

That Ernest Aranda, Colorado Springs, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in 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; sulfa-soil (fertilizer), from a point two miles south of Canon City, Colorado, to Colorado Springs, Colorado, for Western Agricultural Chemicals Company, of Colorado Springs, Colorado, only transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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

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


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

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 operating rights herein granted shall bear the number "Permit B-5457."

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph T. Negro  
Ralph C. Horton  
Wm. E. Gulevich  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of May, 1959.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
FRED HOFFMAN, DOING BUSINESS AS )	
"HOFFMAN TRANSFER COMPANY," 2921 )	
WALNUT STREET, DENVER, COLORADO, FOR )	APPLICATION NO. 16989-Extension
A CERTIFICATE OF PUBLIC CONVENIENCE )	
AND NECESSITY, AUTHORIZING EXTEN- )	
SION OF OPERATIONS UNDER PUC NO. )	
2060 AND PUC NO. 2060-I. )	
----- )	

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May 11, 1959  
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Appearances: Harold D. Torgan, Esq.,  
Denver, Colorado, for  
Applicant;  
E. B. Evans, Esq., Denver,  
Colorado, for Westway Motor  
Freight, Inc., Brighton-  
Fort Lupton Express, Inc.,  
Goldstein Transportation and  
Storage, Inc., Donald L.  
Mikelson, dba "Brighton-Fort  
Lupton Transfer, Boulder-  
Denver Truck Line, Overland  
Motor Express, Tiller's;  
Bernard E. Schilt, Esq., Denver,  
Colorado, for Berkeley Moving  
and Storage;  
George F. Harsh, Esq., Denver,  
Colorado, for Thomas D. Lane  
Truck Line;  
Ed Tuxhorn, Byers, Colorado, for  
Byers-Denver Truck Line;  
Howard Hicks, Denver, Colorado,  
for Centennial Truck Lines.

S T A T E M E N T

By the Commission:

Heretofore, Fred Hoffman, doing business as "Hoffman  
Transfer Company," Denver, Colorado, was granted a certificate of  
public convenience and necessity, authorizing operation as a common  
carrier by motor vehicle for hire, for the transportation of:

general commodities, except those which, because  
of size or weight, require special equipment,  
from point to point within the City and County  
of Denver, State of Colorado;

freight, between all points within a radius of five miles of Denver, Colorado, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended,

said operating rights being designated "PUC No. 2060 and PUC No. 2060-I."

By the above-styled application, said certificate-holder seeks authority to extend operations under said operating rights, to include the right to transport general commodities, except those, because of size or weight, require special equipment, from point to point within a ten-mile radius of the City and County of Denver, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 7, 1959, at 10:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 3, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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, Fred Hoffman, applicant herein, testified in support of his application, stating he is owner and operator of PUC Nos. 2060 and 2060-I; that he has operated said transfer business continuously since the Year 1926; that he is financially able and possesses necessary equipment to render his proposed extended service; that he has many customers who require, and who have demanded, his proposed extended service; that he has had frequent calls at his place of business, seeking service to points located outside the City of Denver; that the area surrounding Denver has grown greatly during the last few years; that he will ultimately lose business, and his ability to adequately serve the public will be impaired, if he cannot expand his present business to meet the growth development of the Denver area.

Report of the Examiner further states that only two shipper-witnesses appeared in support of the instant application. Robert Montgomery, of Air Reduction Sales Company, of Denver, Colorado, testified his company has been, and now is, using the services of applicant in Denver, for transportation of welding equipment and various gases; that his service has been very good; that his company has customers located outside Denver who need fast and dependable service to the area sought to be served by applicant; that since his company is presently using applicant's services in Denver, it would be better, from the standpoint of his company, to engage applicant's services to handle business developed outside Denver.

Randolph E. Taylor and Phillip B. Gordon, of Line Material Industry Company, of Denver, Colorado, testified that their company deals in poles, line, and transmission equipment; that said company is now using applicant's services in Denver; that said service is very satisfactory; that their company will use applicant's proposed extended services, if authority herein sought is granted; that applicant, if requested, will render a one-day service to the area involved herein.

The application was vigorously protested by several carriers who collectively could serve the entire area involved in the instant application, or who individually could serve certain segments thereof. Among those who appeared and testified in protest to authority herein sought were: Howard D. Hicks, of Centennial Truck Lines; M. A. Chance, of Overland Motor Express; Kenneth Williamson, of Westway Motor Freight, Inc.; Thomas D. Lane, of Thomas D. Lane Truck Line, and Ed Tuxhorn, of Byers-Denver Truck Line.

In general, their testimony disclosed that their companies are able to take care of the needs of applicant's witnesses; that they have ample and suitable equipment to render efficient and adequate service in the area sought to be served by applicant; that they have equipment which is idle most of the time, because there presently is not enough business for all carriers now certificated;

that there is not sufficient traffic available in the area to warrant granting of an additional service; that the granting of authority herein sought would impair their ability to serve the general public.

Report of the Examiner recommends that the above-styled application be denied, inasmuch as the evidence failed to establish the need for additional common carrier service in the area sought to be served by applicant; that the granting of additional authority to applicant herein would impair the efficiency of presently-certificated carriers to adequately serve the general public.

#### 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 do not require the extended motor vehicle common carrier services of applicant herein, and that said application should be denied.

#### O R D E R

##### THE COMMISSION ORDERS:

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

That public convenience and necessity do not require applicant's proposed extended motor vehicle common carrier operations, and that Application No. 16989 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

*Joseph F. Nigro*  
*Joseph C. Hahn*  
*Alvin E. Paulsen*  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of May, 1959.  
ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
FRED E. HARDING AND DAVID W. MC	)	
MILLEN, CO-PARTNERS, DOING BUSINESS	)	
AS "HARDING & MC MILLEN," 1354 EDITH	)	APPLICATION NO. 17017-PP-Extension
LANE, COLORADO SPRINGS, COLORADO,	)	
FOR AUTHORITY TO EXTEND OPERATIONS	)	
UNDER PERMIT NO. B-5461.	)	
-----	)	

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May 11, 1959  
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Appearances: Fred E. Harding, Colorado  
Springs, Colorado, for  
Applicants;  
Jones and Meiklejohn, Esqs.,  
Denver, Colorado, by  
Leslie Kehl, Esq., Denver,  
Colorado, for Fairplay  
Motor Company.

S T A T E M E N T

By the Commission:

By the above-styled application, Fred E. Harding and David W. McMillen, co-partners, doing business as "Harding and McMillen," Colorado Springs, Colorado, owners and operators of Permit No. B-5461, seek authority to extend operations under said permit, to include the right to transport tungsten ore, from Stanton Mine, two miles north of Lake Goerge, Colorado, to mill near Boulder, Colorado, for Stanton Mine, only.

Said application was regularly set for hearing before the Commission at the Court House, Colorado Springs, Colorado, April 29, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 27, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of the Examiner states that at the time and place designated for hearing, Fred E. Harding, one of applicants herein, requested that said matter be continued, and re-set for hearing at a later date, in order that he and his partner could obtain shipper-witnesses and legal counsel.

Report of the Examiner recommends that said request 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 Report of the Examiner referred to therein should be approved.

That the above-styled application should be continued, to be later re-set for hearing before the Commission, with notice to all parties in interest.

### O R D E R

#### THE COMMISSION ORDERS:

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

That Application No. 17017-PP be, and the same hereby is, continued, to be later re-set for hearing before the Commission, with notice to all parties in interest.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph T. Neizer*  
*George C. Hobart*  
*Donald E. Puley*  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of May, 1959.

ea

original

(Decision No. 52237)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LA PLATA ELECTRIC ASSOCIATION, INC., )  
A CORPORATION, DURANGO, COLORADO, )  
FOR AN ORDER APPROVING THE ISSUANCE ) APPLICATION NO. 15302-Securities  
OF SECURITIES AND FOR AN ORDER AU- ) SUPPLEMENTAL ORDER  
THORIZING THE ISSUANCE OF SECURITIES )  
AND THE APPLICATION OF THE PROCEEDS )  
THEREFROM TO CERTAIN LAWFUL PURPOSES. )  
----- )

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May 8, 1959  
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S T A T E M E N T

By the Commission:

On May 4, 1959, the La Plata Electric Association, Inc., filed with this Commission an application for authority to modify its loan agreement with the United States of America pertaining to the REA project designation "Colorado 32H La Plata," principal amount of \$452,000, dated May 1, 1957. This loan was authorized and approved by this Commission on May 14, 1957, in its Order, Decision No. 47924, Application No. 15302-Securities; the Commission, in this instance, authorized and approved the Amendment dated March 28, 1957, to Amending Loan Contract, dated December 15, 1952, as amended; the Mortgage Note, dated May 1, 1957, designated "Colorado 32H La Plata," in the principal amount of \$452,000; and the Supplemental Mortgage, dated as of May 2, 1957.

The parties above mentioned have now entered into an agreement which would modify the repayment obligations of Applicant. All of the \$452,000 has not been "drawn down" by Applicant and, therefore, it seeks to renew the loan on the unadvanced balance known as "principal balance;" thus, we understand that the provisions of the note as applied in the beginning will, in effect, be moved later in time to the date of this agreement, May 4, 1959, and thence will apply in the same manner to the payment of interest and repayment of "principal balance" over thirty-five years from this date.

In view of the fact that this Commission has previously authorized and approved the borrowing of the \$452,000, and that Applicant asked for no changes in the provision other than moving the period of the note to a later date (relative to the unadvanced portion), we see no need for a public hearing on this matter; and therefore, in the Order to follow, will authorize and approve the agreement between the United States of America and La Plata Electric Association, Inc., dated as of May 4, 1959, pertaining to REA Project designation "Colorado 32H La Plata."

### F I N D I N G S

#### THE COMMISSION FINDS:

After careful consideration of this supplemental application of La Plata Electric Association, Inc., and of the data and records on file with this Commission pertaining hereto, the Commission is of the opinion that the agreement, subject herein, should be authorized and approved.

That this Commission has jurisdiction of the lines of La Plata Electric Association Inc., in the acquired properties as to the subject matter of the instant application, as defined in 115-1-4, Colorado Revised Statutes, 1953.

That the Commission is fully advised in the premises.

That the Commission has retained jurisdiction of these proceedings to the end that it may make further Order, or Orders, in the premises as it may deem proper and desirable.

That the above and foregoing Statement is incorporated in these Findings by reference.

That the agreement between La Plata Electric Association, Inc. and the United States of America, dated May 4, 1959, referred to above and filed with this Commission May 4, 1959, is not inconsistent with the public interest.

O R D E R

THE COMMISSION ORDERS:

That the agreement between La Plata Electric Association, Inc. and the United States of America, dated May 4, 1959, and entitled "Colorado 32H La Plata," as set forth fully in the copy of the agreement attached to Application No. 15302-Securities, Supplemental, be, and the same is hereby, authorized and approved.

That this Order relates to Applicant's expenditures of borrowed money within the area of the acquired properities.


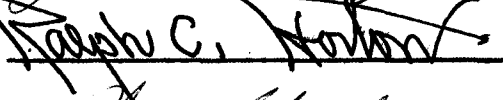

That La Plata Electric Association, Inc., within one hundred twenty (120) days of the date hereof, or date of execution, shall file with this Commission a conformed copy of the executed agreement authorized and approved herein.

That nothing herein contained shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, said securities on the part of the State of Colorado, and

That in all other respects the Decision and Order No. 47924, Application No. 15302-Securities, shall remain in full force and effect.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of May, 1959.

ea

original

(Decision No. 52238)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
WILSON HALEY, DOING BUSINESS AS )	
"WILSON HALEY WATER COMPANY," BOX )	
14, STERLING, COLORADO, FOR A CER- )	APPLICATION NO. 16900
TIFICATE OF PUBLIC CONVENIENCE AND )	
NECESSITY TO OPERATE AS A COMMON )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

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May 11, 1959  
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Appearances: Wolvington and Carleton, Esqs.,  
Sterling, Colorado, by  
Neil L. Carleton, Esq., Sterling,  
Colorado, for Applicant;  
Jones and Meiklejohn, Esqs.,  
Denver, Colorado, by  
Leslie Kehl, Esq., Denver, Colo-  
rado, for Denver-Chicago  
Trucking Company;  
Herbert M. Boyle, Esq., Denver,  
Colorado, for Basin Truck  
Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity, authorizing operations as a common carrier by motor vehicle for hire, for the transportation of water, drilling mud, drilling oil, and other drilling liquids, for drilling of oil and gas wells, only, from and to drilling operations of oil and gas wells within a radius of twenty-five miles of such drilling operations.

Said application was regularly set for hearing before the Commission, at the Court House, Sterling, Colorado, April 23, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 22, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this 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 herein testified he is presently owner and operator of Permit No. M-6112; that under said permit he has been delivering water to locations where oil wells are being drilled, in what is known as the "Denver-Julesburg Basin;" that said operation has been conducted upon a buy and sell proposition, based upon so much per barrel; that in said operation, he has used nine tank trucks, three pickup trucks, and two trailer houses; that he has served several oil well drilling companies; that his gross business of this type amounted to \$20,000 in 1955; \$25,000 in 1956; \$22,000 in 1957; \$22,000 in 1958, and for the first quarter of 1959, \$100,000; that he has a net worth of \$60,000; that in transportation of water to oil wells in the process of being drilled, it is the custom to assign a water truck, or as many water trucks as are necessary; that when requested and required, he had transported drilling oil and mud for drilling operations; that he has had continuing requests for this type of operation.

Milton Fry, of Sterling, Colorado, testified he is a tool-pusher for H. L. M. Drilling Company, and is in charge of its drilling operations; that he has been in the oil well drilling business since 1928, and has a knowledge of drilling procedures; that in the drilling of oil wells, it is necessary to use mud and/or an emulsified mixture of mud, oil, and water, to seal off water, sand, or other extraneous matter from seepage into the oil wells; that while after a well is started, the places where water or sand might seep into a well can be anticipated, there were emergencies where the use of mud or emulsified mud mixtures are needed immediately; that it would not be profitable to erect tanks to hold drilling mud or oil for mud mixtures; that it would be beneficial in the saving of time and money if the water-hauler could be on the job at all times for complete time necessary

to drill the oil well; that at the present time, his company is drilling one well in Washington County, and has other drilling sites in view; that he has used applicant's service for such transportation as sought by the instant application, and has found same to be satisfactory; that he has also used Protestant Basin Truck Line's service, and found that service to be satisfactory.

Joe Weisberger testified he resided in Fort Morgan, and was a tool-pusher for Brinkerhoff Drilling Company of Fort Morgan; that he has been in the oil well drilling business since 1948; that he heard the testimony of Witness Milton Fry, and was in full accord with same; that his company was now drilling a well three miles west of Last Chance; that he is using services of applicant, which he finds satisfactory.

Lee B. Smith testified he operates Smith Water Service, both as a Common and Commercial Carrier; that he has performed said service since 1951; that he has had oil field jobs upon which he has had to get outside trucks; that from his experience as an oil field hauler, he believes the same carrier should transport both water and mud; that most of his business was outside the State of Colorado; that at the present time, he had only one truck in Colorado, and that while applicant would be a competitor, he would have no objection to the granting of authority herein sought.

Jesse Miller testified he is owner of a Private Carrier and Commercial Carrier Permit; that it was his experience, in serving oil well drilling operations, that drilling operators required the water carrier to render a complete and full transportation service for movement of water, mud, and drilling oil.

Mike Gerih testified he is Local Manager for Denver-Chicago Transport Company, Inc.; that his company is engaged primarily in transportation of petroleum and petroleum products; that his company has a terminal in the City of Sterling, and maintains sufficient equipment to meet all demand in the Denver-Julesburg Area; that,



except in cases of emergency, there is equipment that it not being used; that his company does not transport water or mud.

Bill Craig testified he is Superintendent and Truck Manager for Basin Truck Company, at Sterling, Colorado; that his company specializes in transportation of water for use in the oil fields, and maintains a special water division under a separate manager; that his company can perform all service herein sought to be rendered by applicant; that it has sufficient equipment to perform said service, and will purchase new equipment, if necessary; That his company's equipment is being equipped for radio-call system.

Report of the Examiner further states that it was agreed that the records and files of the Commission relative to the following be made a part hereof:

Wilson Haley -- Permit No. M-6112;  
Smith Water Company -- Permit No. M-4890,  
PUC No. 4126;  
Jesse Miller -- Permit No. B-4849;  
Denver-Chicago Transport Company, Inc., --  
Permit No. M-34,  
PUC No. 1515;  
Basin Truck Company -- PUC No. 2709.

Report of the Examiner further states that applicant herein is presently operating under Permit No. M-6112, which allows him to sell water to drillers; that in addition to this particular transportation service he has, at the request and insistence of drillers, transported drilling oil and mud and the emulsified concoctions arising from a mixture of mud, oil, and water -- all apparently without proper authority from this Commission; that by the instant application, he seeks authority to perform said service as a common carrier; that transportation of water in the drilling of an oil well is peculiar to itself, in that it requires the presence of a water truck at the well during the entire time of actual drilling, both day and night; that emergencies occur during the drilling of a well, and it becomes necessary that an immediate shipment of drilling mud, drilling oil, or drilling liquids be forthcoming in order to meet this emergency;

that the water carrier whose truck is on the job would be the logical one to call to meet the emergency; that transportation of all these articles by the regular water carrier seems to be the rule rather than the exception; that the oil well drillers want, desire, and need this service; that such transportation is now being carried on by truckers; that applicant's services have been confined mostly to the Denver-Julesburg Oil Basin Area; that in the instant matter, there was no evidence of need for any transportation service outside this area; that applicant has proven there is a need for said services in the Denver-Julesburg Basin Area, only; that Denver-Chicago Transport Company, Inc. does not haul water or mud, and is only interested in the transportation of petroleum and petroleum products, and would not be materially affected if the instant application were granted; that Basin Truck Company does have all authority being sought by the instant application; that both Denver-Chicago Transport Company, Inc., and Basin Truck Company are competent haulers, but there is evidence of the need for applicant's proposed services, as hereinafter set forth.

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 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 be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Wilson Haley, doing business as "Wilson Haley Water Company," Sterling, Colorado, for the transportation of water, drilling mud, drilling oils, and other drilling liquids and emulsions, between points within twenty-five miles of any drilling operations within the area known as the "Denver-Julesburg Basin," described specifically, for the purposes of this Order, as being: "all that part of Colorado lying north of U. S. Highway No. 24, and east of U. S. Highway No. 85;" provided, however, that the transportation of drilling mud, drilling oils, and other drilling liquids and emulsions shall only be made to those locations where applicant has been hired or engaged to supply the water service, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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

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

That, in all other respects, Application No. 16900 is hereby denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Regier*  
*Ralph C. Horton*  
*Henry J. Paulaus*  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of May, 1959.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
OTIS C. TRUMPER, WRAY, COLORADO, )  
FOR AUTHORITY TO EXTEND OPERATIONS ) APPLICATION NO. 17000-PP-Extension  
UNDER PERMIT NO. B-1351. )  
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May 11, 1959  
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Appearances: Otis C. Trumper, Wray,  
Colorado, pro se;  
Glen Douglass, Yuma,  
Colorado, for Yuma  
County Transportation;  
Martin Wilshusen, Yuma,  
Colorado, pro se;  
Virgil Means, Yuma,  
Colorado, for Yuma  
Livestock Auction.

S T A T E M E N T

By the Commission:

Heretofore, Otis C. Trumper, Wray, Colorado, was authorized  
to operate as a private carrier by motor vehicle for hire (Permit No.  
B-1351 and Permit No. B-1351-I), for the transportation of:

- (a) farm products, including livestock, from  
an area extending ten miles north of Wray,  
east thereof to the Colorado-Nebraska State  
Line, south to Idalia, and west to Eckley, to  
shipping points and elevators at Wray and  
Laird, Colorado;
- (b) farm supplies, from towns in the above-de-  
scribed area, to farmers residing in said area;
- (c) livestock, from and to points in said area  
and the Colorado-Nebraska-Kansas State Line,  
to and from Denver and sales barns at Wray,  
Yuma, and Holyoke, Colorado;
- (d) cement, from Boettcher, and plaster from La  
Porte, to Wray, Colorado;

building materials and feed in truck-load lots,  
from Denver, and plaster from Loveland, to  
points in the area described in sub-paragraph  
(a) supra;

livestock from Yuma, Colorado, to Denver, Colorado; for one customer, only, to-wit: Noah Muller, and feed for livestock and poultry from Denver, Colorado, to Yuma, Colorado, for one customer, only, to-wit: Sunland Mills, of Denver, Colorado;

livestock, in interstate commerce, from and to points within a radius of 150 miles of Wray, Colorado, to and from the Colorado State Line within said radius, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, all foregoing service to be limited to the use of one truck, and no additional customers to be added without prior permission from this Commission.

By the above-styled application, said permit-holder seeks authority to extend operations under said Permit No. B-1351 to include the right to transport feed and processed grain, from Denver, Colorado, to Yuma, Colorado, and points within a radius of twenty miles thereof; and to lift the following restrictions from said Permit No. B-1351: (1) that he be limited to service for Noah Muller, in transportation of livestock from Yuma, Colorado, to Denver, Colorado; (2) that he be limited to service for Sunland Mills, in transportation of feed for livestock and poultry, from Denver, Colorado, to Yuma, Colorado; (3) that he be limited to the use of one truck.

Said application was regularly set for hearing before the Commission, at the Court House, Sterling, Colorado, April 23, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 22, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this 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, appli-

cant herein testified he is owner and operator of Permit No. B-1351; that said permit is so restricted by customer and vehicle restrictions that he cannot perform service for many customers requesting same; that there are times when he has both feed and livestock orders, and he must leave part of the load because of the limitation to one truck.

Harlan D. Lewis testified he is Manager of Bartlett and Company, of Yuma, Colorado, dealers in grain and feeds; that in said business it is necessary that the company ship in mixed and prepared feeds from Denver; that his company does not have a large place of storage, and it is necessary to have, from time to time, small shipments which could be hauled by applicant, as a back-haul; that his company has not been able to get this type of service from authorized common carriers.

Protestants appearing at the hearing failed to offer any testimony.

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

It does not appear that applicant's proposed extended operations, as hereinafter set forth, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that applicant herein be authorized to perform extended service under Permit No. B-1351, 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 applicant herein should be authorized to extend opera-

tions under Permit No. B-1351, 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 the same hereby is, approved.

That Otis C. Trumper, Wray, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-1351, to include the right to transport feeds, from Denver, Colorado, to Yuma, Colorado, for Bartlett and Company, only, said service to be limited to the use of one vehicle, as now authorized by this Commission.

This Order is made a part of the permit granted to applicant.

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

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

(S E A L)

ATTEST. A TRUE COPY.

*J. J. Mahoney*  
Secretary

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JOSEPH F. NIGRO

RALPH C. HORTON

HENRY B. ZARLENGO

Commissioners.

Dated at Denver, Colorado,  
this 11th day of May, 1959.

mls

original

(Decision No. 52240)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	}	<u>APPLICATION NO. 17040-Extension</u>
UNION RURAL ELECTRIC ASSOCIATION,		
INC., BRIGHTON, COLORADO, FOR AUTH-		
ORITY TO EXTEND FACILITIES IN THE		
SOUTHWEST QUARTER OF SECTION 5,		
TOWNSHIP 1-NORTH, RANGE 67-WEST.	}	
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May 11, 1959  
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S T A T E M E N T

By the Commission:

On April 22, 1959, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities to render electric service to a granary owned by Carl Miller located in the Southwest Quarter of Section 5, Township 1-North, Range 67-West; which extension will involve the construction of approximately 565 feet of single-phase primary line. The estimated cost of the construction is \$639.00.

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 May 1, 1959, and a letter from Colorado Central Power Company, dated April 28, 1959, 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 the 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 granary owned by Carl Miller located in the Southwest Quarter of Section 5, Township 1-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 render electric service to a granary owned by Carl Miller located in the Southwest Quarter of Section 5, Township 1-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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph L. Negro*  
*Harold C. Norton*  
*Henry J. Zaulig*  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of May, 1959.  
mls

original

(Decision No. 52241)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
ARTHUR HILLMER, 722 NORTH PINE	)	
STREET, COLORADO SPRINGS, COLORADO,	)	
FOR A CERTIFICATE OF PUBLIC CONVEN-	)	APPLICATION NO. 17010
IENCE AND NECESSITY TO OPERATE AS A	)	
COMMON CARRIER BY MOTOR VEHICLE FOR	)	
HIRE.	)	
-----	)	

-----  
May 11, 1959  
-----

Appearances: Arthur Hillmer, Colorado Springs,  
Colorado, pro se;  
Karl R. Ross, Esq., Colorado  
Springs, Colorado, for Bill  
Dausel, doing business as  
"Bill's Ash and Trash;"  
Charles Lopez, John Becker,  
doing business as "Becker's  
Ash and Trash," J. W. Estes,  
doing business as "Estes Service  
Company," Garbage Service  
Company, Inc.

S T A T E M E N T

By the Commission:

By the above-styled application, Arthur Hillmer, Colorado Springs, Colorado, seeks a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of ashes and trash, in and around Colorado Springs, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, April 29, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 27, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report to the Commission of said proceedings.

Report of the Examiner states that at the time and place designated for hearing, Applicant requested that said matter be continued, to be re-set for hearing at a later date, in order to afford him an opportunity to obtain shipper-witnesses and legal counsel.

Report of the Examiner recommends that said request 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 Report of the Examiner referred to therein should be approved.

That the above-styled matter should be continued, as requested by Applicant herein.

### O R D E R


#### THE COMMISSION ORDERS:

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

That Application No. 17010 be, and the same hereby is, continued, to be later re-set for hearing before the Commission, with notice to all parties in interest.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Regis  
Ralph C. Horton  
Henry C. Ziehl  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of May, 1959.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
FRANK WELCH, ROUTE 1, FORT MORGAN, )	
COLORADO, FOR A CERTIFICATE OF )	
PUBLIC CONVENIENCE AND NECESSITY )	APPLICATION NO. 16903
TO OPERATE AS A COMMON CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
May 11, 1959  
-----

Appearances: Max Snyder, Esq., Fort Morgan,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of trash and garbage, from point to point within the County of Morgan, Colorado, excluding service in the Town of Brush and in the City of Fort Morgan, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Fort Morgan, Colorado, April 28, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 27, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

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

Report of the Examiner states that at the hearing, applicant appeared and testified in support of his application, stating he has had previous experience in the trucking business; that he has a net

worth of \$6,150; that financial statement is on file with the Commission; that he is the owner of a 1951 Chevrolet Dump Truck; that he has received many requests for his proposed services.

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

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

Report of the Examiner recommends that authority herein sought be granted applicant herein.

### 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 the motor vehicle common carrier call and demand transportation service of applicant herein, 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 be, and the same hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Frank Welch, Fort Morgan, Colorado, for the transportation of trash and garbage, from point to point within the County of Morgan, State of Colorado, excluding therefrom service in the Town of Brush, and in the City of Fort Morgan, 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

Joseph L. Nigro  
Harold C. Holton  
Henry Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of May, 1959.

ea

original

(Decision No. 52243)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
AMOS CROSBY, DOING BUSINESS AS "57 )  
TRANSIT," 251 COLORADO AVENUE, GRAND )  
JUNCTION, COLORADO, FOR AUTHORITY TO )  
TRANSFER TO KENNETH CROSBY AND LEWIS )  
CROSBY, CO-PARTNERS, DOING BUSINESS )  
AS "YELLOW CAB COMPANY," 142 NORTH )  
SEVENTH STREET, GRAND JUNCTION, COLO- )  
RADO, A PORTION OF PUC NO. 2102. )  
----- )

APPLICATION NO. 16975-Transfer  
SUPPLEMENTAL ORDER

-----  
May 11, 1959  
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Appearances: Cecil S. Haynie, Esq., Grand  
Junction, Colorado, for  
Applicants.

S T A T E M E N T

By the Commission:

Pursuant to authority contained in Decision No. 52121,  
of date April 21, 1959, Kenneth Crosby and Lewis Crosby, co-partners,  
doing business as "Yellow Cab Company," Grand Junction, Colorado,  
acquired PUC No. 2102 from Amos Crosby, doing business as "57 Transit,"  
Grand Junction, Colorado, said transferees being authorized to mortgage  
said operating rights to transferor herein, and further being required  
to file copy of said mortgage with the Commission upon its execution.

Copy of said Morggage has now been filed with the Commission,  
and applicants herein request approval thereof.

F I N D I N G S

THE COMMISSION FINDS:

That Chattel Mortgage filed herein on May 1, 1959, should be  
approved, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Chattel Mortgage of date April 29, 1959, against all  
right, title, and interest in and to PUC No. 2102, given by Kenneth  
Crosby and Lewis Crosby, co-partners, doing business as "Yellow Cab

Company," Grand Junction, Colorado, to Amos Crosby, Grand Junction, Colorado, to secure payment of indebtedness in the amount of Thirty-Five Thousand Five Hundred Thirteen Dollars and Ninety-Two Cents (\$35,513.92), and interest, in accordance with the terms and conditions therein set forth, be, and the same hereby is, approved.

That said Chattel Mortgage, filed with the Commission on May 1, 1959, in the above-styled application, is by reference 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

Joseph T. Nigro  
Joseph C. Gordon  
Blair G. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of May, 1959.

ea



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
TONY PARACHINI, ROBERT PARACHINI, )	
ROY PARACHINI, AND TONY PARACHINI, )	
JR., CO-PARTNERS, DOING BUSINESS AS )	<u>APPLICATION NO. 16902-Transfer</u>
"PARACHINI & SONS," WELDONA, COLO- )	
RADO, FOR AUTHORITY TO TRANSFER PUC )	
NO. 1129 TO A. S. LORENZINI, ROUTE )	
1, WELDONA, COLORADO. )	
----- )	

-----  
May 11, 1959  
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Appearances: A. S. Lorenzini, Weldon, Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Tony Parachini, Robert Parachini, Roy Parachini, and Tony Parachini, Jr., co-partners, doing business as "Parachini & Sons," Weldon, Colorado, were granted a certificate of public convenience and necessity, authorizing them to operate as a common carrier by motor vehicle for hire, for the transportation of:

farm supplies, farm products (including livestock) and equipment, including used household goods when moved in connection with farmers' effects, into, out of, and between points within a territory extending north of Weldon to the north Morgan County Line, east of Weldon a distance of five miles, south thereof a distance of fifteen miles, and west of Weldon a distance of fifteen miles (without the right to transport farm supplies, specifically including machinery and repair parts and household goods from Denver to points within a radius of ten miles of Weldon) in conflict with the rights acquired by the Northeastern Motor Freight Company, from H. B. Miner, and provided further that applicant will not conduct transportation service of a competitive character between towns on the line of scheduled common carriers now serving the Weldon Area,

said operating rights being designated "PUC No. 1129."

By the above-styled application, said certificate-holders seek authority to transfer said PUC No. 1129 to A. S. Lorenzini, Weldon, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Fort Morgan, Colorado, April 28, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 27, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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, A. S. Lorenzini, transferee herein, testified in support of the application, stating he has had thirty-two years' experience in operation of motor vehicles; that he has sufficient equipment to carry on operations under PUC No. 1129; that he has a net worth of \$50,000; that the consideration for transfer of said PUC No. 1129 is the sum of \$2,000; that there are no outstanding unpaid operating obligations against said certificate; that neither he nor transferors has any financial or proprietary interest in any other operating rights granted by this Commission.

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

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

Report of the Examiner recommends that authority herein sought be granted.

## F I N D I N G S

### THE COMMISSION FINDS:

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

That the proposed transfer is compatible with the public interest, and should be authorized, 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 be, and the same hereby is, approved.

That Tony Parachini, Robert Parachini, Roy Parachini, and Tony Parachini, Jr., co-partners, doing business as "Parachini & Sons," Weldona, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 1129 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to A. S. Lorenzini, Weldona, 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 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 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

Joseph F. Regier  
Ralph C. Holbert  
Henry G. Gailings  
Commissioners

Dated at Denver, Colorado,  
this 11th day of May, 1959.

ea

original

(Decision No. 52245)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
EDWARD W. CROSS, DOING BUSINESS AS )	
"AKRON TRUCK LINE," 42 DATE AVENUE, )	
AKRON, COLORADO, FOR AUTHORITY TO )	APPLICATION NO. 16899-Transfer
TRANSFER PUC NO. 577 TO LAWRENCE )	
WAGNER, DOING BUSINESS AS "AKRON )	
TRUCK LINE," BOX 293, AKRON, COLO- )	
RADO. )	
----- )	

-----  
May 11, 1959  
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Appearances: Lawrence Wagner, Akron,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, Edward W. Cross, doing business as "Akron Truck Line," Akron, Colorado, owner and operator of PUC No. 577, seeks authority to transfer said operating rights to Lawrence Wagner, doing business as "Akron Truck Line," Akron, Colorado, said PUC No. 577 being the right to operate as a common carrier by motor vehicle for hire, for the transportation of:

freight of all kinds, from point to point in Washington County, and between points in said County and other points in the State of Colorado, except between Denver and Akron, and Akron and Sterling and that part of Washington County described as follows: excluding therefrom the portion of said county which lies south of Meridian 40 and lying between two parallel lines running north and south, ten miles east and ten miles west of the Town of Akron, and thirty miles south of said town;

livestock, bulk grain, hay, bridge lumber, heavy construction material and machinery (all in less than carload lots) not on schedule, between the portion of Washington County lying north of baseline, Meridian 40 and Denver, all for customers residing in Washington County, provided said applicant should not engage in any general freight transportation service of any competitive character along the line-haul of the Woods Truck Line, between Akron and Denver.

Said application was regularly set for hearing before the Commission, at the Court House, Fort Morgan, Colorado, April 28, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 27, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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, Lawrence Wagner, transferee herein, testified in support of the application, stating he has sufficient equipment with which to carry on operations under PUC No. 577; that he has a net worth of \$8,000; that the consideration for transfer of said PUC No. 577 is the sum of \$5,000; that there are no outstanding unpaid operating obligations against said certificate; that neither transferor nor transferee has any proprietary or financial interest in any other operating rights granted by this Commission.

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

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

Report of the Examiner recommends that authority herein sought be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That the proposed transfer is compatible with the public interest, and should be authorized, 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 be, and the same hereby is, approved.

That Edward W. Cross, doing business as "Akron Truck Line," Akron, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 577 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Lawrence Wagner, doing business as "Arkon Truck Line," Akron, 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 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

*Joseph F. Higgins*  
*Joseph C. Norton*  
*Henry H. Hays*  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of May, 1959.  
ea

original

(Decision No. 52246)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) ART KESELING, BOX 1300, STERLING, ) COLORADO, FOR AUTHORITY TO TRANSFER ) PERMIT NO. B-4678 TO J. T. ROBINSON, ) BRUSH, COLORADO. ) ----- )	APPLICATION NO. 16904-PP-Transfer
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May 11, 1959  
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Appearances: Barry, Dawkins, and Boyle, Esqs.,  
Denver, Colorado, by  
Herbert M. Boyle, Esq., Denver,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Art Keseling, Sterling, Colorado, was author-  
ized to operate as a private carrier by motor vehicle for hire  
(Permit No. B-4678), for the transportation of:

machinery, equipment, materials, and supplies  
used in or in connection with the discovery,  
development, production, refining, manufacture,  
processing, storage, transmission, and distri-  
bution of natural gas and petroleum and their  
products and by-products, and machinery, material,  
equipment, and supplies used in or in connection  
with the construction, operation, repair, service,  
maintenance, and dismantling of pipe lines, in-  
cluding the stringing and picking up thereof,  
except in connection with main or trunk pipe lines,  
said service to originate at or be destined to  
supply houses, warehouses, or railheads within a  
radius of seventy-five miles of Sterling, Colorado.

By the above-styled application, said permit-holder seeks  
authority to transfer said Permit No. B-4678 to J. T. Robinson,  
Brush, Colorado.

Said application was regularly set for hearing before the  
Commission, at the Court House, Fort Morgan, Colorado, April 28, 1959,  
at ten o'clock A. M., due notice thereof being forwarded to all parties  
in interest.



On April 27, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, 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, transferee herein appeared in support of the application, stating he is presently operating under Temporary Authority issued by this Commission; that he has sufficient equipment and net worth (Exhibit A) to continue operations under Permit No. B-4678; that the consideration for transfer of Permit No. B-4678 and I. C. C. Authority No. MC-114589, is \$1,250 (Exhibit B); that there is no outstanding unpaid operating indebtedness against said permit; that neither transferor nor transferee herein have any proprietary interest in any other operating rights issued by this Commission.

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

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

Report of the Examiner recommends that authority herein sought be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

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

That Art Keseling, Sterling, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-4678 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to J. T. Robinson, Brush, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

This order is made 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

*Joseph T. Higgins*  
*Ralph C. Horton*  
*Spencer G. ...*  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of May, 1959.  
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
OTIS C. TRUMPER, WRAY, COLORADO, )	
FOR AUTHORITY TO TRANSFER PERMIT )	
NO. B-1351 AND PERMIT NO. B-1351-I )	APPLICATION NO. 17001-PP-Transfer
TO JESS W. BLIVIN, DOING BUSINESS )	
AS "PAT BLIVIN," 1030 SOUTH GRANT, )	
WRAY, COLORADO. )	
----- )	

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May 12, 1959  
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Appearances: Otis C. Trumper, Wray,  
Colorado, pro se;  
Jess W. Blivin, Wray,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, Otis C. Trumper, Wray, Colorado, owner and operator of Permits Nos. B-1351 and B-1351-I, seeks authority to transfer said operating rights to Jess W. Blivin, doing business as "Pat Blivin," Wray, Colorado, said Permits Nos. B-1351 and B-1351-I being the right to operate as a private carrier by motor vehicle for hire, for the transportation of:

- (a) farm products, including livestock, from an area extending ten miles north of Wray, east thereof to the Colorado-Nebraska State Line, south to Idalia, and west to Eckley, to shipping points and elevators at Wray and Laird, Colorado;
  - (b) farm supplies, from towns in the above-described area, to farmers residing in said area;
  - (c) livestock, from and to points in said area and the Colorado-Nebraska-Kansas State Line, to and from Denver and sales barns at Wray, Yuma, and Holyoke, Colorado;
  - (d) cement, from Boettcher, and plaster from LaPorte, to Wray, Colorado;
- building materials and feed in truck-load-lots, from Denver, and plaster from Loveland, to points in the area described in sub-paragraph (a) supra;

livestock from Yuma, Colorado, to Denver, Colorado, for one customer, only, to-wit: Noah Muller, and feed for livestock and poultry from Denver, Colorado, to Yuma, Colorado, for one customer, only, to-wit: Sunland Mills, of Denver, Colorado;

livestock, in interstate commerce, from and to points within a radius of 150 miles of Wray, Colorado, to and from the Colorado State Line within said radius, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, all foregoing service to be limited to the use of one truck, and no additional customers to be added without prior permission from this Commission;

feeds, from Denver, Colorado, to Yuma, Colorado, for Bartlett and Company, said service to be limited to the use of one vehicle.

Said application was regularly set for hearing before the Commission, at the Court House, Sterling, Colorado, April 23, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 22, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this 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, Otis C. Trumper testified he is owner of Permits Nos. B-1351 and B-1351-I; that because of his age and physical condition, he seeks to transfer said permits to Jess W. Blivin; that there is a cash consideration for said transaction; that there are no outstanding unpaid operating obligations against said permits.

Jess W. Blivin, transferee herein, testified he has had transportation experience; that he owns two cars, and is purchasing a truck; that he has approximately \$500 in the bank.

No one appeared in opposition to authority herein sought.

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

Report of the Examiner recommends that authority to transfer herein sought be granted.

## F I N D I N G S

### THE COMMISSION FINDS:

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

That the proposed transfer is compatible with the public interest, and should be authorized, 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 be, and the same hereby is, approved.

That Otis C. Trumper, Wray, Colorado, should be, and hereby is, authorized to transfer all his right, title, and interest in and to Permits Nos. B-1351 and B-1351-I -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Jess W. Blivin, doing business as "Pat Blivin," Wray, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That 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.

That transfer of interstate operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act

of 1935, as amended.

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

Joseph F. Regio  
Ralph C. Hinton  
Alvin Zullig  
Commissioners

Dated at Denver, Colorado,  
this 12th day of May, 1959.

ea

agreed

(Decision No. 52248)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE NEW SEVEN FALLS COMPANY, INC., )  
SOUTH CHEYENNE CANYON, COLORADO )  
SPRINGS, COLORADO, FOR AUTHORITY )  
TO LEASE PUC NO. 166 TO E. F. ROWLETT ) APPLICATION NO. 17076-Lease  
AND MAYNARD T. BINKERD, DOING BUSI- )  
NESS AS "R & P SCENIC TOURS," 120 )  
EAST PIKES PEAK AVENUE, COLORADO )  
SPRINGS, COLORADO. )  
----- )

-----  
May 12, 1959  
-----

S T A T E M E N T

By the Commission:

On May 28, 1929, The Seven Falls Company, a Colorado corporation, was granted a certificate of public convenience and necessity, by Decision No. 1789, authorizing operation as a common carrier by motor vehicle for hire, for the transportation of:

passengers, from Seven Falls, Stratton Park, Colorado, to the various scenic attractions in the Pikes Peak Region,

with the proviso that all service under Certificate No. 166, issued under said Decision, should be limited to round-trip operations originating and terminating at Seven Falls, Stratton Park, Colorado, and in furnishing said service, The Seven Falls Company should be limited to the use of three automobiles,

said operating rights (PUC No. 166) being thereafter extended by Decision No. 49706, of date February 25, 1958:

to include the right to serve all points located within the City of Colorado Springs, Colorado.

By the instant application, said certificate-holder seeks authority to lease said operating rights for a period of one year, viz., from April 1, 1959 to April 1, 1960, to E. F. Rowlett and Maynard T. Binkerd, doing business as "R & P Scenic Tours," Colorado Springs, Colorado, for a rental of \$200 for the year, payment

to be made within ten days after approval of said Lease Agreement by this Commission, lessees agreeing to carry on said operations in accordance with and subject to the law and rules and regulations of this Commission.

The records and files of the Commission fail to disclose any reason why said Lease Agreement should not be approved.

### F I N D I N G S

#### THE COMMISSION FINDS:

That said Lease Agreement should be approved.

### O R D E R

#### THE COMMISSION ORDERS:

That The New Seven Falls Company, Inc., Colorado Springs, Colorado, should be, and hereby is, authorized to lease to E. F. Rowlett and Maynard T. Binkerd, doing business as "R & P Scenic Tours," Colorado Springs, Colorado, its operating rights under PUC No. 166 upon the terms and conditions set forth in Lease Agreement, of date April 1, 1959, which is made a part hereof, by reference, operations of lessees to be conducted in accordance with, and subject to, the laws of the State of Colorado and the rules and regulations of this Commission, and within authority granted by Decisions Nos. 1789 and 49706, subject to conditions and restrictions therein contained, as set forth in the preceding Statement, which is made a part hereof, by reference.

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

The right of Lessee 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 as of the day and  
date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Regio*  
*Regio*  
*Regio*  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of May, 1959.

ea

original

(Decision No. 52249)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ASPEN AIRWAYS, INC., ASPEN, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY, AUTHOR- )  
IZING EXTENSION OF OPERATIONS. )  
-----)

APPLICATION NO. 16761-Extension  
SUPPLEMENTAL ORDER

-----  
May 12, 1959  
-----

Appearances: R. B. Danks, Esq., Denver,  
Colorado, for Applicant;  
John R. Barry, Esq., Denver,  
Colorado, for Columbine  
Airlines, Inc.;  
Carbon & Walsmith, Esqs., Denver,  
Colorado, for Helicopters, Inc;  
R. G. Kopplitz, Denver, Colo-  
rado, pro se;  
Edward Drapela, Aurora, Colo-  
rado, pro se, Rocky Mountain  
Aviation, Clinton Aviation,  
Kramer Flying Service;  
Gordon B. Warren, Gunnison, Colo-  
rado, pro se;  
W. F. Bridgeman, Denver, Colo-  
rado, for the Commission.

S T A T E M E N T

By the Commission:

On December 30, 1958, the Commission entered its Decision  
No. 51483 in the above-styled application, granting to Aspen Airways,  
Inc., Aspen, Colorado, a certificate of public convenience and neces-  
sity, authorizing it to:

"experiment with scheduled service in light  
aircraft for a period of approximately one  
year from the effective date of this Order,  
for the purpose of evaluating the possible  
demand for scheduled service out of Aspen;  
and should be, and hereby is, required to  
make monthly reports as to the number of  
passengers transported in each direction  
by scheduled service, as one category, and  
as a second category, the number of passengers  
transported each month and revenues derived  
therefrom in air taxi service, into or out of  
the Aspen Airport; and this Order shall be  
taken, deemed, and held to be a certificate  
of public convenience and necessity therefor;

said certificate shall expire without further order of the Commission on February 1, 1960, unless sooner extended."

The Commission is now in receipt of a communication from Raymond B. Danks, Attorney for Applicant herein, requesting permission to establish certain schedules therein set forth, alleging that the demand for scheduled service between Aspen, Colorado, and Denver, Colorado, does not justify any schedules in excess of those set forth.

### F I N D I N G S

#### THE COMMISSION FINDS:

That said request should be granted, as set forth in the Order following.

### O R D E R

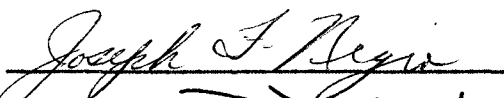
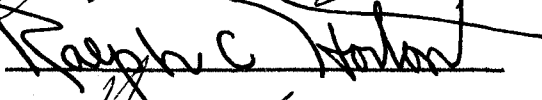
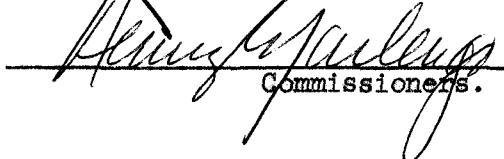
#### THE COMMISSION ORDERS:

That Aspen Airways, Inc., Aspen, Colorado, be, and it hereby is, authorized to institute the following schedules in its operations authorized by Decision No. 51483:

1. From April 15 through June 14 -- one scheduled trip per week;
2. From June 15 through September 15 -- one scheduled trip per day;
3. From September 16 through December 14 -- one scheduled trip per week;
4. From December 14 through April 14 -- one scheduled trip per day.

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 May, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
ERNEST ARANDA, 816 SOUTH WAESATCH,	)	
COLORADO SPRINGS, COLORADO, FOR A	)	
CERTIFICATE OF PUBLIC CONVENIENCE	)	<u>APPLICATION NO. 17009</u>
AND NECESSITY TO OPERATE AS A COM-	)	
MON CARRIER BY MOTOR VEHICLE FOR HIRE.)	)	
-----	)	

-----  
May 12, 1959  
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Appearances: Ernest Aranda, Colorado  
Springs, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, Ernest Aranda, Colorado Springs, Colorado, seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of ashes, trash, and other waste materials, in Colorado Springs, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, April 29, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 27, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

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

Report of the Examiner states that at the hearing, Ernest Aranda appeared in support of his application, stating he has suitable

equipment with which to conduct his proposed operations; that he has a net worth of \$10,000; that he is presently operating under a Temporary Authority issued by the Commission; that he has received numerous requests for his proposed services; that because of a lapse in insurance coverage, PUC No. 2572, formerly held by him, was revoked; that in the event authority herein sought is granted, he requests that said operating rights be known as "PUC No. 2572."

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

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

Report of the Examiner recommends that certificate of public convenience and necessity issue to applicant herein.

### 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 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 Findings should be, and hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Ernest Aranda, Colorado Springs, Colorado, for the transportation of trash, ashes, dirt, rock, fertilizer, rubbish, brush, and other waste materials, between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado, and the city dump,

located approximately .8 of a mile from the City Limits of Colorado Springs, Colorado, and any dump which is now, or which may hereafter be, located within the area above described; 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 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 operating rights herein granted shall bear the number PUC No. 2572."

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(S E A L)

ATTEST: A TRUE COPY

*J. J. Mahoney*  
Secretary

JOSEPH F. NIRO

RALPH C. HORNOM

HENRY E. ZARLENGO

Commissioners

Dated at Denver, Colorado,  
this 12th day of May, 1959.

ea

original

(Decision No. 52251)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
VIRGIL O. EAGLE, BOX 351, FOUNTAIN, )	
COLORADO, FOR A CLASS "B" PERMIT TO )	APPLICATION NO. 17015-PP
OPERATE AS A PRIVATE CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
May 12, 1959  
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Appearances: Virgil O. Eagle, Fountain,  
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; lumber, from Frank's Sawmills, in forests, to Frank's Sawmill, at Monument, Colorado, for Frank's Sawmill, only.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, April 29, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 27, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

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

Report of the Examiner states that at the hearing applicant appeared in support of his application, testifying that he has suitable equipment with which to conduct his proposed operations; that he has a net worth of \$10,000; that he is presently operating under Temporary Authority issued by this Commission; that he has received numerous requests for his proposed services; that he agrees to limit transportation of road-surfacing materials to the use of dump trucks.

No one appeared in opposition to the granting of authority herein sought, as limited by applicant's testimony.

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

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

Report of the Examiner recommends that permit 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 permit should issue to applicant herein, as set forth in the Order following.



O R D E R

THE COMMISSION ORDERS:

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

That Virgil O. Eagle, Fountain, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in 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; lumber, from Frank's Sawmills, in forests, to Frank's Sawmill, at Monument, Colorado, for Frank's Sawmill, only, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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

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

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

Joseph F. Nigro  
Joseph C. Holman  
Henry E. Zuleygo  
Commissioners

Dated at Denver, Colorado,  
this 12th day of May, 1959.

ea

(Decision No. 52252)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ELMER BUTCHER, 328 NORTH SWOPE, )  
COLORADO SPRINGS, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 17013-PP

-----  
May 12, 1959  
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Appearances: Elmer Butcher, 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 was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, April 29, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 27, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

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

Report of the Examiner states that at the hearing, applicant herein appeared in support of his application, testifying that he has suitable equipment with which to conduct his proposed operation; that he has a net worth of \$20,000; that he is presently operating under Temporary Authority issued by this Commission; that he has received numerous requests for his proposed services; that he agrees to limit transportation of road-surfacing materials to the use of dump trucks.

No one appeared in opposition to the granting of authority sought, as limited by applicant's testimony.

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

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

Report of the Examiner recommends that permit issue to applicant herein, as limited by 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 Report of the Examiner referred to therein should be approved.

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

O R D E R

THE COMMISSION ORDERS:

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

That Elmer Butcher, Colorado Springs, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in 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, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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

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

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

*Joseph F. Myers*  
*Ralph C. Hobart*  
*Harry G. Zuleygo*  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of May, 1959.

mls

original

(Decision No. 52253)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ALBERT H. FERGUSON, 12 NORTH 25TH )  
STREET, COLORADO SPRINGS, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE )  
----- )

APPLICATION NO. 17016-PP

-----  
May 13, 1959  
-----

Appearances: Albert H. Ferguson, 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 was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, April 29, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 27, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to

conduct the hearing on said application.

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

Report of the Examiner states that at the hearing, applicant appeared and testified in support of his application, stating that he owns sufficient equipment with which to conduct his proposed operations; that he is presently operating under Temporary Authority issued by this Commission; that he has a net worth of \$3,500; that he has received numerous requests for his proposed service; that he is agreeable that transportation of road-surfacing materials be limited to the use of dump trucks.

No one appeared in opposition to the granting of authority herein sought, as limited by Applicant's testimony.

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

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

Report of the Examiner recommends that permit 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 permit should issue to applicant herein, as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

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



That Albert H. Ferguson, Colorado Springs, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in 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, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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

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

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

*Joseph T. Regio*  
*Robert C. Holman*  
*Henry K. Sullivan*  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of May, 1959.  
ea

original

(Decision No. 52254)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHARLES O. COONS, DOING BUSI- )  
NESS AS "COONS' TRANSFER & )  
STORAGE," 1940 SOUTH BANNOCK, ) PUC NO. 3432  
DENVER, COLORADO. )  
----- )

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May 13, 1959  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Charles O. Coons, doing business as "Coons' Transfer & Storage," Denver, Colorado, owner and operator of PUC No. 3432, requesting authority to change his trade name to "Trans World Van Lines."

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby directed to change the records of the Commission to show:

"Charles O. Coons, doing business as  
'Trans World Van Lines,'"

to be the owner and operator of PUC No. 3432, rather than:

"Charles O. Coons, doing business as  
'Coons' Transfer & Storage.'"

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nease*  
*Harold C. Johnson*  
*Alvin J. Zuley*  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of May, 1959.  
ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GUIDO P. MEYER )  
 )  
ASPEN, COLORADO. )  
 )  
----- )

PERMIT NO. M-12900

-----  
May 12, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Guido P. Meyer, Aspen, Colorado  
requesting that Permit No. M-12900 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12900, heretofore issued to \_\_\_\_\_  
Guido P. Meyer, Aspen, Colorado \_\_\_\_\_ be,  
and the same is hereby, declared cancelled effective April 23, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 195 9.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LESTER L. BELDING, DOING BUSINESS )  
AS, "VALLEY FARM DAIRY" )  
ROUTE I, POST OFFICE BOX 111 )  
LOVELAND, COLORADO. )  
-----)

PERMIT NO. M-11330

-----  
May 12, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Lester L. Belding, Dba Valley Farm Dairy, Loveland, Colorado  
requesting that Permit No. M-11330 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11330, heretofore issued to \_\_\_\_\_  
Lester L. Belding, Dba Valley Farm Dairy, Loveland, Colorado be,  
and the same is hereby, declared cancelled effective April 19, 1959

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 12TH day of May, 1959

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ARTHUR HOWELL BATIE AND WARREN G. )  
HENDERSON, DOING BUSINESS AS, "BATIE-  
HENDERSON FURNITURE COMPANY" )  
210 EAST 4TH. STREET, LOVELAND, )  
COLORADO. -----)

PERMIT NO. M-14828

-----  
May 12, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arthur Howell Batie  
and Warren G. Henderson Dba Batie-Henderson Furniture Co., Loveland, Colorado  
requesting that Permit No. M-14828 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14828, heretofore issued to Arthur Howell Batie  
and Warren G. Henderson Dba Batie-Henderson Furniture Co., Loveland, Colorado be,  
and the same is hereby, declared cancelled effective April 24, 1959

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Norton  
Wm. E. Zuckert  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 1959

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RALPH HARRELD )  
POST OFFICE BOX 63 )  
ARRIBA, COLORADO. )  
----- )

PERMIT NO. M-7793

-----  
May 12, 1959

STATEMENT

By the Commission:

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

Ralph Harreld, Arriba, Colorado

requesting that Permit No. M-7793 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7793, heretofore issued to \_\_\_\_\_

Ralph Harreld, Arriba, Colorado be,

and the same is hereby, declared cancelled effective May 7, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zink  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DONN F. BIVIAN'S )  
34 HARRISON )  
LONGMONT, COLORADO. )  
----- )

PERMIT NO. M-4998

-----  
May 12, 1959

STATEMENT

By the Commission:

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

Donn F. Bivians, Longmont, Colorado

requesting that Permit No. M-4998 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4998, heretofore issued to \_\_\_\_\_

Donn F. Bivians, Longmont, Colorado be,

and the same is hereby, declared cancelled effective May 9, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Horton  
Henry E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 195 9

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FRANK E. MARTIN, DOING BUSINESS AS, )  
"MARTIN'S FURNITURE COMPANY" )  
3475 WEST 32ND. AVENUE )  
DENVER, COLORADO. )  
-----

PERMIT NO. M-2865

-----  
May 12, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Frank E. Martin, Dba Martin's Furniture Co., Denver, Colorado  
requesting that Permit No. M-2865 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2865, heretofore issued to \_\_\_\_\_  
Frank E. Martin, Dba Martin's Furniture Co., Denver, Colorado be,  
and the same is hereby, declared cancelled effective May 14, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Norton  
Henry E. Zuckers  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 1959.

ds



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
N. G. BRIDGES, DOING BUSINESS AS, )  
"SLIM'S TRUCKING COMPANY" )  
2824 JEFFERSON, N. E. )  
ALBUQUERQUE, NEW MEXICO. )  
-----)

PERMIT NO. M-2433

-----  
May 12, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
N. G. Bridges Dba Slim's Trucking Co., Albuquerque, New Mexico  
requesting that Permit No. M-2433 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2433, heretofore issued to \_\_\_\_\_  
N. G. Bridges Dba Slim's Trucking Co., Albuquerque, New Mexico be,  
and the same is hereby, declared cancelled effective May 7, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Norton  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
N. G. BRIDGES, DOING BUSINESS AS, )  
"SLIM'S TRUCKING COMPANY" )  
2824 JEFFERSON, N. E. )  
ALBUQUERQUE, NEW MEXICO. )  
-----

PUC NO. 3569-I

-----  
May 12, 1959  
-----

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. 3569-I be suspended for six months from May 7, 1959.

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 N. G. Bridges, Dba Slim's Trucking Company, Albuquerque, New Mexico, be, and he is hereby, authorized to suspend his operations under PUC No. 3569-I until November 7, 1959.

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

*Joseph F. Negro*  
*Joseph C. Horton*  
*Henry E. Zuckers*  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of May 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

JAMES D. BLOOM )  
GENERAL DELIVERY )  
ASHTON, IDAHO. )  
----- )

PERMIT NO. M-8084

-----  
May 12, 1959  
-----

STATEMENT

By the Commission:

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

James D. Bloom, Ashton, Idaho

requesting that Permit No. M-8084 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8084, heretofore issued to \_\_\_\_\_

James D. Bloom, Ashton, Idaho be,

and the same is hereby, declared cancelled effective April 26, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Raymond C. Horton  
Wm. E. Zank  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 1959.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JAMES D. BLOOM )  
GENERAL DELIVERY )  
ASHTON, IDAHO. )  
----- )

PERMIT NO. B-4997

-----  
May 12, 1959

STATEMENT

By the Commission:

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

James D. Bloom, Ashton, Idaho

requesting that Permit No. B-4997 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4997, heretofore issued to \_\_\_\_\_

James D. Bloom, Ashton, Idaho be,

and the same is hereby, declared cancelled effective April 26, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Tigra  
Joseph C. Horton  
Henry E. Zerkings  
Commissioners

Dated at Denver, Colorado,

this 12th day of May, 195 9.

ds

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
H. J. DETTMAR, 959 OSAGE AVENUE, )	
MANITOU SPRINGS, COLORADO, FOR A )	
CLASS "B" PERMIT TO OPERATE AS A )	APPLICATION NO. 17014-PP
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
----- )	

-----  
May 13, 1959  
-----

Appearances: H. J. Dettmar, Manitou  
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, in dump trucks, only.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, April 29, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On April 27, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

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

Report of the Examiner states that at the hearing, applicant appeared in support of his application, testifying he has suitable equipment with which to carry on his proposed operations; that he has a net worth of \$40,000; that he is presently operating under Temporary Authority issued by this Commission; that he has received numerous requests for his proposed service; that it is agreeable that transportation of road-surfacing materials be limited to the use of dump trucks.

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

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

It does 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.

Report of the Examiner recommends that permit issue to applicant herein.

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

#### O R D E R

##### THE COMMISSION ORDERS:

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

That H. J. Dettmar, Manitou Springs, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in 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, transportation of road-surfacing materials to be limited to the use of dump 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 authority sheets.

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

*Joseph F. Rigio*  
*Ralph C. Holton*  
*Henry C. Zaldano*  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of May, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
ELMER DAVES, P. O. BOX 435, )	PUC NO. 2404-I
CLAYTON, NEW MEXICO. )	CASE NO. 89636-INS.
-----) )	

-----  
May 13, 1959  
-----

S T A T E M E N T

By the Commission:

On April 22, 1959, in Case No. 89636-Ins., the Commission entered its Order, revoking PUC No. 2404-I for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission by said Respondent,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 2404-I should be, and the same hereby is, reinstated, as of April 22, 1959, revocation order entered by the Commission on said date in Case No. 89636-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph I. Negro*  
*Ralph C. Norton*  
*Henry B. Zalusky*  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of May, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PETITION OF NATIONAL BUS TRAFFIC )  
ASSOCIATION, INC., AGENT, FOR AND )  
ON BEHALF OF CERTAIN NAMED MOTOR )  
CARRIERS OF PASSENGERS FOR AUTHORITY )  
TO MAKE CERTAIN CHANGES IN COLORADO )  
CHARTER COACH TARIFF NO. A-70, COLO- )  
RADO P.U.C. NO. 36, MORE FULLY HERE- )  
INAFTER SET FORTH. )  
-----

APPLICATION NO. 1606, ET AL.

-----  
May 13, 1959  
-----

S T A T E M E N T

By the Commission:

On November 6, 1958, the Commission assigned the above designated petition (No. 34) for a public hearing on November 25, 1958, at 10:00 A.M., in the hearing room of the Commission, 330 State Office Building, Denver, Colorado. (Decision No. 51215)

On November 13, 1958, the November 25, 1958 hearing was vacated and reset for December 15, 1958, at the same time and place. The hearing was held on December 15, 1958, and at its conclusion the matter was taken under advisement.

On February 16, 1959, the Commission issued its order (Decision No. 51747) prescribing the changes sought in said Application No. 34 to become effective on March 16, 1959, on fifteen (15) days' notice, in the manner prescribed by law and the rules of this Commission.

In serving copies of the order (Decision No. 51215) assigning the matter for hearing the staff of the Rate Department of the Commission inadvertently overlooked sending copies to authorized motor vehicle common carriers other than those carriers who are parties to the National Bus Traffic Association, Inc., Tariffs, nor were such carriers served with a copy of Decision No. 51747 when issued.

The carriers who now have their own charter bus tariffs on file with the Commission are as follows, viz.:

Colorado Springs Transit Co., Colorado Springs, Colorado;  
Denver Tramway Corporation, Denver, Colorado;  
Harold L. Lesh, DBA Glenwood-Aspen Stages, Aspen, Colo.;  
Cecil J. Watson, Salida, Colorado.

On March 13, 1959, Decision No. 51900, the Commission ordered that the rates and charges which were to become effective March 16, 1959, under Decision No. 51747, were not to be considered as prescribed rates for those motor vehicle common carriers who issued their own publications, pending a further order of the Commission.

Under the above Decision (No. 51900) the case was reopened for further hearing upon a petition from The Denver Tramway Corporation, Denver, Colorado, and was assigned for hearing on April 6, 1959, at 10:00 A.M., in the hearing room of the Commission, 330 State Office Building, Denver, Colorado. The hearing was held as assigned and a decision is now under consideration by the Commission.

On April 23, 1959, the Colorado Springs Transit Company filed a petition wherein it requests that insofar as its company is concerned it be authorized to continue in effect the basis of rates and charges for charter coach parties which were in effect prior to the new arrangements which became effective on March 16, 1959, in connection with School and Non-Profit Organization movements, and that the March 16, 1959, rates and charges be made applicable on movements other than Schools and Non-Profit Organizations, provided however that the minimum hourly charge be changed from five (5) to seven (7) hours.

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

THE COMMISSION FINDS, That:

Application No. 1606, et al., should be reopened and a further hearing held on the instant petition of the Colorado Springs Transit Company in order that all interested parties may be given an opportunity to present such evidence and testimony as they feel is pertinent to the issues involved herein.

O R D E R

THE COMMISSION ORDERS, That:

1. This order shall become effective forthwith.
2. A further hearing shall be held on June 3, 1959, before the Commission, beginning at 10:00 O'Clock A.M., in Room 330, State Office Building, Denver, Colorado, for the receiving of such evidence and testimony as any interested party or parties may desire to present that is pertinent to the issue involved in the instant application.
3. The further hearing is without prejudice to change, modify or amend the conclusion and order entered under Decision No. 51747, ~~dated~~ February 16, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph J. Negro*  
*Ralph C. Norton*  
*Wm. E. Zuley*  
Commissioners

Dated at Denver, Colorado,  
this 13th day of May, 1959.

mem

original

(Decision No. 52268)

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. 17068-Extension  
TION 17, TOWNSHIP 2-SOUTH, RANGE )  
72-WEST, GILPIN COUNTY, COLORADO. )  
----- )

-----  
May 14, 1959  
-----

S T A T E M E N T

By the Commission:

On May 1, 1959, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities by building about 265 feet of primary line and 175 feet of secondary line to serve a summer home of Larry H. Hamilton, located in the Northeast Quarter of Section 17, Township 2-South, Range 72-West, Gilpin County, Colorado. The estimated cost of the construction is \$564.00.

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 the 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 Public Service Company of Colorado, dated May 5, 1959, and a letter from Colorado Central Power Company, dated

May 7, 1959, 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. 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 serve a summer home of Larry H. Hamilton, located in the Northeast Quarter of Section 17, Township 2-South, Range 72-West, Gilpin County, Colorado, and that Union Rural Electric Association, Inc., should be authorized to render said service.



O R D E R

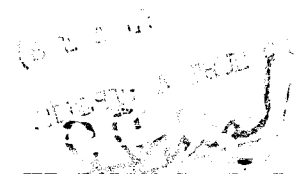
THE COMMISSION ORDERS:

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 a summer home of Larry H. Hamilton, located in the Northeast Quarter of Section 17, Township 2-South, Range 72-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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

  
COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.  
Dated at Denver, Colorado,  
this 14th day of May, 1959.  
ea

original

(Decision No. 52269)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	}	<u>APPLICATION NO. 17022-Transfer</u>
F. R. LAMB, BOX 32, AULT, COLORADO,		
FOR AUTHORITY TO TRANSFER PUC NO.		
1048 TO G. A. KEISER AND M. W.		
STERLING, CO-PARTNERS, 1645 FIRST		
AVENUE, GREELEY, COLORADO.	}	
-----	}	

-----  
May 14, 1959  
-----

Appearances: F. R. Lamb, Aultz, Colorado,  
                  pro se;  
                  G. A. Keiser, Greeley, Colo-  
                  rado, pro se;  
                  M. W. Sterling, Greeley,  
                  Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, F. R. Lamb, Ault, Colo-  
rado, owner and operator of PUC No. 1048, seeks authority to transfer  
said operating rights to G. A. Keiser and M. W. Sterling, Greeley,  
Colorado, said PUC No. 1048 being the right to operate as a common  
carrier by motor vehicle for hire, for the transportation, on call  
and demand, of:

farm products, including livestock and beet pulp,  
from point to point within an area around Ault,  
Colorado, extending fifteen miles north, fifteen  
miles east, ten miles south, and ten miles west  
thereof, excluding therefrom the Town of Windsor;  
livestock, into, out of, the above-described area;  
pulp from the sugar factory at Brighton, to  
farmers and feeders residing in said Ault area,  
all of which service is to be rendered for cus-  
tomers residing in the above-described Ault area,  
provided applicant shall render no service between  
towns located on the line of scheduled common  
carriers now serving the above-described area.

Said application was regularly set for hearing before the  
Commission, at the Court House, Greeley, Colorado, May 7, 1959, at  
ten o'clock A. M., due notice thereof being forwarded to all parties  
in interest.

On May 6, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this 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, F. R. Lamb, transferor herein, testified he desires to sell said PUC No. 1048 because of his age; that transfer is on a cash basis; that there are no outstanding unpaid operating obligations against said certificate.

G. A. Keiser appeared at the hearing and testified that he and M. W. Sterling are co-partners, and transferees herein; that they are purchasing PUC No. 1048 from F. R. Lamb; that he has had fifteen years' experience as a trucker; that he presently is the owner and operator of PUC No. 774 and PUC No. 2048; that he has a net worth of \$20,000; that in the event authority herein sought is granted, he will obey the law and rules and regulations of this Commission.

M. W. Sterling testified he is one of transferees herein; that he has a net worth of \$12,000; that he will obey all rules and regulations of the Commission, if transfer herein sought is authorized.

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

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

Report of the Examiner recommends that authority herein sought be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

That F. R. Lamb, Ault, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1048 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to G. A. Keiser and M. W. Sterling, Greeley, 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 this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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



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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Meyer  
Ralph C. Hobart  
Henry C. Ziegler  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of May, 1959.

ea