

(Decision No. 5240)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WALLACE H. ROBISON.)

PRIVATE PERMIT NO. A-474

September 15, 1933.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named Wallace H. Robison, requesting that his permit be cancelled, as he lost his truck immediately after securing said permit and has not operated under the same since its issuance.

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

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-474, heretofore issued to Wallace H. Robison, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker

David S. Jones

W. H. Allen

Commissioners.

Dated at Denver, Colorado,
this 15th day of September, 1933.

(Decision No. 5241)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)
JOHN MILLER.) CASE NO. 1190

September 15, 1933.

Appearances: Mr. Carl A. Hoffman, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission entered its order requiring the above named respondent to show cause why he should not cease and desist from operating as a motor vehicle carrier unless and until he procured a certificate of public convenience and necessity to so operate. Said case was set for hearing on August 24, at which time it was continued until September 11, 1933.

At the hearing, the inspection department advised the Commission that their investigation had disclosed that respondent was transporting only his own property, and we are, therefore, of the opinion that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank W. Deery
Daniel S. Jones
W. H. Miller
Commissioners.

Dated at Denver, Colorado,
this 15th day of September, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DAVE EMERSON.)

CASE NO. 1216

September 15, 1933

Appearances: Carl A. Hoffman, Denver, Colorado,
for Public Utilities Commission;
Dave Emerson, Denver, Colorado,
pro se.

S T A T E M E N T

By the Commission:

On July 28, 1933, the Commission entered its order requiring the above named respondent to show cause why an order should not be entered requiring him to cease and desist from operating as a motor vehicle carrier unless and until he has procured a certificate of public convenience and necessity to so operate. Said case was set for hearing on August 23, 1933, at which time it was continued until September 11, 1933.

The evidence disclosed that respondent has paid all highway compensation taxes assessed against him for such hauling as may have been done prior to this date, and he has voluntarily agreed to discontinue all operations for hire in the future.

In view of these circumstances the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. S. Jones
Ray S. Jones
W. M. Allen

Commissioners.

Dated at Denver, Colorado,
this 15th day of September, 1933.

*not
filed*

(Decision No. 5243)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROY WILLIAMSON.)

PRIVATE PERMIT NO. A-298

September 21, 1933.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named Roy Williamson, stating that he has not operated under his permit since May 1, 1933, and requesting that same be cancelled.

After a careful consideration of said request, the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-298, heretofore issued to Roy Williamson, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
Samuel S. Jones
W. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. R. McCUNE, doing business as)
McCUNE TRANSFER COMPANY.)

CASE NO. 1233

September 19, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1302)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 380 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN SALAS.)

CASE NO. 1234

September 19, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1825)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]
Commissioners.

Handwritten initials and scribbles in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. C. E. TRANSPORTATION COM-)
PANY, A CORPORATION.)

CASE NO. 1235

September 19, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1978-I)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of two commissioners over dotted lines.

Commissioners.

[Handwritten marks and scribbles in the top right corner]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. A. GILMORE AND R. M. BOSE,)
DOING BUSINESS AS OTIS PRODUCE)
COMPANY.)

CASE NO. 1236

September 20, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondents were heretofore issued Permit No. A-338 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing them to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondents have failed to file monthly reports and have failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

January, 1933, August, 1933, inclusive.

The records of the Commission also disclose that respondents have failed to keep on file with the Commission an effective insurance policy or surety bond as required by Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle for hire.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed to file monthly reports and pay highway compensation taxes as above set forth and have failed to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date why it should not enter an order suspending or revoking the permit heretofore issued to said respondents on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures of Dan S. Jones and other Commissioners]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HOWARD H. HOLDCROFT, DOING BUSINESS)
AS HOLDCROFT TRANSPORTATION COM-)
PANY.

CASE NO. 1237

September 20, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit/under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on October 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Wheeler

David S. Jones

Arthur W. ...

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. B. MONTGOMERY.) PRIVATE MOTOR VEHICLE PERMIT
-----) NO. A-138

A-138

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September 21, 1933

S T A T E M E N T

By the Commission:

The Commission is in receipt of a written communication dated September 11, 1933, in which J. B. Montgomery has requested the Commission to suspend indefinitely private motor vehicle permit No. 138-A.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. 138-A, heretofore issued to J. B. Montgomery, be, and the same is hereby, suspended for the period of one year from this date.

IT IS FURTHER ORDERED, That at any time within one year the said Montgomery may by written communication filed with the Commission advise the Commission of his intention to resume operations, and that upon the filing of such written statement, together with the proper insurance as required by the rules and regulations of the Commission, the same shall become reinstated automatically.

IT IS FURTHER ORDERED, That unless reinstated within that time, the same shall automatically become revoked and cancelled without further order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]

[Signature]

[Signature]

Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ED YOUNG.)

CASE NO. 1194

September 21, 1933.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission instituted a case requiring respondent to show cause why he should not cease and desist from operating as a motor vehicle carrier unless and until he had procured a certificate of convenience and necessity to so operate.

Since the commencement of said action, our inspection department has advised the Commission that they are satisfied that respondent is engaged only in the transportation of his own property.

In view of this report, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Steiner

David L. Jones

Arthur C. Allen

Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. L. ZECH.)

CASE NO. 1187

September 21, 1933

Appearances: Carl A. Hoffman, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission entered its order requiring the above named respondent to show cause why an order should not be entered requiring him to cease and desist from operating as a motor vehicle carrier unless and until he has procured a certificate of public convenience and necessity to so operate. Said case was set for hearing on August 25, 1933, at which time it was continued until September 11, 1933.

The evidence disclosed that respondent has paid all highway compensation taxes assessed against him for such hauling as may have been done prior to this date, and he has voluntarily agreed to discontinue all operations for hire in the future.

In view of these circumstances the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
David L. Jones
William H. Allen
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. A. JOHNSON.)

CASE NO. 1211

September 21, 1933.

S T A T E M E N T

By the Commission:

On August 2, 1933, the Commission entered its order requiring respondent to show cause why he should not cease and desist from operating as a motor vehicle carrier unless and until he procured a certificate of public convenience and necessity to so operate.

At the hearing we were advised by our inspection department that respondent was engaged only in the transportation of his own property and was not operating as a motor vehicle carrier for hire.

In view of these conditions, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures:

Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JACK E. NIELSEN.)

CASE NO. 1224

September 21, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 8, 1933, the Commission entered its order requiring the above named respondent to show cause why permit No. A-433, heretofore issued to him, should not be revoked for his failure to file monthly reports.

At the hearing the evidence disclosed that respondent had failed to file any reports for the months of February to August, 1933, inclusive.

After careful consideration of the record the Commission is of the opinion, and so finds, that said permit No. A-433, heretofore issued to respondent, should be revoked on account of the aforementioned delinquencies.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-433, heretofore issued to Jack E. Nielsen, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Jones
James L. Jones
W. H. Miller

Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. E. POWERS AND F. J. KNAUER,)
DOING BUSINESS AS POWERS MOVING)
AND STORAGE COMPANY.)

CASE NO. 1238

September 21, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that W. E. Powers and F. J. Knauer, doing business as Powers Moving and Storage Company, to whom the Commission heretofore issued a certificate of public convenience and necessity in Application No. 1700, has during the current year 1933 been transporting freight between points in the City of Denver and other points in Colorado outside of said city which they have not made any report of in their monthly highway compensation tax reports, and that they have failed to pay the tax which has long since become due on such motor vehicle transportation.

The Commission is of the opinion, and so finds, that an investigation should be instituted for the purpose of determining whether or not the said W. E. Powers and F. J. Knauer have been transporting freight by motor vehicle on which no highway compensation tax reports have been made, and on which no such taxes have been paid to the State of Colorado.

O R D E R

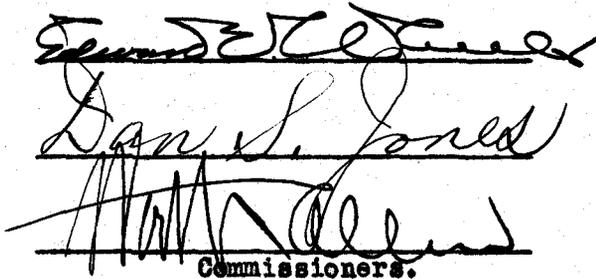
IT IS THEREFORE ORDERED, On the Commission's own motion, that an investigation be, and the same is hereby, instituted for the purpose of determining whether or not the said W. E. Powers and F. J. Knauer, doing business as Powers Moving and Storage Company, have been transporting freight by motor vehicle on which no highway compensation tax reports have been made, and on which no such taxes have been paid to the State of Colorado.

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IT IS FURTHER ORDERED, That the said W. E. Powers and F. J. Knauer be, and they are hereby, required to show cause by written statement to be filed with the Commission within ten days from this date why their certificate of public convenience and necessity heretofore issued to them by the Commission should not be revoked or suspended for failure to comply with the law in making of highway compensation tax reports and paying the highway compensation taxes due the State of Colorado.

IT IS FURTHER ORDERED, That this matter be set down for hearing in the hearing room of the Commission, 330 State Office Building, Denver, Colorado, on Wednesday, October 4, 1933, at 10 o'clock A.M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1933.

(Decision No. 5255)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK FAIRBANKS.)

CASE NO. 1199

September 21, 1933

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission entered its order requiring the above named respondent to show cause why he should not cease and desist from operating as a motor vehicle carrier unless and until he procured proper authority therefor from this Commission.

At the hearing the evidence disclosed that respondent had paid all highway compensation taxes assessed against his operation and had also filed his application for a Class A private permit.

In view of these circumstances, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Johnson
David S. Jones
W. H. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1933.

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(Decision No. 5256)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. C. HARRIS.)

PRIVATE PERMIT NO. A-427

September 21, 1933.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above named J. C. Harris, stating that he desires to have his permit cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-427, heretofore issued to J. C. Harris, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]
[Signature]
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. E. KNOTTS.)

CASE NO. 1219

September 21, 1933

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 8, 1933, the Commission entered its order requiring respondent to show cause why the certificate of public convenience and necessity heretofore issued to him should not be revoked or suspended for his failure to make monthly reports, pay highway compensation taxes, and keep on file with the Commission the necessary insurance policies or surety bond required by law.

At the hearing the evidence disclosed that respondent has failed to file any reports from January to August, 1933, inclusive, and that highway compensation taxes for the months of November and December, 1932, amounting to \$10.29 are now due and unpaid.

It was further disclosed that no effective insurance policy or surety bond covering the operations of respondent has been filed by respondent.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1840, should be revoked for the above mentioned delinquencies.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to R. E. Knotts in Application No. 1840, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MIKE ARMSTRONG.)

CASE NO. 1220

September 21, 1933

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 8, 1933, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity heretofore issued to him in Application No. 1949, should not be suspended or revoked for his failure to file with the Commission the necessary insurance policy or surety bond as required by law.

The evidence disclosed that respondent has failed to keep on file with the Commission the necessary insurance policy or surety bond required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle. Although respondent has been traced repeatedly for this insurance, he apparently pays no attention to our notices and he did not appear at the hearing.

The law makes it incumbent upon the Commission to see that those operating under its jurisdiction are properly insured, and we feel that we have no option in the matter.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1949, should be revoked for the above delinquencies.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Mike Armstrong in Application No. 1949, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROSS C. SHIELDS.)

CASE NO. 1221

September 21, 1933

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 8, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-66, heretofore issued to him, should not be revoked for his failure to make monthly reports, pay highway compensation taxes, and keep on file with the Commission an effective insurance policy or surety bond as required by law.

The evidence disclosed that respondent has failed to make monthly reports for the months of February, 1933, to August, 1933, inclusive, and that his highway compensation taxes are now unpaid for the months of October, November and December, 1932, and January, 1933.

It was further disclosed that no effective insurance or surety bond has been filed by respondent.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-66, heretofore issued to Ross C. Shields, should be cancelled on account of the above delinquencies.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-66, heretofore issued to Ross C. Shields, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker
Raymond S. Jones
Walter H. Allen

Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1933.

Handwritten initials and signature in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL P. HUFFAKER.)

CASE NO. 1222

September 21, 1933

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 8, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-164, heretofore issued to him, should not be revoked for his failure to make monthly reports and keep on file with the Commission an effective insurance policy or surety bond as required by law.

The evidence disclosed that respondent had failed to make reports for the months of September, 1932, to August, 1933, inclusive, and that he had also failed to keep on file with the Commission an effective insurance policy or surety bond.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-164, heretofore issued to Earl P. Huffaker, should be revoked on account of the aforementioned delinquencies.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-164, heretofore issued to Earl P. Huffaker, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of three commissioners over horizontal lines.
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1933.

(Decision No. 5261)

Handwritten notes:
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PETE McDONNELL.) CASE NO. 1223

September 21, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 8, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-331, heretofore issued to him should not be revoked for his failure to file monthly reports and for his failure to keep on file with the Commission an effective insurance policy or surety bond as required by law.

At the hearing, the evidence disclosed that respondent had failed to file reports for the months of September, 1932, to August 1933, inclusive, and had also failed to file the necessary insurance.

After a careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-331, heretofore issued to Pete McDonnell, should be revoked on account of the above delinquencies.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-331, heretofore issued to Pete McDonnell, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures:
Edward J. Jones
Dan S. Jones
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

234

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* * *

IN THE MATTER OF THE APPLICATION)
OF ERNEST LEEPER FOR TRANSFER OF) APPLICATION NO. 738-A
P.U.C. CERTIFICATE NO. 234 FROM)
H. C. BUKEY TO ERNEST LEEPER.)

September 21, 1933.

Appearances: D. O. Plummer, Esq., Denver, Colorado,
attorney for applicants.

S T A T E M E N T

By the Commission:

This is an application by H. C. Bukey for authority to transfer the certificate of public convenience and necessity originally issued in Application No. 738 to Ernest Leeper.

The evidence disclosed that the proposed transferee has in fact been conducting the operation for which this certificate was granted for some time, as H. C. Bukey had lost his car and was no longer able to carry on said operation by himself. No consideration is being paid for the transfer and no equipment is involved.

The transferee owns a 1928 Oldsmobile sedan and his financial condition and general reputation were established to the satisfaction of the Commission. The only unpaid obligation existing against the operation is a small amount of highway compensation taxes, which the transferee agrees to assume and liquidate.

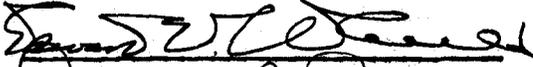
After a careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to make the said transfer as prayed, subject to the conditions hereinafter stated.

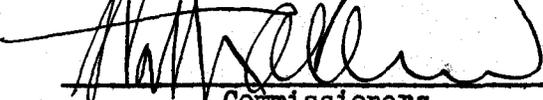
ORDER

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to H. G. Bukey to transfer to Ernest Leeper the certificate of public convenience and necessity originally issued by the Commission in Application No. 738; provided, however, that this transfer shall become effective only when and if the said transferee, Ernest Leeper, shall file with the Commission the necessary insurance policy or surety bond required by law and our Rules and Regulations, and provided also that said transferee shall pay all the highway compensation taxes due from January 1, 1933, to date.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor herein shall become and remain those of the transferee herein until changed according to law and the Rules and Regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1933.

7/13/33
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE INCREASE IN THE RATES OF THE)
ORCHARD POWER, LIGHT, WATER AND)
GAS COMPANY, ORCHARD, COLORADO,)
TO BE EFFECTIVE SEPTEMBER 21, 1933.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 200

September 21, 1933

Appearances: Mr. M. S. Richeson, Orchard, Colorado,
for Orchard Power, Light, Water & Gas
Company.

S T A T E M E N T

By the Commission:

On August 24, 1933, the Orchard Power, Light, Water and Gas Company filed with the Commission its Revised Rate Sheets Nos. 3, 4, 5 and 6 to its schedule of rates, Colo. P.U.C. No. 1, which said revised sheets increased its rates for service to its domestic, business and small power consumers.

On August 30, 1933, the Commission entered its order of investigation and suspension of said revised rate sheets and set the matter down for hearing before the Commission in Denver, Colorado, on September 20, 1933.

At the hearing, no one appeared to protest the proposed increase in rates, and respondent presented a petition signed by all but two of its customers, requesting that said proposed increase in rates be allowed. It was further explained that the two customers who did not sign could not be reached.

The operation of respondent is very limited as it serves only 35 or 40 customers. It has an investment of approximately \$5,000.00 in its plant, and from an exhibit introduced showing its gross revenue and operating expense for the past year, it is evident that a deficit of approximately \$41.00 per month is being incurred.

The operating expenses of respondent seem to be very reasonable, the only payroll expense being \$30.00 per month for its engineer who has charge of the plant. The figures which were submitted in evidence do not include the 3 per cent Federal tax, which is now effective and must be borne by the utility.

Respondent company purchased its plant from Fairbanks, Morse & Company and is paying for the same monthly. The original agreement was that such payments were to be made at the rate of \$100.00 per month, although, due to economic conditions, creditors are now accepting payment of \$50.00, and this item is included in the monthly expense account of respondent. A balance of \$950.00 is still due upon the plant.

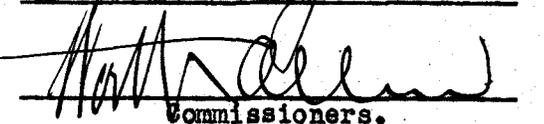
After careful consideration of all the evidence, the Commission is of the opinion, and so finds, that the rates provided for in said revised rate sheets Nos. 3, 4, 5 and 6, have been justified and should be permitted to become effective October 1, 1933.

O R D E R

IT IS THEREFORE ORDERED, That the order of the Commission entered herein on August 30, 1933, suspending for one hundred twenty days the rates provided by Revised Rate Sheets Nos. 3, 4, 5 and 6 of the Orchard Power, Light, Water and Gas Company, to its Colo. P.U.C. No. 2, be, and the same is hereby vacated and set aside, and that said rates be permitted to become effective October 1, 1933.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1933.

*Rock
Sept 25
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DELL F. SCOTT.) CASE NO. 1239
-----)
(Box 45, Burlington))
September 25, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. 374-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

For Months of July and August, 1933

Monthly Highway Compensation Taxes Not Received

For Months December, 1932, to June, 1933, Incl. - \$62.91

The records of the Commission also disclose that respondent has failed to keep on file with the Commission an effective insurance policy or surety bond as required by Chapter 120, Session Laws of Colorado, 1931, and Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle for hire.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 12.00 o'clock A.M., on October 5, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF
BUD CRAM.

CASE NO. 1240

(4629 Vine St., Denver)

September 26, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that the above named respondent is engaged in operating as a motor vehicle carrier as that term is defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927, as amended, without a certificate of public convenience and necessity as required by law.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine if said respondent is engaged in the business of a motor vehicle carrier without a certificate of public convenience and necessity.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent is engaged in the business of operating as a motor vehicle carrier without a certificate of public convenience and necessity.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order requiring him to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, and such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of the commissioners.

Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST J. GOTTULA.)
-----)
(Pueblo, Colo.)

CASE NO. 1241

September 26, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 663)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. C. [Signature]
John S. Jones
[Signature]

Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. PILLOUD.)
-----)
(Two Buttes, Colo.)

CASE NO. 1242

September 26, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle.

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 380 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wheeler

Arthur Allen

Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PERCY KLINGINSMITH.)

CASE NO. 1243.

(Bushnell, Nebr.)

September 26, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1025)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. R. McCUNE, doing business as)
McCUNE TRANSFER COMPANY.)

CASE NO. 1244

September 26, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1302)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of three commissioners over horizontal lines.

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GUY J. BRADFORD, doing business)
as THE YELLOW CAB & TRANSFER.)
(Greeley, Colo.)

CASE NO. 1245

September 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1757)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
John S. Jones
Wm. H. Miller

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. R. PRATT.)

CASE NO. 1246

(R. 1, Box 124, Pueblo.)

September 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1137)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RALPH SEE AND W. LEE SHARP, doing)
business as THE HUERFANO FREIGHT)
LINES.

CASE NO. 1247.....

(Gardner, Colo.)

September 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1372)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. DeLoach
Danny S. Jones
W. H. Waller
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MERCHANTS TRANSFER COMPANY,)
A CORPORATION.)

CASE NO. 1248

(1536-16th St., Denver)

September 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1421)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. DeLoach
Joseph S. Jones
William M. Allen

Commissioners.

John
W. Jones

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT C. HOPKINS.)

CASE NO. 1249

(Pierce, Colo.)

September 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1424-A)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]

Commissioners.

[Handwritten initials]

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE STATE HIGHWAY DEPARTMENT OF COLO-)
RADO FOR A CHANGE IN LOCATION OF A)
GRADE CROSSING ON U. S. HIGHWAY NO.)
40 AT GRANBY.)

APPLICATION NO. 2134

September 27, 1933.

S T A T E M E N T

By the Commission:

This proceeding arises from a change in the location of U. S. Highway No. 40, near the town of Granby, Colorado, in which it is proposed to abandon the present grade crossing over the track of The Denver and Salt Lake Railway Company at Mile Post 74.66, as a crossing for U. S. Highway No. 40, and change the crossing of this highway to Mile Post 75.47, near the town limits of Granby, Colorado. It is also proposed to retain the present grade crossing as a farm crossing for the accommodation of a farm or farms in that vicinity. The State Highway Department advises that the State Highway Department and the County of Grand have agreed to pay the estimated costs of the installation of the new crossing and gates for farm crossing at the old crossing, as set out by the Highway Department in copy of a letter to the General Attorney of the railway company, in order to avoid any delay to the work now in progress on this highway in the vicinity of Granby.

The Commission is advised that so far as the matter of safety and convenience to the public is concerned the change will make little if any difference with regard to the crossing. If anything, it will likely be better for the public.

The change in location of the highway will be a very great improvement, and, therefore, the Commission approves the change in crossing.

The matter of expense in the installation of the new crossing having been agreed to by the parties directly concerned will not require the decision of the Commission as to allocation of costs though attention is called to the fact that the agreement is not in accord with the Commission's usual policy.

O R D E R

IT IS THEREFORE ORDERED, In compliance with the provisions of Section 29 of the Public Utilities Act, as amended, that a public highway crossing, at grade, be, and the same is hereby, permitted to be opened and established over the right-of-way and tracks of The Denver and Salt Lake Railway Company at a point 2482 feet west of Mile Post 75 of said railway at the town limits of Granby, Colorado, conditioned, however, that prior to the opening of aforesaid crossing to public travel it shall be constructed in accordance with the specifications for grade crossings, as provided in the Commission's order in Case No. 879.

IT IS FURTHER ORDERED, That the present grade crossing of U. S. Highway No. 40, at Mile Post 74 / 3485 feet, shall be abandoned as a public crossing when the new crossing as herein referred to shall be installed and new highway is ready for public travel. It is understood that present crossing will be retained as a farm crossing.

IT IS FURTHER ORDERED, That, in accordance with aforesaid agreement, the grading of the highway approaches to the crossing, including necessary drainage therefor, shall be done by and at the expense of the State Highway Department. Also that upon the payment of \$250.00 by the County of Grand to The Denver and Salt Lake Railway Company, said railway company shall install necessary planking in crossing, crossing signs, two cattle guards with required wing fences, gates at the present crossing retained for a farm crossing, and pay any expense necessary to raise telegraph and telephone wires to the

proper clearance at the new crossing.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. O'Connell

Dan S. Jones

H. H. [unclear]

Commissioners.

Dated at Denver, Colorado,
this 27th day of September, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MARTIN B. LARSON.)
-----)
(Boulder, Colo.)

CASE NO. 1250

September 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1447)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Keene

Samuel H. Jones

W. M. Miller

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE F. SCHUTZ & L. G. MAROVISH)
doing business as M. & H.)
TRANSFER AND STORAGE COMPANY.)

CASE NO. 1251

(Loveland, Colo.)

September 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. Application No. 1569)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Daniels
James S. Jones
Arthur W. Allen

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ARTHUR R. PHILPOTT.)

CASE NO. 1254

(4325 Cottage Grove Ave.,
Chicago, Ill.)

September 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1902)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
J. B. MOORE.

CASE NO. 1255

(Palisade, Colo.)

September 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit/under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle. ^{No. A-25}

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker
Don S. Jones
[Signature]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

OREN L. McKAY.)

CASE NO. 1256

(Sterling, Colo.)

September 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit/under ^{No. A-22} the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on October 2, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

Don L. Jones

W. H. Hall

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
W. E. PHILLIPS.

CASE NO. 1257

(Wauneta, Nebr.)

September 27, 1935.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit, ^{No. A-170} under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on October 9, 1935, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

CASE NO. 1258

G. W. VOSLER.)

(Sedalia, Colo.)

September 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit/under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]

[Signature]

[Signature]

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RAY MEREDITH.)
.....)
(Wellington, Colo.)

CASE NO. 1259

September 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit ^{under} ~~under~~ the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signature]
[Handwritten signature]
[Handwritten signature]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES E. SANDS.)

CASE NO. 1260

(1155 S. Elizabeth St.
Denver, Colo.)

September 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit, ^{No. A-344} under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker
Dan S. Jones
Arthur A. ...
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

CASE NO. 1261

STEPHEN G. LEWIS.)

(Timnath, Colo.)

September 27, 1935.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit, ^{No. A-345} under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on October 9, 1935, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Steiner

David S. Jones

[Signature]

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF
HARVEY BROTHERS.

CASE NO. 1262

(930 No. 8th, Canon City)

September 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit ^{No. A-378} under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on October 9, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

J. B. LEASURE.)

CASE NO. 1263

(3220 Lawrence St.
Denver, Colo.)

September 27, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit/under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle. No. A-445

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on October 9, 1933., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wheeler

Dan S. Jones

W. H. Miller

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
S. A. HAMMOND FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	<u>APPLICATION NO. 2131</u>
OPERATE PASSENGER BUS SERVICE BETWEEN)	
RED CLIFF AND GILMAN, COLORADO, AND)	
BETWEEN MINTURN AND GILMAN, COLORADO.)	

September 28, 1933.

Appearances: S. A. Hammond, Red Cliff, Colorado,
pro se;
Richard E. Conour, Esq., Denver, Colorado,
Assistant Attorney General.

S T A T E M E N T

By the Commission:

Applicant seeks authority to operate a passenger bus service between Red Cliff and Gilman, and between Minturn and Gilman, Colorado. No protests were filed against the application and a petition and several written communications from various individuals were received requesting the Commission to give favorable consideration to the application.

It appears that between 75 and 100 persons are employed by the Empire Zinc Company at Gilman, Colorado, and that a number of employes of said company reside either in Red Cliff or Minturn, Red Cliff being situated three and one-half miles south and Minturn five and one-half miles north of Gilman.

It further developed that said employes require transportation facilities to enable them to go to and return from their work at Gilman. No such service is provided at present, as the railroad facilities between said points are not of such nature as to afford the service required by said employes.

Applicant proposes to purchase a 25-passenger Chevrolet bus in order to conduct said operation, the cost of which will be approximately \$1,500.00. In addition to this bus, he would use a passenger car between

Minturn and Gilman, and with this equipment he believes that the transportation needs of the employes of the Empire Zinc Company can be properly taken care of.

It further developed that applicant was injured in an accident this year and now has an application on file with the State Workmen's Compensation Fund for an allowance covering his injuries. It appears that one eye has been practically destroyed and the sight of the other one affected. Applicant does not propose to drive any of his equipment, but will hire drivers for the purpose, and he stated that he desired the granting of his certificate made contingent upon his being granted relief by the said Workmen's Compensation Fund, as otherwise he will not be financially able to carry on the proposed operation.

He proposes to operate three round trips a day between the points to be served and such operations can be continued during the entire year. His proposed operation will be the same between Red Cliff and Minturn and Gilman and there will be a flat charge of 25 cents per passenger each way, or a five days a week service at a charge of \$5.00 per month per passenger.

After careful consideration of the record the Commission is of the opinion, and so finds, that the public convenience and necessity require the establishment by applicant of a passenger bus service between Red Cliff and Gilman and between Minturn and Gilman, Colorado, subject to the conditions hereinafter set forth.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of applicant, S. A. Hammond, for the conduct of a passenger bus service between Red Cliff and Gilman, and between Minturn and Gilman, Colorado,) subject to the following conditions, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor:

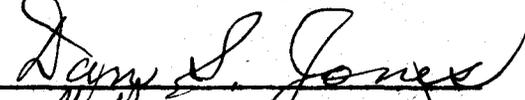
(a) This certificate shall not become operative until such time, not exceeding ninety days, as applicant shall be in financial position to

furnish approximately \$1,500.00 for equipment for said proposed operation by the grant of an allowance from the State Workmen's Compensation Fund, or otherwise, and until such time as applicant shall file with the Commission the necessary insurance or surety bond required by law and our rules and regulations.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 28th day of September, 1933.

Handwritten initials/signature

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MAKER NO
COPY

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE W. STOCKTON.) CASE NO. 1228

September 28, 1933

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission;
Richard E. Conour, Esq., Denver, Colorado,
Assistant Attorney General.

S T A T E M E N T

By the Commission:

On September 8, 1933, the Commission entered its order requiring respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Applications Nos. 1948, 1948-A and 1948-AAA, should not be suspended or revoked for his failure to file monthly reports, pay highway compensation taxes, and also file the necessary insurance policy or surety bond as required by law.

At the hearing, it developed that respondent has paid all highway compensation taxes assessed against him and has filed all delinquent reports. It further developed that respondent has applied for the necessary insurance, and the Farm Mutual Insurance Company has advised the Commission that respondent's policy will be filed with us in due course.

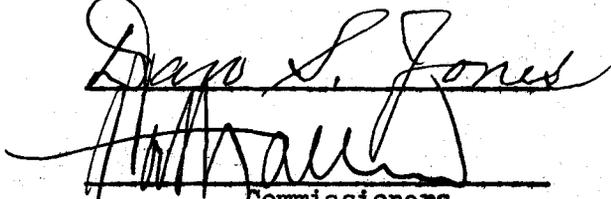
In view of these facts, the Commission is of the opinion, and so finds, that the instant case should be dismissed with a warning to respondent, however, that in the future he must be more prompt in meeting the requirements of the Commission in regard to the above matters, or we shall be compelled to take more drastic action against him.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is

hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 28th day of September, 1933.

(Decision No. 5294)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

Handwritten notes:
A-86
MCH
WES

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE H. WATSON.)

PERMIT NO. A-86

September 28, 1933.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a written communication from the above named George H. Watson, Estes Park, Colorado, requesting that his permit be suspended, due to poor business conditions.

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

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A86 be, and the same is hereby, suspended for a period of one year from September 4, 1933, provided, however, that during said suspension period said permit shall be automatically reinstated if the said George H. Watson files with the Commission an affidavit to the effect that he has not operated for hire during the period of suspension and files with the Commission all necessary insurance policies or a surety bond, and also files all requisite reports and pays all highway compensation taxes that may be legally due.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures:

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 28th day of September, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MONTE THOMPSON.) CASE NO. 1264

October 2, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. A-403 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly Reports Not Received

January, 1933, to August, 1933, both inclusive.

Highway Compensation Tax Unpaid

	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	October	\$ 7.48	1.01	\$8.49
	November	27.10	3.25	30.35
	December	<u>16.03</u>	<u>1.68</u>	<u>17.71</u>
		50.61	5.94	\$56.55

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00'clock A.M., on October 15, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MOISES TAYLOR AND JOE T. ROYBAL,) CASE NO. 1265
CO-PARTNERS.)

(Ft. Garland, Colo.)

October 4, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondents were heretofore issued a motor vehicle permit No. A-246 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing them to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondents have failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and have failed to pay highway compensation taxes as follows, to-wit:

Highway Compensation Taxes Unpaid

<u>Year</u>	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1933	April (balance)	\$0.42	.02	\$ 0.44
	May	0.69	.02	0.71
	June	0.42	-	0.42
	July	0.49	-	0.49
	August	0.17	-	0.17
				<u>\$ 2.23</u>

PD 10/19/33

O R D E R

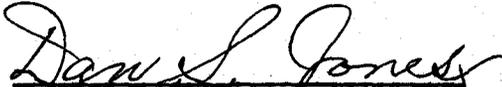
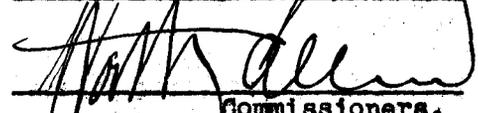
IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and have failed to pay highway compensation taxes as above set forth, in violation of law and the Rules and Regulations of the Commission governing

private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondents on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 A. M. o'clock, on Thursday, October 26, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 4th day of October, 1933.

699

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BLAIR MILLER AND FRANK W. MILLER FOR)
TRANSFER AND ASSIGNMENT OF CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)
-----)

APPLICATION NO. 1845-A

October 4, 1933.

S T A T E M E N T

By the Commission:

On September 14, 1933, a hearing was held before the Commission on the application for authority to transfer from Blair Miller to Frank W. Miller the certificate of public convenience and necessity heretofore issued to the said Blair Miller in Application No. 1845. Thereafter, on September 22, 1933, a petition for a rehearing was filed by Blair Miller, alleging various matters as reasons why a further hearing should be granted, one of said reasons being the fact that said Blair Miller had no actual notice of the former hearing and therefore was not present.

In view of the allegations contained in said petition, the Commission is of the opinion, and so finds, that a further hearing on the instant application should be held. It further appears that no order has as yet been issued in connection with the former hearing.

O R D E R

IT IS THEREFORE ORDERED, That a further hearing in Application No. 1845-A be, and the same is hereby, ordered to be held in the Hearing Room of the Commission, Denver, Colorado, on October 13, 1933, at 2:00 o'clock P. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]
Commissioners.

Dated at Denver, Colorado,
this 4th day of October, 1933.

E. H. R.

(Decision No. 5298)

At a General Session of The Public
Utilities Commission of The State
of Colorado, held at its office at
Denver, Colorado, October 5, 1933.

INVESTIGATION AND SUSPENSION DOCKET NO. 196

IT APPEARING, That by an order dated May 27, 1933, The Public Utilities Commission of the State of Colorado, entered upon an investigation concerning the proposed discontinuance of the agency station of The Denver and Rio Grande Western Railroad Company at Allison, Colorado, which was to be effective on June 21, 1933, and

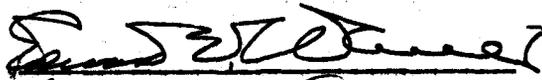
IT APPEARING FURTHER, That pending such investigation the Commission ordered that the proposed effective date of the discontinuance of said agency station at Allison, Colorado, be suspended for a period of one hundred and twenty days from June 21, 1933, or until October 19, 1933, unless otherwise ordered by the Commission,

IT APPEARING FURTHER, That such investigation cannot be completed within the period of suspension stated herein,

IT IS THEREFORE ORDERED, That the proposed discontinuance of the agency station of The Denver and Rio Grande Western Railroad Company at Allison, Colorado, be further suspended for a period of six months from October 19, 1933, or until April 19, 1934.

IT IS FURTHER ORDERED, That a copy of this order be filed with the petition for the discontinuance of said agency station at Allison, Colorado, and copies hereof be forthwith served on said The Denver and Rio Grande Western Railroad Company, the petitioner, and Messrs. A. B. Bryant & Company, Allison, Colorado, the protestant.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Dan S. Jones
Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1933.

(Decision No. 5300)

At a General Session of The Public Utilities Commission of The State of Colorado, held at its office at Denver, Colorado, October 5, 1933.

INVESTIGATION AND SUSPENSION DOCKET NO. 198

IT APPEARING, That by an order dated June 15, 1933, The Public Utilities Commission of the State of Colorado, entered upon an investigation concerning the proposed discontinuance of the agency station of The Denver and Rio Grande Western Railroad Company at Doyle, Colorado, which was to become effective on June 21, 1933, and

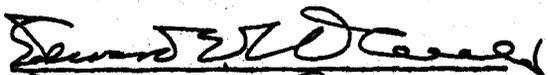
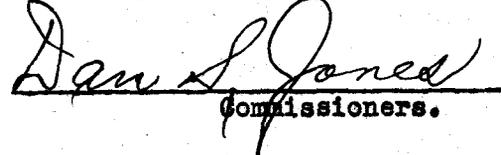
IT APPEARING FURTHER, That pending such investigation the Commission ordered that the proposed effective date of the discontinuance of said agency station at Doyle, Colorado, be suspended for a period of one hundred and twenty days from June 21, 1933, or until October 19, 1933, unless otherwise ordered by the Commission, and

IT APPEARING FURTHER, That such investigation cannot be completed within the period of suspension stated herein,

IT IS THEREFORE ORDERED, That the proposed discontinuance of the agency station of The Denver and Rio Grande Western Railroad Company at Doyle, Colorado, be further suspended for a period of six months from October 19, 1933, or until April 19, 1934.

IT IS FURTHER ORDERED, That a copy of this order be filed with the petition for the discontinuance of said agency station at Doyle, Colorado, and copies hereof be forthwith served on said The Denver and Rio Grande Western Railroad Company, the petitioner, and Clifford H. Stone, Gunnison, Colorado, attorney for the protestants.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1933.

363 ✓

[Handwritten initials]

(Decision No. 5301)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE McEWEN.) CASE NO. 1022

October 5, 1933.

S T A T E M E N T

By the Commission:

On September 20, 1932, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity heretofore issued to him in Application No. 1353-A should not be revoked for his failure to keep on file with the Commission an effective insurance policy or surety bond as required by law.

At the hearing, the evidence disclosed that respondent had failed to file an effective insurance policy or surety bond.

After a careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to the above named respondent should be revoked for his failure to keep on file with the Commission an effective insurance policy or surety bond.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to George McEwen in Application No. 1353-A, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]

[Signature]

Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN SALAS.)

CASE NO. 1234

October 5, 1933.

Appearances: Mr. A. A. Von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 19, 1933, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity heretofore issued to him in Application No. 1825 should not be suspended or revoked for his failure to file with the Commission the necessary insurance policy or surety bond as required by law.

The evidence disclosed that respondent has failed to keep on file with the Commission the necessary insurance policy or surety bond required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle. Although respondent has been traced repeatedly for this insurance, he apparently pays no attention to our notices and he did not appear at the hearing. The law makes it incumbent upon the Commission to see that those operating under its jurisdiction are properly insured, and we feel that we have no option in the matter.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to John Salas, respondent herein, in Application No. 1825, should be revoked for the above delinquency.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience

and necessity, heretofore issued to John Salas, respondent herein, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Jones

Dan S. Jones
Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1933.

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. C. E. TRANSPORTATION COMPANY,) CASE NO. 1235
A CORPORATION.)

October 5, 1933.

Appearances: Mr. A. A. Von Egidy, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 19, 1933, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity heretofore issued to it in Application No. 1978-I, should not be suspended or revoked for its failure to file an insurance policy or surety bond as required by law.

At the hearing, the evidence disclosed that the public liability and property damage insurance heretofore carried by respondent had been cancelled and not renewed.

The Commission is in receipt of a communication from respondent company, stating that sometime ago it decided to withdraw its operations in Colorado, and requesting that its present certificate be revoked without prejudice.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1978-I, should be revoked for its failure to keep on file with the Commission the necessary insurance required by law.

The Commission is of the further opinion that said revocation should be without prejudice to the filing of a new application should respondent again desire to operate in Colorado.

ORDER

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to A. C. E. Transportation Company, a corporation, be, and the same is hereby, revoked without prejudice to the filing of a new application should respondent again desire to operate in Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1933.

J.P.B.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. A. GILMORE AND R. M. BOSE,)
DOING BUSINESS AS OTIS PRODUCE)
COMPANY.)

CASE NO. 1236

October 5, 1933.

S T A T E M E N T

By the Commission:

On September 20, the Commission entered its order requiring the above named respondents to show cause why Permit No. A-338, heretofore issued to them, should not be suspended or revoked for their failure to file reports and for their failure to keep on file with the Commission the necessary insurance policy or surety bond as required by law.

At the hearing, the evidence disclosed that respondents had failed to file the delinquent reports in question and had no effective insurance policy or surety bond on file with the Commission.

After careful consideration of the record, the Commission is of the opinion, and so finds, that private permit No. A-338, heretofore issued to the above named respondents, should be revoked for their failure to file reports and keep on file with the Commission the necessary insurance policy or surety bond.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-338, heretofore issued to C. A. Gilmore and R. M. Bose, doing business as Otis Produce Company, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. White

San S. Jones

Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HOWARD H. HOLDCROFT, DOING BUSINESS) CASE NO. 1237
AS HOLDCROFT TRANSPORTATION COMPANY.)

October 5, 1933.

Appearances: Mr. A. A. Von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 20, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-350, heretofore issued to him, should not be suspended or revoked for his failure to keep on file with the Commission the necessary insurance policy or surety bond as required by law.

The evidence disclosed that respondent has failed to keep on file with the Commission the necessary insurance policy or surety bond required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers for hire by motor vehicle. Although respondent has been traced repeatedly for this insurance, he apparently pays no attention to our notices and he did not appear at the hearing. The law makes it incumbent upon the Commission to see that those operating under its jurisdiction are properly insured, and we feel that we have no option in the matter.

After careful consideration of the record, the Commission is of the opinion, and so finds, that private permit No. A-350, heretofore issued to Howard H. Holdcroft, doing business as Holdcroft Transportation Company, should be revoked for failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-350, heretofore

issued to Howard H. Holdcroft, doing business as Holdcroft Transportation Company, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Wheeler

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1933.

Handwritten initials and scribbles in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE G. GUY, doing business) CASE NO. 1266
as LAMAR SPRINGFIELD STAGE)

(Lamar, Colo.) October 5, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 823)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

April to September, 1933, inclusive.

Numbered

Highway Compensation Tax Unpaid

March, 1933, balance 13¢

unpaid

*awarded 1931
now removed
reported notices*

The records of the Commission further disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 26, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Deere
Dan S. Jones

XXXXXXXXXXXXXXXXXX

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

315

* * *

IN THE MATTER OF THE APPLICATION OF)
COLO-MEX TRANSPORTATION COMPANY FOR) APPLICATION NO. 1769
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

October 6, 1933.

S T A T E M E N T.

By the Commission:

On October 28, 1932, the Commission entered an order suspending the certificate of public convenience and necessity heretofore issued to Colo.-Mex Transportation Company in Application No. 1769, from said date to June 1, 1933. A further suspension of two months was granted on June 7, 1933.

The Commission is now in receipt of a letter from Mr. E. Cory, President of Colo.-Mex Transportation Company, requesting a further suspension of said certificate to May 15, 1934, on account of lack of business and continued depression.

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

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Colo-Mex Transportation Company, be, and the same is hereby suspended to May 15, 1934.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 6th day of October, 1933.

[Handwritten initials]

(Decision No.5309)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
O. I. WEEKS AND J. P. OLSON.

CASE NO. 1267

(Leadville, Colo.)

October 7, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle. (Permit 340-A)

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

*20 cancelled
non of the permit
permitted to be renewed*

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 26, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Wheeler

David S. Jones

X X X X X X X X X X

Commissioners.

J.P. Clark

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

RE MOTOR VEHICLE OPERATIONS OF)
A. H. CARPENTER.)

CASE NO. 1268

(Alamosa, Colo.)

October 7, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. 379-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

April to September, 1933, inclusive.

*Per Council
Dec 13 77*

The records of the Commission further disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 26, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

David L. Jones

XXXXXXXXXX

Commissioners.

[Handwritten initials]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
ESSA HARBERT.) CASE NO. 1269
-----)
(Woodrow, Colo.) -- October 7, 1933. --

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. 276-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Handwritten notes:
See from records
up to index n
7/11/33
Probably
taken - 10/21/33

Monthly reports not received

December, 1932, January to September, 1933, *No*
inclusive.

The records of the Commission further disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 26, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

Dan S. Jones

XXXXXXXXXXXX

Commissioners.

Handwritten initials/signature

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LYON AND THOMPSON.)

CASE NO. 1270

(Keenesburg, Colo.)

October 9, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 1156)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

September, 1933.

O.K.

Highway Compensation tax unpaid

August, 1933 - \$ 12.31

O.K.
The records of the Commission further disclose that said respondents have failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and have failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 26, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Jones
Don S. Jones

XXXXXXXXXXXX

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
RAYMOND L. WEBBER.)

CASE NO. 1271

(Palisade, Colo.)

October 9, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 272)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

March to September, 1933, inclusive

Heav Ad

<u>Highway Compensation tax unpaid</u>				
<u>Year</u>	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	November	\$.80	\$.10	\$.90
"	December	.45	.05	.50
1933	Jan. & Feb.	.72	.06	.78
				<u>\$ 2.18</u>

Receipt

*Cancelled
of 1/23*

The records of the Commission further disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 26, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Decker
Dan Jones

X X X X X X X X X

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PL
1272

RE MOTOR VEHICLE OPERATIONS OF)
J. M. ALIRE.)

CASE NO. 1272

(Garcia, Colo.)

October 9, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a certificate of public convenience and necessity was heretofore issued to the above named respondent, authorizing his operations as a motor vehicle carrier. (Application No. 2022)

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

May, June, July, September, 1933.

Revised

Highway Compensation Tax Unpaid

<u>Year</u>	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1933	March	- - -	\$.18	\$.18
"	April	- - -	.12	.12
"	August	\$ 5.04	-	5.04
				<u>\$ 5.34</u>

The records of the Commission further disclose that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing motor vehicle carriers, and has failed to file an insurance policy or surety bond as required by law.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the certificate heretofore issued to said respondent on account of the aforementioned delinquency, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M., on October 26, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deane
San S. Jones

Commissioners.

Not filed

E 36

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. E. KAYS.) CASE NO. 1192

October 9, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission issued its order requiring the above named respondent to show cause why an order should not be entered directing him to cease and desist from operating as a motor vehicle carrier unless and until he procured authority to so operate.

At the hearing, the evidence disclosed that respondent is engaged in the transportation of his own property only.

In view of these circumstances, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Wheeler
Sam S. Jones
Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1933.

[Handwritten initials]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. R. MARSHALL.)

CASE NO. 1193

October 9, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission issued its order requiring the above named respondent to show cause why an order should not be entered directing him to cease and desist from operating as a motor vehicle carrier unless and until he had procured authority to so operate.

At the hearing, the evidence disclosed that respondent is engaged in the transportation of his own property only.

In view of these circumstances, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
O. B. HITCHCOCK.)

CASE NO. 1195

October 9, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission entered its order requiring respondent to show cause why he should not be instructed to cease and desist from operating as a motor vehicle carrier unless and until he had secured proper authority therefor.

At the hearing, the evidence disclosed that respondent has been transporting livestock into Denver which ostensibly had been his own property, but that remittances for said livestock had been made to various other individuals by the commission firms who purchased the same. This evidence clearly demonstrates that respondent has been merely resorting to the subterfuge of claiming the property that he as transporting to be his own, when, as a matter of fact, his operations were on a "for hire" basis.

After careful consideration of the record, the Commission is of the opinion, and so finds, that respondent should be ordered to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, or a private permit if he desires to operate as a private carrier.

O R D E R

IT IS THEREFORE ORDERED, That O. B. Hitchcock, respondent herein, forthwith cease and desist from operating as a motor vehicle carrier

unless and until he procures a certificate of public convenience and necessity to so operate, or a private permit if he desires to operate as a private carrier for hire.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Weasel
Dan S. Jones
Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN PRIEST.)

CASE NO. 1196

October 9, 1933.

APPEARANCES: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission issued its order requiring the above named respondent to show cause why an order should not be entered directing him to cease and desist from operating as a motor vehicle carrier unless and until he had procured authority to so operate.

At the hearing, the evidence disclosed that respondent is engaged in the transportation of his own property only.

In view of these circumstances, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 9th day of August, 1933.

[Handwritten signature and initials]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EVERETT RAILSBACK.) CASE NO. 1197

October 9, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission entered its order requiring respondent to show cause why he should not be directed to cease and desist from operating as a motor vehicle carrier unless and until he procures authority therefor.

At the hearing, the evidence disclosed that respondent has been transporting livestock into Denver for some time past without any proper authority from this Commission. It was further disclosed, however, that he has paid highway compensation taxes upon said transportation and has now taken out a private permit.

In view of these circumstances, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signature]
[Handwritten signature]
Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1933.

599
102

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. C. HUBBS.)

CASE NO. 1201

October 9, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission issued its order requiring the above named respondent to show cause why an order should not be entered directing him to cease and desist from operating as a motor vehicle carrier unless and until he had procured authority to so operate.

At the hearing, the evidence disclosed that respondent is engaged in the transportation of his own property only.

In view of these circumstances, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker

Sam S. Jones
Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1933.

[Handwritten initials]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DAN H. DONAHUE.) CASE NO. 1202

October 9, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 28, 1933, the Commission entered its order requiring the above named respondent to show cause why an order should not be entered directing him to cease and desist from operating as a motor vehicle carrier unless and until he had procured authority to so operate.

At the hearing, the evidence disclosed that respondent is engaged in the transportation of his own property only.

In view of these circumstances, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signature]

[Handwritten signature]

Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1933.

103

(Decision No. 5324)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LESTER ROBINSON.) CASE NO. 1204
* * * * *

October 9, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 28, 1933, the Commission entered an order requiring the above named respondent to show cause why an order should not be entered directing him to cease and desist from operating as a motor vehicle carrier unless and until he had procured authority to so operate.

At the hearing, the evidence disclosed that respondent is engaged in the transportation of his own property only.

In view of these circumstances, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker
Dan S. Jones
Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1933.

File 112

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
I. M. CANNING.) CASE NO. 1205

October 9, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission entered its order requiring the above named respondent to show cause why an order should not be entered directing him to cease and desist from operating as a motor vehicle carrier unless and until he had procured authority to so operate.

At the hearing, the evidence disclosed that respondent is engaged in the transportation of his own property only.

In view of these circumstances, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signature]

[Handwritten signature]
Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. H. FUNK.)

CASE NO. 1206

October 9, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission entered its order requiring the above named respondent to show cause why an order should not be entered directing him to cease and desist from operating as a motor vehicle carrier unless and until he had procured authority to so operate.

At the hearing, the evidence disclosed that respondent is engaged in the transportation of his own property only.

In view of these circumstances, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. L. Jones

David S. Jones

Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1933.

J. H. ...
W. H. ...

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FLOYD JACOBSON.)

CASE NO. 1182

October 9, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 24, 1933, the Commission entered its order requiring respondent to show cause why he should not be directed to cease and desist from operating as a motor vehicle carrier unless and until he procures authority therefor.

At the hearing the evidence disclosed that respondent has been transporting livestock into Denver for some time past without any proper authority from this Commission. It was further disclosed, however, that he has paid highway compensation taxes upon said transportation and has now taken out a private permit.

In view of these circumstances, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deery
David S. Jones

Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1933.

Handwritten initials and scribbles in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. E. JOHNSON)

CASE NO. 1186

October 9, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission entered its order requiring respondent to show cause why he should not be instructed to cease and desist from operating as a motor vehicle carrier unless and until he secures proper authority therefor.

At the hearing the evidence disclosed that respondent has been transporting livestock into Denver which ostensibly has been his own property, but that remittances for said livestock had been made to various other individuals by the commission firms who purchased the same. This evidence clearly demonstrates that respondent has been merely resorting to the subterfuge of claiming the property that he was transporting to be his own, when as a matter of fact his operations were on a "for hire" basis.

After careful consideration of the record, the Commission is of the opinion, and so finds, that respondent should be ordered to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, or a private permit if he desires to operate as a private carrier for hire.

O R D E R

IT IS THEREFORE ORDERED, That F. E. Johnson, respondent herein, forthwith cease and desist from operating as a motor vehicle carrier unless

and until he procures a certificate of public convenience and necessity to so operate, or a private permit if he desires to operate as a private carrier for hire.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Deuel
Dan L. Jones
Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1933.

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. HAMACHER.) CASE NO. 1208

October 10, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 28, 1933, the Commission entered its order requiring respondent to show cause why he should not be instructed to cease and desist from operating as a motor vehicle carrier unless and until he had secured proper authority therefor.

At the hearing the evidence disclosed that respondent had been to some extent transporting the property of others for hire, although the major part of his operations consisted in the hauling of his own property. However, he must realize that he will not be permitted to operate upon a "for hire" basis without securing proper authority therefor.

After careful consideration of the record the Commission is of the opinion, and so finds, that respondent should be ordered to cease and desist from operating as a motor vehicle carrier unless and until he has procured a certificate of public convenience and necessity to so operate, or a private permit if he desires to operate as a private carrier.

O R D E R

IT IS THEREFORE ORDERED, That C. Hamacher, respondent herein, forthwith cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and

necessity to so operate or a private permit if he desires to operate as a private carrier.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wheeler

Dan L. Jones
Commissioners.

Dated at Denver, Colorado,
this 10th day of October, 1933.

Handwritten initials and marks in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLYDE WISDOM.)

CASE NO. 1209

October 10, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 28, 1933, the Commission entered its order requiring respondent to show cause why he should not be instructed to cease and desist from operating as a motor vehicle carrier unless and until he had secured proper authority therefor.

At the hearing, the evidence disclosed that respondent had been to some extent transporting the property of others for hire, although the major part of his operations consisted in the hauling of his own property. However, he must realize that he will not be permitted to operate upon a "for hire" basis without securing proper authority therefor.

After careful consideration of the record the Commission is of the opinion, and so finds, that respondent should be ordered to cease and desist from operating as a motor vehicle carrier unless and until he has procured a certificate of public convenience and necessity to so operate, or a private permit if he desires to operate as a private carrier.

O R D E R

IT IS THEREFORE ORDERED, That Clyde Wisdom, respondent herein, forthwith cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate or a private permit if he desires to operate as a private carrier.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 10th day of October, 1933.

Edward J. [Signature]
Dan S. Jones
Commissioners.

J. P. G.
10/13

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LUIE AMMERMAN.)
-----)
(Rifle, Colo.)

CASE NO. 1273

October 10, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. 371-A under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

The records of the Commission further disclose that said respondent has failed to file monthly reports and has failed to pay highway compensation taxes as follows, to-wit:

Monthly reports not received

September, 1933.

Red 10/13

Highway Compensation tax unpaid

<u>Year</u>	<u>Month</u>	<u>Tax</u>	<u>Penalty</u>	<u>Total</u>
1932	December	\$ 4.75	\$.50	\$ 5.25
1933	January	2.94	.26	3.20
"	February	2.88	.22	3.10
"	March	4.86	.29	5.15
"	April	5.37	.24	5.61
"	July	6.86	-	6.86
"	August	7.67	-	7.67
				<u>\$36.84</u>

pd 10/13

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed to file monthly reports or pay highway compensation taxes as above set forth, in violation of law and of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking the permit heretofore issued to said respondent on account of the aforementioned delinquencies, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on October 26, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

David S. Jones

David S. Jones

XXXXXXXXXXXX
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RALPH E. DAVIS.)

CASE NO. 1184

October 16, 1933

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission issued its order requiring the above named respondent to show cause why an order should not be entered directing him to cease and desist from operating as a motor vehicle carrier unless and until he procured authority to so operate.

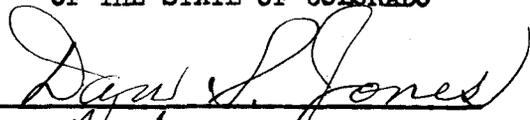
At the hearing, the evidence disclosed that respondent is engaged in the transportation of his own property only.

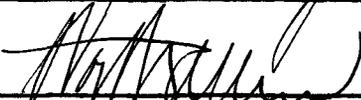
In view of these circumstances, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners.

Dated at Denver, Colorado,
this 16th day of October, 1933.

Handwritten initials and marks in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
STEPHEN G. LEWIS.)

CASE NO. 1261

October 17, 1933.

Appearances: A. A. Von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 27, 1933, the Commission entered its order requiring respondent to show cause why private permit No. A-345, heretofore issued to him, should not be suspended or revoked for his failure to file an insurance policy or surety bond as required by law.

At the hearing, the evidence disclosed that respondent had filed on October 9, 1933, the necessary insurance required by law and our Rules and Regulations.

After careful consideration of the matter the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed, with a warning to respondent that in future he must be more prompt in complying with our rules and regulations.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of two commissioners over a horizontal line.
Commissioners.

Dated at Denver, Colorado,
this 17th day of October, 1933.

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(Decision No. 5334)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. A. GROSS.) PRIVATE PERMIT NO. A-484

October 19, 1933

S T A T E M E N T

By the Commission:

The Commission is advised that E. A. Gross, to whom private permit No. A-484 was issued on June 20, 1933, has secured a new private permit in partnership with one Morgan under the firm name of Morgan and Gross, and desires his former permit cancelled.

After careful consideration of the matter the Commission is of the opinion, and so finds, that private motor vehicle permit No. A-484, heretofore issued to E. A. Gross, should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-484, heretofore issued to E. A. Gross, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Don S. Jones

Harold

Commissioners.

Dated at Denver, Colorado,
this 19th day of October, 1933.

New No. 550-A

JTB
10/16

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DELL F. SCOTT.)

CASE NO. 1239

October 19, 1933.

Appearances: A. A. Von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 25, 1933, the Commission entered its order requiring the above named respondent to show cause why permit No. A-374, heretofore issued to him, should not be suspended or revoked for his failure to make monthly reports, pay highway compensation taxes and file the necessary insurance required by law.

At the hearing, the evidence disclosed that respondent had not filed the delinquent monthly reports in question nor paid the highway compensation taxes due, and that he had no effective insurance on file with the Commission.

After careful consideration of the record, the Commission is of the opinion, and so finds, that private permit No. A-374, heretofore issued to Dell F. Scott, should be revoked for his failure to make monthly reports, pay highway compensation taxes and keep on file with the Commission an effective insurance policy or surety bond as required by law.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-374, heretofore issued to Dell F. Scott, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

[Signature]

Commissioners.

Dated at Denver, Colorado,
this 19th day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GUY J. BRADFORD, DOING BUSINESS) CASE NO. 1245
AS THE YELLOW CAB & TRANSFER.)

October 20, 1933.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent Guy J. Bradford to show cause why his certificate of public convenience and necessity should not be revoked for failure to file the proper insurance. He has now advised the Commission that he had his insurance filed with the city of Greeley, thinking that this would suffice. However, upon being informed that we would require the filing of a policy or duplicate thereof with this Commission, he has made such filing.

The Commission is, therefore, of the opinion, and so finds, that the above entitled case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Sam S. Jones

[Signature]

Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JESS LITTLEFIELD.)

CASE NO. 1180

October 20, 1933

Appearances: Mr. Carl A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 18, 1933, the Commission entered its order requiring respondent to show cause why he should not be directed to cease and desist from operating as a motor vehicle carrier unless and until he procures authority therefor.

At the hearing the evidence disclosed that respondent has been transporting livestock into Denver for some time past without any proper authority from this Commission. It was further disclosed, however, that he has paid highway compensation taxes upon said transportation and has now filed his application for a Class B private permit.

In view of these circumstances, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

David S. Jones
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1933.

*Rob
new*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES JEWELL.) CASE NO. 1217

October 20, 1933

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 24, 1933, the Commission issued its order requiring the above named respondent to show cause why an order should not be entered directing him to cease and desist from operating as a motor vehicle carrier unless and until he procures authority to so operate.

At the hearing the evidence disclosed that respondent is engaged in the transportation of his own property only, with but one minor exception since January 1, 1933.

In view of these circumstances the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Daniel Jones
Arthur
Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST J. GOTTLA.)
-----)

CASE NO. 1241

October 20, 1933

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 26, 1933, the Commission entered its order directing the above named respondent to show cause why the certificate of public convenience and necessity heretofore issued to him in Application No. 663, should not be suspended or revoked for his failure to file an insurance policy or surety bond as required by law.

At the hearing the evidence disclosed that the company writing respondent's insurance has advised the Commission that the insurance policies of respondent which heretofore had been cancelled, have been renewed, and it appears that respondent is now properly insured, although the original policies are not as yet on file with the insurance department of the Commission.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Don L. Jones
H. H. Walker
Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

624

* * *

IN THE MATTER OF THE APPLICATION OF)	
LEWIS AND SON TRANSFER AND STORAGE)	
COMPANY FOR A CERTIFICATE OF PUBLIC)	<u>APPLICATION NO. 1857</u>
CONVENIENCE AND NECESSITY.)	
-----)	

October 20, 1933

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from the above named Lewis and Son Transfer and Storage Company, requesting a suspension of their certificate until April 1, 1934, due to the fact that no business is conducted under said certificate except in the spring of the year.

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

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Lewis and Son Transfer and Storage Company in Application No. 1857, be, and the same is hereby, suspended from October 7, 1933, until April 1, 1934; provided, however, that during said period of suspension applicant may resume operations under said certificate at any time by filing with the Commission the necessary insurance required by law and conforming to all of our other rules and regulations.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

[Signature]

Commissioners.

Dated at Denver, Colorado,
this 20th day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL E. ORGAN.) CASE NO. 1104

October 23, 1933

S T A T E M E N T

By the Commission:

An order was made herein on February 6, of this year, suspending motor vehicle private permit No. 359-A, heretofore issued to Carl E. Organ, for a period of six months. It was further provided in said order that if the respondent failed to file delinquent monthly highway compensation tax reports and the insurance required by law and the rules and regulations of the Commission within said period, the permit would be finally revoked and cancelled without further notice.

In spite of the provisions in said order the Commission wrote a letter to the respondent on September 15, pointing out how we might make an order suspending his permit indefinitely, giving him an opportunity thereafter to have the same reinstated. We asked him to "let us know at once" whether he desired to have us make such indefinite suspension or to revoke his permit. Apparently he is not very much concerned as we have heard nothing whatsoever from our said letter.

O R D E R

IT IS THEREFORE ORDERED, That the private motor vehicle permit No. 359-A, heretofore issued to Carl E. Organ, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones
Arthur
Commissioners.

Dated at Denver, Colorado,
this 23rd day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. C. COLVIN.) CASE NO. 1252

October 23, 1933

Appearances: A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 27, 1933, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1581, should not be suspended or revoked for his failure to file the necessary insurance policy or surety bond as required by law.

At the hearing the evidence disclosed that respondent's cargo insurance expired October 1, 1933, and that his public liability and property damage insurance expired in October 1932, and have never been renewed, although respondent has been traced repeatedly for same. No explanation has been received from respondent as to why these insurance requirements have not been complied with, and as the law provides that we must require insurance from all motor vehicle operators, we see no other course open to us but to cancel the certificate of respondent.

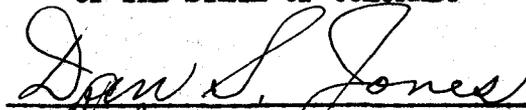
After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1581, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience

and necessity, heretofore issued to C. C. Colvin in Application No. 1581,
be, and the same is hereby, revoked and cancelled for failure to file
insurance.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners.

Dated at Denver, Colorado,
this 23rd day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES E. SANDS.)

CASE NO. 1260

October 23, 1933

Appearances: Mr. Charles E. Sands, Denver, Colorado,
pro se;

Mr. A. A. Von Egidy, Denver, Colorado,
for Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 27, 1933, the Commission entered its order requiring the above named respondent to show cause why permit No. A-344, heretofore issued to him, should not be suspended or revoked for his failure to file an insurance policy or surety bond as required by law.

At the hearing, the evidence disclosed that respondent had not been operating since June 1, 1933, and he requested that his permit be suspended, due to economic conditions. The evidence further disclosed that respondent did not have the required insurance on file with the Commission.

After careful consideration of the record the Commission is of the opinion, and so finds, that private motor vehicle permit No. A-344, heretofore issued to the said Charles E. Sands, should be suspended for a period of one year from June 1, 1933; provided, however, that during said period of suspension respondent may resume operations by filing with the Commission the necessary insurance policies or surety bond required by law.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-344, heretofore issued to Charles E. Sands, be, and the same is hereby, suspended

for a period of one year from June 1, 1933; provided, however, that during said period of suspension respondent may resume operations by filing with the Commission the necessary insurance policies or surety bond required by law.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones
W. H. Hall
Commissioners.

Dated at Denver, Colorado,
this 23rd day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BUD CRAM.) CASE NO. 1240

October 23, 1933

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 26, 1933, the Commission entered its order directing respondent to show cause why he should not be required to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate.

At the hearing the evidence disclosed that respondent was granted a certificate of public convenience and necessity on March 2, 1933. However, it was provided therein that said certificate should not become effective until applicant had made satisfactory adjustment of road compensation taxes for the year 1932.

It was further disclosed that respondent had never made any adjustment of said taxes, and hence the certificate granted him on March 2, 1933, was inoperative.

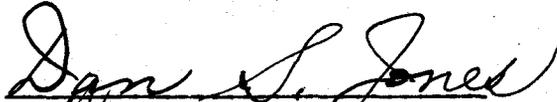
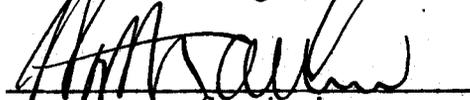
The evidence further disclosed that respondent has continued to transport horses and mules at least, and possibly some cattle, for hire during the present year.

After careful consideration of the record the Commission is of the opinion, and so finds, that respondent should be ordered to cease and desist from operating as a motor vehicle carrier unless and until he has procured proper authority therefor.

O R D E R

IT IS THEREFORE ORDERED, That Bud Cram, respondent herein, forthwith cease and desist from operating as a motor vehicle carrier unless and until he has procured proper authority to so operate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 23rd day of October, 1933.

Handwritten initials and marks in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE BOARD OF COUNTY COMMISSIONERS)
OF RIO GRANDE COUNTY FOR THE OPENING)
OF A PUBLIC HIGHWAY OVER THE RIGHT)
OF WAY AND TRACKS OF THE DENVER AND)
RIO GRANDE WESTERN RAILROAD COMPANY)
AT A POINT DESCRIBED IN THE APPLICA-)
TION.)

APPLICATION NO. 2095

October 24, 1933

Appearances: Mr. H. J. Gilbreath, Monte Vista, Colorado,
Chairman, Board of County Commissioners,
Rio Grande County;
Mr. George Cole, Monte Vista, Colorado,
Road Supervisor;
T. A. White, Esq., Denver, Colorado,
Attorney for The Denver and Rio Grande
Western Railroad Company.

S T A T E M E N T

By the Commission:

This is an application by the Board of County Commissioners of Rio Grande County for an order authorizing the establishment of a grade crossing over the right-of-way and tracks of The Denver and Rio Grande Western Railroad Company at a point 489 feet north of the southeast corner of Section 7 and the southwest corner of Section 8, Township 39, Range 7, E.N.M.M., and 2418 feet southeast of Mile Post 276.

The point, in question is near the siding on the Creede Branch known as Haywood. The highway as now laid out crosses the main line of the railroad company at a point beyond the end of the siding or switch. It is desired to lay the new highway over the main line and also the side track at an acute angle. The position of the County Commissioners is that the new crossing would be safer because of the alleged fact that the present highway near the railroad track passes between or around some knolls which obscure the vision.

The railroad company asks in its letter of March 15 that the petition be denied. As grounds therefor it alleged that crossing planks would be required for two tracks instead of one; that the side track is continuously used for the storage of cars; that the vision of approaching trains would be seriously obstructed by reason of the cars sitting on the siding on either side of the crossing and because of the general danger of a crossing at an acute angle.

At the hearing there was some evidence, although not very clear, about the vision of the present track and trains thereon being somewhat obstructed. The report of our engineer dated March 29, which was made a part of the record, states that "The old road winds around a small hill and crosses west of the Haywood switch." At the hearing it appeared further that the main line is some three feet higher than the side track and that if a crossing were laid out as proposed, or at any place where it would be necessary to cross the side track, it would be necessary to raise the side track for the whole distance thereof, which would involve a substantial expense.

The railroad company took the further position at the hearing that it would not consent to the use of its right-of-way for a new crossing until and unless the right to make such crossing had been secured by eminent domain proceedings and just compensation has been paid the railroad company.

We asked the Board of County Commissioners to advise us whether it would be willing to undertake such expense. While the hearing was held on September 30, we have heard nothing further from the Board. We assume, without knowing, that the Board does not wish to incur all of the expense incidental to such a proceeding and resulting from the assessment for damages and compensation.

The Commission is very strongly impressed with the fact that whether the railroad crossing is laid out at a point named in the application or at another point, as suggested by our engineer, there will be grave danger resulting therefrom. While cars are not stored on the siding in question at all times, they are stored there a substantial part of the time. It is obvious that automobiles going over the siding on which cars might be

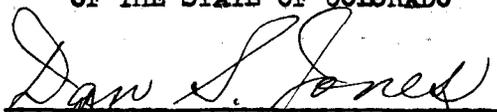
standing on either side of the right-of-way would incur considerable danger because of the obstruction of view resulting from said cars. We are inclined to believe that the hazard would be greater than that that now exists in connection with the present crossing.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the application should be denied.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE F. SCHUTZ AND L. C. MAROVISH,)
DOING BUSINESS AS M. & H. TRANSFER) CASE NO. 1251
AND STORAGE COMPANY.)

October 24, 1933

Appearances: Mr. A. A. Von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 27, 1933, the Commission entered its order requiring the above named respondents to show cause why the certificate of public convenience and necessity, heretofore issued to them in Application No. 1569, should not be suspended or revoked for their failure to file the necessary insurance policy or a surety bond as required by law.

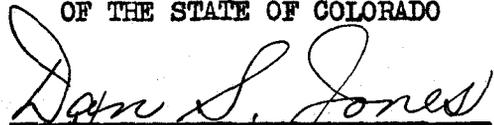
At the hearing the evidence disclosed that respondents' cargo insurance expired October 1, 1933, and that their public liability and property damage insurance expired in October, 1932, and have never been renewed, although respondents have been traced repeatedly for same. No explanation has been received from respondents as to why these insurance requirements have not been complied with, and as the law provides that we must require insurance from all motor vehicle operators, we see no other course open to us but to cancel the certificate of respondents.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to George F. Schutz and L. C. Marovich, doing business as M. & H. Transfer and Storage Company, in Application No. 1569, should be revoked for their failure to file insurance.

ORDER

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to George F. Schutz and L. C. Marovich, doing business as M. & H. Transfer and Storage Company, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1933.

J. M. ...

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MARTIN B. LARSON.) CASE NO. 1250

October 24, 1933

Appearances: Mr. A. A. Von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 27, 1933, the Commission entered its order requiring respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1447, should not be suspended or revoked for his failure to file insurance policies or a surety bond as required by law.

At the hearing the evidence disclosed that the insurance heretofore carried by respondent had all expired in October, 1931, and no renewals had been filed since that date.

The Commission is in receipt of a letter from Mr. Chas. W. V. Feigel, attorney-at-law, Boulder, Colorado, advising that respondent has not been and does not intend to operate under his permit until he is financially able to procure the necessary insurance, and requesting that his certificate be suspended, but not revoked.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1447, should be suspended for a period of one year from the date hereof, subject to the conditions hereinafter stated in the order.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Martin B. Larson in Application No. 1447, be, and the same is hereby, suspended for a period of one year from the date of this order; provided, however, that during said suspension period respondent may resume operations under said certificate at any time by filing with the Commission the required insurance policies or a surety bond as provided in our rules and regulations, and provided further that during said period of suspension respondent shall not operate as a motor vehicle carrier unless and until such insurance requirements are properly complied with.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. R. McCUNE, DOING BUSINESS AS) CASE NO. 1244
McCUNE TRANSFER COMPANY.)

October 24, 1933.

Appearances: Mr. A. A. Von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 26, 1933, the Commission issued its order directing respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1302, should not be suspended or revoked for his failure to file insurance policies or a surety bond as required by law.

At the hearing the evidence disclosed that the cargo insurance heretofore carried by respondent has been cancelled, and that his public liability and property damage insurance expired in the year 1931, and has never been renewed, although respondent has been traced repeatedly for same. No explanation has been received from respondent as to why these insurance requirements have not been complied with, and as the law provides that we must require insurance from all motor vehicle operators, we can see no course left open to us but to cancel the certificate of respondent.

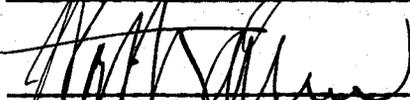
After careful consideration of the evidence the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1302, should be revoked for his failure to file insurance.

ORDER

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to A. R. McCune, doing business as McCune Transfer Company, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1933.

370 ✓

[Handwritten initials and marks]

(Decision No. 5349)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. R. PRATT.)

CASE NO. 1246

October 24, 1933.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 27, the Commission entered its order directing the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1137, should not be suspended or revoked for his failure to file the necessary insurance policy or surety bond required by law.

At the hearing the evidence disclosed that no insurance has been filed with the Commission since the expiration of the insurance heretofore carried by respondent in October, 1931, although respondent has been traced repeatedly for same. No explanation has been received from respondent as to why the insurance requirements have not been complied with, and as the law provides that we must require insurance from all motor vehicle operators, we see open no course but to cancel the certificate of respondent.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1137, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to G. R. Pratt in Application No. 1137, be, and the same is hereby,revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signature]

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Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT C. HOPKINS.)

CASE NO. 1249

October 24, 1933

Appearances: A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 27, 1933, the Commission entered its order directing the above named respondent to show cause why the certificate of public convenience and necessity heretofore issued to him in Application No. 1424-A, should not be suspended or revoked for his failure to file the necessary insurance policy or surety bond as required by law.

At the hearing the evidence disclosed that respondent's cargo insurance expired in April, 1933, and that his public liability and property damage insurance expired in August, 1932, and have never been renewed. No explanation has been received from respondent as to why these insurance requirements have not been complied with, and as the law provides that we must require insurance from all motor vehicle operators, we see open to us no course but to cancel the certificate of respondent.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1424-A, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Robert C. Hopkins in Application No. 1424-A, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

David S. Jones

William M. ...

Commissioners.

Dated at Denver, Colorado,
this 24th day of October, 1933.

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298

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(Decision No. 5351)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE JOINT APPLICATION)
OF PICKWICK GREYHOUND LINES, INC., OF)
ARIZONA, A CORPORATION, AND SOUTHWESTERN)
GREYHOUND LINES, INC., A CORPORATION,)
FOR AUTHORITY TO TRANSFER CERTIFICATES)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATIONS NOS. 1141-AA
AND 319-AAAA

IN THE MATTER OF THE JOINT APPLICATION)
OF WESTERN GREYHOUND LINES, INC., A DELA-)
WARE CORPORATION, AND SOUTHWESTERN GREY-)
HOUND LINES, INC., A DELAWARE CORPORATION,)
FOR AUTHORITY TO TRANSFER CERTIFICATES OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATIONS NOS. 1142-AA,
1115-AA, 401-AAA, 1415-A,
2106-A and 1717-A.

October 25, 1933

Appearances: Jack Garrett Scott, Esq., Denver, Colorado,
attorney for applicants.

S T A T E M E N T

By the Commission:

The Commission has before it two joint applications for authority to make transfers of certificates of public convenience and necessity, one such application being that of Pickwick Greyhound Lines, Inc., of Arizona, a corporation, and Southwestern Greyhound Lines, Inc., a corporation, said application bearing Nos. 1141-AA and 319-AAAA. The other joint application is that of Western Greyhound Lines, Inc., a corporation, and said Southwestern Greyhound Lines, Inc., bearing Nos. 1142-AA, 1115-AA, 401-AAA, 1415-A, 2106-A and 1717-A.

The evidence shows that four affiliated corporations now propose to transfer all of their assets and liabilities to said Southwestern Greyhound Lines, Inc. Said four corporations are said Western Greyhound Lines, Inc., said Pickwick Greyhound Lines, Inc., of Arizona, Southwestern Greyhound Lines, Inc., and Southwestern Transportation Company, Inc. Only two of

these corporations are operating in Colorado, being said Pickwick Greyhound Lines, Inc., of Arizona and said Western Greyhound Lines, Inc.

The fact that the new company will receive the assets and assume the liabilities of the two companies not operating in this State does not seem to materially affect the financial condition of the new company. Doubtless the unification of the operations heretofore conducted by four companies will make for economy and efficiency in operation and will improve the service to be given the public.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to said Pickwick Greyhound Lines, Inc., of Arizona, to transfer certificates of public convenience and necessity and rights originally granted in Applications Nos. 1141 and 319, now held by it, to said Southwestern Greyhound Lines, Inc.

The Commission is further of the opinion, and so finds, that authority should be granted to said Western Greyhound Lines, Inc., to transfer certificates of public convenience and necessity and rights originally granted in Applications Nos. 1142-, 1115, 401, 1415, 2106, and 1717, now held by it, to said Southwestern Greyhound Lines, Inc.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Pickwick Greyhound Lines, Inc., of Arizona to transfer certificates of public convenience and necessity and rights, originally granted in Applications Nos. 1141 and 319 to said Southwestern Greyhound Lines, Inc.

IT IS FURTHER ORDERED, That authority be, and the same is hereby, granted to said Western Greyhound Lines, Inc., to transfer certificates of public convenience and necessity and rights, originally granted in Applications Nos. 1142, 1115, 401, 1415, 2106 and 1717, to Southwestern Greyhound Lines, Inc.

IT IS FURTHER ORDERED, That the tariff of rates, time schedules and rules and regulations heretofore filed by said Pickwick Greyhound Lines, Inc., of Arizona and said Western Greyhound Lines, Inc., shall become and remain those of said Southwestern Greyhound Lines, Inc., until and unless they are changed by law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the effective date of the orders herein shall be November 1, 1933, provided the necessary and proper insurance has been filed with the Commission by that time by said Southwestern Greyhound Lines, Inc.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

H. W. Walker

Commissioners.

Dated at Denver, Colorado,
this 25th day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE TOWN OF GRANADA, A MUNICIPAL)
CORPORATION,)

Complainant,)

vs.)

CASE NO. 729

THE CITY OF LAMAR, A MUNICIPAL)
CORPORATION,)

Defendant.)

October 26, 1933

S T A T E M E N T

By the Commission:

A decision was made by the Commission in this case on April 3 of this year in which the Commission found that the rate of six cents per KWH * "charged complainant by defendant is unreasonably discriminatory against complainant, and unduly and unreasonably preferential of other consumers of electric current furnished by defendant."

The Commission made a further finding in said order to the effect "that any rate charged complainant by defendant which would have the effect of making the average rate per month that complainant would pay defendant for electric current exceed 3.5 cents per KWH, would be unreasonable and unlawful." The order proper required the defendant to cease and desist from charging complainant a rate in excess of 3.5 cents per KWH. The order further provided that jurisdiction of the matter "be, and the same is hereby, retained to the end that such further orders may be entered as future conditions may require."

The matter now comes before the Commission on the "Amended Petition for Reparation."

The original complaint was filed October 26, 1931. In the original complaint it is alleged that the defendant had found it profitable to manufacture and deliver electric current to the inhabitants of the City of

* This term as used herein means kilowatt hour.

Lamar and to customers residing outside of said city, some of whom are located beyond (east or north) of the Town of Granada, and whose energy up to a point near Granada is transmitted over the line built at the expense of Granada, at prices much less than those charged complainant under the terms of the contract referred to in our original decision. It further alleged that complainant had demanded modification and rectification of the rates charged it but that the defendant had failed and refused to make any modification or rectification whatever. The prayer of the complaint asks that a hearing be had and that the "defendant be ordered to make such reduction in and/or modification of the rate charged complainant . . . as the Commission shall find to be reasonable and just; and to make such modification as to require the rates for such service to be in conformity with rates charged other consumers of electric current, furnished by the defendant, and for such other and further relief as complainant may be found to be entitled to in the premises."

The amended petition makes an allegation with respect to the finding of the Commission in its decision of April 3. It further alleges that for more than two years prior to the filing of the complaint the town of Granada had attempted to procure relief from the excessive and discriminatory rate charged it, etc; that from the 1st day of November, 1929, certain charges had been made by defendant to complainant on account of energy sold by the former to the latter, and that the complainant had paid certain amounts of money therefor, being for all of the energy furnished between November 1, 1929, and about October 1, 1932, and that bills had been rendered by defendant to complainant for succeeding months at the rate of six cents per KWH and demand made for the payment thereof. The said amended petition further alleges that it is filed under the provisions of Section 26 of the Public Utilities Act, being Section 2965 of the Compiled Laws of Colorado, 1921. The amended petition concluded with a prayer that the Commission

"will consider said case for the purpose of determining the amount of reparation, with interest thereon from the several dates of

payments made, which defendant should be required to make complainant because and on account of unreasonably and discriminatory charges heretofore made against complainant for electric current furnished it by defendant for and during the period from November 1, 1929, to date, such determination and order thereon to be made on the record in said case; and that on the Commission determining the amount, with interest, which should be required to be repaid or credited to complainant by defendant as reparation in the premises, an order be made by this Honorable Commission commanding and requiring said defendant to credit complainant with such part of said amount so awarded it as reparation as may be necessary to pay and satisfy the amount which complainant may be now indebted to defendant for electric current furnished and not now paid, and to pay complainant the balance of the sum of such reparation so determined and awarded to complainant from defendant; and for such other relief as complainant may be entitled."

It might be stated that an original petition for reparation was filed on April 18, 1933. It was of the same general nature as the amended petition.

On July 5 the Commission made an order finding that it should reopen the case "for the sole purpose only of determining the amount, if any, which defendant should be required to repay or credit to complainant as reparation." The case was, therefore, ordered reopened for the purpose stated and a hearing was had at which some further formal testimony was taken.

The briefs of the defendant maintain some four propositions. One is that the only complaint made by the complainant prior to the order of April 3 is that the rate being charged complainant was a discriminatory one, "and in the absence of proof of damages other than the differences between the two rates, Granada can recover only nominal damages." Another proposition is that Lamar in selling and Granada in purchasing the energy were performing municipal functions and that Section 35 of Article V of the Colorado Constitution prevents the Public Utilities Commission from supervising or interfering with the transaction. The third is that to grant reparation would result in discrimination. The fourth proposition, as we understand, is that the petition for reparation and not the complaint filed October 26, 1931, tolls the statutory limitation.

A number of cases are cited, some being from the Interstate Commerce Commission, others from the Supreme Court of the United States, to the effect

that it is necessary that special proof be made of actual damages suffered and that nothing in the record herein constitutes such proof. One of the cases cited by the defendant is Pennsylvania R. R. Co. v. International Coal Co., 230 U. S. 184. There the court was dealing with unlawful rebates, which were given by the carrier to other coal dealers, making like shipments over the same line of road between the same points. There the court referred to Section 8 of the Interstate Commerce Act, which provides that if any common carrier shall do or omit to do any act or thing required not to be done or to be omitted, it "shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this Act . . ." Section 2 of the said act provides that if a common carrier shall by any rebate collect or receive from any person or persons a greater or less compensation "than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service . . . such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful." Section 3 of the said act prohibits the making or giving of any undue or unreasonable preference to any person, company, firm, corporation or locality, and from causing any undue or unreasonable prejudice or disadvantage. Section 16 of the act provides that if after hearing on a complaint the Commission shall determine that any party complainant is entitled to an "award of damages" under the provisions of this act, the Commission shall make an order directing the carrier to pay to the complainant the sum to which he is entitled.

The court in the International Coal case emphasized the fact that what the Federal statute authorizes is damages, the word damages being italicized in the opinion. The court pointed out that "To adopt such a rule and arbitrarily measure damages by rebates would create a legalized, but endless chain of departures from the tariff; would extend the effect of the original crime, would destroy the equality and certainty of rates, and, contrary to the statute, would make the carrier liable for damages beyond

those inflicted and to persons not injured." The court laid emphasis on the fact that such conduct on the part of the guilty carrier was a grave public wrong, for which the carrier could be punished, but stated that "the public wrong did not necessarily cause private damage, and when it did" the loss would depend upon various factors.

It is interesting to note that in the International Coal case the court referred to the case of Union Pacific Railroad Co. v. Goodridge, 149 U. S. 680, in which, according to the court, was "involved the construction of the Colorado statute, which did not, as does the Commerce Act, compel the carrier to adhere to published rates, but required the railroad to make the same concessions and drawbacks to all persons alike, and for a failure to do so made the carrier liable for three times the actual damage sustained or overcharges paid by the party aggrieved." The court pointed out that this distinction is also to be noted in the English cases, dealing with a statute similar to that which formerly was in effect in Colorado, saying:

"The Act of Parliament did not require the carrier to maintain its published tariff but made the lowest rate the lawful rate. Anything in excess of such lowest rate was extortion and might be recovered in an action at law as for an overcharge."

Meeker v. Lehigh Valley R. R. Co., 236 U. S. 412, is cited by the complainant as being opposed to the rule contended for by the defendant. In the Meeker case it appears that the Interstate Commerce Commission did, as a matter of fact, find that the complaining shipper had been damaged to the extent of the rebate which had been made to a competitor. The case proceeded on the assumption made by the Supreme Court that the findings were based, as the Interstate Commerce Commission stated, "upon the evidence adduced, . . . there being no showing to the contrary." In other words, while it was necessary for the complaining shipper to prove his damages, in the absence of any record to the contrary before the Supreme Court, it would be presumed by that court that such proof had been made before the Interstate Commerce Commission. We therefore consider the two cases (International Coal and Meeker) harmonious.

However, the important fact in this connection is that the Colorado statute varies very materially from the Federal statute. Section 56 of the Public Utilities Act, being Section 2965 C. L. 1921, reads in part as follows:

"When complaint has been made to the commission concerning any rate, fare, toll, rental or charge for any product or commodity furnished or service performed by any public utility, and the commission has found, after investigation, that the public utility has charged an excessive or discriminatory amount for such product, commodity or service, the commission may order that the public utility make due reparation to the complainant therefor, with interest from the date of collection, provided no discrimination will result from such reparation.

". . . All complaints concerning excessive or discriminatory charges shall be filed with the commission within two years from the time the cause of action accrues, and the petition for the enforcement of the order shall be filed in the court within one year from the date of the order of the commission. The remedy in this section provided shall be cumulative and in addition to any other remedy or remedies in this act provided in case of failure of a public utility to obey the order or decision of the commission."

It will be noted that our statute does not require proof of damages. It requires first, the making of a complaint against a rate, second, finding that the utility "has charged an excessive or discriminatory amount." It then authorizes the Commission, if these requirements are met, to make "due reparation . . . therefor, with interest." "therefor" undoubtedly means on account of the charging of an excessive or discriminatory rate. In this respect our statute is much like the old act which was referred to in the Union Pacific case.

In Bonfils v. Public Utilities Commission, 67 Colo. 563, the court was not dealing with discrimination. It was dealing with the question of reasonable rates. In that case the court said that "The contention of the defendant railroad company is that actual damage must be shown, . . ." (575) The court then proceeded as follows:

"That petitioners are entitled to reparation, if any, to the extent of the excess paid above the reasonable rate is definitely decided in Southern Pacific Co. v. Darnell-Taenzer Lumber Co., 245 U. S. 531, 62 L. ed. 451, 38 Sup. Ct. 186, it being there held that the fact that the Lumber

Company may pass on the damage by charging more for the lumber, did not prevent the recovery of the overpayment to the carrier.

"The court points out the difference between cases like this and cases for damages because of discrimination, the claimants having paid only a reasonable rate, while others have paid less than that rate. The court says: 'But here the plaintiffs have paid cash out of pocket that should not have been required of them, and there is no question as to the amount of the proximate loss.' "

Our Supreme Court, answering the contention of the carriers that no claim could be maintained in that case because the charges collected were those prescribed by the tariffs on file, answered "The defect in this proposition is that the tariffs on file were illegal from the fact that they were unreasonable."

It might be noted at this point that there is a long line of cases decided by the Interstate Commerce Commission which are in harmony with the decision made in the Darnell-Taenzer Company case. Those cases being based upon the proposition that where the rate which the complainant paid was unreasonable at the time the same was demanded and collected, the shipper had been damaged to the extent of the amount of the overcharge.

It may be argued that while in the Bonfil's case the rates charged were found to be unreasonable, it is not necessarily true that the rate charged the complainant here was unreasonable, and that if not unreasonable, proof of proper damages has not been made. However, we advert again to our statute, which gives us the power to award reparation irrespective of damages where the utility has charged either an excessive or a discriminatory amount. Our answer would be that even though the rate charged the complainant is not unreasonable, it is discriminatory and that the statute applies.

However, it is possible that something more need be said and found with respect to the reasonableness of the rate charged the complainant. The record shows that the rates in effect from May 20, 1929, to July 1, 1932, the date those described in our order of April 3, became effective, do not

vary substantially from the latter rates.

While it may be necessary in a case in which the contention is made that the total return of the utility is too great to value the utility's property in order to determine whether the rate structure as a whole is too high, still we do not deem it necessary in passing upon one rate of a utility, when it is clearly out of line with the general rate structure, to make a valuation in order to find that the said isolated rate is unreasonable. The Interstate Commerce Commission is continually finding rates to be unreasonable without valuing the property of the railroad company. This is done very largely upon comparison. Here we must assume that the utility is making a reasonable return on its investment. If it is doing so, the rate which has been charged Granada for years is unreasonably high and excessive, as well as discriminatory. The Commission, therefore, finds that at all times since May 20, 1929, the said rate of six cents charged the complainant is unreasonable.

The evidence shows that the transmission line extending from a point north of Lamar to Granada was not finally paid for or that the bonds issued to raise the money with which to construct the line were not finally retired until August 19, 1932. It may be argued, therefore, that since under the contract between the parties the complainant was to retire the bonds by use of two cents, being one-third of the six-cent rate paid Lamar, it would be unfair to find the rate charged Granada prior to August 19, 1932, excessive, unreasonable and discriminatory to the extent of two and one-half cents. We have given careful thought to this situation.

The evidence shows, as is stated on page 6 of the brief of defendant filed on August 28, 1933, the revenue from the transmission line, exclusive of Granada and the hay mills, from the hay mills and from Granada. The revenue from the high line, exclusive of Granada and the hay mills, has averaged some \$19,000 per year for the past four years. The revenue from the

hay mills for the past four years totaled \$155,362. The revenue from Granada for the past four years has averaged in excess of \$4,600 per annum. We believe that a large part of this revenue may come from hay mills on the line running west of Lamar and that some of the revenue from the high line, exclusive of Granada and the hay mills, was from customers on another part of the line or on a line other than that built by Granada. At any rate, we are making that assumption.

While there is nothing in the evidence about what is a reasonable extension policy for an electric company, we believe that we are entitled to consider the fact that it is not unusual for utilities making extensions to serve new customers to pay out of their own pockets a minimum of one and one-half one year's gross revenue from the line. That would amount to some \$6,900.00 based on the present average from Granada alone, taking no account of the revenue from Bristol, Hartman, Milwood and the hay mill at Granada, all of which are served over the line (that portion leading from Lamar or a point immediately north thereof to a point immediately north of Granada) built at Granada's sole expense.

We do not believe a utility can, through the instrumentality of contracts with a customer, whether it be for the construction of line or otherwise, take away from this Commission its power and jurisdiction over rates. We believe that in considering the rates charged to August 19, 1932, we have a right to take into consideration the fact that service was being rendered over a transmission line built and then owned (according to the contract the title to the line was to be turned over to Lamar after the bonds had been liquidated) by the customer, namely, Granada.

The Commission is, therefore, of the opinion, and so finds, that the rate of six cents at all times since May 20, 1929, has been excessive by the amount and to the extent of two and one-half cents per kilowatt hour.

We believe that we need spend little time on the second proposition made by Lamar, namely, that Section 35 of Article V of the State

Constitution prevents this Commission having any jurisdiction in the premises.

That section reads as follows:

"The general assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever."

In Holyoke v. Smith, 75 Colo. 286, it was held that this Commission had no jurisdiction over rates charged by municipal corporations owning and operating an electric plant for service given to customers within the corporation, the lower court holding that if the statute purported to give such right to fix rates to this Commission "it was unconstitutional, the legislature being prohibited by section 35 of article V from delegating the power." The Supreme Court sustained the lower court. However, in City of Lamar v. Town of Wiley, 80 Colo. 18, the Supreme Court distinguished the Holyoke case, saying that the opinion therein "differentiates the two cases." The court in the Lamar case pointed out the reasons for its decision in the Holyoke case, namely, that people residing in the municipality operating its own utility if dissatisfied with charges could effect a change by an election or recall, while in the case of consumers dealing with a privately owned utility the situation is quite different, "and there is good reason for a commission which shall act in the interest of the public, to avoid the possibility of oppression." The court in the Lamar case further pointed out that "A consumer who is served by a municipality, and who does not live therein, comes within the purview of the suggested rule in the Holyoke case that such consumers should be protected by a state commission in such circumstances." Since the Supreme Court held in the Wiley case that we do have jurisdiction over the rates of this very utility so far as outside customers are concerned, we shall not further discuss the question.

We might add, also, that the contract itself which was entered into by Lamar and Granada expressly provides that the rates specified in the contract "and all the covenants, agreements and provisions thereof, are

subject to approval, regulation revision and alteration by the Public Utilities Commission of the State of Colorado, or such other Board or Officer of the State as may, in the future, have jurisdiction over such matters, at the present time, or at any future date during the life of said contract."

We have found that discrimination results from the excessive charge to Granada. Removal of that discrimination does not result in discrimination. It avoids it. We find that discrimination will not result from the making of the reparation herein ordered.

Nothing is said in the statute quoted about a complaint or petition respecting reparation. The statute is limited to complaints "concerning any rate . . . found excessive or discriminatory" and to "complaints concerning excessive or discriminatory charges." The statute says that "When complaint has been made . . . (1) concerning any rate . . . and (2) the commission has found . . . the commission may order . . . reparation." There is no third requirement that a request be made in such complaint or elsewhere for reparation. Moreover, the only requirement in respect of the two-year limitation is that "All complaints concerning excessive or discriminatory charges shall be filed . . . within two years from the time the cause of action accrues." It does not say that a claim for reparation shall be filed within two years, etc.

The Legislature saw fit to create the remedy in question. It was for it to prescribe such limitation as it deemed reasonable and proper. As is said in 37 Corpus Juris 691, "the courts cannot engraft on the statute exceptions or qualifications not clearly expressed in the statute itself . . . On the other hand it is a familiar principle that a statute of limitations should not be applied to cases not clearly within its provisions; it should not be extended by construction."

As we read the statute the right to reparation follows more or less as a matter of course after an appropriate finding is made upon the complaint "concerning excessive or discriminatory charges."

The parties seem to very nearly agree in their pleadings as to the amount of energy sold and as to the amount paid therefor by Granada, beginning November 1, 1929. From November 1, 1929, to October 31, 1931, being the approximate two-year period prior to the filing of the original complaint, the number of KWHs sold, and for which \$9,579.08 was paid, was 166,590. The excessive charge on that amount of energy is \$4,164.75. From November 1, 1931, to May 31, 1933, 112,700 KWH were sold and delivered to Granada, for which there was charged at the rate of six cents per KWH \$6,864.50. As we understand the facts, the energy furnished during the month of October 1932, and succeeding months, including May 1933, was not paid for, and that the total amount thereof is 39,650 KWHs. This means that the energy paid for during that period was 73,050 KWHs, being the difference between the amount furnished and the amount not paid for. At two and one-half cents per KWH the amount to be refunded would be \$1,826.25.

We might say that the figures given of the total amount sold during the two periods are those of the defendant found on page 5 of its answer filed with the Commission on August 14, and that the figures representing the amount of energy sold during the months October 1932 to and including May 1933 are those of the complainant. There is no reason why there should be any serious difference as to these figures as they are a matter subject to rather exact computation. If either party believes that a substantial error has been made, it may, of course, ask for a rehearing.

The Commission is, therefore, of the opinion, and so finds, that the defendant should be required to reparate and pay to the complainant on account of overcharges for electric energy sold and delivered since November 1, 1929, \$5,991.00, and that the defendant should be required to waive collection of two and one-half cents of the total charge of six cents per KWH for all energy sold and delivered to the complainant from

October 1, 1932, and succeeding months.

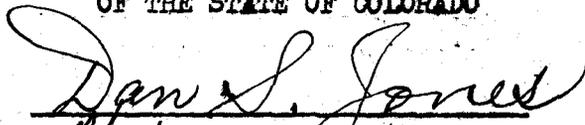
O R D E R

IT IS THEREFORE ORDERED, That the City of Lamar be, and the same is hereby, authorized and required to pay to the Town of Granada on account of unreasonable and excessive overcharges for electric energy sold \$5,991.00.

IT IS FURTHER ORDERED, That the City of Lamar be, and the same is hereby, required to waive collection of two and one-half cents of the total charge of six cents per KWH for all energy sold and delivered to the complainant, the Town of Granada, from October 1, 1932, and succeeding months.

IT IS FURTHER ORDERED, That except as herein ordered the decision and order of the Commission heretofore made on April 3, 1933, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 26th day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BYRON S. BUNKER AND EVERETT)
DAVIS, CO-PARTNERS.)

CASE NO. 1274

October 26, 1933

S T A T E M E N T

By the Commission:

Information has come to the Commission that Byron S. Bunker and Everett Davis, co-partners, engaged in the transportation of freight under the certificate of public convenience and necessity originally issued in Application No. 1085, have failed to account for C.O.D. moneys collected on freight transported by them under such certificate; that one of said collections amounts to \$9.90, being on account of freight received in Denver on or about September 29, 1933, and that the other said collection is in the amount of \$12.50, collected on account of the shipment received in Denver on or about October 26, 1933.

The Commission is of the opinion, and so finds, that because of the gravity of the offense of failing to account for C.O.D. moneys within the time required by the rule of the Commission, an order should be made without further notice, requiring the respondents to show cause why their certificate of public convenience and necessity should not be revoked and cancelled.

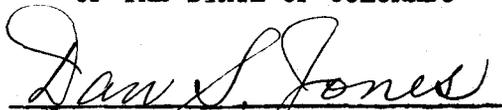
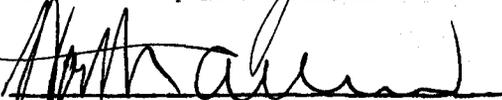
O R D E R

IT IS THEREFORE ORDERED, That Byron S. Bunker and Everett Davis, co-partners, and each of them, be, and they are hereby, required to show cause by written answer to be filed herein within ten days from this date why their certificate of public convenience and necessity, originally issued in Application No. 1085, should not be revoked and cancelled for

failure to account for C.O.D. collections hereinbefore described.

IT IS FURTHER ORDERED, That this matter be set down for hearing in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on November 8, 1933, at ten o'clock A.M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 26th day of October, 1933.

(Decision No. 5354)

2-486

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
I. H. WILLS.)

PRIVATE PERMIT NO. A-486.

October 26, 1933

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from I. H. Wills, doing business as Wills Transportation Company, in which he says that he is not operating any more.

The Commission is of the opinion, and so finds, that the permit heretofore issued to I. H. Wills should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-486, heretofore issued to I. H. Wills, doing business as Wills Transportation Company, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

David S. Jones
Commissioners.

Dated at Denver, Colorado,
this 26th day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARVEY BROTHERS.)

CASE NO. 1262

October 26, 1933

S T A T E M E N T

By the Commission:

An order was made herein requiring the respondents, Harvey Brothers, to show cause why their private motor vehicle permit No. 378-A should not be revoked for failure to carry the insurance required by the law and the rules and regulations of this Commission.

The respondents have advised us that they are not now actively engaged in this business and do not feel able to carry the insurance. The Commission is, therefore, of the opinion, and so finds, that the private motor vehicle permit heretofore issued to the respondents should be suspended for a period of six months, with the privilege of resuming operations within that time upon filing insurance and advising the Commission in writing.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. 378-A, heretofore issued to Harvey Brothers, be, and the same is hereby suspended for a period of six months from this date.

IT IS FURTHER ORDERED, That the respondents may resume operations on a date to be named by them following the filing of insurance.

IT IS FURTHER ORDERED, That unless operations are resumed within six months, the said permit herein shall be revoked without further notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

David S. Jones

Arthur W. Walker

Commissioners.

Dated at Denver, Colorado,
this 26th day of October, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PERCY KLINGINSMITH.) CASE NO. 1243

October 26, 1933.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, Percy Klinginsmith, to show cause why his certificate of public convenience and necessity, heretofore issued in Application No. 1025, should not be revoked for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

The matter was set for hearing on October 9, and continued to October 23, 1933. On the day on which the case was set for further hearing, we received a letter from the respondent asking that his certificate be suspended for six months. He has been unable to make his operations sufficiently profitable to warrant the expense of carrying the insurance.

The Commission is of the opinion, and so finds, that the certificate heretofore issued to the respondent should be suspended for a period of six months.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to Percy Klinginsmith in Application No. 1025, be, and the same is hereby, suspended for six months from this date.

IT IS FURTHER ORDERED, That if within that time the respondent shall file the necessary insurance with the Commission and notify the

Commission in writing of his intention to resume operations, the suspension shall automatically cease.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dan S. Jones

[Signature]

Commissioners.

Dated at Denver, Colorado,
this 26th day of October, 1933.

a-405-

REC
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WCB

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. E. ANDERSON)

MOTOR VEHICLE PRIVATE PERMIT
No. A-405

October 30, 1933

S T A T E M E N T

By the Commission:

F. E. Anderson holds motor vehicle private permit No. A-405. He has allowed his insurance required to be kept on file with the Commission to expire. The Commission has written him with respect to the matter and has received a letter dated October 21, 1933, which reads in part as follows:

"In reply to your letter of the 26th of September in regard to my insurance on P.U.C. #A-405, am discontinuing my hauling for the time being so will not take out insurance at this time."

Since an operator must, under the law, carry insurance if he operates, the Commission is of the opinion, and so finds, that said motor vehicle private permit No. A-405 should be suspended for a period of six months.

O R D E R

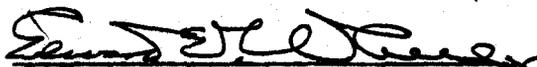
IT IS THEREFORE ORDERED, That motor vehicle private permit No. A-405, heretofore issued to F. E. Anderson, be, and the same is hereby, suspended for a period of six months from this date.

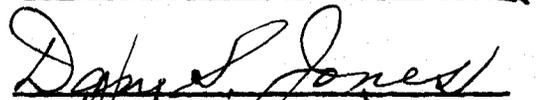
IT IS FURTHER ORDERED, That if said Anderson shall file with the Commission within that period of six months the insurance required to be kept on file with the Commission, the said suspension will automatically be done away with and the right to resume operations will automatically be effective.

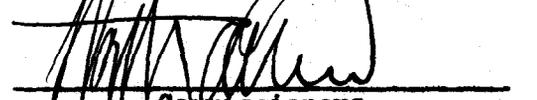
IT IS FURTHER ORDERED, That unless such insurance is filed with the Commission within six months from this date, the Commission will

herein, without further notice, make an order revoking and cancelling
said permit.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 30th day of October, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. B. MOORE.) CASE NO. 1255

November 1, 1933.

Appearances: Mr. J. B. Moore, Palisade, Colorado,
pro se;
Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

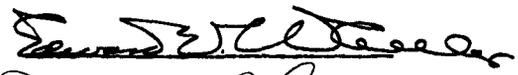
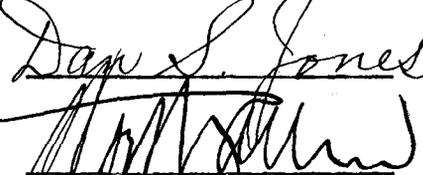
On September 27, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-25, heretofore issued to him, should not be suspended or revoked for his failure to file an insurance policy or surety bond as required by law.

At the hearing the evidence disclosed that respondent has filed the necessary insurance, and we are, therefore, of the opinion, and so find, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Daniel S. Jones

COMMISSIONERS.

Dated at Denver, Colorado,
this 1st day of November, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
OREN L. McKAY.)

CASE NO. 1256

November 1, 1933.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

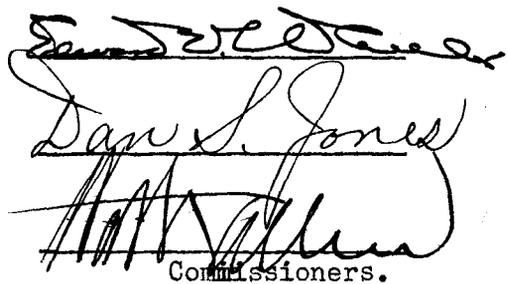
On September 27, 1933, the Commission issued its order requiring the above named respondent to show cause why private permit No. A-44, heretofore issued to him, should not be suspended or revoked for his failure to file an insurance policy or surety bond as required by law.

At the hearing the evidence disclosed that respondent has filed the necessary insurance, and we are therefore of the opinion, and so find, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 1st day of November, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. E. PHILLIPS.)

CASE NO. 1257

November 1, 1933.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 27, 1933, the Commission issued its order requiring the above named respondent to show cause why private permit No. A-170, heretofore issued to him, should not be suspended or revoked for his failure to keep on file with the Commission the necessary insurance policy or surety bond required by law.

A hearing was held, at which respondent made no appearance. The evidence disclosed that no insurance policy or surety bond had been filed by respondent.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-170, heretofore issued to W. E. Phillips, should be revoked for his failure to file the necessary insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-170, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel W. Decker
Daph S. Jones
W. E. Phillips
Commissioners.

Dated at Denver, Colorado,
this 1st day of November, 1933.

*Not
to
be
used*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY MEREDITH.) CASE NO. 1259

November 1, 1933.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 27, the Commission issued its order requiring the above named respondent to show cause why private permit No. A-315, heretofore issued to him, should not be suspended or revoked for his failure to keep on file with the Commission the necessary insurance policy or a surety bond as required by law.

At the hearing the evidence disclosed that respondent's insurance had expired in January, 1933, and had never been renewed.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-315, heretofore issued to Ray Meredith, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-315, heretofore issued to Ray Meredith, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

Sam S. Jones

Arthur M. Allen
Commissioners.

Dated at Denver, Colorado,
this 1st day of November, 1933.

[Handwritten marks and initials]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. F. SHUPP.) CASE NO. 1253

November 1, 1933.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 27, 1933, the Commission issued its order requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1503, should not be suspended or revoked for his failure to file the necessary insurance policy or surety bond as required by law.

At the hearing the evidence disclosed that respondent's insurance had expired in January, 1932, and had never been renewed.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to A. F. Shupp in Application No. 1503, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to A. F. Shupp, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]

[Signature]
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 1st day of November, 1933.

[Handwritten initials]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ARTHUR R. PHILPOTT.)

CASE NO. 1254

November 1, 1933.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On September 27, 1933, the Commission issued its order requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1902, should not be suspended or revoked for his failure to file the necessary insurance policy or surety bond as required by law.

At the hearing the evidence disclosed that respondent's public liability and property damage expired in June, 1930, and his cargo insurance expired in February, 1933, and this insurance has not been renewed.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to Arthur R. Philpott in Application No. 1902, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Arthur R. Philpott in Application No. 1902, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]
Commissioners.

Dated at Denver, Colorado,
this 1st day of November, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHRIS LEWIS.)

CASE NO. 1213

November 2, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On August 2, 1933, the Commission entered its order requiring respondent to show cause why he should not be instructed to cease and desist from operating as a motor vehicle carrier unless and until he had secured proper authority therefor.

At the hearing the evidence disclosed that respondent to some extent had been transporting the property of others for hire, although the major part of his operations consisted in the hauling of his own property. However, he must realize that he will not be permitted to operate upon a "for hire" basis without securing proper authority therefor.

After careful consideration of the record the Commission is of the opinion, and so finds, that respondent should be ordered to cease and desist from operating as a motor vehicle carrier unless and until he has procured a certificate of public convenience and necessity to so operate, or a private permit if he desires to operate as a private carrier.

O R D E R

IT IS THEREFORE ORDERED, That Chris Lewis, respondent herein, be, and he is hereby, ordered to cease and desist from operating as a motor vehicle carrier unless and until he procures a certificate of public convenience and necessity to so operate, or a private permit if he

desires to operate as a private carrier.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Wheeler

David S. Jones

W. H. Miller

Commissioners.

Dated at Denver, Colorado,
this 2nd day of November, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
M. L. GRAHAM.)

CASE 1214

November 2, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On August 2, 1933, the Commission issued its order requiring the above named respondent to show cause why an order should not be entered directing him to cease and desist from operating as a motor vehicle carrier unless and until he procures authority to so operate.

At the hearing the evidence disclosed that respondent is engaged in the transportation of his own property only.

In view of these circumstances the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Wheeler
James S. Jones
W. M. Allen
Commissioners.

Dated at Denver, Colorado,
this 2nd day of November, 1933.

Handwritten initials and scribbles in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. R. MILSTEIN.)

CASE NO. 1215

November 2, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 28, 1933, the Commission issued its order requiring the above named respondent to show cause why an order should not be entered directing him to cease and desist from operating as a motor vehicle carrier unless and until he had procured authority to so operate.

At the hearing the evidence disclosed that respondent is engaged in the transportation of his own property only.

In view of these circumstances the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. C. [Signature]
Sam S. Jones
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 2nd day of November, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF) CASE NO. 1188
R. A. KINNISON.)

November 2, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission entered its order requiring the above named respondent to show cause why an order should not be issued directing him to cease and desist from operating as a motor vehicle carrier unless and until he had procured authority to so operate.

At the hearing the evidence disclosed that respondent is engaged in the transportation of his own property only.

In view of these circumstances the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signature]
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[Handwritten signature]
Commissioners.

Dated at Denver, Colorado,
this 2nd day of November, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. F. PLANE.)

CASE NO. 1189

November 2, 1933.

Appearances: Mr. C. A. Hoffman, Denver, Colorado,
Inspector, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 25, 1933, the Commission issued its order requiring the above named respondent to show cause why an order should not be entered directing him to cease and desist from operating as a motor vehicle carrier unless and until he had procured authority to so operate.

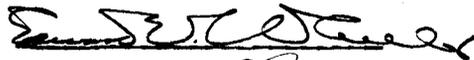
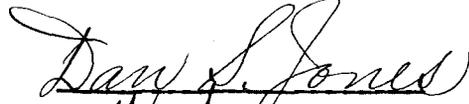
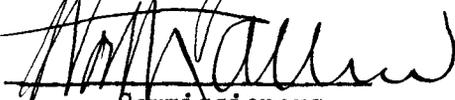
At the hearing the evidence disclosed that respondent is engaged in the transportation of his own property only.

In view of these circumstances the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 2nd day of November, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. M. HUMPHREY.)

CASE NO. 1275

(Campo, Colo.)

November 2, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1015)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on November 20, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of three commissioners over horizontal lines.

Commissioners.

Handwritten number 4652 in the bottom left corner.

Handwritten initials and date:
10/28

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
T. P. DUFFY, DOING BUSINESS AS)
DUFFY STORAGE & MOVING COMPANY.)

CASE NO. 1276

(Denver, Colo.)

November 2, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1289)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on November 20, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures:

Dan S. Jones

Secretary.

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THE UNION DELIVERY COMPANY.)
(Greeley, Colo.)

CASE NO. 1277

November 2, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1310)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on November 20, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
Samuel Jones
W. H. Miller
Commissioners.

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Rec'd

343

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(Decision No. 5374)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THE PIKES PEAK WAREHOUSING)
COMPANY.)

CASE NO. 1278

(Colorado Springs, Colo.)

November 2, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1299)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on November 20, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]

Commissioners.

Page 448

11/2

(Decision No. 5375)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BUCKLEY BROTHERS.)
.....)
(Silver Plume, Colo.)

CASE NO. 1279

November 2, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1359)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on November 20, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]
.....
.....
.....
Commissioners.

Case 482

12/18
12/18

Form No. 6.

(Decision No. 5376)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS F. MULVANY.)
.....)
(Salida, Colo.)

CASE NO. 1280

November 2, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1615)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on November 20, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]
[Signature]
[Signature]
Commissioners.

Page 549

AG
10/2

(Decision No. 5377)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM SCHIERMEYER.)
(Holyoke, Colo.)

CASE NO. 1281

November 2, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1630)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on November 20, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Steiner
James S. Jones
W. H. ...

Commissioners.

Handwritten initials and marks in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
J. G. TREW FOR OPENING OF A PUBLIC)
HIGHWAY CROSSING OVER THE RIGHT-OF-)
WAY AND TRACK OF THE CHICAGO, ROCK)
ISLAND AND PACIFIC RAILWAY COMPANY)
AT A POINT ON THE SECTION LINE FOUR)
MILES WEST OF THE RAILROAD CROSSING)
ON THE SECTION LINE ALONG THE EAST)
SIDE OF FLAGLER, COLORADO.)

APPLICATION NO. 2129

November 3, 1933

S T A T E M E N T

By the Commission:

This proceeding arises from an application of J. G. Trew, Flagler, Colorado, informally approved by the Board of County Commissioners of Kit Carson County filed with the Commission on July 5, 1933, for the opening of a public highway crossing over the right-of-way and track of the Chicago, Rock Island and Pacific Railway Company at a point on the section line four miles west of the public grade crossing on the section line along the east side of Flagler, Colorado. The application states that the crossing is to be above grade.

A copy of the application was duly forwarded to the attorney for the Chicago, Rock Island and Pacific Railway Company, and on July 17, 1933, an answer thereto was filed with the Commission protesting the establishment of a crossing above grade at the place desired, unless the County or School District would bear all the expense of the installation of the overhead crossing.

The engineer for the Commission made an inspection of the proposed crossing in company with the Roadmaster of the railroad company and Mr. Trew and others interested in the crossing on September 14, 1933. The investigation disclosed that a crossing at grade was desired rather than an overhead bridge crossing, and the matter was investigated on that basis. It was found, however, that at the place where crossing was desired it would be necessary to cross a

ravine of considerable width and depth adjoining and paralleling the roadbed of the railroad in order to reach the track, and that in case of heavy rain this ravine or ditch carried a large volume of water, and several times the volume of water has been such as to cause a washout of tracks near this place. It was believed, therefore, that if a bridge was installed over this ravine that it, together with the embankments at ends of bridge, would form a dam that would so obstruct the stream of water that dangers of washouts of track would be augmented, so a grade crossing at this point was not considered advisable, and the County Commissioners were so advised. However, there seemed to be some need for a crossing in this vicinity for the especial convenience of people residing north of the railroad to reach the new state highway when it is completed, though there will be means of reaching said highway at some inconvenience by other nearby routes. The county has opened a north-south highway on the section line for which crossing is desired, and the only feasible crossing at this place would be by an overhead bridge and this does not appear to be practicable because of its cost for the small amount of traffic over it.

County Commissioner Barter has given the matter further consideration and on October 25, 1935, he advised the engineer of the Commission by letter as follows:

"Since talking with you I have viewed the proposed crossing west of Flagler, and advise dropping the application for the present."

Therefore, the Commission will issue its order dismissing the application without prejudice, in view of all the circumstances.

ORDER

IT IS THEREFORE ORDERED, That the application of J. C. Trew for the opening and establishment of a crossing over the right-of-way and track of the Chicago, Rock Island and Pacific Railway Company at a point on the section

line four miles west of the grade crossing over said railroad on the section line at the east side of Flagler, Colorado, be, and the same is, hereby, dismissed without prejudice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edw. J. Decker

Dan S. Jones

H. M. Wallcut

Commissioners.

Dated at Denver, Colorado, this
3rd day of November, 1933.

A-447

[Handwritten initials]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JACK C. BARLOW.) CASE NO. 1282

(Delta, Colo.)

November 2, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a private permit No. A-447 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on Monday, the 20th day of November, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signature]
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[Handwritten signature]
Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LUIE AMMERMAN.)

CASE NO. 1273

November 3, 1933

S T A T E M E N T

By the Commission:

An order was made on October 10, 1933, requiring the respondent, Luie Ammerman, to show cause why his private motor vehicle permit No. 371-A, heretofore issued to him, should not be revoked for failure to file monthly highway compensation tax report for the month of September, 1933, and pay highway compensation tax for the period from December, 1932, to August, 1933, inclusive.

Since the case was instituted, the respondent has filed his report for the month of September, 1933, and has paid his said delinquent highway compensation taxes.

We have concluded to dismiss the case, but with a distinct understanding that these matters must be more promptly attended to in the future, and that unless they are, the respondent must expect a revocation of his permit.

The Commission is therefore, of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Jones

Samuel Jones

Arthur [unclear]

Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1933.

MSH
11/3

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. B. LEASURE.)

CASE NO. 1263

November 3, 1933

S T A T E M E N T

By the Commission:

An order was made on September 27, 1933, requiring the respondent, J. B. Leasure, to show cause why his motor vehicle private permit No. A-445, should not be revoked for failure to file insurance policies or surety bond as is required by law and our Rules and Regulations.

Since the case was instituted, the respondent has filed the necessary insurance.

We have concluded to dismiss the case, but with a distinct understanding that this matter must be more promptly attended to in the future, and that unless it is, the respondent must expect a revocation of his permit.

The Commission is therefore, of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. C. ...
Don S. Jones
...
Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1933.

Handwritten initials and scribbles in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
O. J. WEEKS AND J. P. OLSON.)

CASE NO. 1267

November 3, 1933

S T A T E M E N T

By the Commission:

An order was made on October 7, 1933, requiring the respondents, O. J. Weeks and J. P. Olson, to show cause why their motor vehicle private permit No. 340-A, should not be revoked for their failure to file insurance policies or surety bond as is required by law and our Rules and Regulations.

The evidence showed that the respondents' insurance on file with the Commission was cancelled soon after the permit was issued and that they have never renewed same.

The Commission is therefore, of the opinion, and so finds, that in view of the failure to file the proper insurance, it has open no other course than to revoke the said permit.

After careful consideration of the record, the Commission is of the opinion, and so finds, that private motor vehicle permit No. 340-A, heretofore issued to the respondents, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. 340-A, heretofore issued to O. J. Weeks and J. P. Olson, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wheeler

Dora S. Jones

[Signature]

Commissioners.

Dated at Denver, Colorado,
this 3rd day of November, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE RATES OF HIGHLAND UTILITIES)
COMPANY.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 202

November 4, 1935

11-19-33

S T A T E M E N T

By the Commission:

On October 23, 1933, the Commission received from Highland Utilities Company, an electric utility operating in various towns in this State, tariffs of rates which in some respects increase rates now being charged by said utility. It has been the rather uniform policy of this Commission to require justification of any increases in rates charged by utilities to be made at a formal hearing. The Commission is, therefore, of the opinion, and so finds, that it should require formal justification to be made of the said increases at a hearing to be held thereon, and that pending said hearing and decision by the Commission, the said rates insofar as they effect any increases should be suspended.

O R D E R

IT IS THEREFORE ORDERED, That the Commission, upon its own motion, without formal pleadings, enter upon a hearing concerning the lawfulness of those rates filed by said Highland Utilities Company on October 3, 1933, which are in excess of and constitute increases over rates theretofore charged by said utility.

IT IS FURTHER ORDERED, That the operation of said rates contained in said tariffs be suspended, and that the use of said rates and charges therein stated be deferred one hundred and twenty days from this date or until the Third day of March, 1934, unless otherwise ordered by

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RABD
Reb

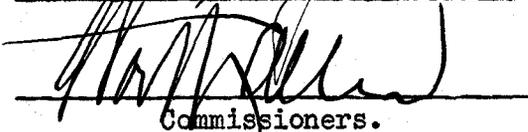
the Commission, and no increase shall be made in any of the said utility's rates and charges during the said period of suspension.

IT IS FURTHER ORDERED, That this matter be set down for hearing in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on Tuesday, November 28, 1933, at 10 o'clock A.M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1933.

REC
11/6

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE BOARD OF COUNTY COMMISSIONERS)
OF MORGAN COUNTY, COLORADO, FOR CHANGE)
IN LOCATION OF CROSSING OVER THE)
TRACKS OF THE UNION PACIFIC RAILROAD)
COMPANY AT THE NORTH END OF THE BRIDGE)
OVER THE SOUTH PLATTE RIVER NEAR THE)
CITY OF FORT MORGAN, AS SHOWN ON)
ATTACHED MAP.)

APPLICATION NO. 2114

November 6, 1933.

S T A T E M E N T

By the Commission:

On June 15, 1933, the Board of County Commissioners of Morgan County filed an application with the Commission for change in the present location of the grade crossing over the tracks of the Union Pacific Railroad Company at the north end of the highway bridge over the South Platte River near the city of Fort Morgan to conform with the change in the location of the new bridge being constructed to replace the old highway bridge.

It is stated in the application that a new bridge is necessary to replace the old bridge structure on account of its exhausted life, and the new bridge is being so constructed as to obviate the curves in the highway at each end, thus making the conditions safer for travel on the highway. This change in location of the bridge necessitates the moving of the present crossing over the adjacent tracks of the Union Pacific Railroad Company a short distance westward, and it will also eliminate the crossing of one track of the railroad.

In the application of the County it is proposed that the County shall do all the necessary grading and pay the sum of \$50.00 towards the expense to the railroad company of moving the crossing and the signals at the crossing. The railroad company estimates the expense of moving the

crossing, crossing signals and appurtenances, and the raising of Western Union telegraph wires at \$300.00. The Company approved the change, provided it did not have to bear any part of this expense. The answer of the railroad company was referred to the County Commissioners of Morgan County to ascertain their attitude towards said answer, and under date of September 16, 1933, the clerk of the Board of County Commissioners advised the Commission that he had "taken up the matter of change in highway with Mr. White, our Road Supervisor, and he informs me that the Union Pacific Railroad Company and himself have made an agreement between themselves and have had the change made satisfactory to the Railroad Company. The County will take care of the money due the Railroad Company."

The Commission, therefore, understands from this letter that the proposed change in the crossing is satisfactory to all concerned, and that the County will bear all the expense in the change, and as it will undoubtedly improve the safety conditions at the crossing, the Commission approves the change. The matter of agreement by the parties as to the expense in the change of the crossing will require no allocation of the expense by the Commission, but it is insisted and to be understood that this expense shall be kept to the minimum, and only the actual cost of moving the present crossing plank, if any, and crossing signal with its appurtenances, and cost of raising the telegraph wires shall be charged to the County.

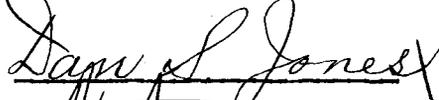
O R D E R

IT IS THEREFORE ORDERED, In compliance with Section 29 of the Public Utilities Act, as amended, that the present crossing over the tracks of the Union Pacific Railroad Company adjacent to the north end of the highway bridge over the South Platte River near the city of Fort Morgan, together with the crossing signals, is hereby permitted to be moved to a point indicated on map attached hereto, marked Exhibit A and by reference made a part of this order, conditioned that prior to the opening of new crossing to public travel it shall be constructed in accordance with the

specifications for grade crossings, as provided in the Commission's order in Case No. 879.

IT IS FURTHER ORDERED, That the expense for the moving of aforesaid crossing, including the crossing signals thereat, the raising of telegraph wires and the grading of highway approaches to crossing, shall be borne by the County of Morgan, in accordance with the agreement referred to herein.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of November, 1933.

Handwritten notes:
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE MOTOR VEHICLE OPERATIONS OF)
A. L. STEPHENS.)
-----)

CASE NO. 1284

November 7, 1933

MAKE NO
COPY

S T A T E M E N T

By the Commission:

We have received written information from A. L. Stephens that he is not able longer to carry insurance required by law and the rules and regulations of this Commission. We have also received a notice of the cancellation of his public liability and property damage insurance.

The Commission is of the opinion, and so finds, that an order should be made requiring A. L. Stephens, to show cause why his motor vehicle private permit No. A-179, heretofore issued to him, should not be revoked for failure to carry said insurance.

O R D E R

IT IS THEREFORE ORDERED, That A. L. Stephens, show cause by written answer, to be filed with this Commission within ten days from this date, why his motor vehicle private permit No. A-179, should not be revoked and cancelled for failure to carry public liability and property damage insurance.

IT IS FURTHER ORDERED, That this matter be, and the same is hereby, set down for hearing before the Commission, in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M. on Wednesday, November 22, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures:

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 7th day of November, 1933.

Handwritten notes and initials in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. M. ALIRE.)

CASE NO. 1272

November 7, 1933.

S T A T E M E N T

By the Commission:

An order was made on October 9, 1933, requiring the respondent, J. M. Alire, to show cause why his certificate of public convenience and necessity, heretofore issued in Application No. 2022, should not be revoked for failure to file monthly highway compensation tax reports, pay highway compensation tax, and to file insurance policies or surety bond as required by law and our Rules and Regulations.

Since the case was instituted, the respondent has filed the reports for the months in question, the tax described in the order to show cause has been paid, and the necessary insurance has been filed.

The Commission has therefore, concluded not to revoke the certificate of the respondent. However, we must warn him that he cannot continue to ignore matters of this sort in the future and continue to hold his certificate.

The Commission is therefore, of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of the Commissioners.

Commissioners.

Dated at Denver, Colorado,
this 7th day of November, 1933.

Mc
JK
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
RAYMOND L. WEBBER.)

CASE NO. 1271

November 8, 1933.

S T A T E M E N T

By the Commission:

An order was made on October 9, 1933, requiring the respondent Raymond L. Webber, to show cause why his certificate of public convenience and necessity, heretofore issued in Application No. 272, should not be revoked for failure to file monthly highway compensation tax reports, pay highway compensation tax, and to file insurance policies or surety bond as required by law and our Rules and Regulations.

The case was regularly set for hearing and notice duly given the respondent. He did not appear at the hearing.

The evidence showed that the respondent has failed to file his monthly highway compensation tax reports for the months of March to September, 1933, inclusive. The taxes described in said show cause order have been paid since the case was instituted. The evidence further showed that the insurance of the respondent had been cancelled in August of this year and has never been renewed.

The Commission is, therefore, of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to the respondent in Application No. 272, should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Raymond L. Webber in Application No. 272, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dancy

Dany S. Jones

A. M. Adams

Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. W. HAYDEN FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY TO)
OPERATE PASSENGER SERVICE BETWEEN)
SALT LAKE CITY, UTAH, AND DENVER,)
COLORADO.)

APPLICATION NO. 2104

November 4, 1933.

S T A T E M E N T

By the Commission:

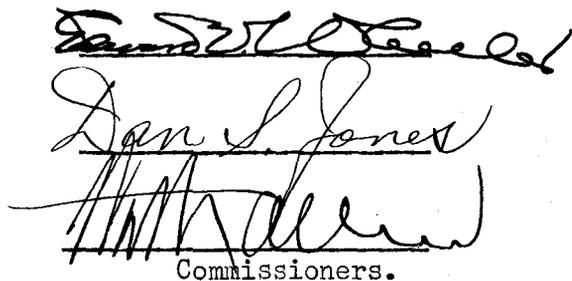
The Commission is in receipt of a written communication from applicant in the above matter, requesting leave to withdraw said application from further consideration.

After careful consideration of said request, the Commission is of the opinion, and so finds, that the instant application should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1933.

[Handwritten marks and initials]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF) CASE NO. 1268
A. H. CARPENTER.)

-----,
November 8, 1933.

S T A T E M E N T

By the Commission:

An order was made on October 7, 1933, requiring the respondent, A. H. Carpenter, to show cause why his motor vehicle private permit No. A-379, should not be revoked for failure to file monthly highway compensation tax reports, and to file insurance policies or a surety bond as is required by statute and Rule 10 of the Rules and Regulations of this Commission governing private carriers by motor vehicle.

The case was regularly set for hearing and notice duly given the respondent. He did not appear at the hearing.

The evidence disclosed that the respondent has failed to file his monthly highway compensation tax reports for the months of April to September, 1933, inclusive.

The evidence further disclosed that his public liability and property damage insurance was cancelled in December, 1932, and has never been renewed.

The Commission is, therefore, of the opinion, and so finds, that private motor vehicle permit No. A-379, heretofore issued to the respondent, A. H. Carpenter, should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit

No. A-379, heretofore issued to A. H. Carpenter, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1933.

Handwritten notes and initials in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF) CASE NO. 1270
LYON AND THOMPSON, CO-PARTNERS.)

November 8, 1933.

S T A T E M E N T

By the Commission:

An order was made on October 9, 1933, requiring the respondents, Lyon and Thompson, to show cause why their certificate of public convenience and necessity heretofore issued in Application No. 1156, should not be revoked for failure to file monthly highway compensation tax reports, pay highway compensation tax, and to file insurance policies or surety bond as required by law and our Rules and Regulations.

Since the case was instituted, the respondents have filed their said tax report, paid the taxes delinquent at the time the order was made, and filed their insurance.

We have concluded to dismiss the case but with a distinct understanding that these matters must be more promptly attended to in the future, and that unless they are, the respondents must expect a revocation of their certificate.

The Commission is therefore of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of three commissioners.
Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1933.

Handwritten initials and scribbles in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MOISES TAYLOR AND JOE T. ROYBAL,)
CO-PARTNERS.)

CASE NO. 1265

November 8, 1933

S T A T E M E N T

By the Commission:

An order was made on October 4, 1933, requiring the respondents, Moises Taylor and Joe T. Roybal, to show cause why their motor vehicle private permit No. A-246, heretofore issued to them, should not be revoked for their failure to file an insurance policy or surety bond as required by law and our Rules and Regulations, and for failure to pay highway compensation taxes for the months of April to August, 1933, inclusive.

The evidence disclosed that the respondents have paid the said delinquent taxes since the case was instituted. However, respondents had never filed the necessary insurance.

The Commission is therefore, of the opinion, and so finds, that in view of the failure to file the proper insurance, it has open no other course than to revoke the said permit.

After careful consideration of the record, the Commission is of the opinion, and so finds, that private motor vehicle permit No. A-246, heretofore issued to the respondents, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-246, heretofore issued to Moises Taylor and Joe T. Roybal, co-partners, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of three commissioners over horizontal lines.
Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE MOTOR VEHICLE OPERATIONS OF)
CLARENCE G. GUY, DOING BUSINESS) CASE NO. 1266
AS LAMAR-SPRINGFIELD STAGE.)

November 8, 1933

S T A T E M E N T

By the Commission:

An order was made on October 8, 1933, requiring the respondent, Clarence G. Guy, to show cause why his certificate of public convenience and ^{necessity,} heretofore issued in Application No. 823, should not be revoked for failure to file monthly highway compensation tax reports, pay highway compensation tax, and to file an insurance policy or surety bond as required by law and our Rules and Regulations.

The evidence showed that said monthly highway compensation tax reports for the months of April to September, 1933, inclusive, have not been filed, and that said highway compensation tax for the month of March, 1933, has never been paid, and that the respondent has had on file with the Commission no insurance since 1931.

The Commission is, therefore, of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to the respondent in Application No. 823, should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Clarence G. Guy, doing business as Lamar-Springfield Stage, in Application No. 823, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Steele
James L. Jones
W. M. Allen
Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1933.

High
10/2

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ESSA HARBERT.) CASE NO. 1269

November 8, 1933.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, Essa Harbert, to show cause why his motor vehicle private permit No. A-276 should not be revoked for failure to file monthly reports and for failure to carry such insurance as is required by statute and the rules and regulations of the Commission.

Since the order was made, reports have been duly filed and we have been advised by one of the insurance companies authorized to do business in this State that insurance will be filed immediately for Mr. Harbert.

We have concluded, therefore, to dismiss this case, but with the distinct understanding that the law and rules and regulations of the Commission with respect to the filing of reports when they are due and the keeping on file with the Commission of proper insurance must be complied with.

We do not like to be unreasonable or arbitrary but we cannot continue month after month to have notice with respect to these matters ignored. If they are ignored in the future, we will doubtless feel warranted in revoking the respondent's permit.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 8th day of November, 1933.

Edward J. Treese
Don S. Jones
W. J. Miller
Commissioners.

Handwritten notes and signatures in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

CONCERNING RULES AND REGULATIONS)
RELATING TO COMMON OR MOTOR)
VEHICLE CARRIERS.)

CASE NO. 1285

November 8, 1933.

S T A T E M E N T

By the Commission:

Considerable information has come to the Commission to the effect that a large number of common or motor vehicle carriers are not reporting to the State the correct ton mileage, and that as a result thereof the State of Colorado is being deprived of a substantial amount of revenue to which it is entitled from such carriers.

The Commission has concluded that it should institute an investigation and hold a hearing to determine what, if any, rules and regulations should be adopted in order to insure the payment to the State by motor vehicle carriers of all highway compensation tax which they are required by law to pay.

The Commission has in mind the possibility of requiring, among other things, (1) that such carriers weigh their load of freight before departing on their outbound journey, where the same begins in the State of Colorado, and before unloading their freight where the trip began outside of the State of Colorado and ends within said state, and that duplicate copies of scale tickets be furnished to the Commission and to the driver of the trucks, who shall keep their copies with them until the freight is unloaded, (2) the carrying by drivers of trucks of load sheets which will show the total amount of freight carried and reasonable details with respect thereto, and (3) that all such carriers whenever requested submit to the weighing of their truck loads on the highways by the use of

highway portable scales in order to check the weight of the load against the weight shown by the scale ticket and load sheet.

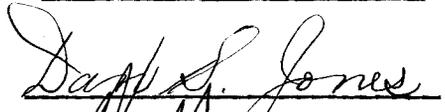
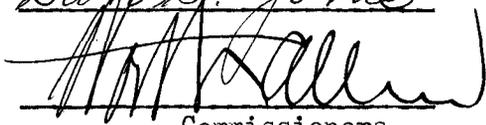
The Commission does not mean that it will not consider at the hearing other means of preventing the alleged evil. It is mentioning these matters in order that the carriers may be fully advised thereof.

O R D E R

IT IS THEREFORE ORDERED, On the Commission's own motion, that it institute, and by this order it does institute, an investigation to determine what rules and regulations should be adopted for the purpose of insuring the collection by the State of the highway compensation tax to which it is entitled from common or motor vehicle carriers under the law.

IT IS FURTHER ORDERED, That a hearing for the purpose of making determination of said question be held on Tuesday, the 5th day of December, 1933, in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at 10 o'clock A. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1933.

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

CONCERNING RULES AND REGULATIONS)
RELATING TO PRIVATE MOTOR VEHICLE) CASE NO. 1286
CARRIERS.)

November 8, 1933.

S T A T E M E N T

By the Commission:

Considerable information has come to the Commission to the effect that a large number of private motor vehicle carriers are not reporting to the State the correct ton mileage, and that as a result thereof the State of Colorado is being deprived of a substantial amount of revenue to which it is entitled from such carriers.

The Commission has concluded that it should institute an investigation and hold a hearing to determine what, if any, rules and regulations should be adopted in order to insure the payment to the State by private motor vehicle carriers of all highway compensation tax which they are required by law to pay.

The Commission has in mind the possibility of requiring, among other things, (1) that such carriers weigh their load of freight before departing on their outbound journey, where the same begins in the State of Colorado, and before unloading their freight where the trip begins outside of the State of Colorado and ends within the said state, and that duplicate copies of scale tickets be furnished to the Commission and to the driver of the trucks, who shall keep their copies with them until the freight is unloaded, (2) the carrying by drivers of trucks of load sheets which will show the total amount of freight carried and reasonable details with respect thereto, and (3) that all such carriers whenever requested submit to the weighing of their truck loads on the highways by the use of

highway portable scales in order to check the weight of the load against the weight shown by the scale ticket and load sheet.

The Commission does not mean that it will not consider at the hearing other means of preventing the alleged evil. It is mentioning these matters in order that the carriers may be fully advised thereof.

O R D E R

IT IS THEREFORE ORDERED, On the Commission's own motion, that it institute, and by this order it does institute, an investigation to determine what rules and regulations should be adopted for the purpose of insuring the collection by the State of the highway compensation tax to which it is entitled from private motor vehicle carriers under the law.

IT IS FURTHER ORDERED, That a hearing for the purpose of making determination of said question be held on Tuesday, the 5th day of December, 1933, at 10 o'clock A.M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1933.

RETURN TO
MR. FLOWER

(Decision No. 5398)

2/13/33
W.L.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE ELECTRIC RATES OF THE GLENWOOD)
LIGHT AND WATER COMPANY.)

CASE NO. 1138

December 9, 1933

Appearances: M. J. Mayes, Esq., and Frank Delaney, Esq.,
Glenwood Springs, Colorado, for the City
of Glenwood Springs.

Darrow & Darrow, Esqs., Glenwood Springs,
Colorado, and Moynihan, Hughes & Knous,
Esqs., Montrose, Colorado, for the
respondent Company.

R. E. Conour, Esq., Denver, Colorado,
Assistant Attorney General, for the
Public Utilities Commission.

S T A T E M E N T

By the Commission:

After receiving informal complaint from customers of The Glenwood Light and Water Company, the Commission, on its own motion, by order made a complaint against the reasonableness of the electric rates charged by the said company, hereinafter called the Light Company, the order constituting said complaint being dated February 18 of this year. Two hearings were held, one on March 31, the other on June 1, 2 and 3.

On March 26, 1919, the Commission made a decision in a case, I. & S. Docket No. 24, which also involved the question of the reasonableness of the rates of this same utility. That case arose as a result of a protest being made by the City Council of Glenwood Springs against certain increases proposed in a schedule of rates which had been filed by the utility. In that case the new rates were found reasonable, although the Commission found that certain "contract" rates then being charged The Hotel Colorado Company and The Denver and Rio Grande Railroad Company were discriminatory and unreasonable. That case is reported in 5 Colo. P.U.C. 647.

On page 653 is found a general inventory and appraisal of the property of the respondent made by the engineering staff of the Commission and introduced in evidence at the hearing. The former decision contains the statement:

"A summary of this appraisal is set out in Table No. 1, the amounts therein shown being exclusive of going concern value, cost of money, promoter's remuneration, etc."

The said appraisal showed a value for fixed capital of \$103,194.00, to which was added, in the report, \$7,500 for working capital, making a total of \$110,694.00.

The first finding made by the Commission in that case was:

"That the rate-making value of the property of The Glenwood Light & Water Company as of November 30, 1918, including a reasonable allowance for working capital and going concern value, and considering all elements of value, both tangible and intangible, was \$120,694.00."

The Commission apparently (none of the Commissioners then serving are now members of the Commission) adopted the figures of its engineering staff and added \$10,000 for going concern value, etc.

The value fixed was of all the company's property, not merely that part used in and allocated to the city.

The history of the company is set out in detail in the reports of the statistical and engineering staffs of the Commission, which were introduced in evidence in the original case and also in this one, one report being signed by G. L. Flower, Assistant Electrical Engineer, the other by Fred W. Herbert, Chief Statistician. A condensed statement of this history is found in the decision in the earlier case. There it appears that the original company was incorporated on September 7, 1886. It was succeeded in 1908, upon the expiration of its charter by limitation, by the present company. From 1911 until 1917 the Light Company had a competitor, The Mutual Light, Heat & Power Company. In the latter year it purchased the property of its said competitor, the consideration paid being \$15,000.00.

In the Herbert report it is stated (page 37 thereof) that there was no record on the books of the Light Company of any charge having been made to operating expenses for depreciation. However, he recommended that the company should be required to:

"set aside a depreciation reserve, based upon the annual requirement for depreciation to be established by the Engineering Department and subject to the approval of the Commission, by charging in operating expenses the monthly requirement for depreciation and crediting the concurrent account, Reserve for accrued depreciation, as classified in the Uniform Classification of Accounts for electric utilities as prescribed by the Commission."

Apparently in arriving at value in the other case no deduction was made by the Commission on account of depreciation.

The second finding of the Commission in the former case (page 655) reads as follows:

"That a proper annual depreciation requirement at this time to be set aside on the 4 per cent sinking fund basis is the sum of \$ 2,271.00."

The Light Company, beginning with the year 1919, has charged operating expenses annually for depreciation. However, it never made the charge on the sinking-fund basis. Instead it used the straight-line method, authority for which, we believe, was secured informally from the Commission. The following is copied from our auditor's report dated August 19, 1930, being Exhibit No. 7 herein:

"Referring to the Commission's Engineer's report which was the basis for this determination I find this would be the equivalent to an annual requirement of \$3,637.00 on the straight line basis. The Company has made its annual accruals to the reserve account on the latter basis and apparently on the strength of a 'Chartered accountant's' report in connection with an audit of their accounts. They have also increased the annual rate per cents and as of December 31, 1929, the reserve has been over accrued to the amount of \$29,060.09 (and possibly more if it is found that there have been other erroneous charges to 'Fixed Capital' account) as compared with the amount determined on a straight line basis using the annual rate per cents in the Commission's Engineer's report mentioned above. This would have the effect of overstating operating expenses to that extent for the years 1919 to 1929, inc."

It may be stated that while the Commission's order in 1919 did not prescribe depreciation rate per cents, the total charge of \$2,271.00 on the 4% sinking-fund basis was based on the per cents used by our engineer in his report. The composite rate was about 3.7%.

When our auditor discovered that the Light Company had been charging higher per cents, he directed a correction of the depreciation or retirement reserve, with the result that whereas the amount in the retirement reserve at the end of the year 1928 was \$76,533.58, the amount in the reserve at the end of the year 1932, after including the depreciation charge of \$5,096.50 for that year, was \$56,245.41.

The engineer for the Light Company testified (R. 277*) that he found no evidence that the utility had accumulated a retirement reserve or had paid out any dividends in a sum sufficient to account for accrued depreciation; that the company's books show no depreciation reserve unless the investment of \$21,000 made in bonds in the year 1931 should "automatically become one." (R. 348); that "I found no evidence of where they had ever earned a retirement reserve, . . . they are allowed this much and didn't earn and didn't acquire it . . . It is nothing but a bookkeeping figure." When asked whether an annual depreciation rate charge of four per cent on the generating plant equipment reflects "the life of that particular equipment", he answered that it doesn't reflect the life at all--"this is an annual depreciation requirement, and isn't to be confused with accrued depreciation." (R. 361). He further testified that current depreciation

and accrued depreciation "are not related." (R. 363). When asked whether "the rates set by the Public Utility Commission have no (any) necessary connection with the actual life of the equipment," he answered "Well, that's what they believe, and that other proposition, they agree with that as proper to state the current depreciation and their original thoughts were undoubtedly connected with life, and that cannot be accepted as the same thing in an appraisal of this kind." (R. 363).

Dividends paid for the years 1921 to 1932, both inclusive, are as follows:

<u>Year</u>	<u>Amount</u>
1921	\$10,000.00
1922	10,000.00
1923	10,000.00
1924	12,000.00
1925	12,000.00
1926	12,000.00
1927	14,000.00
1928	16,000.00
1929	12,000.00
1930	14,000.00
1931	- - -
1932	12,000.00

While no dividend was paid in 1931, net operating income for that year was \$13,834.33. The average dividend paid for the eleven years in which they were paid is \$12,181, which is about ten per cent per year on the value previously found by the Commission.

The following figures throw light on the results of operations from the year 1919 to the end of 1932:

ASSETS

Increase in capital expenditures during the period in question.

		(Additions and betterments)	\$40,293.15
1932	Cash	\$17,545.86	
1919	Cash	<u>3,262.12</u>	14,281.74
1932	Investments	\$21,000.00	
1919	Investments	<u>none</u>	21,000.00
		Discount on Capital Stock:	
1919		\$98,013.62	
1932		<u>88,442.85</u>	9,570.79

LIABILITIES

1932	Retirement reserve after proper adjustment was made	\$56,245.41	
1919		none	\$56,245.41
1932	Surplus	20,948.38	
1919	Surplus	<u>9,602.42</u>	11,345.96
1932	Reserve for contingencies	5,000.00	
1919	Reserve for contingencies	none	5,000.00

So far as we can learn from the record the Light Company has kept no accurate record of fixed capital replacements. Practically all of the new material purchased and installed in the system, even though some of it has gone into replacements, has been charged to additions and betterments. Our auditor in his report (Exhibit No. 7) made the following statements with respect to some batteries for an electric truck:

"I did not have time to verify the correctness of the expenditures shown above, however, in the year 1926 I found one item in the amount of \$1,432.19 charged to 'General Equipment-Transportation' apparently in error since the expenditure was for renewal of batteries for electric truck and should have been charged to 'Retirement Reserve', and it is possible that other items of a similar character have been erroneously included in this account as I found no credits to the account for property retired nor charges to the Retirement Reserve for any renewals. This would have the effect of overstating the base figure used in determining per cent net return."

The annual report of the Light Company for the year 1930 shows an attempt to make some corrections which had been suggested by our auditor. On the back page of the report it appears that \$18,895.52 was deducted from fixed capital. In the report for the year 1931, \$14,664.89 was added to fixed capital, with a notation "to correct an adjm't. in 1930 report made in error." While the record does not, we believe, show how the difference of \$4,230.63 is made up, it may not be improper to say that the three items comprising the same are as follows:

Meters	\$1,788.44	
General Equip. Tspn.	1,432.19	batteries (Referred to in the auditor's report)
General Equip.- Misc.	<u>1,010.00</u>	tools
	<u>\$ 4,230.63</u>	

How many more items thus were charged to capital account instead of to depreciation reserve there is apparently no way of knowing.

The engineer for the Light Company in his Exhibit No. 8 showed

an item of \$4,240.63 as "Property retired 1919-1932 inc." (P. 5).

The city's engineer evidently merely took the adjustment as shown by the annual reports, which had been made according to the direction of our auditor. On page 366 of the transcript is found a statement by the city's engineer to the effect that the meters were included in the \$4,000. When asked whether he had listed the particular property that goes into the \$4,000, he answered that he had not, saying "the material is gone, no way of checking it, and I don't know what that represents." However, on page 384 of the transcript the said engineer made the statement ". . . and if I am correct they (certain transformers) are written off in that \$4,000." On the same page he was asked whether he had "made any adjustments or calculations on account of the Shoshone line change in ownership, twenty-year lease or anything of that sort?" His answer was "It is my opinion that's certainly part of the \$4,000 that was retired from service." Moreover, in the Light Company's Exhibit No. 8, page 10, showing capital investment, the engineer for the company had shown under additions for the year 1922, three 75 KW transformers, \$1,611.74. When asked where they were and who owned them at the time of the hearing, he testified (R. 383) that they "were taken from the Shoshone plant when the substation was up there and not down here, in 1926, and became the property of the Public Service Company in return for re-insulating the line from Shoshone to Glenwood to carry 44,000 volts instead of 13,200 volts." He further testified on the following page that the transformers were not retired as a capital investment, "the value of the Shoshone line increased by this amount in the engagement by the Public Service, and the retirement you spoke of is offset in the fact they gave up one mile of their transmission line to ownership of the Public Service, and I haven't appraised that mile in my other appraisement." We are unable to understand how the gift of the generators is "offset" by the gift of a mile of transmission line.

On page 3 of Exhibit 7, appears the following from our auditor's report:

"A hurried investigation of operating expenses for the year 1929, which, after making allowance for over accrual in depreciation of \$2,660.44, totaled \$34,749.13, revealed the fact that they are carrying what they term 'Administrative Salaries and Expenses' in the amount of \$8,100.00 which is more than 23% of the restated total expenses. This amount does not include salaries of General Manager and his office force and is charged in the accounts as follows:

"Superintendence	\$ 900.00
Commercial Bookkeeping	600.00
Advertising Supplies and Expense	1,200.00
Administrative Salaries	4,800.00
Other General Office Salaries	600.00
	<u>\$8,100.00</u>

"The charge appears unusually large for a property of this size and I understand similar disbursements have been made annually for some years past but apparently with some variations as reflected by the Company's annual reports."

We believe the transcript does not show precisely what reduction has been made in these so-called administrative salaries totaling \$8,100.00. However, when the annual reports made prior to our objection to the extent of these salaries are compared with those made thereafter, we believe it may fairly be inferred from the record that salaries amounting to \$5,700 were being paid which are no longer paid. There is still left an item of \$2,400 a year paid by the Light Company for "Supervision."

From the facts which we have stated we believe that it appears pretty clearly that the utility and some of its officers have fared quite well since 1919, particularly prior to the time we directed the discontinuance of the payment of certain money on account of salaries to persons not devoting their time to the company's business and prior to the making effective a new rate schedule on June 1, 1931, which had the effect of reducing the total revenue some \$5,000.00. Of course, we should not now prescribe rates which are unduly low merely because they may have been unduly high in the past. The record, however, does justify us in being very careful to see that the rights both of the public and the utility are adequately protected in the future.

Most of the energy supplied by the Light Company is generated by a hydro plant. The Light Company, as the name of the corporation indicates, was at one time engaged in the water business, supplying the City of Glenwood Springs with water. As is stated in the decision in the earlier case, the

water system, including the water used in the hydro plant, pipes, etc., used in the generation of electricity, was sold to the city in 1914. In June, 1930, a new contract was entered into by and between the city and the Light Company, in which, for a consideration of \$2,400 per year, to be paid by the Light Company to the city, the latter agreed that it would supply water to the Light Company for power purposes:

"to the amount of twelve cubic feet per second of time, under a pressure of not less than 160 pounds per square inch, or the equivalent thereof to a lower pressure, during the life of this contract."

The contract further provides that the city will adopt and enforce reasonable regulations governing the use of water for the purpose of preventing unnecessary use or waste, which would periodically interfere with the city's ability to supply said twelve cubic feet of water per second of time. The contract provides also that the reasonable needs of the city for domestic, fire protection, etc., shall be filled and that if, as a result thereof, the said supply of twelve cubic feet shall be diminished, an allowance shall be made on the rental paid by the company. A large, in our opinion, too large, a part of the record is devoted to the question how much water the city is delivering at the hydro plant. The Light Company contends that an enormous amount of water is denied it because the same enters into the water system at a point before the company's turbine is reached. If the city is taking anything like the amount of water suggested by the Light Company, most extraordinary and extravagant waste is taking place somewhere in the water lines. A great deal of testimony was devoted to the question whether it is possible to determine the amount of water flowing through the pipe line by the pressure therein, the flow being retarded or baffled. Under the conditions existing we are inclined to believe pressure does not accurately indicate flow.

Some evidence was given showing that the city is wasting water at certain designated places, particularly through the alleged continuous overflow of the railroad company's water tank. It is fundamental that the interests of the corporate city of Glenwood Springs cannot be considered

identical with those of the consumers therein of electricity. It seems obvious to us that the Light Company has the privilege and duty of insisting that the city take reasonably necessary and effective steps to avoid waste of water to the end that the Light Company may receive an amount of water which it can effectively use; that if the city will not take these steps, it should be required to make a proper reduction on account of rental charges made and received for supplying the water.

It may also be pointed out in this connection that the testimony of the engineer for the Light Company indicated that the Hydro plant with the machinery and equipment it now has in service could not use the amount of water to which it is entitled under the contract. He testified in answer to a question as to how the plant could utilize that water:

"Well, I don't know, I didn't figure the twelve second feet, I don't stand responsible for that plant being able to use twelve second feet, but I can explain how it is possible to push the capacity of that generator to 200 kilowatts." (R.310).

He further testified (R. 311):

"I would say if there is twelve feet of water made available it certainly would pay them to consider some equipment that could utilize it."

A sentence contained in the report of C. L. Flower, former Assistant Electrical Engineer, dated January 8, 1919, and admitted in evidence herein, reads as follows:

"The principal items so considered were the plant improvements made in the year 1910, and consist of the building of a transmission line from the plant of The Colorado Power Company at Shoshone to Glenwood Springs, the installation of the necessary transformers and sub-station equipment, and the installing of a new 200 KW. generator and switch board in the power plant."

The Colorado Power Company has since been succeeded by the Public Service Company of Colorado, hereinafter referred to as the Public Service Company. The Shoshone line originally built in 1910 was rebuilt in 1926 under a contract with the Public Service Company, dated April 1, 1926. The Shoshone line is 6.28 miles long and was originally built to carry 13,000 volts. Under the agreement with the Public Service Company the line was rebuilt by the latter and re-insulated so that the same would carry 44,000 volts. The energy purchased by the Light Company is

now delivered to it in Glenwood Springs instead of at the Public Service Company's plant at Shoshone. The Shoshone line is now used to transmit energy through Glenwood Springs to Cardiff, Carbondale, Rifle, New Castle, Grand Valley and Debeque, the last four being served by the Public Service Company itself.

Under the contract with the Public Service Company title to the easterly mile of the Shoshone line became vested in the Public Service Company. The latter company is required, according to the evidence, to pay the taxes on and maintenance of the remaining portion of the line, the title to which remains in the Light Company. (R. 41).

Under the said contract, which is to continue in effect until April 1, 1948, the Public Service Company pays a rental of \$20.00 per year. The reproduction new cost of the portion of this line now owned by the Light Company, according to the estimate of the engineer for the Light Company, is \$14,629.37, according to the engineer for the city, \$15,226.60, both amounts being without depreciation.

The Public Service Company is now charging the Light Company for energy delivered by the former to the latter \$2.50 per kilowatt demand, plus one cent per kilowatt hour. (R. 189). It may not be improper to say that this charge is neither a tariff nor a contract rate.

According to the testimony of the engineer for the city the cost of the energy purchased from the Public Service Company on the basis of kilowatt hours was 7.21 cents in 1931 and 6.02 in 1932. (R. 150). The engineer for the Light Company testified that the cost of the energy purchased was 6.23 cents (R. 244) per kilowatt hour, although the power generated by the Light Company costs it 1.255 cents per kilowatt hour. (R.244). In arriving at the cost of energy purchased neither engineer made any allowance for a return on the Shoshone line. The engineer for the city testified that under an older contract with the Public Service Company or its predecessor "the costs were very much lower." He further testified:

"I didn't look at that old contract, it is quoted in one of the records at the Utility Commission as being a one and one-half cents per kilowatt hour straight but it doesn't check out quite that way." (R. 150).

The Light Company's tie-up with the Public Service Company is such that when the former generates more energy than it is delivering to its customers, it transmits its energy into the line of the Public Service Company, although the latter pays nothing for such energy.

In the year 1932, according to the testimony of the engineer for the Light Company, said company "fed back to Public Service Company 79,634 kilowatt hours." The annual report of the Light Company for the year 1932 shows that it purchased 86,040 kilowatt hours during that year, which is only about ten per cent more energy than it delivered to Public Service Company.

While it is fundamental that the Commission should not enter into the field of management reserved by law to the utility, it is quite as fundamental that a utility cannot burden the public with an improvident contract.

"If that (the actual investment) has been reckless or improvident, losses may be sustained which the community does not underwrite." Minnesota Rate Cases, 230 U.S. 352.

"If money was improvidently invested, then the amount above that which good faith and sane judgment indicates should have been invested cannot be considered." Re Detroit United Ry. P.U.R. 1923C, 282, 288.

". . . it is well recognized that a utility cannot expect to earn a return on an investment which has been recklessly or improvidently made." Re Public Service Co. of Colorado, 8 Colo. P.U.C. 1513, P.U.R. 1930D, 21.

It is difficult for the Commission to understand how the Light Company justifiably could enter into such an arrangement as apparently exists in respect of the Shoshone line. The rental paid is only nominal. Moreover, the sale to Public Service Company of the one mile of line which runs through the narrow portion of the canyon probably makes it impossible, in the event the rental contract is not renewed, for the Light Company to build another line along the mile in question. Since Public Service Company has built many miles of line to serve the other towns down the river below Glenwood Springs, it would appear probable that it would have built its own line to and through Glenwood Springs, if such were possible which would have permitted the Light Company to set up a

suspense account and thus amortize in a reasonable number of years its investment in its Shoshone line. In saying what we have, we have not overlooked the fact that Public Service Company has assumed the burden of maintaining and paying taxes on the Shoshone line.

Moreover, it rather seems to the Commission that the rate paid Public Service Company for energy is high, in view of what is common knowledge about rates for power at wholesale charged by large electric utilities. It is true that the energy it sells to the Light Company is mostly, but not altogether, from the peak load. However, that is largely true of a great number of small domestic consumers.

Of course, Public Service Company is not before us in this case, and has not been heard. It undoubtedly cannot, and we would not want it to, be foreclosed by anything we now say or do. We shall simply say that we feel it our duty to follow up these matters. If informal negotiations with the Light Company and Public Service Company should convince us that we should make a further record either in this case or in a separate one with respect to the said contract and the said rate charged to the Light Company on which possible further action might be taken, we shall be governed accordingly.

We shall expect the Light Company to take up with the Public Service Company the matter of the rate it is paying and report to this Commission the result of its efforts.

An electric utility which is permitted to serve the public without competition by a like utility, as has been the case here for sixteen years, is enjoying a most valuable position, one which many business concerns in these times of keen competition and swift economic developments would like to occupy. This privilege and benefit place on the utility a commensurate duty of high degree to the public. We are inclined to believe that this duty has not been fully performed. Public Service Company has been permitted to charge its own price for energy without relief being asked of this Commission. The city, according to the utility's own evidence, has been permitted to make extraordinary waste of water needed by the utility. The utility apparently has had no study made in years to ascertain the possibility of modernizing its old hydro equipment. The utility apparently has simply permitted its business to drift along.

The value of the property of the Light Company, as shown by the report of the engineer for the city, is based solely upon cost of reproduction new, less depreciation. He testified that the prices were obtained from supply-house firms and from large suppliers, General Electric and Westinghouse. "Also in connection with the water wheel, I think it was the Pelton Company." His testimony further showed that in obtaining the prices he did not secure rock-bottom or what are sometimes called barrel-head prices. His testimony along this line is as follows: (R. 10):

"In obtaining these prices, it was not made, as can readily be seen from the method of procedure, to obtain rock-bottom purchase prices at the present time, they were prices that were given for the purpose of inventory and were in excess of the actual competitive purchase price that was obtained, and was really the going value at that time. This was done for the purpose of establishing a rate base not upon the momentary low price but upon a trend price."

It rather appears that the engineer for the city in making his prices as high as he did gave some consideration to the prices that have prevailed in recent years. After testifying that his price was a fair trend price and that if he bought at a lower price he "would consider that a fair price," he was asked the question "Through what period would that extend, what you call a fair trend price?" His answer was as follows:

"I think that to use the weighted average would take it back five years, and if it would take it back five years it would take it back ten, because the price for five years prior to that had been very level for a number of years. Understand, I am not speaking of individual items, I am taking the whole thing."

His testimony further was to the effect "that in the last ten years the price of plant equipment, strange as it may seem, has actually raised instead of lowered." (R. 10-11). He further testified:

"The price on pole equipment 1925 was 160 per cent of the 1913, and in 1932 it was 140 per cent of 1913. It has now decreased slightly. The great decrease in price has been in conductors and copper."

His testimony further showed that in "1929 it was a universal custom to figure the price on copper wire was one cent in excess of the going price on base copper," but that at the time of the hearing copper wire cost

"approximately thirteen cents, and the base price would probably be about 5½ cents at this time, I think nearer five."

The city's engineer found the reproduction new value of the system property to be \$151,532.40, that of the property used in and allocated to the city \$116,139.86, and that of the property used in and allocated to rural territory \$35,392.34. He found the value of the said Glenwood Springs property after deducting depreciation to be \$50,716.47.

He further testified that in his opinion the costs of labor and materials were "very definitely" based on the trend for the next four years. (R. 14).

His testimony showed that in fixing the prices he, at least in some respects, was somewhat liberal. For instance, he used a price of \$7.50 per pole, including all labor. He testified that when building a system, which was completed about the first of the preceding December, in the town of Oak Creek, Colorado, the actual cost of such poles, including labor, was \$4.85. (R. 12-13). He further testified that he made an allowance for raising the pole of \$2.00, whereas the cost in Oak Creek was \$1.50. (R. 14).

The engineer for the city included freight charges on the larger items at carload rates. While he was criticized by the utility for so doing, we think his position is well taken, because the material should move in carload lots if the system were reproduced, the carload minimum being ten thousand pounds. (R.144).

The engineer for the city made his allocation on the property used both to serve the city and the rural territory on the basis of kilowatt hours of energy sold in the city and that sold outside in the year 1931. His reason for not using the figures for the year, May, 1931 to May, 1932, was that he was told by an employee of the company that they were not available for that year. (R. 84). During the calendar year 1931, 90.174% of all energy sold was sold in Glenwood Springs. (R. 85).

Both the engineer for the city and the engineer for the Light Company based their estimates of depreciation very largely on actual inspection and observation.

The engineer for the city allowed \$5,426.72 for working capital, the items constituting this amount are as follows:

21 days Operating Expenses	\$1925.58
Past due accounts	800.00
Materials and Supplies	1226.14
Prepaid Accounts	275.00
Cash	<u>1200.00</u>
Total Working Capital	\$5426.72

He allowed \$3,803.96 for going value. (Ex. No. 1).

The city's engineer allowed 5 per cent for omissions and contingencies, 8 per cent for engineering and supervision, 3 per cent for interest during construction, 3 per cent for legal and administration, .5 per cent for taxes and insurance. He also made certain allowances for delivery of material and for timekeeping and cost accounting.

The engineer for the Light Company used three methods for determining value. One was to take the value fixed by the Commission in its earlier case and add "subsequent additions", at actual cost. He testified that he "noted in a review of the predominant appraisements in 363 decisions by Public Utilities Commissions, fixing rate bases 192 rate bases were fixed by extending the prior valuations by Commissions, plus the actual cost of subsequent additions. . . . I therefore used this as one method of valuation for rate base and proposed it as the most acceptable method to obtain such value." (R. 201).

He justified this method by the decision of the United States Supreme Court in *Los Angeles Gas & Elec. Corp. v. R. R. Comm. of California, et al.*, 53 S. Ct. 637. (R. 201-202). He further testified that "The cost of some equipment is higher than these costs prevailing today, but I took those into consideration and made computation for that by eliminating the construction overheads", pointing out that in the value fixed by the Commission's engineer in the earlier case an allowance of 15 per cent for construction overhead had been made. (R. 202, 214). However, he admitted that all overheads on construction of additions and betterments since 1919 were paid out of operating expenses. (R. 214). He further pointed out that the Commission's engineer in the earlier case "took the actual 1919 costs"

of some substantial plant improvements made in 1910, and "applied the low 1915 costs" to other property. (R. 202).

The Light Company's engineer in dealing with expenditures made since 1919 assumed that the only property renewed was the three items which our auditor, without making an exhaustive search, happened to discover should have been charged to depreciation reserve, instead of to capital account as was the case. He, therefore, deducted \$4,240.63 from his capital additions, leaving \$40,293.15 as net additions to fixed capital. He added this net amount to \$103,194, the sum being \$143,487.15. After stating that the Commission in the former case had allowed 7.27% of fixed capital for working capital, and 9.69% of fixed capital for going-concern value, the engineer for the Light Company stated, on page 2 of his letter of transmittal appearing at the beginning of Exhibit No. 8, "Percentages allowed for 'working capital' and 'going concern' have been retained." The final result shows a "Present Rate Base Value of \$167,822.57." This value of the whole system is the one arrived at under his method No. 1.

We have hereinafter described the allocation made under method No. 1. After the allocation was made he arrived at a value under method No. 1 chargeable to the city of \$129,710.06, being as we there point out, 77.29% of \$167,822.57.

His method No. 2 was "a reproduction cost of the plant without taking anything for depreciation." (R. 203). His method No. 3 was "by reproduction cost of the property less the depreciation, and both Nos. 2 and 3 methods I used the present-day cost of labor and material by extending it over a five-year average." (R. 203).

In methods Nos. 2 and 3 reproduction cost used of labor and materials was the five-year average cost. (R. 215).

In reaching the cost of reproduction he allowed 8% for engineering and supervision, 3% for legal and administrative expense, 3 $\frac{1}{2}$ % for interest and taxes during construction, also 5% throughout for omissions and contingencies.

The Light Company's engineer found the reproduction-new value of the system property to be \$168,694.30, that of the property used in and allocated to the city \$130,388.22, and that of the property used in and allocated to rural territory, \$38,306.08. He found the value of the said Glenwood Springs property, after deducting depreciation, to be \$99,619.47.

In making allocation under Methods Nos. 2 and 3, the engineer for the Light Company proceeded on the same basis as that used by the city's engineer except that the former used a five-year period. He arrived at the figures of 91.164% and 8.836%. (R.245). After finding the value of property thus charged to the city and rural, it was found that the value charged to the city was 77.29%, and the value charged to rural, 22.71% of the total system value. He used these percentages of total value arrived at under Method No. 1 to get the values to be charged under that method to city and rural.

To the reproduction cost-new figure less depreciation, the engineer for the Light Company added 9.69% for going concern value, being \$12,634.62, and for working capital 7.27%, being \$9,479.22, making a total of \$121,733.31, in each case the percentage being of the cost of reproduction new without depreciation. (P.96, Ex. No. 9).

The city contends in its brief "that the reproduction cost of the property used and useful less depreciation must be the dominant factor in arriving at such valuation."

The Light Company in its brief states "that a rather meandering course has been followed by the Supreme Court of the United States during the past 15 to 20 years when that august body was called upon to define in legal terms, or establish by legal principle, the formula to be observed in connection with the preservation of the right of the consumer to enjoy public utility service at a reasonable cost, and at the same time protect the public utility in the matter of insuring a reasonable return on the value of the utility investment that during the past quarter of a century much confusion resulted from an attempt to determine the value of the utility on which a fair rate of return was to be based;" that "Time and experience, we contend, has brought about a radical change in the schedule or formula that the concurring opinion of Mr. Justice Brandeis in the case of Missouri, ex rel Southwestern Bell Telephone Co. v. Public Service Commission of Missouri, et al, (262 U.S. 276) . . . established some legal principles in connection with public utility valuations which whether expressly admitted by that august body or not, have largely guided the Supreme Court of the United States in subsequent decisions hereinafter to be referred to and which in our judgment are wholly inconsistent with previous adjudications announced by that Court." Several pages of the Light Company's brief are devoted to a discussion of the said concurring opinion and to an effort to show that the majority of that court have in effect come around to the position taken therein.

We say with all respect that we agree that in recent years "much confusion" has resulted from the decisions made by the Supreme Court of the United States in respect of a proper rate base.

Utilities Commissions are required to find "fair value." The difficulties if not the impossibility, of determining value of a utility system with any satisfactory degree of certainty have been pointed out by others, and need not be restated by us. The court pointed out in the Los Angeles case:

"In determining that basis, the criteria at hand for determining market, or what is called exchange value, are not commonly available. The property is not ordinarily the subject of barter and sale. . . . The value of the property, or rate base must be determined under these inescapable limitations."

The court repeated the oft-stated rule:

"that what the complainant is entitled to demand, in order that it may have 'just compensation' is a fair return upon the reasonable value of the property at the time it is being used for the public,"

citing a number of well known cases, including *Smyth v. Ames*, 169 U.S. 466, the *Southwestern Bell Telephone* case, *supra*, and *McCardle v. Indianapolis Water Co.*, 272 U. S. 400.

The decisions have required us in determining value to make "intelligent" forecast of "probable" future values. The court in the *Los Angeles* case quoted the statement from its opinion in the *Southwestern Bell Telephone* case, that "An honest and intelligent forecast of probable future values, made upon a view of all the relevant circumstances, is essential." A similar statement appears in the *McCardle* case: ". . . and, in the light of all the circumstances, there must be an honest and intelligent forecast as to probable price and wage levels during a reasonable period in the immediate future." The court further said in the *Los Angeles* case,

"The determination of present value is not an end in itself. Its purpose is to afford ground for prediction as to the future. It is to make possible an 'intelligent forecast of probable future values' in order that the validity of rates for the future may be determined."

As we read the cases, the ultimate finding in respect of value which we are required to make is as to present value, and in order to arrive at present value, we must make an "honest and intelligent forecast of probable future values" or costs. In other words, we must forecast future events and discount them in view of "probable price and wage levels." We find also in the decisions of the court the proposition that present value "afford (s) ground for prediction as to the future." In other words, present values probably will remain the same if we cannot reasonably see or foresee a trend downward or upward, or except to the extent that they may be affected by such

trend. In this connection we quote further from the McCardle case:

". . . if the tendency or trend of prices is not definitely upward or downward and it does not appear probable that there will be a substantial change of prices, then the present cost of constructing the plant, less depreciation, if any, is a fair measure of the value of the physical elements of the property."

The statement last quoted gave rise, and reasonably, to the conclusion rather generally drawn that the Supreme Court of the United States had made cost of reproduction the "dominant factor" in determining value.

However, in the Los Angeles case the court said:

"But, again, the court has not decided that the cost of reproduction furnishes an exclusive test."

Another requirement of the cases is that while we must make an intelligent forecast, we may not engage in mere conjecture. While we must forecast we cannot surmise or guess. "We have emphasized the danger in resting conclusions upon estimates of a conjectural character." The Los Angeles case.

We find nothing said in the opinion in the Los Angeles case which indicates a change in position by that court. Neither do we find any change in the substantial effect of the decision. The rate base taken by the California Commission was \$65,500,000. The historical cost found by it was \$60,704,000, such "cost of the far greater part of the fixed property" having "been taken at price levels which were higher than those which have obtained in the period to which the prescribed rates are applicable." Deducting from the historical cost figure \$3,000,000, representing artificial gas plant "no longer needed", and making allowance ("If allowance be made," etc.) for an increase in overheads of \$2,177,765, there was left \$5,618,235, deemed to be adequate for going-concern value.

In the Los Angeles case we are left with the general rule that "The weight to be given to actual cost, to historical cost, and to cost of reproduction new, is to be determined in the light of the facts of the particular case."

We are, therefore, constrained to believe that we must attempt to steer between the Scyllas of actual and historical cost and the Charybdis of reproduction cost, and to penetrate the dense and shifting economic fog that lies ahead.

We must follow the rule of the Supreme Court. First, it is our duty irrespective of results. Moreover, the utilities have been benefiting therefrom in recent years. We feel that the public should now receive such benefit as may accrue to it. "It is well established that values of utility properties fluctuate, and that owners must bear the decline and are entitled to the increase." *McCardle v. Indianapolis Water Co.*, supra. We have, therefore, conscientiously attempted to find a reasonable value of the Light Company's property, giving to the material factors the weight they deserve "in the light of the facts in the particular case."

In attempting to forecast future prices, we have had to bear in mind the reference in the *McCardle* case, decided November 22, 1926, to the then "relatively permanent" price level, the reference made in the Los Angeles case on May 8, 1933, less than seven years later, to "a changed economic level"---"not the usual case of possible fluctuating conditions"---"a new experience to the present generation," and the avowed purpose of the President of the United States to raise commodity prices.

The utility takes the position that it accepted the value fixed by the Commission in its 1919 decision and that it should be binding on the Commission at the present time. We refer not only to the brief filed for the utility, but to the testimony of the Light Company's engineer. (R.201-202).

As justification for this position, the Los Angeles case is cited. It is true that the court said in the Los Angeles case:

"We agree with the court below that no ground is shown for assailing the valuation placed upon the company's property by the commission in 1917, in its first decision (13 C.R.C. p. 724) and which appears to have been accepted by the company as a starting point in later rate investigations."

However, the court further said:

"On the contrary, it clearly appears that, by reason of the downward trend, the prices for labor and materials, which were reflected in that historical cost were higher than those which obtained during the later period to which the prescribed rates apply."

The statements made were based on the facts in that particular case. We find nothing in that case or in other cases which can be construed as a general rule that a utility commission having once valued the property of a utility must always be bound by that valuation.

This Commission in making no deduction in the former case on account of depreciation, apparently was giving sympathetic consideration to the fact that for some six years the utility had had competition. The attitude was one of live and let live, one of refusing to demand a pound of flesh. That attitude is one we desire to take. However, in view of all the facts and circumstances now appearing in this case, we find no reason for not deducting, but ample reason for deducting, whatever appears to be a reasonable amount on account of all depreciation of all the property now used, including that in use before 1919.

With the statements made by the engineer for the Light Company to the effect that he found no evidence that the utility had ever earned any retirement reserve, we are wholly unable to agree. As suggested by the attorney for the Light Company, (R. 164) and as testified by our auditor "The percentages authorized by the Commission for depreciation . . . were actually earned, and included in their operating expense" during each of the fourteen years, beginning with the year 1919. The retirement reserve of over \$56,000 actually came out of the pockets of the customers, and is over and above the revenue used for dividends.

The engineer for the Light Company further testified that there is no relationship between current depreciation and accrued depreciation. We are convinced that over a long period of time there should be a very close relationship between depreciation represented by total charges to operating expenses and that found in a valuation and rate case, and that if there is not such a close relationship, serious error has been made in the amount of depreciation allowance to the utility as an operating expense. We appreciate fully that it is possible to make an error in prescribing a rate of depreciation to be charged by a utility. We appreciate also, at least we assume, that whatever that rate may have been we are required to allow only such depreciation in a rate case as we may then find to have

taken place. Our point is simply that unless the property is found in a rate case to have depreciated over a comparatively long period of time to the extent to which it was anticipated, when the rate to be charged was prescribed, the property would depreciate, a mistake has been committed which obviously should be promptly corrected by lowering the charge for that purpose.

We quote as follows from the New York Telephone Case, 36 Federal (2d) 54:

"Either the property has in fact depreciated to the extent of the depreciation reserve which has been created, or it has not. If it has not, the plaintiff has been allowed to take money from its rate payers under the claim of depreciation which was not there, either seen or unseen, and which it will never have to admit. In that case, the excess reserve has been acquired lawfully and is the property of the plaintiff but if the actual depreciation exists to the extent that the plaintiff has claimed in building up this reserve, it exists as much for valuation purposes as it did for the creation of the surplus. Whether or not the plaintiff admits the depreciation now or must do so in the future, is unimportant, for it is there, and the time of its admission is immaterial on the question of its existence. If, as claimed by the plaintiff, sound honest business methods have been followed and the straight line method pursued by it was not excessive, the depreciation reserve, when added to the property now or at any future time, would be no more than sufficient to keep the actual value of the property constant. The record satisfactorily shows that there is more reason to believe that the actual existing depreciation in the plaintiff's property is reflected by the amount of its reserve for depreciation than that it is shown by the estimate of experts who stated observed depreciation, which sum only was deducted by the master. For these reasons, the plaintiff has failed in the burden, resting upon it, to prove that the depreciation reserve was greater than the actual depreciation, both seen and unseen, as measured by the depreciation reserve. (Underscoring ours)

* * *

"When it built up its reserve, it claimed the reserve as its actual depreciation. It cannot now take an inconsistent position about depreciation, without fully establishing it, and it has weakened its proof of present value accordingly. The plaintiff was right about depreciation when it created its reserve and it is wrong, in its position now, in its claims for a lesser sum as actual depreciation in this effort to establish fair value."

We quote also a paragraph from Facts and Fallacies About "Straight-line" Depreciation Methods written by Dr. Henry Earle Riggs, Public Utilities Fortnightly, September 28, 1933:

"The Interstate Commerce Commission has fully and wholeheartedly adopted the 'straight-line' plan in accounting, and has held that where reserves are created under such a plan it is an essential part of the plan that the full amount of the credit balance in the reserve must be deducted. No exception can be taken to this view of the commission in the case of properties which have used this form of accounting for a long period as the charge to operating expenses and the credit to the reserve results in withholding this amount from net earnings and leaving it in the cash drawer of the company. It is collected from the patrons for the purpose of filling an assumed hole in the plant, and on valuation the company can hardly sustain the claim that it is entitled to an undepreciated property and also to the reserve collected to make good what the company itself has estimated as depreciation."

After giving much thought to the question we have finally concluded to include at this time in the rate base the total depreciated value of the portion of the Shoshone line still owned by the Light Company. For the time being we are allowing the full purchase price of energy being paid Public Service Company. This treatment of the Light Company is more liberal than we might be warranted in according it, in view of the apparently improvident nature of the contract respecting the Shoshone line and the failure of the Light Company to make reasonable effort to increase its own output, to say nothing of the high rate paid for energy purchased. We may feel warranted in the future in taking different positions in respect of these questions.

After careful consideration of the evidence we find the fair value of the physical property of the Light Company, undepreciated and depreciated, and of the portion in and allocated to Glenwood Springs, and of the portion in and allocated to rural territory to be as stated in the following table:

PRESENT FAIR VALUE WITHOUT DEPRECIATION

PRESENT FAIR DEPRECIATED VALUE

	<u>System</u>	<u>Glenwood Springs</u>	<u>Rural</u>	<u>System</u>	<u>Glenwood Springs</u>	<u>Rural</u>
Distribution system	\$ 87,282.00 ✓	\$ 56,733.00	\$ 30,549.00	\$ 53,580.00	\$ 34,827.00	\$ 18,753.00
Office furniture & equipment	2,450.00 ✓	2,229.00	221.00	1,409.00	1,282.00	127.00
Office Building	8,000.00 ✓	7,280.00	7,720.00	6,900.00	6,279.00	621.00
Shoshone Line	13,500.00 ✓	12,285.00	1,215.00	10,500.00	9,555.00	945.00
Hydro-plant	36,500.00 ✓	33,215.00	3,285.00	17,000.00	15,470.00	1,530.00
Office & storage lots	3,300.00 ✓	3,003.00	297.00	3,300.00 ✓	3,003.00	297.00
Power plant site	500.00 ✓	455.00	45.00	500.00 ✓	455.00	45.00
Glenwood Sub-station	6,200.00 ✓	5,650.00	550.00	3,600.00	3,276.00	324.00
Tools & equipment and utility equipment	<u>3,500.00 ✓</u>	<u>3,185.00</u>	<u>315.00</u>	<u>2,160.00</u>	<u>1,965.00</u>	<u>195.00</u>
Total -	\$161,232.00	\$124,035.00	\$37,197.00	\$98,949.00	\$76,112.00	\$22,837.00

- A proper determination of the issues in this proceeding requires that consideration be given to the legal and engineering expense incident thereto incurred by the Light Company. According to statements filed with the Commission it amounts to \$5,623.81. We are of the opinion, and so find, that said expense should be amortized over the usual period of five years.

The charge to income account for uncollectible bills for the year 1932 appears unusually large and a five year average would be more equitable.

After careful consideration of all the facts herein contained we find the going-concern value of the system to be \$7,500.00 and that a reasonable and fair amount for working capital is \$10,000.00, and that reasonable and fair allocations are going-concern value, \$5,775.00 to Glenwood Springs, and \$1,725.00 to rural, working capital, \$9,100.00 to Glenwood Springs and \$900.00 to rural.

We further find from the evidence that a proper annual depreciation requirement to be set aside for the year 1933, and thereafter, will be on the basis of 3.32 per cent of total "Fixed Capital" as determined from the above, viz., \$106,449.00, plus net additions since January 1, 1933.

We find also that the average annual cost to the company of furnishing service and the annual gross revenue under the conditions prevailing at this time are as stated in the table appearing on Page 29.

We believe it is fundamental that the right of a utility to earn a reasonable return upon a fair value of its property is subject to the limitation that its business must be conducted in a reasonably efficient manner. Spurr in Guiding Principles of Public Service Regulation (Vol. 2, p.634) refers to the case of Chicopee, 18 Mass. G. & E. L. C. R. 33, saying "It has been said that 'the proposition that a company is entitled to a fair profit involves a further proposition that its affairs are economically and judiciously managed. The management may, if it desires, choose between profits and a high operating account, but it cannot rightly choose to impose both upon the consumer.' "

We quote as follows from Chicago & G. T. R. Co. v. Wellman, 143 U. S. 339:

"Before the courts are called upon to adjudge an act of the legislature fixing the maximum passenger rates for railroad companies to be unconstitutional, on the ground that its enforcement would prevent the stockholders from receiving any dividends on their investments, or the bondholders any interest on their loans, they should be fully advised as to what is done with the receipts and earnings of the company; for if so advised, it might clearly appear that a prudent and honest management would, within the rates prescribed, secure to the bondholders their interest, and to the stockholders reasonable dividends. While the protection of vested rights or property is a supreme duty of the courts, it has not come to this, that the legislative power rests subservient to the discretion of any railroad corporation which may, by exorbitant and unreasonable salaries, or in some other improper way, transfer its earnings into what it is pleased to call 'operating expenses.' "

The Ohio Public Utilities Commission had the following to say in re West Ohio Gas Co. P.U.R. 1928C, 385:

"The community in interest withholds from the public any duplication of investment which would give to the people the benefits of a competitive battle for this patronage. To all intents, the enterprise enjoys a practical monopoly. This being so, it cannot escape the burden of the Ohio Law . . . The history of this enterprise demonstrates that the owners are not in step with modern methods."

In view of these facts the Commission held the utility not entitled to earn a rate of return of eight per cent, finding that six and one-half per cent was reasonable.

In United Rys. & Electric Co. of Baltimore vs. West, et al., 280 U. S. 234, 50 S. Ct. 123, the court assumed that the "just compensation" which a utility ordinarily has a right to ask for and receive is "for efficient public service, skillful and prudent management as well as use of the plant."

We further find that a fair and reasonable rate of return to the Light Company is six and one-half per cent of the amount of its rate-making value, this being the rate suggested by the attorneys for the city in their brief. This rate of return will, in our opinion, after paying all expenses of operation, setting aside the necessary amount for depreciation, and after paying a reasonable dividend, permit something to be passed to the surplus account.

The following is a table which shows anticipated gross and net earnings and the amount by which the net earnings exceed a return of six and one-half per cent:

	<u>System</u>	<u>Glenwood Springs</u>	<u>Rural</u>
Present fair depreciated value	\$ 98,949.00	\$76,112.00	\$22,837.00
Going concern value	7,500.00	6,750.00	750.00
Working capital	<u>10,000.00</u>	<u>9,100.00</u>	<u>900.00</u>
Total rate-making value -	\$116,449.00	\$91,962.00	\$24,487.00
6½ per cent return equals -	\$7,569.00	\$5,977.00	\$1,592.00

Average annual cost of furnishing service under conditions prevailing at this time.

Operating expenses	\$28,249.00	\$25,753.00	\$2,496.00
Depreciation	3,534.00	2,751.00	785.00
Uncollectible bills	371.00	334.00	37.00
Taxes	7,745.00	6,750.00	995.00
Return 6½ per cent on \$116,449.00 -	<u>7,569.00</u>	<u>5,977.00</u>	<u>1,592.00</u>
Total -	\$47,468.00	\$41,565.00	\$5,903.00

Annual Gross Revenue under the rates now in effect - - -	\$49,400.00	\$43,898.00	\$5,502.00
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It will be noted that the rural revenue from rates now in effect lacks \$401.00 of bringing a return of six and one-half per cent on the property located in and allocated to rural territory. While this case has been tried by both sides upon the assumption that the rates in Glenwood Springs should stand on their own bottom and be treated independently of those paid by rural consumers, we do not feel warranted in treating the rural territory and the city distinct and separate to the point of giving the utility possible ground for increasing the rates to rural customers. We think it is enough in this case that the rural customers are not awarded a reduction of rates (which we do not feel warranted in making on the record herein) without giving possible ground in some future case for increasing them. The city of Glenwood Springs and the rural territory are in some respects one large community.

The whole system of the Light Company is more homogeneous than that described in Wabash Valley Electric Co. v. Young, 287 U. S. 488. While the Supreme Court held in that case that the method followed and apparently prescribed by the Indiana statute, requiring the state commission to treat the municipality as a unit, does not violate the due process clause of the Fourteenth Amendment, yet the court said, "Normally, the unit for rate-making purposes, we may assume, would be the entire interconnected operating property of a utility used and useful for the convenience of the public in the territory served, without regard to particular groups of consumers or local subdivisions." See also Michigan Bell Telephone Co. v. Odell, 45 Fed. (2d) 180.

The Commission is, therefore of the opinion, and so finds, that the item of \$401.00 should be deducted from \$2,333.00, being the difference between \$43,898.00 and \$41,565.00 in arriving at a determination of the amount by which the Glenwood Springs revenues exceed those which the Commission has found reasonable.

The Commission has just been advised orally by the Light Company that negotiations with Public Service Company, entered upon at our suggestion, have resulted in a saving of some \$1,200.00 annually to the Light Company not shown in our figures herein. We are of the opinion that the Light Company should be required to pass on to the consumers one-half of this amount. Since uncollectible bills at this time are greater than usual, and in order to be sure we are not dealing unreasonably and unlawfully with the Light Company, we feel warranted at this time in allowing the utility to retain the other \$600.00.

The Commission is of the opinion, and so finds, after careful consideration of all the evidence and the legitimate considerations that bear thereon, that the rates of the respondent, The Glenwood Light and Power Company, are excessive and unreasonable to the extent that they permit a return to the utility on the total value of its property situated in and allocated to Glenwood Springs in excess of six and one-half per cent plus one-half of the amount by which net income is increased through the said recent negotiations with Public Service Company.

The Commission has substantial doubt whether in the circumstances of this case it is wise, proper and reasonable that a demand charge, or a charge in the nature thereof, should be used as a factor in formulating rates to the domestic and business lighting customers.

We shall expect the utility not only to insist upon the city doing all it reasonably should to avoid waste and to deliver to the utility the amount of water which should reasonably be available, but we shall expect it also promptly to investigate carefully the possibility of modernizing its plant so as to use effectively the increased water that may be made available for it. It is quite possible that with an expenditure of a reasonable amount of money it may avoid the purchase of any substantial amount of energy from Public Service Company, to which the Light Company in 1932 paid \$5,345.45.

We shall do all in our power to avoid requiring the Light Company to incur any further expense at any time in the reasonably near future in connection with further formal proceedings. We shall, therefore, attempt through informal proceedings to aid the company in reducing its operating expenses for the benefit both of the consumers and of the company. Only if found necessary, in our opinion, will the case be reopened for further evidence and action.

O R D E R

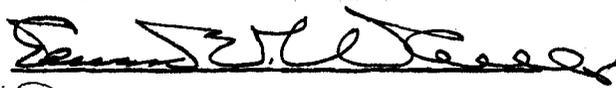
IT IS THEREFORE ORDERED, That the record herein be, and the same is hereby, reopened for the purpose of receiving and admitting in evidence a written statement which the respondent, The Glenwood Light and Power Company, is hereby ordered to file with the Commission within fifteen days from the date of this order showing the amount by which gross revenue has been increased and gross operating expense has been decreased as a result of the said recent negotiations conducted between the respondent and the Public Service Company.

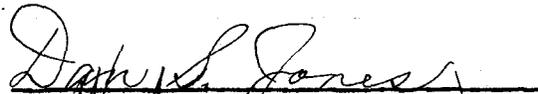
IT IS FURTHER ORDERED, That within thirty days from this date the respondent shall submit to the Commission a schedule of rates, of the same general form as the one now in use, which will effect a net reduction in net income from the customers in Glenwood Springs of \$1,932.00, plus one-half of the amount of the increase of net revenue resulting from said recent negotiations with the Public Service Company.

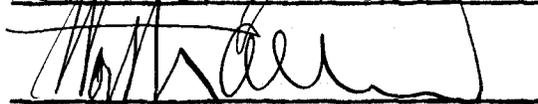
IT IS FURTHER ORDERED, That at the time of submitting said schedule described in the last paragraph, the respondent shall submit an alternative one which will accomplish the same result so far as reducing income is concerned but which shall be constructed without the use of a

demand rate or similar factor applicable to domestic and business lighting customers.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 9th day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DWIGHT CHAPIN, JR., FOR AUTHORITY)
TO TRANSFER CERTIFICATES OF PUBLIC)
CONVENIENCE AND NECESSITY.)

APPLICATIONS NOS. 1878-A, 1879-A,
1880-A, 2000-A, 2001-A and 2002-A

November 8, 1933.

S T A T E M E N T

By the Commission:

In the order of August 2, 1933, made in the above applications,
is found the following language:

"That the written consent and acceptance of the said
George H. Sultz of the transfer of said certificate of public
convenience and necessity be filed with this Commission within
thirty days from the date hereof."

Thereafter the Commission received a communication from J. Nelson
Truitt, Esq., attorney for said Sultz, in which he declined on behalf of said
Sultz to accept said transfer described in said order of August 2.

Within the past few days the said Truitt has brought into the
office of the Commission a communication, signed by him as attorney for said
Sultz, dated October 26, 1933, the body of which reads as follows:

"Pursuant to stipulation between the parties and orders of
the District Court for the County of Elbert, Colorado, the under-
signed, George H. Sultz does hereby withdraw his protest heretofore
filed in the matter of the Applications of Dwight Chapin, Jr., for
authority to transfer certain Certificates of Public Convenience
and Necessity, and does also withdraw his refusal to accept the
decision of The Public Utilities Commission dated August 2, 1933;
and he does hereby signify his consent and acceptance of the
decision of The Public Utilities Commission No. 5175, entered on
August 2, 1933 and agrees that proper orders may be made in accordance
herewith."

Said Truitt brought also an assignment and transfer dated
October 26, 1933, signed by Dwight Chapin, Jr., and The Mountain Utilities
Corporation, by B. E. Jack as president, the body of which reads as
follows:

"KNOW ALL MEN BY THESE PRESENT, That I, Dwight Chapin, Jr., have this day and by these presents do sell, assign, transfer and convey to Geo. H. Sultz the electric distributing system, with the poles, wires, meters, transformers and all other equipment in any way pertaining to said system, in the Town of Elbert, Colorado, together with all electric equipment, supplies and machinery now owned by me and in the said Town of Elbert; also all my right to generate, distribute and sell electric current in the said Town of Elbert and to erect and maintain said electric system in the said Town of Elbert, and I warrant that said property is free and clear of any liens, claims or mortgages of any kind or nature, incurred by the undersigned.

"I have further and by these presents do assign my certificate of public convenience and necessity to operate in the said Town of Elbert to said Geo. H. Sultz and consent that the order of the Public Utilities Commission under date of August 2, 1933, in so far as it pertains to the transfer of my rights in the Town of Elbert to Geo. H. Sultz, be reinstated and in so far as it pertains to the sale of electric current to said Geo. H. Sultz be reinstated."

The Commission is, therefore, of the opinion, and so finds, that it should reopen said order of August 2, 1933, and grant authority to make said assignment and to receive said acceptance at this time.

O R D E R

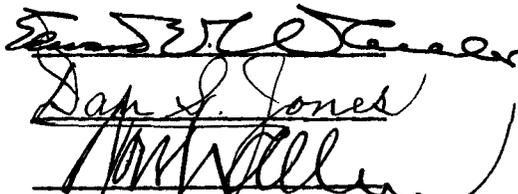
IT IS THEREFORE ORDERED, That the said decision of August 2, 1933, in the above applications be, and the same is hereby, reopened.

IT IS FURTHER ORDERED, That the time required within which written consent and acceptance of the said George H. Sultz to the transfer of said certificates of public convenience and necessity may be made, be, and the same is hereby, extended to and including the date of this order.

IT IS FURTHER ORDERED, That the said assignment and transfer and the acceptance thereof shall be just as effective as if they had been made within the time contemplated in the original order.

IT IS FURTHER ORDERED, That said original order herein, except as herein modified, be, and the same is hereby, restored and reinstated in all of its terms and provisions, and that the same shall be effective as and from the time originally made.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1933.

Handwritten initials and scribbles in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
R. W. McDANIEL, DOING BUSINESS) CASE NO. 1287
AS MIDLAND TRANSIT LINES.)

(2053 S. Pennsylvania St. -----
Denver, Colo.) November 13, 1933.

S T A T E M E N T

By the Commission:

On September 20, 1932, this Commission in Application No. 1984 issued an interstate permit to R. W. McDaniel, doing business as Midland Transit Lines, authorizing the transportation of passengers, etc., in interstate commerce only. The said McDaniel has failed to file highway compensation tax reports for the months of August and September, 1933. He is also delinquent in the payment of taxes past due.

The Commission is, therefore, of the opinion, and so finds, that an investigation should be made and a hearing held to determine whether or not the respondent's permit should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, on the Commission's own motion, that an investigation be, and the same is hereby, instituted for the purpose of determining whether or not the respondent's motor vehicle permit should be revoked for failure to make highway compensation tax reports for the months of August and September, 1933, and for failure to pay highway compensation taxes due the State of Colorado.

IT IS FURTHER ORDERED, That a formal hearing herein be had in the Hearing Room of the Commission, 330 State Office Building,

Denver, Colorado, on Friday, November 24, 1933, at 10:00 o'clock A. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel H. Jones

Ray S. Jones

H. H. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 13th day of November, 1933.

Handwritten initials and scribbles in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RISS AND COMPANY, A CORPORATION,)
Respondent.)

CASE NO. 1178

November 15, 1933

Appearances: A. R. Morrison, Esq., Denver, Colorado,
attorney for respondent;
Richard E. Conour, Esq., Denver, Colorado,
Assistant Attorney General.

S T A T E M E N T

By the Commission:

The Commission made an order on July 18 of this year reciting that information had come to the Commission that for several months previous thereto the respondent had made and filed with the Commission incomplete, fraudulent and false monthly reports, which concealed and failed to state the correct amounts of freight hauled by said respondent with the intention and purpose of defrauding the State of Colorado of a considerable sum of ton-mile tax, contrary to the provisions of Chapter 134, Session Laws of Colorado, 1927, as amended; that an examination of incomplete records made by an inspecting auditor of the Commission disclosed that between January 1, 1933, and June 21, 1933, the respondent had failed to report and was delinquent in payment of ton-mile taxes to the extent of at least \$201.83, not including penalties.

The order required the respondent within ten days from the date thereof to file corrected monthly reports, showing all shipments theretofore unreported and omitted from its monthly reports from and after the date of the issuance to the respondent of its certificate or permit, which had been issued in Application No. 2059-I.

The order further required the respondent to show cause why the Commission should not suspend or revoke its permit on account of the alleged willful delinquency and violation of the act and why it should not enter such other order or orders in the premises as might be proper and just.

The case was set for hearing and was duly heard. Thereafter briefs were filed.

At the hearing the parties seemed to be agreed on everything except the ultimate question whether the respondent is liable to the State for highway compensation tax on account of the transportation of certain freight which was actually moved in trucks owned by other people.

The evidence showed that the respondent contracted with various shippers to move large amounts of freight in interstate commerce; that in many of those cases the respondent had other persons owning their own trucks move the freight for it. For the most part the shippers knew and dealt only with the respondent. Most of the business so handled was on what are called "order letters". Business concerns would write a formal letter to the respondent directing it to transport certain freight between certain points. The respondent collected the money for the transportation of freight. The respondent carried public liability, property damage and cargo insurance applicable to the movement of all such freight. Mr. Richard R. Riss, president of the respondent, testified that the reason for carrying such insurance is that if an accident happened his company would be liable.

The persons who actually moved the freight in many, probably most of the cases, carried on the sides of their trucks the permit number which was assigned by the Commission to the respondent at the time its permit was issued.

Mr. Riss testified that his company could not afford to transport the freight in respondent's own trucks at the rate at which he agreed

to move the freight.

The persons actually moving the freight have never assumed any responsibility to the State in connection therewith. If they are carriers for hire they should have the proper authority from the Commission and should report the ton-miles and pay the statutory tax of five mills per ton-mile. The respondent did not report any of this tonnage for the reason, as its president alleged, it was operating merely as a brokerage concern. From all the evidence it appears rather apparent that the respondent did not believe the truckers in question were operating lawfully as carriers for hire, or that they were reporting the highway tonnage and making payments on account thereof.

We assume that it is possible, under certain circumstances, for one who is engaged in the transportation of freight as a carrier at the same time as to certain business to be engaged as a freight forwarder or broker. For example, the respondent doubtless could solicit freight with the declared intention of having the same transported by carriers that it might select, and the persons who actually move the freight would move the same as carriers and not as agents or employees of the respondent. But in this case the respondent holds itself out as carrier to its customers, collecting all charges, putting or permitting its number to be put on the trucks of those who actually move the freight, and taking out insurance covering all such movements. It seems to this Commission that everything done in connection with the business in question except the matter of reporting the ton-mileage and paying the tax thereon is consistent only with the idea that the transportation of the freight is the business of the respondent and not that of the persons in whose trucks the freight actually moves.

While the statute in Pennsylvania is different and broader than the Colorado statute, we think some of the language found in Highway Forwarding Company v. Public Service Commission, 164 Atl. 855 (Pa.) is in point. The court said in that case "To constitute a common carrier,

it is not essential that the person or corporation undertaking such service owns the means of transportation . . . In the present case the engagement was to carry to the destination . . . It assumed responsibility for the goods carried, at least in so far as it insured them. It would seem beyond question, although appellant argues strenuously to the contrary, that the appellant acted, not as agent, but as an independent actor, having full control and answerable for the safe delivery at destination of the merchandise entrusted to it . . . The freight bill or bill of lading is an engagement to deliver. These bills are not mere receipts, but they constitute an engagement to transport. . . . The facts above narrated make the appellant a common carrier'. . . In this branch of its business the appellant was exercising the employment of receiving, carrying, and delivering goods, wares and merchandise as an occupation, and for all people indifferently. By its contract it assumed the entire control of the goods, severing respondents' connection therewith until delivery at the place of destination. Such was the ordinary course of its business, and such was the plain purport of the contract.' " (Matter in inside quotations from Kattenhofen v. Globe Transfer & Storage Co., 127 Pac. (Cal.) 295.)

After careful consideration of the evidence the Commission is of the opinion, and so finds, that the respondent in the part played by it in the business in question was holding itself out to its customers and the public as a carrier of freight from point of origin to point of destination, and that it assumed all responsibility in connection with the movement thereof, not only for injury to the freight itself but on account of damages that the persons actually moving the freight might cause to other people on the highways. If the persons actually moving the freight were independent carriers and contractors, the respondent would not need to carry public liability and property damage insurance on their operations because it would not be responsible for injury to other persons and property resulting from the operations of those actually moving the freight.

The attorney for the respondent has discussed one or two other cases by way of analogy, making certain assumptions as to liability or lack of liability in those cases. We believe that we do not need to consider any other case than the one before us.

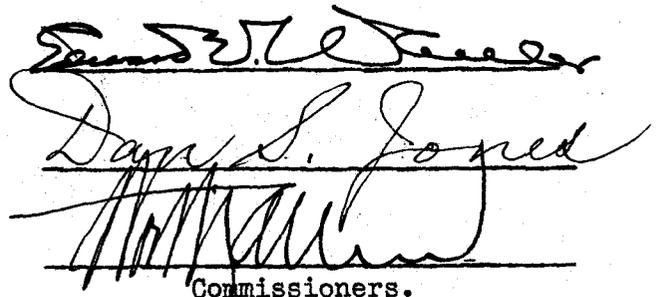
The Commission is holding a certified check in the amount of some \$500, which is to be used in payment of highway compensation taxes based on movements of freight of the kind we have discussed. It follows that if we are right in our finding and conclusion, the said check should be turned over to the State Treasurer. However, ample time will be given, of course, to the respondent to secure a review of the order made herein.

O R D E R

IT IS THEREFORE ORDERED, That the respondent immediately file reports with this Commission showing as having been transported by it all freight which it has moved at any time in the past since procuring its permit or certificate, and that it shall in the future make reports at the time and in the manner required which shall cover such business, and that it shall pay within the time required by law all highway compensation taxes due the State on account of the transportation of such freight.

IT IS FURTHER ORDERED, That the respondent shall not allow the use of its name or permit number on any trucks other than those in which freight is being moved by the respondent as the carrier, and on account of which it reports its ton-mileage and pays the tax.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1933.

Handwritten initials and scribbles in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

699

* * * *

IN THE MATTER OF THE APPLICATION OF)	
BLAIR MILLER AND FRANK W. MILLER FOR)	
ASSIGNMENT AND TRANSFER OF CERTIFICATE)	<u>APPLICATION NO. 1845-A</u>
OF CONVENIENCE AND NECESSITY.)	

November 16, 1933.

S T A T E M E N T

By the Commission:

On October 31, 1933, the Commission entered its order in the above entitled application. Thereafter, the applicant Blair Miller filed his petition for a rehearing.

After careful consideration of the matters set forth in said petition for rehearing, as well as the review of the entire record in the above entitled application, the Commission is of the opinion, and so finds, that no useful purpose would be served by granting the same, and that said application for rehearing should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the petition for rehearing in Application No. 1845-A be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signature of David S. Jones

Handwritten signature of Commissioner

 Commissioners.

Dated at Denver, Colorado,
this 16th day of November, 1933.

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE W. DALTON, DOING BUSINESS) CASE NO. 932
AS TWIST TRANSFER LINE.)

November 17, 1933

Appearances: George W. Dalton, Greeley, Colorado,
pro se.

S T A T E M E N T

By the Commission:

An order was made herein requiring the respondent, George W. Dalton, doing business as Twist Transfer Line, to show cause why his certificate of public convenience and necessity heretofore issued to him in Application No. 1012, should not be suspended or revoked for failure to file monthly highway compensation tax reports for the months of October, November, December, 1932, and January to October, 1933, inclusive; for failure to pay highway compensation tax for the months of November and December, 1931, January to September, 1932, inclusive; and for failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

The evidence showed that the respondent failed to file the monthly reports in question, and to pay his taxes for the months in question, and that public liability and property damage insurance had not been filed. Moreover, no reports have been received for any subsequent months and no tax for operations during any of said months has been paid.

The Commission fully appreciates what business conditions have been and has tried to show every proper consideration for those who have been operating under the statutes which we are required to administer and enforce. We have done all in our power to secure low insurance rates. We considered recently lowering the amounts of liability and property damage

insurance which motor vehicle operators would be required to carry. However, we were met with the statement by the insurance companies that the premiums which are now being charged are the minimum ones and that even though the amounts of insurance which the carriers are required to carry should be lowered, the premiums would remain the same. Of course, it is appreciated that the statutes passed by the Legislature compel us to require all carriers operating under our jurisdiction to carry insurance.

We have given the respondent over a year in which to comply with the law. We now see open no other course than to revoke the certificate of the respondent. We are therefore, of the opinion, and so find, that the certificate of public convenience and necessity heretofore issued to George W. Dalton, doing business as Twist Transfer Line, in Application No. 1012, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore issued to George W. Dalton, doing business as Twist Transfer Line, in Application No. 1012, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of November, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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* * *

RE MOTOR VEHICLE OPERATIONS OF)
MELVIN OLSON.)

PRIVATE PERMIT NO. A-527

November 17, 1933

S T A T E M E N T

By the Commission:

We are advised in a letter dated November 8, 1933, written by Mr. Melvin Olson, to whom we issued motor vehicle private permit No. A-527, that he has never "started to haul". In the letter he requests us to "mark me off the list". The Commission is, therefore, of the opinion, and so finds, that motor vehicle private permit No. A-527, heretofore issued to said Melvin Olson, should be suspended for six months.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. A-527, heretofore issued to Melvin Olson, be, and the same is hereby, suspended for six months from this date.

IT IS FURTHER ORDERED, That if at any time within said six months said Melvin Olson shall notify this Commission, by letter delivered to it, of his intention to resume operations, his right to make such resumption shall automatically be renewed and reinstated, provided he has on file at that time with the Commission such public liability and property damage insurance as the law and the rules and regulations of this Commission require.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of three commissioners over horizontal lines.
Commissioners.

Dated at Denver, Colorado,
this 17th day of November, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. L. STEPHENS.)

CASE NO. 1284

November 23, 1933.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On November 7, 1933, the Commission issued its order requiring the above named respondent to show cause why the private permit heretofore issued to him should not be revoked for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

At the hearing the evidence disclosed that subsequent to the issuance of said show cause order, respondent had filed all necessary insurance.

After careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed, with a warning to respondent, however, that in future he must be more prompt in complying with our Rules and Regulations.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Starnes
Dan S. Jones
Walter H. Miller
Commissioners.

DATED AT DENVER, Colorado,
this 23rd day of November, 1933.

11/28
1933
1284

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE SAN LUIS VALLEY SOUTHERN RAILWAY)
COMPANY, A CORPORATION, FOR A CERTIF-)
ICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 1675

November 24, 1933.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter dated November 10, 1933, requesting that the certificate of convenience and necessity heretofore issued in the above application, be cancelled, effective at once.

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

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to The San Luis Valley Southern Railway Company in Application No. 1675, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Stealy

Samuel S. Jones

Arthur L. ...

Commissioners.

Dated at Denver, Colorado,
this 24th day of November, 1933.

10/27/33
10/27/33
10/27/33

Handwritten notes and initials in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN VAN OORT.) CASE NO. 1283

November 24, 1933.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On November 2, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-373, heretofore issued to him, should not be suspended or revoked for his failure to keep on file with the Commission the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

At the hearing the evidence disclosed that respondents insurance had expired in June, 1933, and had not been renewed.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-373, heretofore issued to John Van Oort, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-373, heretofore issued to John Van Oort, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of three commissioners.

Commissioners.

Dated at Denver, Colorado,
this 24th day of November, 1933.

Handwritten notes and initials in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JACK C. BARLOW.)

CASE NO. 1282

November 24, 1933.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On November 2, 1933, the Commission entered its order requiring the above named respondent to show cause why the private permit No. A-447 heretofore issued to him, should not be suspended or revoked for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

At the hearing the evidence disclosed that respondent's insurance had been cancelled in June, 1933, and had not been renewed.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-447, heretofore issued to Jack C. Barlow, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-447, heretofore issued to Jack C. Barlow, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund H. Steiner

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 24th day of November, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THE PIKES PEAK WAREHOUSING COMPANY.) CASE NO. 1278

November 24, 1933.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On November 2, 1933, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued in Application No. 1299, should not be suspended or revoked for failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

At the hearing the evidence disclosed that respondent's public liability and property damage insurance expired in May, 1933, and its cargo insurance expired in August, 1933, and have not been renewed.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1299, should be revoked for failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to The Pikes Peak Warehousing Company in Application No. 1299, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 24th day of November, 1933.

Edward J. O'Connell
Daphne S. Jones
W. H. Wall
Commissioners.

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(Decision No. 5411)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
T. P. DUFFY, DOING BUSINESS AS) CASE NO. 1276
DUFFY STORAGE & MOVING COMPANY.)

November 24, 1933.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On November 2, 1933, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1289, should not be suspended or revoked for his failure to keep on file with the Commission the necessary insurance policy or surety bond required by law.

At the hearing, the evidence disclosed that subsequent to the issuance of said show cause order, respondent had filed his public liability and proper damage insurance.

After careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed with a warning to respondent, however, that in future he must be more prompt in complying with our Rules and Regulations.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Jones
Sam S. Jones
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 24th day of November, 1933.

309 ✓

Handwritten initials and scribbles in the top right corner.

(Decision No. 5412)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. M. HUMPHREY.) CASE NO. 1275

November 24, 1933.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On November 2, 1933, the Commission entered its order requiring the above named respondent to show cause why his certificate of public convenience and necessity should not be suspended or revoked for his failure to keep on file with the Commission the necessary insurance policy or a surety bond as required by law.

At the hearing, the evidence disclosed that respondent's public liability, property damage and cargo insurance had all expired in 1932, and has never been renewed.

After a careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1015, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to E. M. Humphrey in Application No. 1015, be, and the same is hereby revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of three commissioners.

Commissioners.

Dated at Denver, Colorado,
this 24th day of November, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THE UNION DELIVERY COMPANY.)

CASE NO. 1277

November 24, 1933.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On November 2, 1933, the Commission entered its order requiring the above named respondent to show cause why its certificate of public convenience and necessity heretofore issued in Application No. 1310, should not be suspended or revoked for its failure to keep on file with the Commission the necessary insurance policy or surety bond required by law.

At the hearing the evidence disclosed that subsequent to the issuance of said show cause order and prior to the date of hearing, respondent had filed public liability and property damage insurance to cover his operations and had arranged to secure/insurance to cover his cargo.

After careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed, with a warning, however, that in future respondent must be more prompt in complying with our Rules and Regulations.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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[Handwritten signature]
Commissioners.

Dated at Denver, Colorado,
this 24th day of November, 1933.

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
R. W. McDANIEL, DOING BUSINESS) CASE NO. 1287
AS MIDLAND TRANSIT LINES.)

November 24, 1933.

Appearances: Mr. W. C. Loss, Denver, Colorado,
Auditor, Public Utilities Commission.

S T A T E M E N T

By the Commission:

On November 13, 1933, the Commission entered its order requiring the above named respondent to show cause why the interstate permit, heretofore issued to him in Application No. 1984 should not be revoked for his failure to file highway compensation tax reports for the months of August and September, 1933, and his failure to pay highway compensation taxes past due.

At the hearing the evidence disclosed that respondent had failed to file highway compensation tax reports and pay the tax for the months of August, September and October, 1933.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the interstate permit, heretofore issued to R. W. McDaniel, doing business as Midland Transit Lines, in Application No. 1984, should be revoked for failure to file the reports and pay the taxes required by law and our rules and regulations.

O R D E R

IT IS THEREFORE ORDERED, That the interstate permit heretofore issued to R. M. McDaniel, doing business as Midland Transit Lines, in Application No. 1984, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

Dated at Denver, Colorado,
this 24th day of November, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

32

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* * *

IN THE MATTER OF THE APPLICATION OF)	
C. H. WILLIAMS AND SON AND RUDY)	
BORGESON FOR AUTHORITY TO TRANSFER)	APPLICATION NO. 302-AA
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY.)	

November 25, 1933.

Appearances: Warren B. Hale, Esq., Cripple Creek, Colorado,
attorney for applicants.

S T A T E M E N T

By the Commission:

This is an application by C. H. Williams and Son, a partnership consisting of C. H. Williams and H. E. Williams, for authority to transfer to Rudy Borgeson that portion of the certificate of public convenience and necessity heretofore issued to them in Application No. 302, to which they still have title.

The evidence disclosed that a total consideration of \$2,000.00 was being paid for the transfer of said certificate, including one seven-passenger 1931 Buick sedan and one seven-passenger 1926 Willys-Knight touring car.

It was further disclosed that Mr. Borgeson, the transferee, has \$3,000.00 in cash on hand which will leave him a balance of \$1,000.00 after paying for said certificate and equipment. He proposes to use this money in the business if necessary, and he also owns another automobile which is free of any encumbrance and which can be used as additional equipment if business requires.

It was also disclosed that no outstanding indebtedness exists against the operations of C. H. Williams & Son, and that the transferee, who proposes to do his own driving, is a man of experience and is well qualified to conduct the operation.

After careful consideration of the evidence the Commission is

of the opinion, and so finds, that authority should be granted to make the said transfer as prayed.

O R D E R

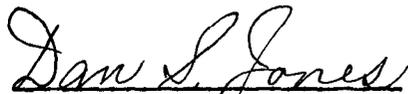
IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to C. H. Williams and Son to transfer to Rudy Borgeson that portion of the certificate of public convenience and necessity heretofore issued to them in Application No. 302 to which they still have title.

IT IS FURTHER ORDERED, That until changed according to law and the Rules and Regulations of the Commission, the tariff of rates, rules and regulations of the transferor herein shall become and remain those of the transferee herein.

IT IS FURTHER ORDERED, That this order shall not become effective until the transferee, Rudy Borgeson, has on file with the Commission the necessary insurance policies or a surety bond as required by law and the Rules and Regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners.

Dated at Denver, Colorado,
this 25th day of November, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. E. POWERS AND F. J. KNAUER,)
DOING BUSINESS AS POWERS MOVING)
AND STORAGE COMPANY.)

CASE NO. 1238

November 25, 1933

Appearances: Mr. W. E. Powers, Denver, Colorado,
pro se;
Mr. J. E. Beckley, Denver, Colorado,
Inspecting Auditor, Public Utilities
Commission.

S T A T E M E N T

By the Commission:

On September 21, 1933, the Commission entered its order requiring respondents to show cause why the certificate of public convenience and necessity heretofore issued to them should not be revoked or suspended for their failure to comply with the law in the making of highway compensation tax reports and paying highway compensation taxes due.

The evidence disclosed that our inspecting auditor, accompanied by the Commission's assistant auditor, on September 6, made a check of the hauling done by the above named respondents from January 1 to September 1, 1933.

This check disclosed some eight trips made by respondents outside of the corporate limits of the City and County of Denver in the transportation of freight for hire which had not been reported by respondents, all of their monthly reports covering said period having been marked "No business." This particular evidence was obtained from the records of respondents, which were in charge of Mrs. Powers, wife of one of the respondents. When she was asked concerning the reason why said trips were not reported, she stated that she "was under the impression that any out of town hauling not in

competition with the railroads was not subject to tax and need not be reported."

In addition to the above information, it was disclosed that one trip had been made by respondents that was not disclosed in their record book. It consisted of the transportation of a load of household goods weighing approximately 4,000 pounds to a point near Mt. Harris, Colorado, a distance of about 220 miles.

It was also disclosed that respondents had transported two pianos to Longmont and three back during the same month, which were not shown in their record book. None of these trips had been reported to the Commission. When questioned concerning same by our employees, both W. E. Powers and his wife denied any knowledge of such trips and Mr. Powers stated specifically that the Mt. Harris trip had been made by the Weicker Transfer Company. When asked to explain why they had denied making the Mt. Harris trip, Mr. Powers stated that the inspector had asked him if he had gone to Hayden and that as he had not gone to Hayden, but to a point 18 miles beyond, he therefore made the reply he did.

It was further disclosed that Mrs. Powers after the visit of our employees called our inspector on the phone and requested that he call again, and when he did so she stated that Mr. Powers had admitted making two trips not shown in their record book of one load of household goods weighing 4,000 pounds to Mt. Harris, Colorado, and one piano to Longmont and one piano on a return trip from Longmont.

It was also disclosed that respondents filed a supplemental report prior to the hearing showing all out of town hauling from January 1 to September 1, 1933, which has been heretofore referred to. The fact that W. E. Powers had made the Mt. Harris trip was verified by a witness who had accompanied him on said trip as a helper. This witness testified that Powers had threatened to "break my neck" if he told on him, but respondent denied making any such threat.

It is quite clear from a review of the evidence that respondents deliberately refrained from filing true and correct reports with the Commission,

as well as paying the proper and necessary highway compensation tax. The fact that said reports were filed and said taxes paid prior to the hearing, does not permit us to condone the offense, as these steps were not taken by respondents until they had knowledge that the correct information was in the hands of our auditing department.

We feel that we would be fully justified in permanently revoking the certificate of respondents. However, we have determined not to take such drastic action at the present time, but some penalty must be imposed, not only in view of the flagrant violation of the law and our Rules and Regulations by respondents, but also as a warning to other operators that such violation will not be tolerated by the Commission.

After careful consideration of all the evidence, the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondents in Application No. 1700, should be suspended for a period of eight months from the 1st day of December, 1933, for their failure to make correct monthly reports and pay proper highway compensation taxes in due time.

ORDER

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to W. E. Powers and F. J. Knauer, doing business as Powers Moving and Storage Company, in Application No. 1700, be, and the same is hereby, suspended for a period of eight months from the 1st day of December, 1933.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 25th day of November, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
D. B. SNOUFFER, E. D. TARMAN,)
P. P. TURNER AND J. M. THOMPSON.)

CASE NO. 1288

December 6, 1933.

S T A T E M E N T

By the Commission:

The Commission originally issued a certificate of public convenience and necessity in Application No. 733 on March 29, 1927. There have been some two transfers of portions of the certificate since that time. The Commission has been informed that the co-partners D. B. Snouffer, E. D. Tarman, P. P. Turner and J. M. Thompson, in whom the remaining portion of the certificate stands, have dissolved partnership and that one or two of them are operating independently.

We wrote one of the co-partners, D. B. Snouffer, on November 7, 1933, calling his attention to the fact that it is unlawful for the partners to separate and undertake individual operations without first having secured proper authority for a transfer. On November 21, we wrote said Snouffer another letter, to which he replied on December 1, that he is "trying to get the other men to have something done about the Permit."

We see open no other way than to set the matter down for hearing so that if the parties do not come in and seek the proper disposition of the matter we can be in a position to revoke the certificate in toto or otherwise properly deal with the situation.

The Commission is, therefore, of the opinion, and so finds, that it should enter upon an investigation relating to the certificate of public convenience and necessity heretofore originally issued in Application No. 733, and that an order should be made requiring the respondents, and each of them, to show cause why said certificate should not be revoked because

of their unlawfully operating independently and beyond the authority of said certificate.

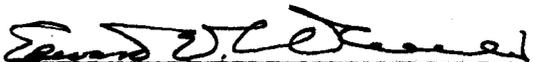
O R D E R

IT IS THEREFORE ORDERED, That the Commission, on its own motion, institute, and it does hereby institute, a case for the purpose of determining the facts as to the present status of the certificate of public convenience and necessity originally issued in Application No. 733, and to determine what action it should take herein if it should find that one or more of the said partners has withdrawn from said partnership and is acting independently and beyond the scope of the authority thereof.

IT IS FURTHER ORDERED, That the respondents be, and they are hereby, required to show cause by written answer to be filed with this Commission within ten days from this date why said certificate of public convenience and necessity should not be revoked because of one or more of said partners conducting separate and independent operations not authorized by said certificate or the law relating thereto.

IT IS FURTHER ORDERED, That this matter be, and the same is hereby, set down for hearing in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on Friday, December 29, 1933, at 10 o'clock A.M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 6th day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. H. McKEE.)
.....)
(1630 - 19th St., Denver)

CASE NO. 1289

December 7, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-317 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on December 18, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]

[Signature]

[Signature]

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
VIRGIL F. VANCE.)
-----)
(Wiggins, Colo.)

CASE NO. 1290

December 7, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1410)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on December 18, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
VIRGIL F. VANCE.)
(Wiggins, Colo.))

CASE NO. 1291

December 7, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-335 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on December 18, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
NICK MACARON.)

CASE NO. 1292

(Raton, New Mexico)

December 7, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-389 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on December 18, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of two commissioners over horizontal lines.

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BUD WASH, DOING BUSINESS AS)
WASH TRANSFER.)
-----)
(Holyoke, Colo.)

CASE NO. 1293

December 7, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-414 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on December 18, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
Laurel Jones
Arthur
Commissioners.

Handwritten initials and date: 12/9/33

Handwritten: 50 N-170

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
D. K. FULLER AND KENNETH FULLER.)

PRIVATE PERMIT NO. A-522

December 9, 1933.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named respondents stating that they are no longer trucking and desire to give up their permit. It also appears that they have no effective insurance on file with the Commission.

In view of these circumstances, the Commission is of the opinion, and so finds, that said permit No. A-522 should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-522, heretofore issued to D. K. Fuller and Kenneth Fuller, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of three commissioners

Commissioners.

Dated at Denver, Colorado,
this 9th day of December, 1933.

Handwritten notes and initials in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. W. ZINNEL, DOING BUSINESS AS)
"Z" LINE TRANSFER.)
(2579 Kansas Ave., Omaha, Nebr.)

CASE NO. 1295

December 9, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-431 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on December 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signature of Edward J. O'Connell

Handwritten signature of Dan L. Jones

Handwritten signature of H. H. ...

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THROOP BROTHERS.)

(753 Lincoln St., Denver)

CASE NO. 1296

December 9, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-446 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on December 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. A. NEIS.)

CASE NO. 1294

(305 S. Santa Fe Drive,
Denver, Colo.)

December 9, 1933

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-420 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on December 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Steele

Dan S. Jones

W. H. Miller

Commissioners.

Handwritten notes and initials in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEVI VAN VALKENBURG.) CASE NO. 1099

December 9, 1933

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

An order was made herein requiring the above named respondent to show cause why his private motor vehicle permit No. 327-A, should not be suspended or revoked for his failure to file monthly highway compensation tax reports for the months of January, February, October, November and December, 1932, and for failure to pay highway compensation taxes for the months of May, June, July, August and September, 1932, in the amount of \$13.14.

A hearing was held at which the respondent did not appear, although he was given due notice of the time and place of said hearing. The evidence disclosed that the respondent had not filed the delinquent reports in question, nor paid the highway compensation taxes due.

We refrained from making any order herein with the hope that the respondent might find his way clear to comply with the law. This he has not done. Reports have not been received for the months of January, February, October, November and December, 1932, nor taxes paid for operations conducted during those months. Moreover, no reports have been received for the months of February to November, 1933, both inclusive. Also the insurance required by law to be kept on file with the Commission expired in March of this year.

The Commission is of the opinion, and so finds, that the motor vehicle private permit No. 327-A, heretofore issued to Levi Van Valkenburg, should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 327-A, heretofore issued to Levi Van Valkenburg, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 9th day of December, 1933.

Handwritten notes and initials in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

A-151

RE MOTOR VEHICLE OPERATIONS OF)
H. W. BOLDT.)

CASE NO. 1091

December 9, 1933

S T A T E M E N T

By the Commission:

On January 20, 1933, the Commission entered its order requiring respondent to show cause why his motor vehicle private permit No. A-151 should not be suspended or revoked for his failure to file highway compensation tax reports for the months of September, October, November and December, 1932, and for his failure to keep on file with the Commission the necessary insurance policy or surety bond as required by law and the rules and regulations of the Commission.

At the hearing the evidence disclosed that respondent had not filed the delinquent reports in question or the insurance required. Since the date of said hearing, however, respondent has filed said reports, but has failed to file the necessary insurance.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-151, heretofore issued to respondent, should be revoked for his failure to file the necessary insurance required by law and the rules and regulations of the Commission.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-151, heretofore issued to H. W. Boldt, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of the Commissioners.

Commissioners.

Dated at Denver, Colorado,
this 9th day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEAMON RESLER.)

CASE NO. 1297

(Akron, Colo.)

December 9, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. ^{A-480} under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on December 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Jones
Sam S. Jones
W. H. Allen
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
OLA JENKINS.)

(Las Animas, Colo.)

CASE NO. 1298

December 9, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-485 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on December 21 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]
[Signature]
[Signature]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. L. CAIN AND W. J. DuRAY.)
(Fort Lupton, Colo.)

CASE NO. 1299

December 9, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-490 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on December 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. J. HOOVER.)

CASE NO. 1300

(429 E. Bijou St.,
Colorado Springs, Colo.)

December 9, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-492 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on December 21, 1933, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten Signature]

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[Handwritten Signature]

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. C. COLVIN.)

CASE NO. 1252

December 9, 1933

S T A T E M E N T

By the Commission:

On October 23, 1933, the Commission entered its order revoking the certificate of public convenience and necessity heretofore issued to C. C. Colvin in Application No. 1581 for failure to keep on file with the Commission the necessary insurance required by law.

It now appears that respondent had secured property damage and public liability insurance last June, but through oversight said policies were not filed.

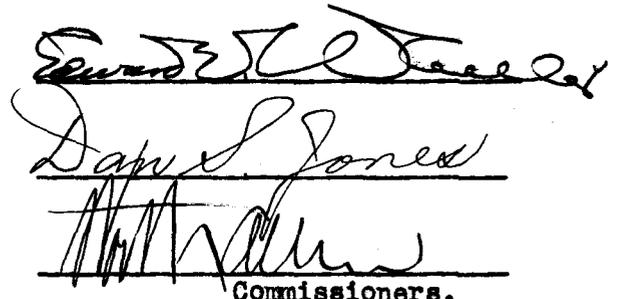
It further appears that respondent now has on file with the Commission the requisite public liability, property damage and cargo insurance, and we have been requested to reinstate said certificate.

In view of all the circumstances, the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to C. C. Colvin in Application No. 1581, should be reinstated, with a warning to respondent, however, that in the future he must be more prompt in complying with our Rules and Regulations.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to C. C. Colvin in Application No. 1581, which was cancelled on October 23, 1933, be, and the same is hereby, reinstated.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 9th day of December, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CLIFF BURNHAM AND O. L. DEARDORFF,) CASE NO. 1095
DOING BUSINESS AS MIDWEST PRODUCE)
COMPANY.)

December 9, 1933

S T A T E M E N T

By the Commission:

On February 6, 1933, the Commission entered its order suspending private motor vehicle permit No. A-248 for a period of six months, with a proviso that said permit would be reinstated at any time during said suspension period if respondents would file the necessary insurance policy or surety bond required by law.

It now appears that said insurance has never been filed, although we understand that respondent Cliff Burnham is still continuing to operate under said permit. Under the law the Commission is required to see that all motor vehicle operators under its jurisdiction keep on file the necessary insurance provided by law and our rules and regulations, and we cannot permit operators to disregard this requirement.

After careful consideration of the record the Commission is of the opinion, and so finds, that private motor vehicle permit No. A-248, heretofore issued to Cliff Burnham and O. L. Deardorff, doing business as Midwest Produce Company, should be cancelled for failure to file the necessary insurance policy or a surety bond.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. A-248, heretofore issued to Cliff Burnham and O. L. Deardorff, doing business as Midwest Produce Company, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Jones
Don S. Jones
William H. Jones
Commissioners.

Dated at Denver, Colorado,
this 9th day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY C. FLANDERS.)

PRIVATE PERMIT NO. A-397

December 9, 1933

S T A T E M E N T

By the Commission:

The Commission is in receipt of a written communication from the above named Harry C. Flanders which reads as follows:

"As I have discontinued operations under my private permit No. A-397, I herewith request the Commission to cancel the same."

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

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-397, heretofore issued to Harry C. Flanders, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Jones
David S. Jones
Harry C. Flanders
Commissioners.

Dated at Denver, Colorado,
this 9th day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT SCHWILKE.)
(Estes Park, Colo.)

CASE NO. 1301

December 9, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-500 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on January 12, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signature]
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Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
O. C. BARTH.)
(Yuma, Colo.)

CASE NO. 1302

December 9, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-512 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

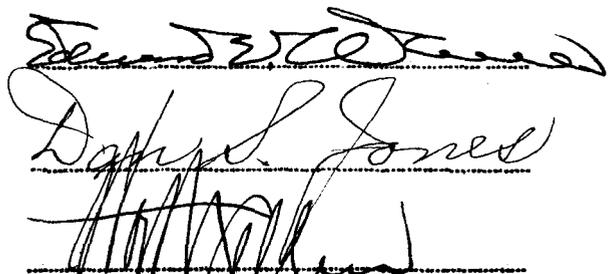
Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on January 12, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE PUBLIC UTILITIES COMMISSION)
OF THE STATE OF COLORADO,)
)
Plaintiff,)
)
vs.)
)
RISS AND COMPANY, A CORPORATION,)
)
Respondent.)

CASE NO. 1178

December 9, 1933

S T A T E M E N T

By the Commission:

A petition has been filed by the attorney for the above named respondent, requesting fifteen days additional time within which to prepare and tender a petition for rehearing.

After careful consideration of said petition, the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That an additional fifteen days from the time prescribed by law and our rules and regulations from the date of the original order be, and the same is hereby, granted to respondent within which to prepare and tender a petition for rehearing in the instant case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. [Signature]
Dan S. Jones
[Signature]

Commissioners.

Dated at Denver, Colorado,
this 9th day of December, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

TOWN OF WINDSOR, COLORADO,)
)
Petitioner,)
)
vs.)
)
THE CITY OF GREELEY, COLORADO,)
)
Respondent.)

CASE NO. 1171

December 12, 1933

S T A T E M E N T

By the Commission:

Whereas, a stipulation has been filed by the attorneys for the above named petitioner and respondent, reading as follows, viz:

"Comes now the Town of Windsor, Colorado, petitioner, by its attorneys, and the City of Greeley, Colorado, respondent, by its attorney, and stipulates as follows:

"That the parties hereto have heretofore compromised and settled their differences and that the above entitled proceedings may be dismissed forthwith."

In conformity with said stipulation, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Wheeler

Dan S. Jones

Walter Williams

Commissioners.

Dated at Denver, Colorado,
this 12th day of December, 1933.

M. J. ...

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. E. COURTRIGHT.)
-----)

CASE NO. 1303

December 13, 1933.

S T A T E M E N T

*P.P. & D. exp. 10/1/33
cargo
#27485
No June, 1933*

By the Commission:

In Application No. 1037 the Commission on November 22, 1929, issued a certificate of public convenience and necessity to C. E. Courtright authorizing the transportation by motor vehicle of freight and express between Julesburg and Sterling, Colorado, and intermediate points. In Application No. 1530 the Commission on April 24, 1930, issued a certificate of public convenience and necessity to said Courtright authorizing the transportation by motor vehicle of livestock only from any point in Sedgwick County, Colorado, to Denver, Colorado, and for the transportation of freight from point to point within said Sedgwick County. In Application No. 1740 the Commission on January 19, 1931, issued a permit to the said Courtright authorizing the transportation by motor vehicle of freight and express in interstate commerce only between Sterling, Colorado, and the Colorado-Nebraska State line, over U. S. Highway No. 138.

It now appears that the said Courtright is carrying no insurance whatever, although he is required by law and the rules and regulations of this Commission to carry public liability and property damage on all such operations and cargo insurance on freight carried in intrastate commerce.

Moreover, it appears that said Courtright is indebted to the State of Colorado for highway compensation tax for the months of June, July, August, September, October, November and December, 1932, and for the months of March, April and October, 1933. It further appears that he has not filed his monthly highway compensation tax report for the month of October, 1933, although the same is more than one month past due.

The Commission is, therefore, of the opinion, and so finds, that

an order should be made providing for an investigation of all of these matters and requiring the respondent to show cause why his certificates of public convenience and necessity and his said permit should not be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That the Commission, on its own motion, enter upon an investigation with respect to the matters set forth, supra.

IT IS FURTHER ORDERED, That the respondent, C. E. Courtright, be, and he is hereby, required by written answer, to be filed with this Commission within ten days from this date, to show cause why his said certificates of public convenience and necessity and permit should not be revoked for cause.

IT IS FURTHER ORDERED, That this matter be set down for hearing in the Hearing Room of this Commission, 330 State Office Building, Denver, Colorado, on Friday, December 29, 1933, at ten o'clock A.M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 13th day of December, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. E. COURTRIGHT.)

CASE NO. 1134

December 14, 1933.

S T A T E M E N T

By the Commission:

The Commission earlier in this year made an order in the above case requiring C. E. Courtright to show cause why a certificate of public convenience and necessity heretofore issued to him should not be revoked. The order related to only one certificate, whereas the respondent has two certificates and one interstate permit. The Commission has, therefore, made a similar order with respect to both certificates and the said permit.

The Commission is of the opinion, and so finds, that the above entitled case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above entitled case be, and the same is hereby, dismissed without prejudice to further action of the same kind in another case with respect to the same subject matter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. O'Connell
Samuel Jones
Mark A. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 14th day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MARTIN MIKELSON, ALBERT MIKELSON) CASE NO. 1129
AND ROY E. WOODWORTH.)

December 15, 1933

S T A T E M E N T

By the Commission:

On January 29, 1933, the Commission entered its order requiring the above named respondents to show cause why the certificate of public convenience and necessity, heretofore issued to them in Application No. 727-A, should not be revoked for their failure to make monthly reports, pay highway compensation taxes and keep on file the necessary insurance required by law and the Rules and Regulations of the Commission.

At the hearing, the evidence disclosed that the delinquent reports shown in said show cause order had been filed, the taxes paid and that respondents had filed the necessary insurance.

After a careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Steiner
David Jones
Arthur H. Allen
Commissioners.

Dated at Denver, Colorado,
this 15th day of December, 1933.

Handwritten notes and initials in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JACOB J. SCHAEFFER.)

CASE NO. 1064

December 15, 1933.

S T A T E M E N T

By the Commission:

On October 4, 1933, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1446, should not be suspended or revoked for his failure to file highway compensation tax reports for the months of May, June, July and August, 1932, and for his failure to keep on file with the Commission the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

The record discloses that subsequent to the date of the hearing on said show cause order, respondent filed the delinquent monthly reports in question, as well as the insurance policies required by law. The Commission is, therefore, of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
Samuel Jones
Arthur [unclear]

Commissioners.

Dated at Denver, Colorado,
this 15th day of December, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. W. VOSLER.)

CASE NO. 1258

December 15, 1933.

S T A T E M E N T

By the Commission:

On September 27, 1933, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-255 should not be suspended or revoked for his failure to file the necessary insurance policy or surety bond required by law and the Rules and Regulations of the Commission.

A hearing was held, at which the evidence disclosed that respondent had no effective insurance on file with the Commission.

After careful consideration of the record the Commission is of the opinion, and so finds, that the private permit No. A-255, heretofore issued to respondent should be cancelled for failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-255, heretofore issued by this Commission to G. W. Vosler, be, and the same is hereby, cancelled and revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signature of Edward W. Jones

Handwritten signature of Dan S. Jones

Handwritten signature of H. Walker

Commissioners.

Dated at Denver, Colorado,
this 15th day of December, 1933.

(Decision No. 5451)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
T. J. WEDDELL.)

CASE NO. 1098

December 15, 1933.

S T A T E M E N T

By the Commission:

On January 20, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-313, heretofore issued to him, should not be suspended or revoked for his failure to file monthly reports for the months of November and December, 1932, and pay highway compensation taxes for the months of August, September, and October, 1932, in the amount of \$50.39, and also for his failure to keep on file with the Commission the necessary insurance policy or surety bond required by law and the Rules and Regulations of the Commission.

At the hearing, the evidence disclosed that respondent had filed the above mentioned monthly reports, but had failed to pay the highway compensation taxes due and had no effective insurance on file with the Commission.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-313, heretofore issued to T. J. Weddell should be cancelled for his failure to pay highway compensation taxes and file the necessary insurance required by law.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-313, heretofore

issued to T. J. Weddell, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Wheeler
David S. Jones
Walter H. ...
Commissioners.

Dated at Denver, Colorado,
this 15th day of December, 1933.

One paragraph of our decision is as follows:

"The State obviously is not bound by mere forms and terminology. Getting to the heart of this situation the question after all is not necessarily whether the relationship of principal and agent exists or not, but whether in substance and indeed the sale of the gas to industrial consumers served from local distribution systems is the business of the distributing companies or that of the respondent, the pipe line company. We fully appreciate that some control is necessarily retained by the respondent for the reasons which it has clearly stated. We appreciate also that the mere fact it has exercised more control than might be deemed necessary does not necessarily dispose of the question before us. However, we think it has a bearing. The Commission is unable to find in the necessities of the situation any justification or any reason for the retention of full power to fix the price of such gas and all terms and conditions for any reason it might deem desirable in each and every contract, except that of exercising complete control over such business. In our opinion there is no reason why distributing companies, if the gas is really sold to them, should not be allowed to sell the gas at uniform rates to customers of various proper classes."

In our other decision we quoted the following, inter alia, from one of the rather uniform contracts made by the Interstate Company with a local distributing company:

" ' The prices to be paid by the Vendee to the Vendor for natural gas hereunder shall be as follows:

" ' (b) For natural gas for re-sale under commercial or industrial contracts, which contracts shall have been submitted to and approved by the Vendor, the price payable to the Vendor shall be eighty-five per cent (85%) of the price chargeable by the Vendee to such commercial or industrial consumers under such approved contracts; provided, however, that the price to be paid by the Vendee to the Vendor shall not be more than the city gate price effective under sub-paragraph (a) of this Article Sixth. ' "

At the time we made our decision we were under the impression, as indicated by the decision itself, that the Interstate Company had reserved the right to fix the price that should be charged by the local company to each individual industrial customer, and the right to require one price to be charged one such customer and different prices to others.

In the argument in support of the application for rehearing it was pointed out that the Interstate Company does not exercise or claim any right to dictate different rates for different industrial customers served by a local distributing company. Attention was called to the fact that the local companies all have on file with this Commission their tariffs of rates for gas delivered to industrial consumers, and that necessarily

all such consumers must be treated alike and sold the gas at the uniform tariff rates. We have checked the tariffs and find that the statement respecting the same is true.

Before passing upon the petition for rehearing, the Commission waited for the decision by the Supreme Court of Missouri in State of Missouri, ex rel., Cities Service Gas Co., vs. Public Service Commission of Missouri, which was decided on October 31, last. One of the important stones, probably the keystone, supporting that decision is "unity of control" and "community of interest". The financial set-up is shown by the following matter quoted from the decision of the Missouri court:

"The Cities Service Gas Co. is a Delaware corporation engaged in producing, gathering and selling natural gas, produced and gathered in Texas, Oklahoma and Kansas, and transported by said company through its pipe lines into Missouri. The common stock of the Cities Service Gas Co., except directors qualifying shares, is owned by the Empire Gas & Fuel Co., the common stock of which is owned by the Cities Service Co. The other companies mentioned in the report are distributors of gas in Missouri.

"The Gas Service Co. owns the common stock of the Kansas City Gas Co., Carthage Gas Co., Jackson County Light, Heat & Power Co., Joplin Gas Co., St. Joseph Gas Co., Ozark Distributing Co. and Webb City & Cartersville Gas Co. The entire capital stock of the Gas Service Co. is owned by the Cities Service Co. The common stock of the City Light & Traction Co. is owned by the Cities Service Light & Power Co., which company is owned by the Cities Service Co. The common stock of the Springfield Gas & Electric Co. is owned by the Federal Light & Traction Co., which company is controlled by the Cities Service Co. In other words, the Cities Service Co. owns and controls all of these companies, including the Cities Service Gas Co. However, it should be stated that the Cities Service Company's control of the Empire Gas & Fuel Co. and Kansas City Gas Co. is limited by the voting rights of the preferred stock of said companies (owned by the public) on questions as follows:"

The court further states that there "is an interlocking of the boards of directors of the Gas Service Co., Cities Service Gas Co. and the distributing companies, and said companies have numerous common officers. In some instances local citizens and active officers have been made directors."

The decision further points out that Cities Service Gas Company had no written contract with most of the distributing companies and that there was no record "of the Cities Service Gas Co. or the

distributing companies as to the terms or conditions for the delivery of gas, and there was no correspondence indicating the terms or conditions of a contract." The court stated a contention of the Missouri Public Service Commission, saying, "It contends that 'unity of control' and 'community of interest' should be considered with other evidence in determining whether or not the Cities Service Gas Co. is engaged in intrastate commerce."

In distinguishing cases cited by the Gas Company, the court said:

"Furthermore, those contracts are in writing, there was no question of 'unity of control' and 'community of interest,' the parties dealt at arms' length, and there was no question of regulation by the State."

In the case before us the evidence obviously shows no unity of control or community of interest so far as any of the distributing companies are concerned. It is true that Cities Service Company controls Public Service Company of Colorado. However, Cities Service Company owns only fifteen per cent of the capital stock of Colorado Interstate Gas Company. If it owned a controlling interest in the Interstate Company, we would have a wholly different situation in those cases in which local distribution is being made by Public Service Company of Colorado. We are, therefore, of the opinion, and so find, that this case is controlled by Public Utilities Commission v. Landon, 249 U. S. 236, and that, therefore, the Colorado Interstate Company, respondent herein, is not engaged in the sale and distribution of gas through and by means of local distribution systems owned and operated by other companies in this State.

The Commission is, therefore, of the opinion, and so finds, that we should withdraw the requirement that the respondent file with the Commission a tariff of rates, rules and regulations.

One of the grounds on which a rehearing is sought is that "The finding of the Commission to the effect that respondent is a public utility in any respect whatsoever is unlawful and erroneous because there is no evidence in this case to support such finding, and because such

finding was unnecessary to the determination of the matter properly before the Commission."

It is quite obvious that it is wholly immaterial in this case whether the respondent is a public utility or not, because we have found that even if it is we have no jurisdiction over it. We have concluded, therefore, that, without expressing any further or different opinion about the question whether the respondent is a public utility as to any aspect of its business, we should withdraw the finding in question because the finding deals with a controversial question, the decision of which is unnecessary in view of the other findings in the case.

O R D E R

IT IS THEREFORE ORDERED, That the finding of the Commission that the respondent, Colorado Interstate Gas Company, is engaged in the sale and distribution of gas to industrial consumers served from local distribution systems be, and the same is hereby, withdrawn.

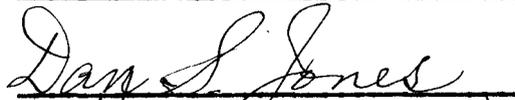
IT IS FURTHER ORDERED, That that portion of the order heretofore made herein requiring the respondent to file a tariff of rates, rules and regulations with the Commission be, and the same is hereby, withdrawn.

IT IS FURTHER ORDERED, That in view of the fact that it is immaterial, so far as the jurisdiction of this Commission is concerned, whether the respondent is a public utility in respect of any aspect of its business, the finding that the respondent is such a public utility be, and the same is hereby, withdrawn.

IT IS FURTHER ORDERED, That this case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1933.

NO
12/16/33
10011

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE WRIGHT.)

CASE NO. 1210

December 16, 1933.

Appearances: A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On July 28, 1933, the Commission entered its order requiring the above named respondent to show cause why he should not be ordered to cease and desist from operating as a motor vehicle carrier unless and until he procured a certificate of public convenience and necessity to so operate.

A hearing was held, at which it was disclosed that respondent has now obtained a private permit under the assumption that same properly covers his present operations.

In view of these conditions, the Commission is of the opinion, and so finds, that the instant case should be dismissed without prejudice to the filing of a future order if it should be determined that respondent is exceeding the authority granted him under said private permit.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed without prejudice to the filing of a future order if it should be determined that respondent is exceeding the authority granted him under said private permit.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

James E. Jones
James S. Jones
Wm. H. Allen
Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. B. McDILL.)

CASE NO. 814

December 16, 1933.

S T A T E M E N T

By the Commission:

On December 16, 1931, the Commission entered its order requiring respondent to show cause why private permit No. A-9, heretofore issued to him, should not be suspended or revoked for his failure to file an insurance policy or a surety bond as required by law. Said case was duly heard on December 30, 1931, but no decision has ever been rendered thereon.

It now appears that Case No. 854 is now pending against the same respondent and is set for hearing on December 15, 1933, which involves among other matters the question of insurance.

After careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank E. Wheeler

David S. Jones

W. H. Wall

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1933.

16

Dec 16

(Decision No. 5456)

Handwritten notes and initials in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PUC-16

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. W. PARCELL.)

APPLICATION NO. 286-A.

December 16, 1933.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named respondent stating that due to lack of business he desires to suspend operations under his certificate until such time as business conditions justify the renewal of same.

In view of all the circumstances the Commission is of the opinion, and so finds, that said certificate should be suspended indefinitely.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of convenience and necessity, heretofore issued to L. W. Parcell in Application No. 286-A, be, and the same is hereby suspended indefinitely, provided; however, that respondent may resume operations under said certificate at any time by filing with the Commission the necessary insurance required by law and otherwise complying with our rules and regulations.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of three commissioners.

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
GROVER C. JACOBSEN, DOING BUSINESS)	
AS THE GOLDEN EAGLE LINES, FOR)	<u>APPLICATION NO. 2112-A.</u>
TRANSFER OF CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY NO. 688-I)	
TO THE SANTA FE TRAIL STAGES, INC.)	

December 16, 1933.

Appearances: Clarence Werthan, Esq., Denver, Colorado,
attorney for applicants.

S T A T E M E N T

By the Commission:

This is an application by Grover C. Jacobsen, doing business as Golden Eagle Lines, for authority to transfer the common carrier interstate permit, heretofore issued in Application No. 2112, to The Santa Fe Trail Stages, Incorporated.

The evidence disclosed that the transferee is a corporation organized and existing under and by virtue of the laws of the State of Arizona, and has been duly authorized to transact business within the State of Colorado. The original permit covers an interstate operation, and no one appeared protesting said transfer.

A certified copy of the Articles of Incorporation of the transferee, as well as the certificate of the Secretary of State's office showing its authority to do business in this State, were both filed for record in the instant case.

It was further disclosed that the said transferor has no indebtedness outstanding in the State of Colorado at the present time. However, the transferee agrees to assume any valid outstanding indebtedness of transferor in this State if it should afterward be disclosed that same exists.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to make the said transfer as prayed.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Grover C. Jacobsen, doing business as Golden Eagle Lines, to transfer the common carrier interstate permit, heretofore issued to him by the Commission in Application No. 2112, to The Santa Fe Trail Stages, Inc.

IT IS FURTHER ORDERED, That the authority herein granted to make said transfer shall not become operative until the proper insurance required by law and our rules and regulations has been filed by the transferee.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Jones
Daniel S. Jones
W. M. Miller
Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1933.

699
170
108

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
BLAIR MILLER AND FRANK W. MILLER)	
FOR ASSIGNMENT AND TRANSFER OF)	<u>APPLICATION NO. 1845-A</u>
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY.)	

October 31, 1933.

Appearances: J. P. Deatherage, Esq., Hugo, Colorado,
for applicant Blair Miller;
Frank W. Miller, Denver, Colorado,
pro se.

S T A T E M E N T

By the Commission:

This is an application by Blair Miller and Frank W. Miller for authority to transfer from Blair Miller to Frank W. Miller the certificate of convenience and necessity originally issued in Application No. 1845, on April 20, 1932, authorizing the operation of a motor vehicle transportation system for freight and express between Denver, Hugo and Burlington, Colorado, and certain other points designated in said certificate of convenience and necessity.

A hearing was held on the 14th day of September, 1933, at which only the applicant Frank W. Miller appeared. The evidence disclosed that on May 28, 1932, Blair Miller assigned all his right, title and interest in the certificate of convenience and necessity issued in the above mentioned Application No. 1845 to Frank W. Miller. The assignment was witnessed by one L. Knight. The evidence further disclosed that there are no obligations outstanding against the operations of the said Blair Miller save and except certain delinquent highway compensation taxes which Frank W. Miller agrees to assume and liquidate.

It was further disclosed that the transferee, Frank W. Miller is in financial condition to carry on said operations and has had sufficient

experience to qualify him as a motor vehicle operator.

Thereafter, on or about September 22, 1933, the applicant Blair Miller filed a petition for rehearing in this matter, alleging that the former hearing herein was held without notice to him, and suggesting that applicant Frank W. Miller had furnished the Commission with an improper address in order that he would not receive notice. Subsequent to the filing of said petition for rehearing, the Commission entered an order dated October 4, 1933, setting this matter down for further hearing on October 13, 1933, and affording the applicant Blair Miller an opportunity to appear and resist the application.

At the further hearing herein held on October 13, 1933, both parties appeared and introduced further evidence, which disclosed that Frank W. Miller had furnished the capital to obtain the aforesaid certificate of convenience and necessity and purchase the equipment used in the operation of the Denver-Limon-Hugo Transfer Company, and that although the certificate had been obtained in the name of Blair Miller, the applicant Frank W. Miller was at all times the real owner of the certificate which is the subject matter of this proceeding. In addition to the assignment which was introduced at the first hearing as Exhibit No. 1, the applicants Blair Miller and Frank W. Miller entered into an agreement dated June 20, 1932, (Exhibit No. 2) which sets forth the entire agreement of the parties herein and provides that Blair Miller will transfer the aforesaid certificate of convenience and necessity to Frank W. Miller at any time upon demand, subject to the approval of this Commission.

While there appears to be a slight inconsistency in the testimony of Frank W. Miller concerning this point, his testimony being to the effect that he was at all times the real owner, and the agreement indicating that the assignment of the certificate was to be in the nature of security for financial advances, it has been established to the satis-

faction of the Commission that it was understood by both parties that the certificate was to be transferred to Frank W. Miller on demand, and that he had notified Blair Miller of his intention to obtain a transfer of the certificate.

In any event, Blair Miller has assigned and agreed to assign all his interest in the aforesaid certificate of convenience and necessity to Frank W. Miller for a valuable consideration which appears to be adequate in every respect. Although some misunderstanding between the applicants is evident, we are not permitted to go into their private relationships so long as the law and the rules of the Commission are complied with and there is adequate consideration for the transfer of the certificate.

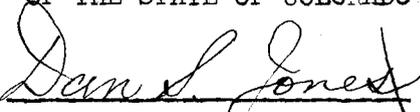
After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority to transfer the aforesaid certificate of convenience and necessity No. 633 should be granted as prayed.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Blair Miller to transfer the certificate of public convenience and necessity, heretofore issued by the Commission in Application No. 1845, to Frank W. Miller.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor herein become and remain those of the transferee herein until changed according to law and the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1933.

Handwritten notes:
11/18/33
J.K.C.
10/6

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES K. CLAUSEN.)

CASE NO. 1232

December 18, 1933.

S T A T E M E N T

By the Commission:

On September 15, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-459, heretofore issued to him, should not be suspended or revoked for his failure to file proper insurance as required by law and the Rules and Regulations of the Commission.

At the hearing, the evidence disclosed that respondent had no proper or effective insurance on file with the Commission.

After careful consideration of the record, the Commission is of the opinion, and so finds, that private permit No. A-459, heretofore issued to James K. Clausen, should be cancelled for his failure to file the proper insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-459, heretofore issued to James K. Clausen, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures:

Commissioners.

Dated at Denver, Colorado,
this 18th day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MAKE NO
COPY

Handwritten notes and initials in the top right corner.

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RALPH SEE AND W. LEE SHARP, doing)
business as THE HUERFANO FREIGHT)
LINES.)

CASE NO. 1247

December 18, 1933.

S T A T E M E N T

By the Commission:

On September 27, 1933, the Commission entered its order requiring the above named respondents to show cause why the certificate of public convenience and necessity, heretofore issued to them in Application No. 1372, should not be suspended or revoked for their failure to file the necessary insurance policy or a surety bond as required by law and the Rules and Regulations of the Commission.

A hearing was held, at which the evidence disclosed that respondents had failed to file the necessary insurance required by law.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondents should be revoked for their failure to keep on file with the Commission the necessary insurance policy or a surety bond as required by law.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued in Application No. 1372 to Ralph See and W. Lee Sharp, doing business as The Huerfano Freight Lines, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of the Commissioners.

Dated at Denver, Colorado,
this 18th day of December, 1933.

*Not
to
be
used*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN C. CRAMER AND LLOYD E.)
BLYSTONE.)

CASE NO. 1231

December 18, 1933.

S T A T E M E N T

By the Commission:

On September 15, 1933, the Commission entered its order requiring the above named respondents to show cause why private permit No. A-436, heretofore issued to them should not be suspended or revoked for their failure to file the necessary insurance or a surety bond as required by law and the Rules and Regulations of the Commission.

A hearing was held, at which the evidence disclosed that respondents had not filed the necessary insurance.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-436, heretofore issued to respondents, should be revoked for their failure to file the necessary insurance policy or a surety bond as required by law.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-436, heretofore issued to John C. Cramer and Lloyd E. Blystone, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wheeler
David S. Jones
W. H. [unclear]

Commissioners.

Dated at Denver, Colorado,
this 18th day of December, 1933.

and necessity, heretofore issued to Leroy Sheller in Application No. 1112,
be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 18th day of December, 1933.

402
[Handwritten initials and signatures]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF BYRON S. BUNKER AND EVERETT)
DAVIS FOR AUTHORITY TO TRANSFER)
A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 1085-AA

December 19, 1933

Appearances: Byron S. Bunker, Deertrail, Colorado, and
Everett Davis, Flagler, Colorado, pro se.

S T A T E M E N T

By the Commission:

Byron S. Bunker and Everett Davis are now the holders of a certificate of public convenience and necessity originally issued in Application No. 1085. They have filed an application for authority to transfer the said certificate to Everett Davis.

The Commission held a hearing at which it appears that the firm owes no debts except possibly some highway compensation tax due the State. The said Davis appears to be reasonably responsible financially. Moreover, he has operated for a substantial time under the certificate in question and appears to be a dependable operator.

After careful consideration of all the evidence the Commission is of the opinion, and so finds, that authority should be granted to Byron S. Bunker and Everett Davis, co-partners, to transfer to said Everett Davis the certificate of public convenience and necessity originally issued in Application No. 1085.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Byron S. Bunker and Everett Davis, co-partners, to transfer to said Everett Davis the certificate of public convenience and necessity originally issued in Application No. 1085, upon the condition that the transferee promptly pay all highway compensation taxes due the State of Colorado.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations heretofore filed by the said transferors shall become and remain those of the said transferee herein until changed according to law or the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Steele

Dan S. Jones

W. M. Miller

Commissioners.

Dated at Denver, Colorado,
this 19th day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MOLANDER BROTHERS.)
(103 So. 5th St., Salina, Kans.)

CASE NO. 1305

December 20, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1921)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on January 12, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE PUBLIC UTILITIES COMMISSION)
OF THE STATE OF COLORADO,)
)
Plaintiff,)
)
vs.)
)
RISS AND COMPANY, A CORPORATION,)
)
Respondent.)

CASE NO. 1178

December 15, 1933

S T A T E M E N T

By the Commission:

A petition has been filed by the attorney for the above named respondent, requesting an extension of time to and including December 27, 1933, within which to prepare and file a petition for rehearing. This is the second application for such extension, the first of which was granted and such additional time expiring on December 15, 1933. Said petition for such further extension was filed on December 14, 1933, prior to the expiration of the time heretofore granted respondent for filing its petition for rehearing.

After reading and careful consideration of said petition for further time until and including December 27, 1933, within which to file said petition for rehearing, the Commission is of the opinion, and so finds, that the same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That respondent be, and it is hereby, granted a further extension of time until and including December 27, 1933, within which to prepare and tender a petition for rehearing in the above entitled case.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. [Signature]

Samuel Jones

[Signature]
Commissioners.

Dated at Denver, Colorado,
this 15th day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DENVER-CHICAGO TRUCKING COMPANY.)

PRIVATE PERMIT NO. A-289

December 20, 1933.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the Denver-Chicago Trucking Company that its private permit No. A-289 be cancelled for the reason that this company has now obtained an interstate common carrier permit.

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

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-289, heretofore issued to Denver-Chicago Trucking Company, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. H. Jones
David L. Jones
W. H. Williams
Commissioners.

Dated at Denver, Colorado,
this 20th day of December, 1933.

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
VIRGIL F. VANCE, DOING BUSINESS) CASE NO. 938
AS VANCE TRUCK LINE.)

December 20, 1933.

S T A T E M E N T

By the Commission:

On May 31, 1932, the Commission entered its order requiring the above named respondent to show cause why the certificate of public convenience and necessity, heretofore issued to him in Application No. 1410, should not be suspended or revoked for his failure to pay highway compensation taxes and for his failure to file a cargo insurance policy or surety bond as required by law and the Rules and Regulations of the Commission. Said case was duly heard on June 13, 1932, but no decision has ever been rendered thereon.

It now appears that Case No. 1290 is pending against the same respondent and is set for hearing on December 22, 1933, which said case involves the question of insurance.

After careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
Daphne S. Jones
William A. ...
Commissioners.

Dated at Denver, Colorado,
this 20th day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. W. ZINNEL, DOING BUSINESS AS) CASE NO. 1295
"Z" LINE TRANSFER.)

December 22, 1933.

Appearances: A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On December 9, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-431, heretofore issued to him, should not be suspended or revoked for his failure to keep on file with the Commission an insurance policy or a surety bond as required by law and the Rules and Regulations of the Commission.

At the hearing the evidence disclosed that respondent's insurance was cancelled August 15, 1933, and had never been replaced.

After careful consideration of the record, the Commission is of the opinion, and so finds, that private permit No. A-431, heretofore issued to respondent, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-431, heretofore issued to J. W. Zinnel, doing business as "Z" Line Transfer, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Treadwell
David S. Jones
Arthur
Commissioners.

Dated at Denver, Colorado,
this 22, 1933.

X
B/E
100%

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MAKE NO COPY

RE MOTOR VEHICLE OPERATIONS OF)
THROOP BROTHERS.) CASE NO. 1296

December 22, 1933.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On December 9, the Commission entered its order requiring the above named respondents to show cause why their private permit No. A-446, heretofore issued to them, should not be suspended or revoked for their failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

At the hearing, the evidence disclosed that respondents' insurance was cancelled August 15, 1933, and had not been renewed.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-446, heretofore issued to respondents, should be revoked for their failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-446, heretofore issued to Throop Brothers, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
David S. Jones
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1933.

Handwritten initials and marks in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BILL JAMES.)

CASE NO. 901

December 22, 1933.

Appearances: Mr. E. S. Johnson, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On March 14, 1932, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-132, heretofore issued to him, should not be suspended or revoked for his failure to pay highway compensation taxes.

The record shows that highway compensation taxes for the months of October and November, 1931, in the amount of \$12.73 are due and unpaid, and that no reports have been received from May, 1932, to date.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-132, heretofore issued to respondent, should be revoked for his failure to pay highway compensation taxes and file monthly reports.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-132, heretofore issued to Bill James, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signature of Edward J. O'Connell

Handwritten signature of David S. Jones

Handwritten signature of another Commissioner

Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BUD WASH, DOING BUSINESS AS) CASE NO. 1293
WASH TRANSFER.)

December 22, 1933.

S T A T E M E N T

By the Commission:

On December 7, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-414, heretofore issued to him should not be suspended or revoked for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

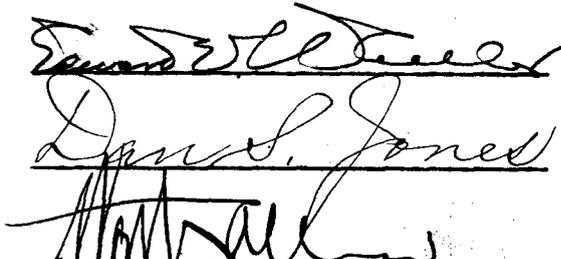
A hearing was held, at which the evidence disclosed that respondent's public liability and property damage insurance had been cancelled and had never been renewed.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-414, heretofore issued to Bud Wash, doing business as Wash Transfer, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-414, heretofore issued to Bud Wash, doing business as Wash Transfer, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BUCKLEY BROTHERS.)

CASE NO. 1279

December 22, 1933.

S T A T E M E N T

By the Commission:

On November 2, 1933, the Commission entered its order requiring the above named respondents to show cause why the certificate of public convenience and necessity, heretofore issued to them in Application No. 1359, should not be suspended or revoked for their failure to keep on file with the Commission the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

At the hearing the evidence disclosed that respondents' public liability and property damage insurance expired in June, 1931, and had not been renewed. However, subsequent to the date of said hearing, respondents filed the necessary insurance.

After careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed with a warning to respondents, however, that in future they must be more prompt in complying with the rules and regulations of the Commission.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. W. [Signature]
Dan S. Jones
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1933.

Handwritten initials and scribbles in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. H. McKEE.)

CASE NO. 1289

December 22, 1933.

Appearances: A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On December 7, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-317, heretofore issued to him, should not be suspended or revoked for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

At the hearing the evidence disclosed that respondent's public liability and property damage insurance was cancelled in September and had not been renewed.

After careful consideration of the record, the Commission is of the opinion, and so finds, that private permit No. A-317, heretofore issued to respondent, should be revoked for his failure to file the necessary and proper insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-317, heretofore issued to J. H. McKee, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of three commissioners over horizontal lines.
Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. B. McDILL)

CASE NO. 854

December 22, 1933.

Appearances: J. B. McDill, Greeley, Colorado,
pro se.

S T A T E M E N T

By the Commission:

An order was made by the Commission requiring the respondent, J. B. McDill, to show cause why his private motor vehicle permit No. 9-A. should not be revoked for failure to file monthly highway compensation tax reports and to pay highway compensation taxes.

At the hearing it developed that the reports in question, being those for the period, May 16 to May 31, 1931, and from June 1 to June 23, 1931, and for October 1931, had been filed.

It further developed that none of the highway compensation tax, being that for the months of July, August and September, 1931, has been paid. The evidence showed also that no reports have been filed since January 24, 1932. The respondent testified that he quit operating a little over a year ago. Moreover, the respondent has on file no insurance.

Mr. McDill has requested that his permit be allowed to continue in force and effect. However, under all the facts and circumstances this is impossible.

The Commission is, therefore, of the opinion, and so finds, that motor vehicle private permit No. 9-A, heretofore issued to the respondent, should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That motor vehicle private permit No. 9-A,

heretofore issued to J. B. McDill, be, and the same is hereby, revoked
and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
NICK MACARON.)

CASE NO. 1292

December 22, 1933.

Appearances: A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

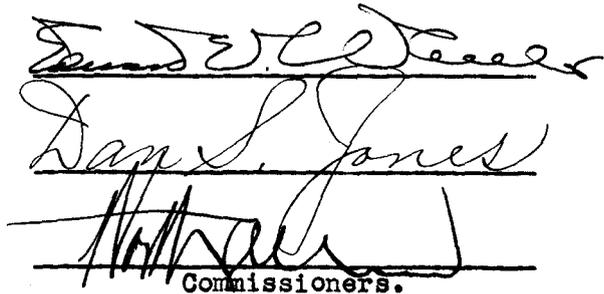
On December 7, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-389, heretofore issued to respondent, should not be suspended or revoked for his failure to file the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

At the hearing the evidence disclosed that subsequent to the issuance of said show cause order, respondent had filed the proper insurance. The Commission is, therefore, of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MAKE NO COPY

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES E. NOONAN AND IVAN C. WILLIAMS,)
CO-PARTNERS, DOING BUSINESS UNDER)
THE FIRM NAME AND STYLE OF COLORADO)
FAST EXPRESS.)

CASE NO. 1306

December 22, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission show that a private motor vehicle carrier permit No. A-556, was heretofore issued to the above named respondents on November 22, 1933, for operation of a private motor vehicle freight service between Denver and Fort Collins over U. S. Highway No. 285, including Boulder and Louisville, from Ft. Collins to Ault, Colorado over Colorado State Highway No. 66, and between Ault and Denver, Colorado, and all intermediate points over U. S. Highway No. 85.

It has been brought to the attention of the Commission through several complaints that said respondents have been and now are violating the provisions of said private motor vehicle carrier permit by operating as a motor vehicle common carrier by indiscriminately picking up, transporting and laying down freight at the aforesaid points for the general public in the State of Colorado for compensation by means of the facilities of an associate company or wholly owned subsidiary or otherwise, contrary to the provisions of the statute in such cases made and provided.

The records of the Commission further disclose that no certificate of public convenience and necessity has ever been issued to respondents to operate as a motor vehicle common carrier or otherwise.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be had to determine whether or not said respondents are operating as a motor vehicle common

carrier over and upon the public highways of the State of Colorado as afore-
said in violation of the law and the provisions of said private permit.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion,
that an investigation and hearing be entered into to determine whether or not
said James E. Noonan and Ivan C. Williams, co-partners, doing business under
the firm name and style of COLORADO FAST EXPRESS, respondents herein, are
violating the law and the terms and provisions of private motor vehicle permit
No. A-556, heretofore issued to them, by operating as a motor vehicle common
carrier over and upon the public highways of the State of Colorado.

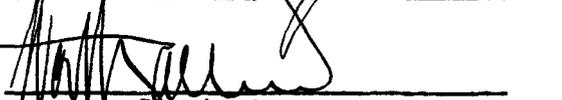
IT IS FURTHER ORDERED, That said respondents show cause by written
statement filed with the Commission within ten days from this date, why the
Commission should not revoke private motor vehicle permit No. A-556, or enter
such other order or orders as may be just and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby,
set down for hearing before the Commission, in its Hearing Room, 330 State
Office Building, Denver, Colorado, on the 24th day of January, A. D. 1934, at
10 A.M. o'clock, at which time and place such evidence may be introduced and
such witnesses examined by the Commission or respondents as they may deem
proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEAMON RESLER.) CASE NO. 1297

December 26, 1933.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On December 9, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-480, heretofore issued to him, should not be suspended or revoked for his failure to file the necessary insurance policy or a surety bond as required by law and the Rules and Regulations of the Commission.

A hearing was held at which the evidence disclosed that subsequent to the issuance of said show cause order, respondent had filed proper insurance.

After careful consideration of the record, the Commission is of the opinion, and so finds, that the instant case should be dismissed, with a warning to respondent, however, that hereafter he must be more prompt in complying with the law and our Rules and Regulations.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wheeler

Dan S. Jones

W. M. Allen
Commissioners.

Dated at Denver, Colorado,
this 26th day of December, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF MICHAEL GISI FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 696

IN THE MATTER OF THE APPLICATION)
OF FRED S. KELSO, ET AL., FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 1502

December 26, 1933.

S T A T E M E N T

By the Commission:

On June 4, 1930, in Decision No. 2922, the Commission authorized the transfer by Michael Gisi of a portion of the certificate of public convenience and necessity theretofore issued to him in Application No. 696 to Fred S. Kelso. In the same decision (No. 2922) the Commission granted an original certificate of public convenience and necessity to said Fred S. Kelso.

On June 5, 1933, in Case No. 1153 the Commission revoked the certificate rights of said Fred S. Kelso for failure to account for C.O.D. collection.

Clara Kelso, the wife of said Fred S. Kelso, has now asked the Commission to reinstate the certificates held by Fred S. Kelso, but granting the same to her instead of her husband. She has filed a written agreement with us in which she undertakes to pay any valid claims that may exist on account of C.O.D. collections made by her said husband, and other debts that may have arisen out of his operation. She further agrees therein to carry out an agreement which the Commission has heretofore made with her said husband with respect to the payment of taxes, etc. She has also filed with the Commission a written request signed by her husband in which he asks that said certificates be issued to his said wife.

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While this procedure is somewhat informal, the Commission is of the opinion that the certificates heretofore held by said Fred S. Kelso should be reinstated by granting certificates of public convenience and necessity to Mrs. Kelso. This is in effect a reinstatement and a transfer. Mrs. Kelso will be required to pay the usual fee of \$5.00 in case of transfers.

The Commission is of the opinion, and so finds, that the public convenience and necessity require the issuance to Clara Kelso of certificates of public convenience and necessity authorizing the operation of a motor vehicle system for the conduct of such business as was heretofore authorized to be carried on by her husband Fred S. Kelso under orders heretofore made by the Commission, as aforesaid.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the issuance to Clara Kelso of the certificates of public convenience and necessity authorizing the operation of a motor vehicle system for the conduct of such business as was heretofore authorized to be carried on by her husband Fred S. Kelso under orders heretofore made by the Commission as aforesaid, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 26th day of December, 1933.

MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)	
JAMES E. NOONAN, IVAN C. WILLIAMS)	
AND M. H. NOONAN, CO-PARTNERS,)	<u>CASE NO. 1307</u>
DOING BUSINESS UNDER THE FIRM)	
NAME AND STYLE OF WESTERN HIGHWAY)	
EXPRESS.)	

December 27, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission through various complaints, that respondents James E. Noonan, Ivan C. Williams and M. H. Noonan, co-partners, doing business under the firm name and style of WESTERN HIGHWAY EXPRESS, have been and now are engaged in the business of a common carrier by indiscriminately accepting, discharging, transporting and laying down freight and express for the general public for compensation between fixed points or over established routes within the State of Colorado.

The records of the Commission disclose that no certificate of convenience and necessity has ever been issued to respondents, nor any of them, authorizing them to operate as a motor vehicle common carrier under the provisions of Chapter 134, Session Laws of Colorado, 1927, as amended, or as a common carrier of freight and/or express under the provisions of Chapter 127, Session Laws of Colorado, 1913, as amended.

According to the information and documents supplied the Commission, it appears that respondents have issued a document entitled "Rate Schedule No. 1, effective November 1, 1933," from Denver to numerous points in the states of Colorado and Wyoming, which sets forth four (4) zone rates on shipments weighing from 1 to 70 pounds, fixes C. O. D. fees, insurance fees, provides general instructions to the shipper and specifies conditions covering shipments, including an assumption of common law liability as a common carrier. It also appears that respondents issue with each shipment what is

entitled a bill of lading and which by reference makes the conditions and provisions of "Rate Schedule No. 1" a part of such bill of lading, although respondents claim to be operating as a forwarding company.

It appears from the records of the Commission that respondents, James E. Noonan and Ivan C. Williams operate a private motor vehicle carrier operation known as the COLORADO FAST EXPRESS, which operates under authority granted by the Commission on November 22, 1933, as evidenced by private motor vehicle carrier permit No. A-556. Respondents also have contracts with various private and common carriers operating under authority from this Commission for the transportation of their shipments to several points in the State of Colorado where the COLORADO FAST EXPRESS is not authorized to operate.

The Commission is of the opinion, and so finds, that the public interest requires that an investigation and hearing be entered into to determine whether or not said respondents are engaged in the business of serving the public for compensation as a common carrier by motor vehicle or otherwise, by indiscriminately accepting, transporting, discharging and laying down freight and/or express between fixed points or over established routes, or otherwise, within this State, without first having obtained a certificate of public convenience and necessity from this Commission as required by law.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine whether or not respondents, James E. Noonan, Ivan C. Williams and M. H. Noonan, co-partners, doing business under the firm name and style of WESTERN HIGHWAY EXPRESS, are engaged in the business of operating as a common carrier for compensation by indiscriminately accepting, transporting, discharging and laying down freight or express between fixed points or over established routes, by motor vehicle or otherwise, within this State without first

having obtained a certificate of public convenience and necessity from the Public Utilities Commission of the State of Colorado as required by the provisions of Chapter 134, Session Laws of Colorado, 1927, as amended, or Chapter 127, Session Laws of Colorado, 1913, as amended.

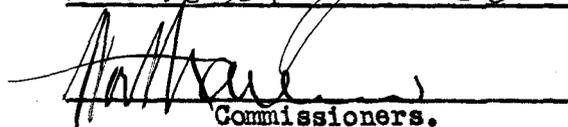
IT IS FURTHER ORDERED, That said respondents show cause by written statement filed with the Commission within ten days from this date why the Commission should not enter an order requiring respondents to cease and desist from operating in the State of Colorado as a common carrier by motor vehicle or otherwise until they procure a certificate of public convenience and necessity from this Commission to so operate, and such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission, in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 24th day of January, A. D. 1934, at 10 A.M. o'clock, at which time and place such evidence may be introduced and such witnesses examined by the Commission or respondents as they may deem proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 27th day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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* * *

IN THE MATTER OF THE APPLICATION)
OF RALPH T. PRESTON FOR A CERTIFI-) APPLICATION NO. 1001-A.
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

December 27, 1933.

S T A T E M E N T

By the Commission:

The Commission is in receipt of an application for authority to Ralph T. Preston, to whom a certificate of public convenience and necessity was issued in the above entitled application, to lease his certificate to Harold C. Preston for a period of at least six months and as long thereafter "as shall be agreeable to both parties."

The Commission has satisfactory proof of the responsibility of said Harold C. Preston.

After careful consideration of all the facts and circumstances the Commission is of the opinion, and so finds, that authority should be granted to Ralph T. Preston to transfer to Harold C. Preston, by way of lease, for a period of six months and as long thereafter as shall be agreeable to both parties, the certificate of public convenience and necessity as aforesaid.

O R D E R

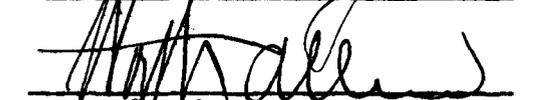
IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Ralph T. Preston to transfer to Harold C. Preston, by way of lease, for a period of six months and as long thereafter as shall be agreeable to both parties, the certificate of public convenience and necessity heretofore issued to said Ralph T. Preston in Application No. 1001.

IT IS FURTHER ORDERED, That the tariff of rates, time schedule and rules and regulations heretofore filed by the said transferor shall

become and remain those of said transferee herein until changed according to law or the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 27th day of December, 1933.

(Decision No. 5481)

At a General Session of The
Public Utilities Commission of
the State of Colorado, held at
its office at Denver, Colorado,
December 27, 1933.

INVESTIGATION AND SUSPENSION DOCKET NO. 203

IT APPEARING, That on December 2, 1933, The Denver and Rio Grande Western Railroad Company filed a petition with the Commission requesting authority to close its agency station at Mosca, Colorado, effective December 31, 1933, in accordance with notice to the public, as required by General Order No. 34, alleging in said petition that "the business at said station of Mosca does not justify the expense of maintaining an agency station at said point; that the public convenience and necessity does not require, and the safe, efficient and economic operation of petitioner's railroad does not justify the maintenance of an agency station at Mosca."

IT APPEARING FURTHER, That on December 15, 1933, a petition signed by some fifty-five alleged residents and tax-payers of Mosca, Colorado, and vicinity was filed with the Commission protesting the closing of the aforesaid agency station at Mosca, Colorado, and alleging that on account of the large amount of freight to be handled at said station the continuance of the agency station is necessary and particularly for handling the shipment of the potato and hay crops.

IT APPEARING FURTHER, That the Commission finds that the proposed discontinuance of said agency station might injuriously affect the rights and interests of the patrons of said rail carrier,

IT IS THEREFORE ORDERED, That the proposed date of the discontinuance of the agency station at Mosca, Colorado, be suspended one hundred twenty days from December 31, 1933, or until May 1, 1934, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That the proposed discontinuance of said agency station at Mosca, Colorado, be made a subject of investigation and

determination by the Commission within said period of time or such further time as the same might be suspended.

IT IS FURTHER ORDERED, That the matter of said petition and protest be, and the same is hereby, set down for hearing before the Commission in the Court House in Alamosa, Colorado, at 9:30 A. M., on Tuesday, January 23, 1934, at which time and place such evidence as is proper may be offered.

IT IS FURTHER ORDERED, That a copy of this order be filed with the aforesaid petition for the proposed discontinuance of the agency station at Mosca, Colorado, and copies hereof be forthwith served on said The Denver and Rio Grande Western Railroad Company, the petitioner, and Chas. W. Woodard, Esq., Alamosa, Colorado, attorney for the protestants.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners.

Dated at Denver, Colorado,
this 27th day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
O. T. HORN.)
-----)
(Sharon Springs, Kansas)

CASE NO. 1308

December 28, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-343 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on January 12, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]

[Signature]

[Signature]
Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PALMER REFRIGERATOR COMPANY.)
(1920 Wazee St., Denver, Colo.))

CASE NO. 1309

December 28, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-404 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on January 12, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Signature of Commissioner

Signature of Commissioner

Signature of Commissioner

Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. C. KING.)
-----)
(917 Acoma St., Denver)

CASE NO. 1310

December 28, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-496 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on January 12, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST SUMMERFIELD.)
.....)
(Vernon, Colo.)

CASE NO. 1311

December 28, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a permit No. A-535 under the provisions of Chapter 120, Session Laws of Colorado, 1931, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission that said respondent has failed to file an insurance policy or surety bond as required by Section 16 of Chapter 120, Session Laws of Colorado, 1931, and by Rule 10 of the Rules and Regulations of the Commission governing private carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on January 12, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures of three commissioners over horizontal lines.
Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MIKELSON BROTHERS & WOODWORTH,)
d/b/a FRANKTOWN TRUCK LINE.)
(Franktown, Colo.)

CASE NO. 1312

December 28, 1933.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 727-A)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on January 12, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
Daniel Jones
Matthew
Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM BURDETTE AND CHARLES) PRIVATE PERMIT NO. A-476
BURDETTE, DOING BUSINESS AS)
BURDETTE TRANSFER.)

December 30, 1933

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named Burdette Transfer, stating that they are no longer hauling from Denver, and the Commission assumes that it is their desire to have the permit cancelled.

After careful consideration of the matter, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-476, heretofore issued to William Burdette and Charles Burdette, doing business as Burdette Transfer, be, and the same is hereby, cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten Signature]
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[Handwritten Signature]
Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. J. HOOVER.) CASE NO. 1300

December 30, 1933.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On December 9, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-492, heretofore issued to him, should not be suspended or revoked for his failure to keep on file with the Commission an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

At the hearing the evidence disclosed that respondent's insurance was cancelled July 25, 1933, and has not been replaced.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-492, heretofore issued to respondent, should be revoked for his failure to file the necessary insurance policy or surety bond as required by law.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-492, heretofore issued to C. J. Hoover, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 30th day of December, 1933.

Edward W. [Signature]
Dan S. Jones
Walter Allen
Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
OLA JENKINS.) CASE NO. 1298

December 30, 1933.

Appearances: A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On December 9, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-485, heretofore issued to him, should not be suspended or revoked for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

A hearing was held on said matter, at which the evidence disclosed that respondent's insurance expired October 1, 1933, and had not been renewed.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that private permit No. A-485, heretofore issued to him, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-485, heretofore issued to Ola Jenkins, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures:
Edward J. Jones
Sam S. Jones
Walter Allen
Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1933.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF) CASE NO. 1299
E. L. CAIN AND W. J. DuRAY.)

December 30, 1933.

Appearances: A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On December 9, 1933, the Commission entered its order requiring the above named respondents to show cause why private permit No. A-490, heretofore issued to them, should not be suspended or revoked for their failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

A hearing was held at which the evidence disclosed that respondents' insurance was cancelled August 10, 1933, and has not been renewed.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-490, heretofore issued to respondents, should be revoked for their failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-490, heretofore issued to E. L. Cain and W. J. DuRay, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]

Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

699

[Handwritten signatures and initials]

* * * * *

IN THE MATTER OF THE APPLICATION)
OF FRANK W. MILLER FOR TRANSFER OF)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 2033-A.

December 30, 1933.

Appearances: A. S. Isbill, Esq., Denver, Colorado,
attorney for applicant Frank W. Miller.

S T A T E M E N T

By the Commission:

This is an application by Frank W. Miller seeking authority for Blair Miller to transfer to the said Frank W. Miller the certificate of public convenience and necessity originally issued in Application No. 2033, which authorizes the transportation of freight and express between Denver, Colorado, and Seibert, Vona, Stratton, Bethune and Burlington, Colorado, and the territory within a radius of twenty miles of Burlington, Colorado.

At the hearing Exhibit No. 1 was introduced which was a written assignment from Blair Miller to Frank W. Miller of said certificate bearing date of December 22, 1933.

No appearances were entered for the said Blair Miller, and the Commission assumes by virtue of the written assignment made by him on December 22, 1933, that he desires authority from this Commission to make the said transfer.

The evidence further disclosed that no obligations are outstanding against the operations of the said Blair Miller that are not to be assumed by the said Frank W. Miller.

It was further disclosed that the said transferee, Frank W. Miller, is in financial condition to carry on said operations and has had sufficient experience to qualify him as a motor vehicle operator.

After careful consideration of the evidence, the Commission is

of the opinion, and so finds, that authority to transfer the aforesaid certificate of convenience and necessity, originally issued in Application No. 2033, should be granted as prayed.

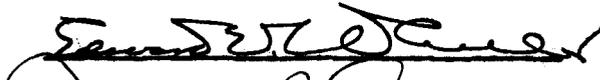
O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Blair Miller to transfer to Frank W. Miller the certificate of public convenience and necessity originally issued in Application No. 2033.

IT IS FURTHER ORDERED, That the tariff of rates and rules and regulations of the transferor herein shall become and remain those of the transferee herein until changed according to law and the Rules and Regulations of the Commission.

IT IS FURTHER ORDERED, That this transfer shall not become effective until the proper and necessary insurance is on file with this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Daniel S. Jones

Walter Allen

Commissioners. w-

Dated at Denver, Colorado,
this 30th day of December, 1933.

12/1
4-13-33
12

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE THE RESIDENTIAL LIGHTING RATE)
OF KREMMLING LIGHT AND POWER)
COMPANY.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 204

December 30, 1933.

S T A T E M E N T

By the Commission:

On December 1, 1933, the Commission received from Kremmling Light & Power Company, an electric utility operating in the town of Kremmling, a new rate schedule, Colo. P.U.C. No. 2 a part of which original sheet No. 3 applies to Commercial Lighting, Residential consumers and in some respects increases the rates being charged by said utility. It is the policy of the Commission to require sufficient justification of any increases in rates charged by utilities, to be made at a formal hearing.

The Commission is, therefore, of the opinion, and so finds, that it should not permit this rate, Colo. P.U.C. No. 2, original sheet No. 3, applicable to residential lighting, to become effective January 1, 1934 as written and should require formal justification to be made of said increases at a hearing to be held thereon and that, pending said hearing and decision by the Commission, the said rates in so far as they affect any increases should be suspended.

O R D E R

IT IS THEREFORE ORDERED, That the operation of said rates contained in said tariffs be suspended, and that the use of said rates and charges therein stated, be deferred one hundred and twenty days from this date or until the 30th day of April, 1934, unless otherwise ordered by the Commission, and no increase shall be made in any of the said utility's

rates and charges during the said period of suspension.

IT IS FURTHER ORDERED, That this matter be, and the same is hereby, set down for hearing in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on Friday, February 2, 1934, at 10 o'clock A.M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Jones
Sam S. Jones
Walter Allen
Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1933.

10/27
Rb6
2002

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
TED CARPENTER AND SON.)

CASE NO. 1313

December 30, 1933.

S T A T E M E N T

By the Commission:

Information has come to the Commission that Ted Carpenter and son, to whom a private motor vehicle permit, No. A-553, has been issued, are soliciting business generally and that they have been transporting freight to points and over routes not authorized to be served by their permit.

The Commission is of the opinion, and so finds, that it should enter upon an investigation for the purpose of determining whether or not said Carpenter and son are operating as common carriers, and whether or not they are operating over routes and to points not authorized to be served by their said permit.

O R D E R

IT IS THEREFORE ORDERED, That the Commission, on its own motion, enter upon an investigation for the purpose of determining whether or not Ted Carpenter and son are operating as common carriers and whether they are operating in excess of the authority granted them by their private motor vehicle permit No. A-553.

IT IS FURTHER ORDERED, That the respondents show cause by written answer to be filed with the Commission within ten days from this date why their said permit should not be revoked and cancelled because of their acting as common carriers and because of their operating over routes and to points not authorized to be served by their said permit.

IT IS FURTHER ORDERED, That this matter be, and the same is hereby, set down for hearing in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on Friday, January 12, 1934, at 10 o'clock A.M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO.

Edward W. O'Connell
Dan S. Jones
Walter Allen
Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1933.

IT IS FURTHER ORDERED, That the respondent show cause by written answer to be filed with the Commission within ten days from this date why his said permit No. 1-A, should not be revoked and cancelled because of his acts and doings with respect to his C. O. D. collections, particularly the one made on October 7, 1933, on a shipment made by Robinson-Chase Company to Mr. Bonner Brice of Walsenburg, Colorado.

IT IS FURTHER ORDERED, That this matter be, and the same is hereby, set down for hearing before the Commission, in its Hearing Room, 330 State Office Building, Denver, Colorado, on Friday, January 12, 1934, at 10 o'clock A. M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Deuel
Samuel Jones
Walter Allen
Commissioners. w-

Dated at Denver, Colorado,
this 30th day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MAKE
NO
COPY

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. D. PERRY.) CASE NO. 1314

December 30, 1933

S T A T E M E N T

By the Commission:

On June 19, 1931, the Commission issued motor vehicle private permit No. 1-A to J. D. Perry. Information has now come to the Commission that the said Perry is engaged in conduct with respect to C. O. D. collections which is wholly inconsistent with the duties and obligations of a carrier. The Commission is informed specifically that on, to-wit, October 7, 1933, Robinson-Chase Company, a corporation, doing business in Denver, Colorado, made a C. O. D. shipment by the truck line of the respondent, J. D. Perry, to independent distributors at Walsenburg, Colorado; that the C. O. D. collection was immediately made and that the shipper has made respectful efforts to collect the money due it from Perry. The Commission is further informed that said Perry has been disrespectful to the shipper in connection with the matter and has attempted to penalize the shipper for having taken the matter up with this Commission.

The Commission is of the opinion, and so finds, that an order should be made requiring the respondent, J. D. Perry, to show cause why his said permit should not be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That an investigation be entered into to investigate the acts and doings of the said J. D. Perry with respect to the collection of C. O. D. moneys and accounts in general, and in particular with respect to the conduct of said Perry in connection with the C. O. D. collection made on the said shipment by Robinson-Chase Company.

545

545

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GUY J. BRADFORD AND ARTHUR W.)
HANCOCK, ET AL., FOR AUTHORITY)
TO TRANSFER A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 1737-A

December 30, 1933

Appearances: Mr. Guy J. Bradford, Greeley, Colorado,
pro se;
Mr. A. W. Hancock, Greeley, Colorado,
pro se and for W. G. Hancock.

S T A T E M E N T

By the Commission:

This is an application by Guy J. Bradford, doing business as The Yellow Cab and Transfer Company, for authority to transfer a certificate of public convenience and necessity, heretofore issued to him in Application No. 1737, to Arthur W. Hancock and W. G. Hancock, co-partners, who will do business under the name of The Yellow Cab and Transfer Company.

A hearing was held at which it appeared that all debts arising out of the operation conducted under authority of said certificate have been paid; that the applicants are men of good reputation and have a fairly good financial condition.

After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted to make the transfer as desired.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to Guy J. Bradford to transfer to Arthur W. Hancock and W. G. Hancock, co-partners, doing business as The Yellow Cab and Transfer Company, the certificate of public convenience and necessity heretofore issued in Application No. 1737-A.

IT IS FURTHER ORDERED, That the tariff of rates, time schedule and rules and regulations heretofore filed by the said transferor shall become and remain those of said transferee herein until changed according to law or the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1933.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHRIS CHRISTENSEN.)

CASE NO. 1315

(Fort Collins, Colo.)

January 5, 1934.

PH 5 P. D. 1/24/33

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1375)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on January 25, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signature]

[Handwritten signature]

Commissioners.

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[Handwritten notes]
11/24/33
PH 5 P. D.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
AUSTIN AND AUSTIN.)

CASE NO. 1316.

(Niwot, Colo.)

January 5, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1382)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on January 25, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Jones
Sam S. Jones

Commissioners.

*P.R.P. W. covered 1/26/32
State Power Mutual says wrong
Car 100.74*

*MOJ
1/26/32*

375 ✓

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM A. CRUMB, DOING BUSINESS)
AS CRUMB TRANSFER COMPANY.)
(122 South Webber St.,)
Colorado Springs, Colo.)

CASE NO. 1317.

Handwritten notes:
"P. H. ...
"A. ...
"1/24
"D. ... on 1/5
"new file"

January 5, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1423)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on January 25, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures:

Dan S. Jones

Commissioners.

Handwritten notes and initials in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
A. H. BAXSTROM.)

CASE NO. 923

(Carter)

January 5, 1934

S T A T E M E N T

By the Commission:

On July 26, 1932, the Commission entered its order suspending private permit No. A-210, heretofore issued to the above named respondent, until such time as he should file the necessary insurance policy or surety bond required by law and our rules and regulations.

The record discloses that on June 8, 1933, respondent filed proper insurance with the Commission, and we are, therefore, of the opinion, and so find, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Steiner

Dan S. Jones

Commissioners.

Dated at Denver, Colorado,
this 5th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
REX H. TALCOTT.)

CASE NO. 904

(Cortez)

January 5, 1934

S T A T E M E N T

By the Commission:

On July 26, 1932, the Commission entered its order suspending the certificate of public convenience and necessity heretofore issued to respondent in Application No. 1367, until such time as respondent should file the necessary insurance policy or surety bond as required by law. It was further provided in said order that if respondent failed to file the necessary insurance policy or surety bond within one year from the date thereof, then said certificate would be automatically cancelled and revoked.

Said period of suspension expired July 26, 1933, and respondent failed to file the necessary insurance.

After careful consideration of the record the Commission is of the opinion, and so finds, that said certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1367, should be revoked for his failure to file proper insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued in Application No. 1367 to Rex H. Talcott, be, and the same is hereby, revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Jones
David S. Jones
Commissioners.

Dated at Denver, Colorado,
this 5th day of January, 1934.

Handwritten initials and scribbles in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE B. WILLIAMS, DOING BUSINESS) CASE NO. 937
AS WILLIAMS-SIDNEY-DENVER TRANSFER.)

January 5, 1934.

S T A T E M E N T

By the Commission:

On January 12, 1933, the Commission entered its order suspending the certificate of public convenience and necessity heretofore issued to the above named respondent in Application No. 1541, for his failure to file highway compensation tax reports, pay highway compensation taxes and file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent filed all highway compensation tax reports, paid all such taxes, and filed such insurance as is required by law and the rules and regulations of the Commission, together with an affidavit that he had not operated for hire during said period of suspension, said certificate of public convenience and necessity would be revoked without further notice.

Said suspension period expired July 12, 1933, and respondent has not complied with any of the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to respondent in Application No. 1541, should be revoked for his failure to make monthly reports, pay highway compensation taxes and file the necessary insurance required by law.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public

convenience and necessity heretofore issued in Application No. 1541
to George B. Williams, doing business as Williams-Sidney-Denver
Transfer, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 5th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FOREST WOODARD.)
.....)
(Kiowa, Colo.)

CASE NO. 1318

January 5, 1934.

S T A T E M E N T

*P.H. & A.D. cancelled 1/12/33
State Board of Public Utilities
cancelled 4/14/33*

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1016)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on January 25, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Wheeler
Dan S. Jones

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALEX LAUBHAN, JR.)
.....)
(Eastlake, Colo.)

CASE NO. 1319

January 5, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1563)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on January 25, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

San S. Jones
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San S. Jones
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Commissioners.

*192 A.S. cancelled 10/26/34
Reinstated Jan 16-34
Comp effect 4/26/31*

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
P. M. STEWART.)
(2223 Tremont Pl., Denver)

CASE NO. 1320

January 5, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1911)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on January 25, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Jones
Sam S. Jones

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. S. CHOATE.)
-----)
(Trinidad, Colo.)

CASE NO. 1321

January 5, 1934.

S T A T E M E N T

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By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1266-A

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on January 25, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED PRICE.)

CASE NO. 941

January 5, 1934.

S T A T E M E N T

By the Commission:

On January 12, 1933, the Commission entered its order suspending private permit No. A-236, heretofore issued to the above named respondent, for his failure to file monthly highway compensation tax reports, and for his failure to file an insurance policy or a surety bond as required by law and the rules and regulations of the Commission.

It was provided in said suspension order that unless respondent made said reports, paid all taxes due, and filed the necessary insurance, together with an affidavit that he had not operated for hire during said suspension period, then said permit would be revoked without further notice.

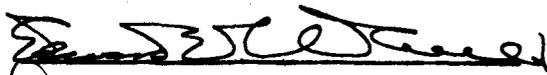
Said period of suspension expired July 12, 1933, and respondent failed to comply with any of the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that said private permit No. A-236, heretofore issued to respondent, should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-236, heretofore issued to Fred Price, be, and the same is hereby revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Dan S. Jones
Commissioners.

Dated at Denver, Colorado,
this 5th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WALLACE V. EGGLESTON AND THEODORE)
EGGLESTON.)

CASE NO. 936

January 5, 1934.

S T A T E M E N T

By the Commission:

On January 12, 1933, the Commission entered its order suspending the certificate of public convenience and necessity, heretofore issued to the above named respondents, for a period of six months from date of said order for their failure to file monthly reports, pay highway compensation taxes, and file with the Commission the necessary insurance policy or surety bond required by law.

It was provided in said order unless respondents filed all highway compensation tax reports due, paid all such taxes, and filed the necessary insurance policy or a surety bond, together with an affidavit that they had not operated for hire during said suspension period, said certificate of public convenience and necessity would be revoked without further notice.

Said suspension period expired July 12, 1933, and respondents failed to comply with any of the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to respondents in Application No. 1604 should be revoked for their failure to make monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond required by law.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Wallace V. Eggleston and Theodore Eggleston

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in Application No. 1604, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edw. J. Wheeler
Dan S. Jones
Commissioners.

Dated at Denver, Colorado,
this 5th day of January, 1934.

ORDER

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to W. R. Book in Application No. 1385, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 5th day of January, 1934.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HUSTON BELL.)
(331 Howes St., Fort Collins, Colo.)

CASE NO. 1322.

January 5, 1934.

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S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing him to engage in the business of a common carrier by motor vehicle. (Application No. 1989)

Information has come to the Commission, that said respondent has failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondent has failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on January 25, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signature:
Daniel S. Jones

Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE AND JAMES MATTEDI.)

CASE NO. 1323

(Ludlow, Colo.)

January 5, 1934.

*Expired 10/1/33
Suspended*

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondents were heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing them to engage in the business of a common carrier by motor vehicle. (Application No. 1981)

Information has come to the Commission that said respondents have failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether their certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on Thursday, the 25th day of January, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signature of Daniel S. Jones

Handwritten signature of Daniel S. Jones

Commissioners.

Dated at Denver, Colorado,
this 5th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MIKE GISI AND JOHN F. TOLBERT,)
DOING BUSINESS AS YUMA TRANSPORTA-)
TION COMPANY.)

CASE NO. 1324

Handwritten notes:
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(Yuma, Colo.)

January 5, 1934.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondents were heretofore issued a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of Colorado, 1927, authorizing them to engage in the business of a common carrier by motor vehicle. (Application No. 2016)

Information has come to the Commission that said respondents have failed to file an insurance policy or surety bond as required by Section 17 of Chapter 134, Session Laws of Colorado, 1927, and by Rule 33 of the Rules and Regulations of the Commission governing common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that an investigation and hearing be entered into to determine if the above named respondents have failed or refused to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission, and if so, whether their certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on Thursday, the 25th day of January, 1934, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signature: Edward J. Jones

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Commissioners.

Dated at Denver, Colorado,
this 5th day of January, 1934.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. E. BROCKMAN, DOING BUSINESS) CASE NO. 917
AS COLORADO AND UTAH MOTOR WAY.)

January 6, 1934.

S T A T E M E N T

By the Commission:

On December 31, 1932, the Commission entered its order suspending the certificate of public convenience and necessity, heretofore issued to the above named respondent in Application No. 1650, for a period of six months from date of said order for his failure to file reports, pay highway compensation taxes, and for his failure to file the necessary insurance policy or surety bond required by law and the rules and regulations of the Commission.

It was provided in said suspension order that unless respondent filed all highway compensation tax reports due, paid all such taxes, and filed the necessary insurance policies or a surety bond, together with an affidavit that he had not operated for hire during said period of suspension, said certificate of public convenience and necessity would be revoked without further notice.

Said period of suspension expired July 1, 1933, and respondent failed to comply with any of the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to respondent in Application No. 1650 should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public con-

venience and necessity, heretofore issued to E. E. Brockman, doing
business as Colorado and Utah Motor Way, in Application No. 1650, be,
and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Jones
David S. Jones
Commissioners.

Dated at Denver, Colorado,
this 6th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF D. B. SNOUFFER, J. M. THOMPSON,)
ED TARMAN, PAUL R. FINNEY AND P. P.)
TURNER FOR AUTHORITY TO MAKE CERTAIN)
TRANSFERS OF CERTIFICATES OF)
PUBLIC CONVENIENCE AND NECESSITY.)

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APPLICATIONS NOS. 694-AAA,
713-AAA and 733-AAA.

January 8, 1934.

Appearances: Mr. D. B. Snouffer, Colorado Springs,
Colorado, pro se;
Mr. Paul R. Finney, Colorado Springs,
Colorado, pro se.

S T A T E M E N T

By the Commission:

This is an application by D. B. Snouffer, J. M. Thompson, Ed Tarman, Paul R. Finney and P. P. Turner for authority to make certain transfers of certificates of public convenience and necessity.

A number of steps have heretofore been taken in these applications. In order to avoid confusion and to have the whole history written out, we shall state what has heretofore transpired.

The Commission issued in Application No. 694 a certificate of public convenience and necessity to G. W. Kight and E. J. Tarman, co-partners, authorizing the use of four automobiles in conducting a sight-seeing operation in the Pikes Peak region. In Application No. 713 we issued a similar certificate to P. P. Turner, authorizing the use of two automobiles in such business. In Application No. 733 we issued a certificate of public convenience and necessity to Tony and Leonard Colyn, George Sinnott and D. B. Snouffer, authorizing the use of eight automobiles. Some two subsequent orders have been made in each of those applications. All three certificates were at one time held by said Snouffer, said Colyns, said Tarman, said Turner and J. M. Thompson.

On June 29, 1932, we authorized the firm to transfer a portion of said consolidated certificate to the two said Colyns, giving them the right

to operate five cars, leaving Snouffer, Tarman, Turner and Thompson the right to operate nine cars.

In the present application (there have been several attempts at getting the application in proper form) authority is sought to transfer to said Tarman a portion of the remaining certificate carrying the right to use two cars, and to transfer the remaining portion to a new firm in which Paul R. Finney would be substituted in the place of said Turner.

At the hearing the evidence showed that all debts growing out of the operation of the partnership under the certificates in question have been paid. The evidence further showed that Paul R. Finney is quite responsible, both as a motor vehicle operator and financially.

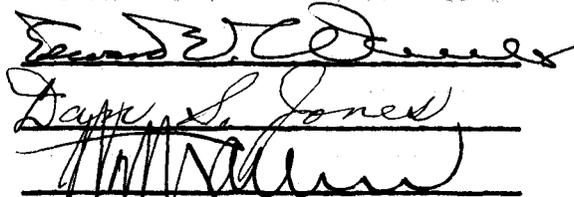
After careful consideration of the evidence the Commission is of the opinion, and so finds, that authority should be granted as prayed.

O R D E R

IT IS THEREFORE ORDERED, That authority be, and the same is hereby, granted to the partnership D. B. Snouffer, J. M. Thompson, Ed Tarman and P. P. Turner to transfer a portion of the consolidated certificate of public convenience and necessity to said Ed Tarman with the right in him to use two automobiles, and the remaining portion of the certificate to a new firm consisting of D. B. Snouffer, J. M. Thompson and Paul R. Finney.

IT IS FURTHER ORDERED, That the tariff of rates, time schedule and rules and regulations heretofore filed by the said transferors shall become and remain those of said transferees herein until changed according to law or the rules and regulations of this Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 8th day of January, 1934.

(Decision No. 5518)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
D. B. SNOUFFER, ED TARMAN, P. P.)
TURNER AND J. M. THOMPSON.)

CASE NO. 1288

January 10, 1934.

S T A T E M E N T

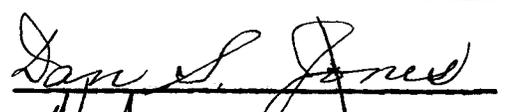
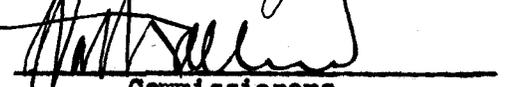
By the Commission:

An order was made herein requiring the respondents to show cause why their certificates of public convenience and necessity should not be revoked because of the respondents splitting up their certificate and operating independently without authority from the Commission. After the order was made respondents secured the necessary authority for transferring their certificates. We have, therefore, informed them that this case would be dismissed.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 10th day of January, 1934.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. C. VAUGHN, DOING BUSINESS AS)
THE VAUGHN TRANSFER AND TRANS-)
PORTATION COMPANY.)

CASE NO. 985

January 10, 1934.

S T A T E M E N T

By the Commission:

On October 5, 1932, the Commission entered its order suspending the certificate of public convenience and necessity, heretofore issued to the above named respondent, for a period not exceeding one year for his failure to file the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that respondent's certificate would be reinstated at any time during said suspension period upon the filing of proper insurance by respondent.

Said period of suspension expired October 5, 1933, and respondent has failed to file an insurance policy or surety bond.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 956, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued in Application No. 956 to J. C. Vaughn, doing business as The Vaughn Transfer and Transportation Company, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures of three commissioners]

Commissioners

Dated at Denver, Colorado,
this 10th day of January, 1934.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY MATTISON)

CASE NO. 1304

January 11, 1934.

Appearances: Mr. A. A. Von Egidy, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

An order was made requiring the respondent, Harry Mattison, to show cause why his certificate of public convenience and necessity should not be revoked for failure to file with the Commission an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

The respondent did not appear at the hearing. The evidence taken showed that respondent permitted his public liability and property damage insurance to expire on November 1, 1932, and his cargo insurance on June 13, 1932, and that no renewals of insurance had been made since such expiration.

Since the hearing the Commission has received a request from the respondent that his said certificate be suspended for six months. This practice has been followed to a considerable extent during the past year or so.

The Commission is, therefore, of the opinion, and so finds, that the certificate of public convenience and necessity heretofore issued to the respondent in Application No. 1659 should be suspended for a period of six months.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity issued to Harry Mattison in Application No. 1659 be, and the

same is hereby, suspended for a period of six months from this date.

IT IS FURTHER ORDERED, That the respondent may be permitted without further authority to resume his said operations under said certificate at any time within six months from this date upon the filing of the required insurance.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

Dan S. Jones

H. H. Miller

Commissioners.

Dated at Denver, Colorado,
this 11th day of January 11, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEWIS J. PETERSON.)

CASE NO. 1026

January 11, 1934.

S T A T E M E N T

By the Commission:

On January 6, 1933, the Commission entered its order suspending the certificate of public convenience and necessity, heretofore issued to the above named respondent in Application No. 1947, for a period of six months from date of said order for his failure to file the necessary insurance policy or surety bond required by law and the Rules and Regulations of the Commission.

It was provided in said order that unless respondent filed the necessary insurance policy or surety bond, together with an affidavit to the effect that he had not operated for hire during said period as a common carrier, said certificate of public convenience and necessity would be revoked without further notice.

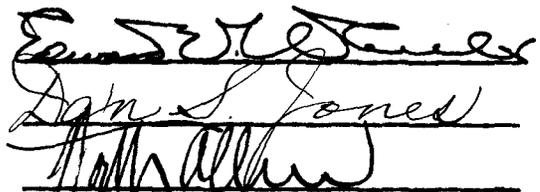
Said period of suspension expired July 6, 1933, and respondent failed to comply with any of the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondent in Application No. 1947, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued to Lewis J. Peterson in Application No. 1947, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 11th day of January, 1934.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE ELECTRIC RATES OF THE GLENWOOD)
LIGHT AND POWER COMPANY.)

CASE NO. 1138

January 11, 1934.

S T A T E M E N T

By the Commission:

Since the decision was made herein the City of Glenwood Springs has filed a petition for rehearing. This petition the Commission has carefully considered.

The Commission is of the opinion, and so finds, that the petition should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the petition for rehearing filed herein by the City of Glenwood Springs be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]

[Signature]

[Signature]
Commissioners.

Dated at Denver, Colorado,
this 11th day of January, 1934.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF) CASE NO. 1178
RISS AND COMPANY, A CORPORATION.)

January 11, 1934.

S T A T E M E N T

By the Commission:

On November 15, 1933, the Commission issued its order in the above entitled case, and thereafter respondent, through its attorney, A. R. Morrison, of Denver, Colorado, filed a petition for rehearing in said matter.

After a careful consideration of the allegations contained in said petition, the Commission is of the opinion, and so finds, that no useful purpose would be served by granting the same.

O R D E R

IT IS THEREFORE ORDERED, That said petition for rehearing be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
[Handwritten signatures of three commissioners]
Commissioners.

Dated at Denver, Colorado,
this 11th day of January, 1934.

(Decision No. 5525)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JACK PERRY.) CASE NO. 816

January 11, 1934.

S T A T E M E N T

By the Commission:

On December 16, 1931, the Commission entered its order requiring respondent to show cause why his private motor vehicle permit No. A-16, should not be suspended or revoked for his failure to file the necessary insurance policy or a surety bond as required by law.

It now appears that subsequent to the issuance of said order respondent filed, and has kept on file with the Commission, the proper and necessary insurance.

After careful consideration of the record the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edw. J. O'Connell
Dan S. Jones
Arthur H. ...
Commissioners.

Dated at Denver, Colorado,
this 11th day of January, 1934.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. A. HAMMEL.) CASE NO. 945

January 11, 1934.

S T A T E M E N T

By the Commission:

On January 14, 1933, the Commission made its order suspending private motor vehicle permit No. A-220, heretofore issued to the above named respondent, for his failure to make monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent made said reports, paid said highway compensation taxes and filed the necessary insurance policy or surety bond before the expiration of said suspension period, together with an affidavit that he had not operated for hire during said period of suspension, then, in that event, said permit should be revoked without further notice.

Said period of suspension expired July 12, 1933. The record discloses that respondent has filed the monthly reports in question and paid said highway compensation taxes, but has failed to file an insurance policy or surety bond or the affidavit required.

After careful consideration of the record the Commission is of the opinion, and so finds, that private motor vehicle permit No. A-220, heretofore issued to respondent, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-220, heretofore issued to R. A. Hammel, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Wheeler
Darryl S. Jones
W. M. Allen

Commissioners.

Dated at Denver, Colorado,
this 11th day of January, 1934.

and necessity, heretofore issued to Carl O. Hart in Application No. 1596,
be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 11th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM M., J. N. AND E. J. EDGAR,) CASE NO. 978
DOING BUSINESS AS EDGAR BROTHERS.)

January 11, 1934.

S T A T E M E N T

By the Commission:

On December 31, 1932, the Commission entered its order suspending the certificate of public convenience and necessity, heretofore issued to the above named respondents in Application No. 1470, for their failure to file monthly reports, pay highway compensation taxes and file the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondents made said reports, filed said insurance and paid said highway compensation taxes during said suspension period, together with an affidavit to the effect that they have not operated for hire during said period, the said certificate of public convenience and necessity would be revoked without further notice.

Said period of suspension expired July 1, 1933, and respondents failed to comply with any of the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondents in Application No. 1470, should be revoked for their failure to file reports, pay highway compensation taxes and file with the Commission the necessary insurance policy or surety bond.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued in Application No. 1470, to William M. Edgar, J. N. Edgar and E. J. Edgar, doing business as Edgar Brothers, be, and the

same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Wheeler

Daphne S. Jones

W. A. Miller
Commissioners.

Dated at Denver, Colorado,
this 11th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT SCHWILKE.) CASE NO. 1301

January 15, 1934.

Appearances: Mr. A. A. von Egidy, Denver, Colorado,
for the Public Utilities Commission.

S T A T E M E N T

By the Commission:

On December 9, 1933, the Commission entered its order requiring the above named respondent to show cause why private permit No. A-500, heretofore issued to him, should not be suspended or revoked for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

A hearing was held on said matter on January 12, 1934, at which the evidence disclosed that on December 16, 1933, respondent filed the necessary insurance.

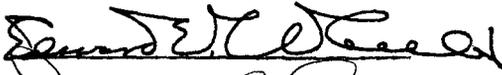
After careful consideration of the record, the Commission is of the opinion, and so finds, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 15th day of January, 1934.




Commissioners.

Handwritten notes and initials in the top right corner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED GREENWALD.)

CASE NO. 1052

January 16, 1934.

S T A T E M E N T

By the Commission:

On January 14, 1933, the Commission entered its order suspending private permit No. A-270, heretofore issued to the above named respondent, for a period of six months from the date of said order for his failure to file the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent filed such insurance as is required by law and the Rules and Regulations of the Commission, together with a written statement to the effect that he had not operated for hire during said period of suspension, the said permit would be revoked without further notice.

Said period of suspension expired July 14, 1933, and respondent failed to comply with the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-270, heretofore issued to Fred Greenwald, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-270, heretofore issued to Fred Greenwald, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
Daniel S. Jones
Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES I. KNOX AND HOWARD R.) CASE NO. 1029
KNOX, DOING BUSINESS AS KNOX)
AND SON.)

January 16, 1934.

S T A T E M E N T

By the Commission:

On January 9, 1933, the Commission entered its order suspending the certificate of public convenience and necessity, heretofore issued to the above named respondents in Application No. 1782, for a period of six months from the date of said order for their failure to pay highway compensation taxes for the months of September and November, 1931, and for their failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondents paid the highway compensation taxes due for the months of September and November, 1931, and filed the necessary insurance policy or a surety bond during said suspension period, together with an affidavit that they had not operated for hire as a common carrier during said period, said certificate of public convenience and necessity would be revoked without further notice.

Said period of suspension expired July 6, 1933, and respondents have failed to comply with any of the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that the certificate of public convenience and necessity, heretofore issued to respondents in Application No. 1782, should be revoked for their failure to pay highway compensation taxes and file the required insurance.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity, heretofore issued in Application No. 1782, to Charles I. Knox and Howard R. Knox, doing business as Knox and Son, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
[Signature]
[Signature]
Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1934.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. W. BONDURANT.)

CASE NO. 1050

January 16, 1934

S T A T E M E N T

By the Commission:

On January 13, 1933, the Commission entered its order suspending private permit No. A-195, heretofore issued to the above named respondent, for a period of six months from the date of said order for his failure to file highway compensation tax reports for the months of June, July and August, 1932, and also for his failure to file an insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

It was provided in said suspension order that unless respondent filed all highway compensation tax reports due and filed the necessary insurance policy or surety bond during said period of suspension, together with a written statement to the effect that he had not operated for hire during said period, said motor vehicle permit would be revoked without further notice.

Said period of suspension expired July 13, 1933, and respondent failed to comply with any of the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that private motor vehicle permit No. A-195, heretofore issued to H. W. Bondurant, should be revoked for his failure to file insurance and highway compensation tax reports.

O R D E R

IT IS THEREFORE ORDERED, That private motor vehicle permit No. A-195, heretofore issued to H. W. Bondurant, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]

Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1934.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN A. DAVIS.)

CASE NO. 1051

January 16, 1934.

S T A T E M E N T

By the Commission:

On January 13, 1933, the Commission entered its order suspending private permit No. A-212, theretofore issued to the above named respondent, for a period of six months from the date of said order for his failure to file an insurance policy or surety bond as required by law and the rules and regulations of the Commission.

It was provided in said suspension order that unless respondent filed the necessary insurance policy or surety bond, together with a written statement to the effect that he had not operated for hire during said suspension period, said permit would be revoked without further notice.

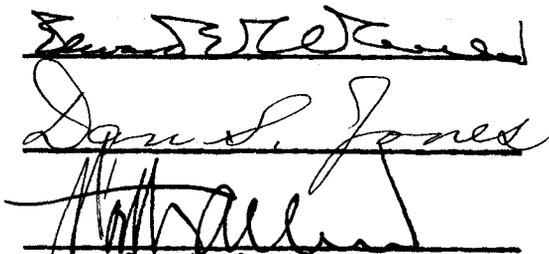
Said period of suspension expired July 13, 1933, and respondent failed to comply with the above requirements.

After careful consideration of the record the Commission is of the opinion, and so finds, that private permit No. A-212, heretofore issued to John A. Davis, should be revoked for his failure to file insurance.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-212, heretofore issued to John A. Davis, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1934.

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