

(Decision No. 69175)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT C. BECK 375 AMMONS, LAKEWOOD,)
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER PERMIT NO. B-6057.)

APPLICATION NO. 22394-PP-Extension

March 16, 1967

Appearances: Albert C. Beck, Lakewood,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

Applicant herein seeks authority to extend operations under Permit No. B-6057.

Said application was regularly set by the Commission for hearing and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

The Applicant appeared and testified in support of the granting of the authority herein applied for. He stated that if his application is granted, he will enter into special carriage contracts for the transportation of peat moss and coal from pits and supply points to points within a 150-mile radius; that at present he has authority to haul sand, gravel, and other related commodities and by this application wishes to extend his authority to the aforesaid area; that he has 3 tractors and trailers, an approximate net worth of \$45,000.00 and thirty-five years of experience in this type of transportation service; that, as far as he knew, the granting of such authority would not impair the efficient public service of any other authorized motor vehicle common carrier having the same territory over the same general route or routes; that there is

a need for such service; that he is acquainted with the rules, regulations and laws of the State of Colorado pertaining to private carriers and will abide by same; and that he has insurance as required by the Commission.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that there is a need for applicant's proposed extended transportation services; that applicant will have sufficient equipment and experience to properly carry on the proposed extended operation; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that it does not appear to the Commission that the proposed extended operation will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general highway route or routes; that the granting of authority, as provided in the following Order, will be in the public interest, and such authority should be granted.

O R D E R

THE COMMISSION ORDERS:

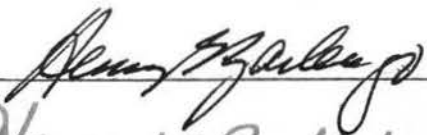
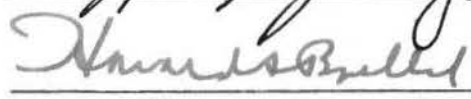
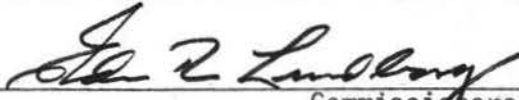
That Albert C. Beck, Lakewood, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-6057 to include the transportation of peat moss and coal, from pits and supply points to points within a 150-mile radius of said pits and supply points within the State of Colorado, and this ORDER shall be deemed to be, and be, a PERMIT therefor.

That henceforth the full and complete authority under Permit No. B-6057 shall be as follows, to-wit:

"Transportation of sand, gravel and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of one hundred fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to home and small construction jobs within a radius of one hundred fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of one hundred fifty miles of said jobs; insul-rock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of one hundred fifty miles of said pits and supply points, transportation of road-surfacing materials to be restricted against the use of tank vehicles; light-weight aggregate from pits and supply points in the State of Colorado within a radius of one hundred fifty miles of said pits and supply points; peat moss and coal from pits and supply points to points within a one hundred fifty mile radius of said pits and supply points within the State of Colorado."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 16th day of March, 1967.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES E. CAULFIELD, 3525 CLAY STREET,)
DENVER, COLORADO, FOR AUTHORITY TO) APPLICATION NO. 22338-PP-Extension
EXTEND OPERATIONS UNDER PERMIT NO.)
B-6564.)

March 17, 1967

Appearances: James E. Caulfield, Denver,
Colorado, pro se;
Leslie R. Kehl, Esq., Denver,
Colorado, for North Park
Transportation Company and
Denver-Climax Truck Line,
Inc., Protestants.

STATEMENT AND FINDINGS OF FACT

Applicant is presently the owner and operator of Permit
No. B-6564, being the right to operate as a Class "B" private carrier by
motor vehicle for hire, for the:

"Transportation of sand, gravel, and other road-
surfacing materials used in the construction of
roads and highways, from pits and supply points
in the State of Colorado, to road jobs, mixer and
processing plants within a radius of 75 miles of
said pits and supply points; sand and gravel, from
pits and supply points in the State of Colorado,
to railroad loading points, and to home and small
construction jobs within a radius of 75 miles of
said pits and supply points; sand, gravel, dirt,
stone, and refuse, from and to building construction
jobs, to and from points within a radius of 75 miles
of said jobs; insulrock, from pits and supply points
in the State of Colorado, to roofing jobs within a
radius of 75 miles of said pits and supply points,
transportation of road-surfacing materials being
restricted against the use of tank vehicles."

By the above-styled application, said permit-holder seeks
authority to extend operations under said Permit No. B-6564 to include
transportation of ores from mines in Jefferson, Clear Creek and Gilpin
Counties, State of Colorado, to mills in Denver, Colorado.

Said application was regularly set for hearing before the Commission and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Mr. James E. Caulfield, Denver, Colorado, appeared and testified in support of the within application. He stated that by application filed December 19, 1966, he seeks authority to extend operations under Permit No. B-6564 providing for the transportation of ores from mines in Jefferson, Clear Creek and Gilpin Counties, Colorado, to mills in Denver, Colorado; that he presently operates under Permit No. B-6564 providing for the transportation of sand, gravel and other road-surfacing materials and holds no existing ore authority; that he filed his application at the request of three friends, Dale Wright, Gene Lippis and Marvin Pinnit; that he was not aware of the exact location of any particular mines to which he proposes service and further, had no knowledge of any inadequacies of existing service by common carriers. Mr. Caulfield presented no financial data, no list of equipment, nor any testimony regarding need or even desirability for the service.

Mr. Peter Kooi, President and owner of North Park Transportation Company, stated his company operates under PUC Certificate No. 1600, which provides for line-haul scheduled service between Denver, Colorado and Kremmling, Colorado, serving all intermediate points between Empire and Kremmling, Colorado; that in addition, North Park holds irregular route authority providing for occasional transportation service throughout the State of Colorado; that North Park presently operates 82 units of equipment, including a dump truck suitable for the transportation of ore, which truck is presently not being utilized; that no request for service within the scope of the present application has been received by North Park from any of the individuals named by the Applicant; that North

Park is presently providing adequate service as a common carrier within the scope of the present applied for authority; and that any diminishing of traffic to North Park might cause the curtailment of schedules presently being operated.

Mrs. Lois Mae Eshe stated she is General Manager of Denver-Climax Truck Line, Inc. operating under PUC Certificate No. 1195 which provides for the transportation of freight between Denver and five miles thereof and Climax, Colorado, serving named intermediate points; that in addition, Denver-Climax holds irregular route authority under PUC Certificate No. 257 providing for general freight service in the Counties of Morgan, Adams, Arapahoe and Denver, with occasional service throughout the State; that Denver-Climax operates numerous pieces of equipment, including 6 dump vehicles suitable for the transportation of ore from remote mine sites; that Denver-Climax transports ore on a daily basis and is experienced in this type of transportation, having served a number of mines located in Clear Creek and Gilpin Counties; that the transportation of ore is important to the continued common carrier operations of Denver-Climax; and that Denver-Climax is presently performing adequate common carrier service within the scope of the present applied for authority.

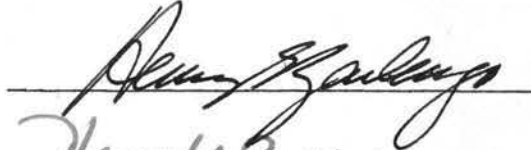
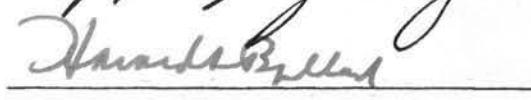
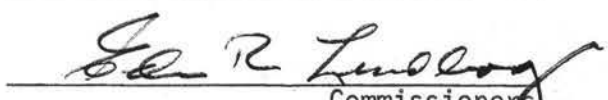
The Commission, having considered the record and written statement of the Examiner states and finds that the evidence presented in opposition to the granting of the application is of sufficient weight and competency for the Commission to be of the opinion that the proposed operation will impair the efficient public service of authorized motor vehicle common carrier service now adequately serving the same territory over the same general highway route or routes; that granting the authority will not be in the public interest and the application should be denied.

O R D E R

THE COMMISSION ORDERS:

That Application No. 22338-PP-Extension be, and the same hereby
is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 17th day of March, 1967.
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(Decision No. 69177)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ANNA M. HANSSEN, DOING BUSINESS AS)
"HANSSEN'S TRUCK LINE," WESTCLIFFE,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 791 AND PUC NO. 791-I TO)
CHARLES E. KOCH AND VERA DELORES)
KOCH, DOING BUSINESS AS "HANSSEN'S)
TRUCK LINE," WESTCLIFFE, COLORADO.)

APPLICATION NO. 22333-Transfer
SUPPLEMENTAL ORDER

March 17, 1967

Appearances: T. Peter Craven, Esq., Denver,
Colorado, for Applicants.

STATEMENT AND FINDINGS OF FACT

On February 15, 1967, the Commission entered Decision No. 69013 in the above-styled application authorizing Anna M. Hanssen, doing business as "Hanssen's Truck Line," Westcliffe, Colorado, to transfer PUC No. 791 and PUC No. 791-I to Charles E. Koch and Vera Delores Koch, doing business as "Hanssen's Truck Line," Westcliffe, Colorado. On March 1, 1967, the Commission entered Decision No. 69103 granting Transferor and Transferees an extension of an additional period of time with which to file the written acceptance of transfer as set forth in Decision No. 69013, to and only until May 8, 1967.

The Commission is now in receipt of a communication from T. Peter Craven, Attorney for Applicants, requesting approval by the Commission to encumber the certificates being transferred.

Charles E. Koch and Vera Delores Koch (debtors) herein seek authority to encumber PUC No. 791 and PUC No. 791-I to Anna M. Hanssen (secured party) to secure payment of the sum of \$20,000.00 in accordance with the certain terms and conditions as set forth in copies of the Financing Statement, Security Agreement, and After Acquired Property

Agreement with the First National Bank of Florence, Colorado, filed with the Commission on March 13, 1967, as executed by and between said parties in accordance with the statutory provisions of the Uniform Commercial Code.

The Commission states and finds that the authority as herein sought is compatible with the public interest and should be granted as set forth in the Order following.


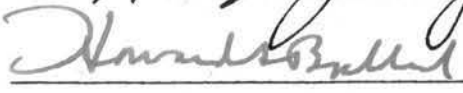
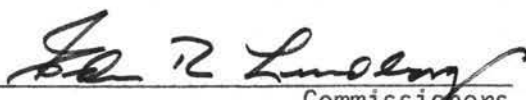
O R D E R

THE COMMISSION ORDERS:

That debtors, Charles E. Koch and Vera Delores Koch, doing business as "Hanssen's Truck Line," Westcliffe, Colorado, be, and hereby are, authorized to encumber all their right, title and interest in and to PUC No. 791 and PUC No. 791-I, authorized by Decision No. 69013 dated February 15, 1967, to secured party, Anna M. Hanssen, to secure payment of the indebtedness in the sum of \$20,000.00 as set forth in the Statement preceding, which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 17th day of March, 1967.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
C. A. MUCK DBA
MUCK TRANSFER
Hettinger, North Dakota 58639

AUTHORITY NO. PUC 6265-I

CASE NO. 407-H-Ins.

March 17, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 14, 1967 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

ORDER

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated,
as of the date of revocation and the said revocation order be, and the
same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry Szabo
Howard Bull

Edmund R. Lundberg
Commissioners

Dated at Denver, Colorado, this
17th day of March, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

EDWARD JOSEPH SMITH DBA)
DENVER RUBBISH REMOVAL)
4680 Gaylord St.)
Denver, Colorado 80216)

AUTHORITY NO. PUC 4887

CASE NO. 355-H-Ins.

March 17, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 14, 1967 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

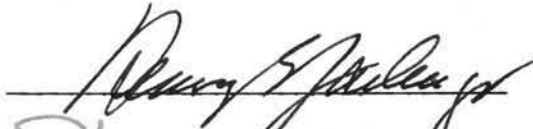
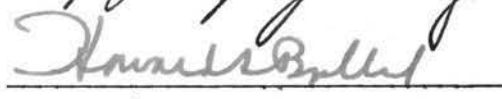
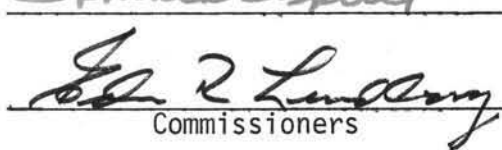
O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
17th day of March, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GLADYS V. PETERSON, EXECUTRIX OF THE)
ESTATE OF HENRY E. PETERSON, DOING)
BUSINESS AS "PETERSON & SON," BOX)
368, KIMBALL, NEBRASKA, FOR AUTHORITY)
TO TRANSFER INTERSTATE OPERATING)
RIGHTS TO GLADYS V. PETERSON, DOING)
BUSINESS AS "PETERSON & SON," BOX 368,)
KIMBALL, NEBRASKA.)

PUC NO. 3477-I-Transfer

March 17, 1967

STATEMENT AND FINDINGS OF FACT

Heretofore, Henry E. Peterson, doing business as "Peterson & Son," Kimball, Nebraska, was granted a certificate of public convenience and necessity, PUC No. 3477-I, authorizing operation as a common carrier by motor vehicle for hire:

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

Authority is now sought to transfer said PUC No. 3477-I to Gladys V. Peterson, doing business as "Peterson & Son," Kimball, Nebraska.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest and should be authorized, as set forth in the Order following.

O R D E R

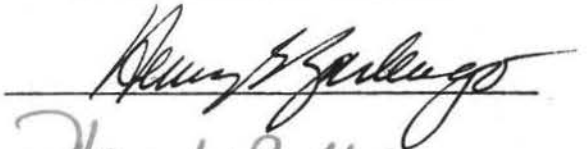
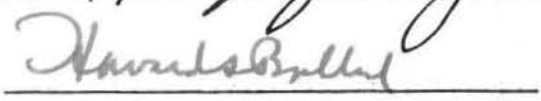
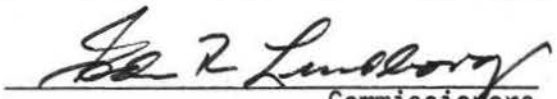
THE COMMISSION ORDERS:

That Gladys V. Peterson, Executrix of the Estate of Henry E. Peterson, doing business as "Peterson & Son," Kimball, Nebraska, be,

and hereby is, authorized to transfer all right, title and interest in and to PUC No. 3477-I -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Gladys V. Peterson, doing business as "Peterson & Son," Kimball, Nebraska, subject to encumbrances against said certificate, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado
this 17th day of March, 1967.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARVEY A. HEAD, DOING BUSINESS AS)
"DELTA TAXI," 325 DODGE STREET,)
DELTA, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
AUTHORIZING EXTENSION OF OPERATIONS)
UNDER PUC NO. 1728.)

APPLICATION NO. 22317-Extension-Amended

March 17, 1967

Appearances: Samuel L. Fairlamb, Esq., Delta,
Colorado, for Applicant;
Earl T. Carroll, Esq., Delta,
Colorado, for Robert Campbell
and Eckert Truck Line,
Protestants.

STATEMENT AND FINDINGS OF FACT

Applicant is presently the owner and operator of PUC No. 1728
which provides for the:

"Transportation of passengers in cabs of not to exceed 5-passenger capacity, between points in the area within a radius of 25 miles of, and including, the City of Delta, but excluding from said point to point area all that part thereof which lies south of the Montrose County Delta County line, applicant, however, to have the privilege of transporting (1) passengers in round trip service from and to points in said area to and from the City of Montrose, and the right to return the identical passengers, theretofore transported by him, from Delta to points in applicant's aforescribed Delta area, and (2) passengers to and from points in said Delta area, from and to points in that part of Montrose County lying north of a line projected west through the town of Olathe, Colorado, and west of U.S. 50 but shall not furnish any point to point service between points in Montrose County. Transportation of passengers in charter service from Hotchkiss, Colorado, to Gunnison, Colorado, over State Highway No. 135 and return via U.S. Highway No. 50 to Sapinero, Colorado, thence over State Highway No. 92 to Hotchkiss via Black Mesa. Transportation of passengers between Delta, Colorado, and the Montrose Airport, located near Montrose, Colorado, and intermediate points via U.S. Highway No. 50. Transportation of passengers from points within a radius of 25 miles of, and including the City of Delta, Colorado, but excluding from said area all that part thereof which lies south of the Montrose-Delta County Line, to points and places within a 100-mile radius of the City of Delta, with the right to give round-trip service to identical passengers originating in the above-described territory only. (Decision No. 48342 dated 7-12-57 "Grandfather Rights" granted in preceding authority)."

By the instant application, applicant seeks authority to extend operations under said PUC No. 1728 to include transportation of packages, parcels, baggage, messages, letters, papers and documents from point to point, by taxi cab, within the territory applicant is now authorized to service, under said PUC No. 1728.

Said application was regularly set by the Commission for hearing and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

After the testimony was in, the parties entered into a stipulation whereby the following phrase would be added to the application "said service to be limited to call and demand service only." Whereupon, it was agreed by the parties that with this limitation there would be no impairment of the activities and/or existing service. The Applicant stated that he knew what the limitation meant and would abide by it.

Harvey Head appeared and testified in support of the granting of the instant application. His testimony disclosed that he now has a call and demand service and that he has had requests for the extended service herein sought; that there was no one in the territory presently performing the service in the expeditious manner in which he would be able to do it if the within application is granted; and that his rates would be considerably cheaper than that of a truck carrier.

E. L. Willson testified that he is the Manager of the Delta Chamber of Commerce; and that the granting of the authority would be of service to the general public in and about the City of Delta; that he knows of no other similar service that is now being offered or being rendered in the area; that he offices with the Western Union Office in Delta and the service would be particularly desirable in delivering Western Union messages; that the service applied for in this application

could speed up messenger service in and about the community by 12 to 24 hours; and that there is the same need for the service in the Cedaredge area.

Palmer Peterson stated that he is a Pharmacist and operates a drug store in Delta; that there are occasions when he is the only Pharmacist in the store and since by State Law, a Pharmacist must be on duty at all times, he would not be able to leave the store and deliver medicines; that he thought the service would benefit the general public and allow deliveries at any time to the elderly, shut-ins and the sick; and that there was no other person or company offering the service and sometimes it was impossible to obtain delivery of medicines.

Knowle Overman stated that he is the Manager of City Market; that he thinks the service is necessary for the convenience and general welfare of the public; that he would use the service to deliver to the shut-ins and the sick; and that there was no one in the Delta area to perform the service.

John J. Thomass testified that he is the Manager of the Mountain States Telephone and Telegraph Company in Delta; that he has read the application and thinks the service would be worthwhile to the community; that there is no other service available and that he finds sometimes the telephone company receives very urgent messages, as well as death messages, which are to be delivered to persons who do not have telephones or to persons whose telephones are out of order; and that he would use this service and thinks it would be a very desirable service.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and the written statement of the Examiner herein, states and finds that no one protests the granting of the extended authority as herein sought; that the applicant will have sufficient equipment and experience to properly carry on the proposed extended transportation services; that applicant's financial

standing and qualifications are established to the satisfaction of the Commission; that the present or future public convenience and necessity requires or will require the extended transportation services for which applicant seeks authority, and that the application should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Harvey A. Head, doing business as "Delta Taxi," Delta, Colorado, be, and hereby is, authorized to extend operations under PUC No. 1728 to include the transportation of packages, parcels, baggage, messages, letters, papers and documents from point to point, by taxicab, within the territory applicant is now authorized to serve in taxi service, under said PUC No. 1728, said service to be limited to call and demand service only.

That henceforth the full and complete authority under said PUC No. 1728 shall be as follows, to-wit:

"Transportation of passengers in cabs of not to exceed 5-passenger capacity, between points in the area within a radius of 25 miles of, and including, the City of Delta, but excluding from said point to point area all that part thereof which lies south of the Montrose County Delta County line, applicant, however, to have the privilege of transporting (1) passengers in round trip service from and to points in said area to and from the City of Montrose, and the right to return the identical passengers, theretofore transported by him, from Delta to points in applicant's aforescribed Delta area, and (2) passengers to and from points in said Delta area, from and to points in that part of Montrose County lying north of a line projected west through the town of Olathe, Colorado, and west of U.S. 50 but shall not furnish any point to point service between points in Montrose County. Transportation of passengers in charter service from Hotchkiss, Colorado, to Gunnison, Colorado, over State Highway No. 135 and return via U.S. Highway No. 50 to Sapinero, Colorado, thence over State Highway No. 92 to Hotchkiss via Black Mesa. Transportation of passengers between Delta, Colorado, and the Montrose Airport, located near Montrose, Colorado, and intermediate points via U.S. Highway No. 50. Transportation of passengers from points within a radius of 25 miles of, and including the City of Delta, Colorado, but excluding from said area all that part thereof which lies south of Montrose-Delta County Line, to points and places within a 100-mile radius of the City of Delta, with the right to give round-trip service to identical passengers

originating in the above-described territory only. Transportation of packages, parcels, baggage, messages, letters, papers and documents from point to point, by taxicab, within the territory Applicant is now authorized to serve in taxi service, under said PUC No. 1728, said service to be limited to call and demand service only. (Decision No. 48342 dated 7-12-57 "Grandfather Rights" granted in preceding authority)."


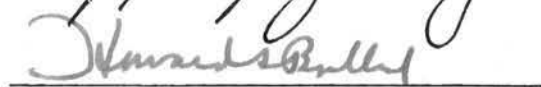
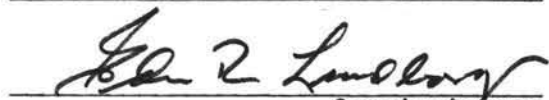
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 17th day of March, 1967.
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(Decision No. 69182)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALAMO PROPERTIES, INC., 5056 NORTH)
NEVADA AVENUE, COLORADO SPRINGS,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 102 TO THE PIKES PEAK)
AUTOMOBILE COMPANY, 7 NORTH CASCADE,)
P. O. BOX 2378, COLORADO SPRINGS,)
COLORADO.)

APPLICATION NO. 22074-Transfer
SUPPLEMENTAL ORDER

March 20, 1967

Appearances: William A. Baker, Esq., Colorado
Springs, Colorado, for
Transferor and Transferee.

STATEMENT AND FINDINGS OF FACT

On November 7, 1966, the Commission entered Decision No. 68525, authorizing Alamo Properties, Inc., Colorado Springs, Colorado, to transfer PUC No. 102 to The Pikes Peak Automobile Company, Colorado Springs, Colorado, and, in the same Decision, provided that said PUC No. 102 be cancelled upon filing of written acceptance of transfer by the parties thereto and the completion of the said transfer because of certain overlapping and duplication with PUC No. 116 as owned and operated by the transferee, The Pikes Peak Automobile Company. Said Decision No. 68525 also restated and set forth the full and complete authority under PUC No. 116 after taking into consideration the transfer and cancellation of PUC No. 102.

It now appears that the Commission through inadvertance, in certain respects, incorrectly restated and set forth the full and complete authority under PUC No. 116.

In view of the above and foregoing, the Commission states and finds that Decision No. 68525 should be corrected as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 68525 be, and the same hereby is, amended, nunc pro tunc, as of November 7, 1966, by striking therefrom the third paragraph of the Order therein contained and the authority under PUC No. 116, appearing on pages 3, 4, 5, and 6, of said Order, and inserting in lieu thereof the following:

"That the complete authority under PUC No. 116 henceforth, and after said transfer of PUC No. 102, shall authorize the following, to-wit:

Transportation of passengers by motor vehicle from Colorado Springs, Manitou Springs, Cascade and Green Mountain Falls, to various scenic attractions in the Pikes Peak Region. Transportation of passengers on sightseeing trips from Colorado Springs to Mesa Verde National Park, via Canon City, Salida, Gunnison, Montrose, Ouray, Silverton, Durango; and return via Durango, Pagosa Springs, Del Norte, Saguache, Salida and Canon City; or routes reversed; and including Black Canon and Sand Dunes National Monument. All foregoing transportation shall be subject to the following terms and conditions:

(a) All sightseeing operations herein shall be limited to round-trip operations originating and terminating at the point of origin, provided, however, that said limitations shall not apply to passengers being transported from Colorado Springs to the summit of Pikes Peak or from the summit of Pikes Peak to Colorado Springs when such operations are conducted under tariffs providing for diverse routing with the Manitou and Pikes Peak Railway Company.

(b) Sightseeing operations originating at Cascade and Green Mountain Falls shall not be limited to the number of vehicles used in this operation.

(c) Sightseeing passengers may be transported through the use of multi-passenger buses and other accepted and established means of motor vehicle transportation in the sightseeing business in the Pikes Peak region, by substitution of buses in lieu of cars or limousines. This condition shall not be construed as granting authority to transport passengers in charter service or in any other service other than sightseeing as normally defined, and that the owner of this certificate may not lease any equipment authorized hereunder to any authorized carrier not a common carrier. It is not the intent of this condition to enlarge the certificate of public convenience and necessity but rather to authorize substitution of bus for limousine service.

(d) Transportation of passengers by motor vehicle from Manitou to the various scenic attractions in the Pikes Peak region shall be limited to round-trip operations and the use of seventeen (17) automobiles.

Transportation by auto livery service between all points in the Pikes Peak sightseeing region and from and to said points, to and from other points in the State of Colorado, subject to the following terms and conditions:

(a) Such service shall be furnished only in passenger cars of the type used in sightseeing business.

(b) No additional equipment may be used for such auto livery service, and not more than six (6) passengers may be carried in one car on all trips - ten (10) one-way miles or under.

(c) All operations hereunder shall be conducted on the following rates, to-wit: For trips over 10 one-way miles, the rates shall be 20¢ per mile, based on the round-trip mileage for one to five passengers, inclusive, and 25¢ per round-trip miles for six, seven, or eight passengers, with an additional charge of \$3.00 per hour for all time consumed in waiting after 30 minutes delay at any point on the trip, or a charge of \$30.00 per car per 8-hour day may be used in lieu of the mileage basis provided, however, that such a charge in all cases produce a higher charge than the charge would be if computed on the mileage basis. For trips of 10 one-way miles or under, the number of passengers permitted to be carried is increased from five to six, and the rates to be charged shall be 20¢ per mile without regard to whether one or six passengers are carried, or an optional charge of \$3.00 per hour may be made, and where a waiting time of over 10 minutes is involved on any trips taken on a mileage basis, the waiting time charge shall be \$1.00 per hour, or a proportion thereof for fractions of an hour, for the full waiting period. It is further provided that all the rates above prescribed are minimum rates for both over and under 10 one-way miles and shall be based upon round-trip mileage. That on any transportation that is competitive with scheduled motor vehicle carriers, the base fare of the motor vehicle carrier shall be increased by an amount equal to 20% of the scheduled carriers round-trip fare currently in effect. The above terms and provisions shall not apply to taxi operations within the corporate limits of the Town of Manitou Springs, Colorado.

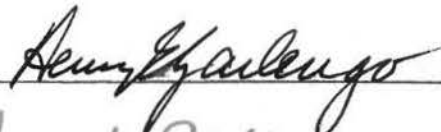
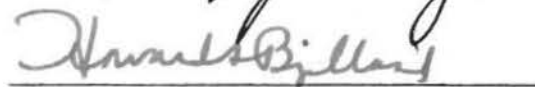
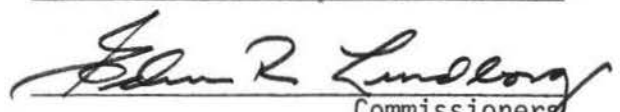
(d) The auto livery service herein provided for shall not be advertised outside the County of El Paso, by means of any literature or other written or printed advertising.

(e) The quantity of equipment to be used in the conduct of operations of this certificate shall be limited to eighty-four (84) cars. This limitation shall not include sightseeing operations originating at Cascade and Green Mountain Falls as herein provided for, and all operations originating at Manitou Springs shall not exceed seventeen (17) vehicles.

(f) Passenger operations to and from the Colorado Springs Airport, Colorado Springs, Colorado, from and to other points in the State of Colorado, be, and is hereby, exempted from the restrictions and limitations contained in Decision Nos. 15523, 17012 and 32399 of this Commission."

That, except as herein amended, Decision No. 68525 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 20th day of March, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VICTOR E. SARCHET, ROUTE 1, BOX 235,)
KERSEY, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 5191 TO LOUISE FREI,)
MARTIN L. FREI AND CLARENCE H. FREI,)
DOING BUSINESS AS "THE WAY RUBBISH)
REMOVAL," ROUTE 4, BOX 123, P.O. BOX)
1295, GREELEY, COLORADO.)

APPLICATION NO. 22342-Transfer

March 20, 1967

Appearances: Victor E. Sarchet, Kersey,
Colorado, pro se;
Martin L. Frei, Greeley,
Colorado for Transferees.

STATEMENT AND FINDINGS OF FACT

Heretofore, Victor E. Sarchet, Kersey, Colorado, was granted a certificate of public convenience and necessity, PUC No. 5191, authorizing operation as a common carrier by motor vehicle for hire, for the:

"Transportation of ashes, trash and other waste materials in the City of Greeley, Colorado, and within a radius of four miles from the present city limits of the City of Greeley, Weld County, Colorado, to the city owned dumping site approximately three miles east of said town."

By the above-styled application, authority is sought to transfer said PUC No. 5191 from Victor E. Sarchet, Kersey, Colorado, to Louise Frei, Martin L. Frei and Clarence H. Frei, doing business as "The Way Rubbish Removal," Greeley, Colorado.

Said application was regularly set by the Commission for hearing and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

The Transferor herein, appeared and testified in support of the granting of the instant application. His testimony generally disclosed that he owns and operates one 20-yard packer unit, one 16-yard packer unit and a three-quarter ton pick-up; and has continuously operated PUC No. 5191 since granted by the Commission; that he has entered into an agreement to transfer the aforesaid authority to the Transferees herein; that the consideration for the transfer is \$2500; and that there is no outstanding debts or encumbrances against the motor vehicle operation of said PUC No. 5191.

Martin L. Frei, one of the Transferees, also appeared and testified in support hereto. His testimony disclosed that Transferees have entered into an agreement to acquire and to operate PUC No. 5191 from the Transferor herein; that the consideration for the transfer is \$2500; that they will have sufficient equipment, net worth and operating experience with which to render and to continue operations under this authority; that they have made provisions for insurance as required by the Commission; and that they will abide by all rules, regulations, and safety requirements of the Public Utilities Commission and the laws of the State of Colorado.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that transferees will have sufficient equipment and experience to properly carry on the operation; that transferees' financial standing and qualifications are established to the satisfaction of the Commission; that the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

The Commission further finds that transferees are the present holders of authority which duplicates entirely the operating rights covered by PUC No. 5191 herein sought to be transferred, and that under the provisions of the Rules of the Commission, upon written acceptance of the transfer, said PUC No. 5191 should be cancelled in its entirety.

O R D E R

THE COMMISSION ORDERS:

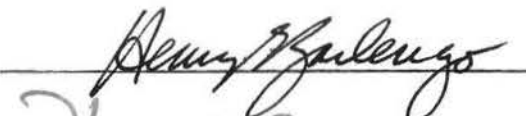
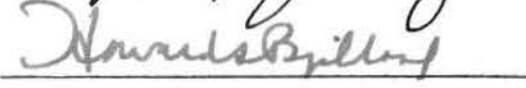
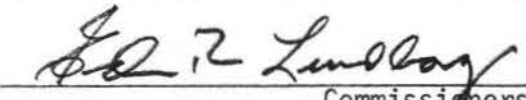
That Victor E. Sarchet, Kersey, Colorado, be, and hereby is, authorized to transfer all his right, title and interest in and to PUC No. 5191 to Louise Frei, Martin L. Frei and Clarence H. Frei, doing business as "The Way Rubbish Removal," Greeley, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission.

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

That upon the filing of said written acceptance of transfer, PUC No. 5191 be, and same hereby is, cancelled in its entirety.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 20th day of March, 1967.
gh

(Decision No. 69184)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R & K TRUCKING, INC., P. O. BOX 682,)
LIMON, COLORADO, (IN THE EVENT)
APPLICATION NO. 22443-Transfer IS)
GRANTED) FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY AUTHORIZING)
EXTENSION OF OPERATIONS UNDER PUC)
NO. 435 AND PUC NO. 435-I TO MAINTAIN)
ITS OFFICE IN LIMON, COLORADO, INSTEAD)
OF DENVER, COLORADO.)

APPLICATION NO. 22444-Extension

March 17, 1967

STATEMENT AND FINDINGS OF FACT

On March 16, 1967, Herbert M. Boyle, Attorney, filed with the Commission in the above-entitled proceeding a Petition for Leave to Intervene as Protestants on behalf of Book Truck Line, Don Lukow, Gaddy Truck Service, Elbert Transfer Company, Deertrail Truck Line, Arnold Anderson, Link Truck Line, Inc., Longhorn Truck Line and Robert Hopson, and caused copies of said Petition to be served by mail upon parties of record in this proceeding.

The Commission states and finds that applicants for intervention are parties who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.


O R D E R

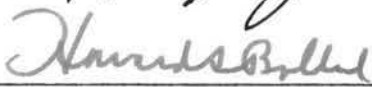
THE COMMISSION ORDERS:

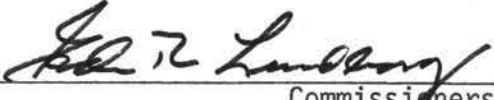
That Petition for Leave to Intervene as Protestants filed on behalf of Book Truck Line, Don Lukow, Gaddy Truck Service, Elbert Transfer Company, Deertrail Truck Line, Arnold Anderson, Link Truck Line, Inc., Longhorn Truck Line, and Robert Hopson, be, and the same hereby is, granted.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 17th day of March, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYE BENHAM, DOING BUSINESS AS)
"BENHAM'S TRUCK STOP," BOX 98,)
HIGHWAY 145, RICO, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 22296-PP
SUPPLEMENTAL ORDER

March 20, 1967

Appearances: William A. Thompson, Esq.,
Cortez, Colorado, for Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 28, 1966, the Commission entered its Decision No. 68776 in the above-styled application, granting to applicant herein the right to operate as a Class "B" private carrier by motor vehicle for hire.

Said applicant has failed to comply with the requirements set forth in said Decision No. 68776, viz., has failed to file certificate of insurance showing cargo coverage, Tariff and COD bond.

The Commission states and finds that inasmuch as applicant has not fulfilled requirements set forth in Decision No. 68776, operating rights granted thereby should be revoked, as set forth in the Order following.

O R D E R


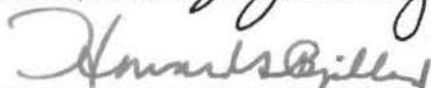
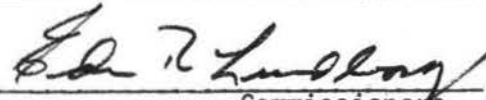
THE COMMISSION ORDERS:

That operating rights granted to Raye Benham, doing business as "Benham's Truck Stop," Rico, Colorado, by Decision No. 68776, dated

December 28, 1966, be, and the same hereby are, revoked, for failure of applicant to comply with requirements set forth in said Decision No. 68776.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 20th day of March, 1967.
1s

(Decision No. 69186)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
H. A. SCHAAF, 111 CRESTVIEW, DURANGO,)	
COLORADO, FOR A CLASS "B" PERMIT TO)	APPLICATION NO. 22289-PP
OPERATE AS A PRIVATE CARRIER BY)	SUPPLEMENTAL ORDER
MOTOR VEHICLE FOR HIRE.)	

March 20, 1967

Appearances: H. A. Schaaf, Durango, Colorado,
pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 28, 1966, the Commission entered its Decision No. 68773 in the above-styled application, granting to applicant herein the right to operate as a Class "B" private carrier by motor vehicle for hire.

Said applicant has failed to comply with the requirements set forth in said Decision No. 68773, viz., has failed to file Customer List and Tariff, and PL/PD insurance was cancelled as of February 28, 1967.

The Commission states and finds that inasmuch as applicant has not fulfilled requirements set forth in Decision No. 68773, operating rights granted thereby should be revoked, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to H. A. Schaaf, Durango, Colorado, by Decision No. 68773, dated December 28, 1966, be, and the same

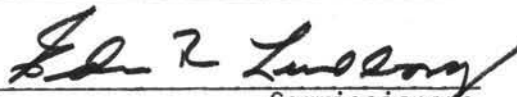
hereby are, revoked, for failure of applicant to comply with requirements set forth in said Decision No. 68773.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Henry H. Allen



Ed R. Lueck
Commissioners

Dated at Denver, Colorado,
this 20th day of March, 1967.
1s

(Decision No. 69187)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DEAN RESLER, HAXTUN, COLORADO,)
UNDER PERMIT NO. A-587 & I, AND)
PERMIT NO. A-941 & I; AND CURNOW)
TRANSPORTATION CO., INC., IDAHO)
SPRINGS, COLORADO, UNDER PUC NO.)
49 & I, PUC NO. 3639 AND PERMIT)
NO. A-717.)

CASE NO. 5294
SUPPLEMENTAL ORDER

March 20, 1967

Appearances: Hastings & Chisen, by Edward C.
Hastings, Esq., and Jacob H.
Chisen, Esq., Denver, Colorado,
for Respondents;
Alvin J. Meiklejohn, Jr., Esq.,
Denver, Colorado, for Intervenors,
Red Ball Motor Freight, Inc. and
North Eastern Motor Freight, Inc.;
John H. Lewis, Esq., Denver,
Colorado, and
John P. Thompson, Esq., Denver,
Colorado, for Intervenors,
Colorado Cartage Co., Inc.
Denver-Laramie-Walden Truck Line, Inc.,
Boulder-Denver Truck Line,
Denver-Loveland Transportation Co.,
and Edson Express;
Robert P. Fullerton, Esq., Denver,
Colorado, for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

On February 21, 1967, the Commission entered Decision No. 69045
in the above-entitled matter.

On March 10, 1967, "Application for Rehearing," Was filed with
the Commission by the Respondents by Edward C. Hastings, Attorney.

The Commission has carefully considered the Application for
Rehearing filed herein, and each and every allegation thereof, and is of
the opinion, and finds that the said Application for Rehearing should be
denied.

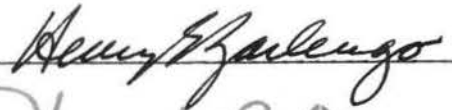
O R D E R

THE COMMISSION ORDERS:

That Application for Rehearing filed with the Commission by the Respondents herein be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 20th day of March, 1967.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: FREIGHT, ALL KINDS, FROM
BRIGHTON, COLORADO TO DENVER,
COLORADO AND POINTS WITHIN A
5-MILE RADIUS OF DENVER CITY
LIMITS

Investigation and Suspension
Docket No. 581

March 20, 1967

Appearances: Raymond L. Mauldin, President
Colorado Cartage Company, Inc.
5275 Quebec Street
Commerce City, Colorado,
Respondent

Murray P. Hayutin, Vice President
Robin Warehouse Company
590 Base Line Road
Brighton, Colorado

Harry Eastlund, Denver, Colorado
A member of the Staff of the
Commission

STATEMENT AND FINDINGS

BY THE COMMISSION:

By 5th Revised Page No. 209 to Local and Joint Freight Tariff
No. 12-A, Colorado PUC No. 11*(*The Motor Truck Common Carriers'
Association, Agent, Series) of the Colorado Motor Carriers' Association,
Agent, new rates were filed, representing a reduced schedule, with the
Commission, denoted as Item No. 1830, scheduled to become effective
December 17, 1966.

This was suspended by Decision No. 68668, dated December 8,
1966, and the use thereof deferred to and including April 16, 1967, with
the matter being set for hearing on January 17, 1967, in the Commission's
hearing room at Denver, Colorado. The matter was heard and taken under
advisement.

The Colorado Cartage Company, Inc., hereinafter designated as
the respondent caused this filing for its account, covering freight, all
kinds:

	<u>From</u>	<u>To</u>	Rates	Route
Freight, all kinds, rated Class 70 or lower, LTL, in National Motor Freight Classification	The site of Robin Warehouse Company Brighton, Colorado	Denver, Colorado and points within 5 miles of the Denver City Limits	See below	61

Rates in Cents per 100 pounds

Less-than-truckload	49
Minimum weight 2,000 pounds	46
" " 5,000 "	43
" " 10,000 "	32
" " 20,000 "	30
" " 25,000 "	25

Subject to Item No. 770

Item No. 770: Charges on less-than-truckload shipments not to exceed charges on basis of minimum weight.

When the charges based on the higher rate and the actual weight (but not less than the minimum weight specified for the higher rate) exceed the charges based on the lower rate and actual weight (but not less than the minimum weight specified for the lower rate) the latter charge will apply. Route No. 61, Colorado Cartage Company, Inc., direct.

The respondent's president testified that he had been operating out of Brighton for a period of five years, that back haul traffic amounted to less than five per cent; that he feels this is needed revenue; that he had been working with Robin's Warehouse located in Brighton, Colorado, who has established quite a sizeable warehouse and who is seeking new accounts; it is his desire to have return loads from this area to Denver and, in order to do this, the warehouse needs his help; to give the initiative to their customers, from a monetary point of view, in order to attract them into the Brighton area with a rate to Denver which would be somewhat compatible with their lower rates in Brighton for warehousing, and then a somewhat lower rate from Brighton to Denver. The shipper has agreed to palletize all this freight; respondent is serving this warehouse twice a day with deliveries, so the picking up at the same time would not require other stops; that the proposed rates are about a 45 per cent reduction; that the warehouse was placed in operation the first of June last year and that they have handled all that's been coming out of there as of this time with the exception, the proponent believes, of several loads handled by Capron Truck Line.

Mr. Murray Paul Hayutin, Vice President, Robin Warehouse Company, stated that he feels the rates from Brighton to Denver are extremely high, that this places Brighton at a tremendous disadvantage; that they want a lower rate filed so they can get customers up in Brighton, just like we might get customers in Denver if we had a warehouse in Denver; it is impossible to get customers that have any business in Denver the way the transportation rates are now; that his business consists now mainly of rail business because there isn't really a rail disadvantage into Brighton over Denver; since the start of the operation they have handled over nine (9) million pounds, in-bound and eighteen (18) million pounds in and out; that they haven't been able to get any accounts that have any tonnage destined for Denver; that they would like to be competitive with warehouses in the Denver area proper.

The Staff of the Commission presented in evidence one exhibit consisting of several parts: -- a general statement; history of certificate No. 2693; class rates applicable between Brighton, Colorado and Denver, Colorado, with conversion of Class 100 to percentages thereof from 70 down to a low of $27\frac{1}{2}$; comparison of provisions for freight, all kinds, for general application via all carriers with the proposal of Colorado Cartage Company, Inc. (Items No. 355 and 1830); statement of operating revenues, expenses and other operating statistics for intercity traffic; list of specific commodity items applicable between Brighton, Colorado and Denver, Colorado; and a map of certificate No. 2693.

The proposed item (1830) makes no distinction between deliveries in the City and County of Denver on the one hand, and on the other an area of 5-miles surrounding Denver from Brighton, Colorado. The history of Certificate No. 2693 reveals under the provisions of Decision No. 50010, dated April 9, 1958, application No. 16196, extension of certificate, that authority was granted for a call and demand transportation service to include the right to transport freight and express, from and to points within a radius of five miles of the city limits of the City and County of Denver, to and from points in applicant's presently authorized territory,

except Denver, Colorado. Respondent, under the application of its tariff, when performing a call and demand service in competition with carrier or carriers performing scheduled service, must assess and collect rates and charges of not less than 20% greater than those of the scheduled carrier or carriers.

In Decision No. 61271, dated August 28, 1963, Case 1585, and cited in Decision No. 65161, dated June 9, 1965, I & S No. 546, Reduced Rates and charges Castings, Grey Iron, Beams, Prestressed Concrete, etc., the Commission held that where the requirement of charging rates which shall be as much as twenty per cent (20%) higher in all cases than those charged by scheduled carriers, appeared in the carrier's certificate, there would be no useful purpose accomplished by permitting the carrier to publish rates there proposed for the reason they could not apply said rates, due to the restrictions in their authority.

Insofar as the respondent proposes to publish rates under its call and demand authority relating to traffic that may move in scheduled service, we find that the respondent is without authority to engage in the transportation for which the proposed rates and charges were published and that the suspended schedules should be cancelled and the proceeding discontinued.

Denver was originally a scheduled point served by W. M. Fuller in Decision No. 747, dated September 26, 1924, subsequent clarification and enlargement of certificate was made by Decision No. 3185, January 12, 1931, wherein it was stated:

"At the hearing preceding the issuance of said certificate, evidence was given to the effect that the applicant was serving certain territory on both sides of the main highway between said points. However, it was then thought that as to the service of the territory some distance removed from the highway which parallels the railroad line, the Commission had no jurisdiction. Later it was held in Greeley Transportation Company v. People, 79 Colorado 307, that the Commission has jurisdiction over motor vehicle operations whether they be in competition with a railroad or not."

Said decision ordered that applicant file time and distance schedules as required by the Rules and Regulations of this Commission. The present time schedule No. 1, filed with the Commission, indicates Brighton

as a scheduled point.

The portion of the Staff's exhibits set forth as Appendixes "A" and "B" hereto, reflects differences in rates between those presently in effect and the proposed rates. Thus the traffic of Robin's Warehouse is preferred, by the difference in rates, over that of other traffic. For example, less-than-truckload shipments, rated Class 70, for general application via all other carriers, weighing 2,000 pounds transported from Brighton to Denver, freight charges would be \$17.20 (2,000 lbs. at 86 cents per cwt.) whereas under the proposal for a single account* the charge would be \$9.20 (2,000 lbs. @ 46 cents per cwt.). Volume shipments comprized of 20,000 pounds, on the other hand, for general application would be assessed \$78.00 (20,000 lbs. @ 39 cents per cwt.), as against \$60.00 for a single account* (20,000 lbs. @ 30 cents per cwt.) (*Single account would mean any customer of the Robin Warehouse with merchandise stored therein.)

No rates and/or charges are presently in effect on freight, all kinds, less-than-truckload, transported from Brighton, Colorado, except in the proponent's proposal. The proposed item has made no rules or provisions for the palletization of freight. The distance between Brighton and Denver is twenty miles.

Respondent and the shipper's witness attempted to justify the proposed rates, in part, on the need for the revenue that will result should the proposed rates become effective and the need for rates, at a level that will enable the shipper to compete with warehouses in the Denver area in the storing and subsequent handling of the commodities dealt in by various concerns utilizing warehouses in the distribution of such commodities.

Respondent has not met the burden of proving the proposed rates just, reasonable and otherwise lawful. The Commission is without the power to equalize "fortune, opportunities or abilities" which it must do if it would approve the rates and charges respondent has proposed.

In Professor Sharfman's classic on the Interstate Commerce Commission, Volume 111-B, Pages 659 and 660, the author states, --

"To fix rates designed to offset natural advantages in production or proximity to markets; to give effect to rate relationships aimed at producing business activity in one place rather than another; to carry out any such theory as that trade centers should be more favorably treated than other points; or in a spirit of accommodation to important shippers, to mold the trade practices of an industry - all such policies have been frequently held to be beyond the scope of managerial freedom or regulation control,⁶⁰⁹ with supporting reference in many instances to the declaration of Justice Holmes that "the law does not attempt to equalize fortune, opportunities or abilities."⁶¹⁰

609 - Thurber v. New York Central and Hudson River R. Co. 2 I.C.R. 742745 (1890);
Eau Claire Board of Trades v. Chicago, M., St. Paul R. Co. 4 I.C.R. 65, 77 (1892); (etc., too numerous to cite).

610 - Interstate Commerce Commission v. Diffenbaugh, 222 U.S. 42,46 (1911).


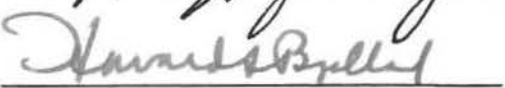

We find that the proposed rates have not been shown to be just, reasonable and otherwise lawful and that the suspended schedules should be cancelled and the proceeding discontinued.

O R D E R

THE COMMISSION ORDERS, that: --

1. The Statement, findings and Appendixes "A" and "B" attached hereto, be, and they are hereby, made a part hereof.
2. The respondent herein be, and it is hereby, notified and required to cancel item No. 1830 of Colorado Motor Carriers' Association, Agent, Local and Joint Freight Tariff No. 12-A, Colorado PUC No. 11* (*The Motor Truck Common Carriers' Association, Agent, Series) referred to in Decision No. 68668, dated December 8, 1966, on or before April 12, 1967, upon notice to the Commission and the general public by not less than one (1) day's filing and posting in the manner prescribed by law and the rules and regulations of the Commission, and that the proceeding be, and it is hereby, discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
20th day of March, 1967 av

APPENDIX "A"

Comparison of items No. 355 and No. 1830, Freight, all Kinds, applicable for general application and Colorado Cartage Co., Inc., only, respectively, from Brighton, Colorado to Denver, Colorado.

CMCA - TARIFF 12-A, Colorado PUC No. 11

Rates in cents per 100 pounds			
Item No. 355	General application	Item No. 1830	via Colorado Cartage Co., Inc.
Freight, all kinds, except all articles having volume or truckload ratings higher than class 85 as published in the National Motor Freight classification. Subject to consignor load, consignee unload.		Freight, all kinds, rated class 70 or lower, LTL, in National Motor Freight Classification.	
		Percentage of Class 100 rate (123)	
LTL		49	40%
2,000 pounds		46	37½%
5,000 pounds		43	35
10,000 pounds		32	26
20,000 pounds (Class 37½)105 (Rate Base) - 39		30	24½
25,000 pounds (Class 32½)105 (Rate Base) - 34		25	21
35,000 pounds (Class 27½)105 (Rate Base) - 29		--	--

REVENUES PER TON MILE

20,000 pounds	39	30
25,000 pounds	34	25

(20,000 pounds (10 tons) times 20 (miles) equals ton miles or 200 ton miles
(Revenue \$78.00 (Rate 39¢) divided by ton miles (200) equals freight revenue per ton mile 39¢)

March 20, 1967

CLASS RATES BETWEEN DENVER ON THE ONE HAND AND, ON THE OTHER, BRIGHTON,
COLORADO

<u>Miles</u>	<u>MINIMUM WEIGHT - POUNDS</u>		
	<u>LTL</u>	<u>5,000</u>	<u>10,000</u>
20	123	105	86

7: - Bethke Truck Lines - Direct
 61: - Colorado Cartage Co., Inc., - direct
 16-A: - Navajo Freight Lines, Inc., direct
 44-A: - Ringsby Truck Lines, Inc., direct
 A: - Indicates applicable to interstate traffic.

CONVERTED TO CLASSES 70 and 27½:CLASSES

	<u>70</u>	<u>27½</u>
* 123, Less than 1,000 pounds (B)	96	44
1000 lbs., but not over 1,999 lbs. (C)	91	39
Over 1,999 pounds (A)	86	34
105 5,000 lbs. (A)	74	29
86 10,000 lbs. (A)	60	24

- * Shipments weighing less than 2,000 lbs., will be charged for at the rate applicable plus 10¢ per 100 pounds, subject to a minimum increase of 10¢ per shipment (item 600).
- (A) Rates will not apply on shipments weighing 1,999 pounds or less transported by carriers named in Item No. 625.
- (B) Rates apply only on shipments weighing less than 1,000 pounds transported by carriers named in item No. 625.
- (C) Rates apply only on shipments weighing 1,000 pounds but not over 1,999 pounds transported by carriers named in Item No. 625.

(Decision No. 69189)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RUTH K. RAMSTETTER, EXECUTRIX OF THE)
ESTATE OF GEORGE RAMSTETTER, DECEASED,)
DOING BUSINESS AS "CENTRAL CITY BUS)
LINE," BOX 696, CENTRAL CITY,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 4357 TO ELDRED M. COLE, DOING)
BUSINESS AS "CENTRAL CITY BUS LINE,")
3370 SOUTH KNOX COURT, ENGLEWOOD,)
COLORADO.)

APPLICATION NO. 21460-Transfer

RE MOTOR VEHICLE OPERATIONS OF)
ELDRED M. COLE, DOING BUSINESS AS)
"CENTRAL CITY BUS LINE," BOX 33,)
CENTRAL CITY, COLORADO.)

PUC NO. 4357

March 20, 1967

Appearances: Eldred M. Cole, Englewood, Colorado,
for Transferor and Transferee;
John R. Barry, Esq., Denver, Colorado,
for Copy of Order.

SUPPLEMENTAL ORDER

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 8, 1965, by Decision No. 66026, the Commission authorized Ruth K. Ramstetter, Executrix of the Estate of George Ramstetter, Deceased, doing business as "Central City Bus Line," Central City, Colorado, to transfer PUC No. 4357 to Eldred M. Cole, doing business as "Central City Bus Line," Englewood, Colorado.

On December 16, 1966, by Decision No. 66456, the Commission authorized Eldred M. Cole, doing business as "Central City Bus Line," Central City, Colorado, to suspend operations under PUC No. 4357, nunc pro tunc, from September 19, 1965 until June 15, 1966.

The requirements which are a condition precedent to transfer of said certificate upon our records were never complied with, no request has been received for reinstatement of said operating rights, and the

records of the Commission show that said operating rights are the property of Ruth K. Ramstetter, Executrix of the Estate of George Ramstetter, Deceased, doing business as "Central City Bus Line," Central City, Colorado.

The Commission states and finds that Decision No. 66026, dated October 8, 1965, entered by the Commission in Application No. 21460-Transfer, should be set aside and the records of the Commission show that Ruth K. Ramstetter, Executrix of the Estate of George Ramstetter, Deceased, doing business as "Central City Bus Line," Central City, Colorado, is the owner of PUC No. 4357.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 66026, dated October 8, 1965, authorizing transfer of PUC No. 4357 be, and the same hereby is vacated, set aside, and held for naught, and that the Secretary of the Commission is hereby directed to change the records of the Commission to show that Ruth K. Ramstetter, Executrix of the Estate of George Ramstetter, Deceased, doing business as "Central City Bus Line," Central City, Colorado, is the owner of PUC No. 4357.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Donald B. Zedeno


Ed R. Lundberg
Commissioners

Dated at Denver, Colorado,
this 20th day of March, 1967.

ls

(Decision No. 69190)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DOROTHY M. HERNANDEZ, DOING BUSINESS)
AS "VALLEY TAXI SERVICE," 423 NORTH)
MAIN STREET, ROCKY FORD, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.)
1989 TO WILLIAM J. MONTOYA, DOING)
BUSINESS AS "VALLEY TAXI SERVICE,")
717 NORTH 7TH STREET, ROCKY FORD,)
COLORADO.)

APPLICATION NO. 22293-Transfer
SUPPLEMENTAL ORDER

March 20, 1967

Appearances: Cover Mendenhall, Esq., Rocky
Ford, Colorado, for Applicants.

STATEMENT AND FINDINGS OF FACT

On December 8, 1966, the Commission entered Decision No. 68661, authorizing Dorothy M. Hernandez, doing business as "Valley Taxi Service," to transfer PUC No. 1989 to William J. Montoya, doing business as "Valley Taxi Service."

The requirements which are a condition precedent to transfer of said certificate upon our records were never complied with, and the records of the Commission show that said operating rights are the property of the transferor herein.

The Commission states and finds that Decision No. 68661, dated December 8, 1966, entered by the Commission in Application No. 22293-Transfer, should be set aside, as set forth in the Order following.

O R D E R


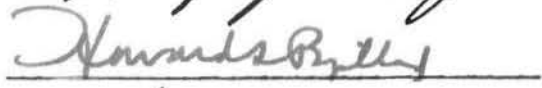
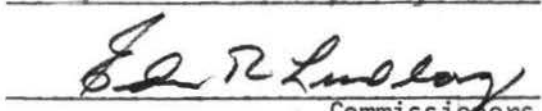
THE COMMISSION ORDERS:

That Decision No. 68661, dated December 8, 1966, authorizing transfer of PUC No. 1989 be, and the same hereby is, vacated, set

aside, and held for naught, and that the Secretary of the Commission is hereby directed to change the records of the Commission to show that Dorothy M. Hernandez, doing business as "Valley Taxi Service," Rocky Ford, Colorado, is the owner of said PUC No. 1989.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 20th day of March, 1967.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAY O. GAVIN, DOING BUSINESS AS)
"GAVIN TRUCK LINE," 307 NORTH 7TH)
AVENUE, STERLING, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO. A-6421)
TO EMIL EINSPAHR AND EVELYN EINSPAHR,)
DOING BUSINESS AS "EINSPAHR TRUCK)
LINE," ROUTE 3, HAXTUN, COLORADO.)

APPLICATION NO. 22298-PP-Transfer
SUPPLEMENTAL ORDER

March 20, 1967

Appearances: Roy O. Gavin, Sterling, Colorado,
 pro se, transferor;
 Emil Einspahr and Evelyn Einspahr,
 Haxtun, Colorado, pro se, transferees.

STATEMENT AND FINDINGS OF FACT

On December 8, 1966, the Commission entered Decision No. 68664, authorizing Ray O. Gavin, doing business as "Gavin Truck Line," to transfer Permit No. A-6421 to Emil Einspahr and Evelyn Einspahr, doing business as "Einspahr Truck Line."

The requirements which are a condition precedent to transfer of said permit upon our records never were complied with, and the records of the Commission show said operating rights are the property of the transferor herein.

The Commission states and finds that Decision No. 68664, dated December 8, 1966, entered by the Commission in Application No. 22298-PP-Transfer, should be set aside, as set forth in the Order following.

O R D E R


THE COMMISSION ORDERS:

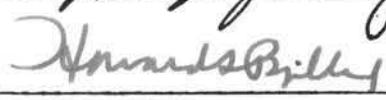
That Decision No. 68664, dated December 8, 1966, authorizing transfer of Permit No. A-6421, be, and the same hereby is, vacated, set

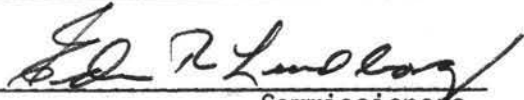
aside and held for naught, and that the Secretary of the Commission is hereby directed to change the records of the Commission to show that Ray O. Gavin, doing business as "Gavin Truck Line," Sterling, Colorado, is the owner of said Permit No. A-6421.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 20th day of March, 1967.
ls

(Decision No. 69192)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
DONALD E. DICKSON AND ALBERT RUBEY,)	
12TH AND RAILROAD STREETS, ROCKY)	
FORD, COLORADO, FOR AUTHORITY TO)	APPLICATION NO. 22013-PP-Transfer
TRANSFER PERMIT NO. B-5568 TO DALE)	SUPPLEMENTAL ORDER
ESTEP, ROUTE 2, LA JUNTA, COLORADO.)	

March 20, 1967

Appearances: Rexford D. Mitchell, Esq., Rocky
Ford, Colorado, for Transferee.

STATEMENT AND FINDINGS OF FACT

On August 12, 1966, The Commission entered Decision No. 67978, authorizing Donald E. Dickson and Albert Rubey to transfer Permit No. B-5568 to Dale Estep.

The requirements which are a condition precedent to transfer of said permit upon our records never were complied with, and the records of the Commission show said operating rights are the property of the transferors herein.

The Commission states and finds that Decision No. 67978, dated August 12, 1966, entered by the Commission in Application No. 22013-PP-Transfer, should be set aside, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 67978, dated August 12, 1966, authorizing transfer of Permit No. B-5568, be, and the same hereby is, vacated, set aside and held for naught, and that the Secretary of the Commission is hereby directed to change the records of the Commission to show

Donald E. Dickson and Albert Rubey, Rocky Ford, Colorado, are the owners of said Permit No. B-5568.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Galloway
Howard B. Bell
Ed R. Lusk
Commissioners

Dated at Denver, Colorado,
this 20th day of March, 1967.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
SANITARY GARBAGE AND TRASH)
REMOVAL CORPORATION)
2390 East Boulder Street)
Colorado Springs, Colo. 80909)

AUTHORITY NO. PUC 2213

CASE NO. 392-H-Ins.

March 21, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 14, 1967 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

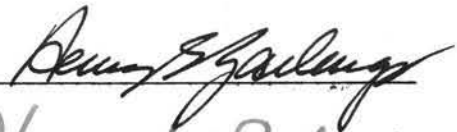


O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
21st day of March, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CHARLES L. AND FERNE WILLIAMS)
DBA WILLIAMS TRANSFER AND STORAGE CO.)
616 Ford)
Durango, Colorado 81301)

AUTHORITY NO. PUC 1886

CASE NO. 365-H-Ins.

March 21, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 14, 1967, in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.


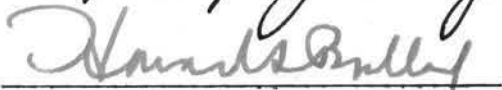

O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
21st day of March, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WOODROW A., OLA M. AND)
MICHAEL W. ROSS)
DBA ROSS TRUCK LINE)
2000 Simmons)
Salina, Kansas 67401)
-----)

AUTHORITY NO. PUC 5831-I

CASE NO. 367-H-Ins.

March 21, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 14, 1967 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

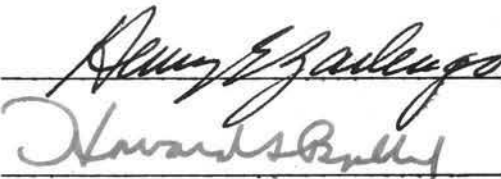
O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Howard S. Butler


Commissioners

Dated at Denver, Colorado, this
21st day of March, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
STEVE AND MIKE LAUBY)
LEXINGTON, NEBRASKA 68850)
)
)
)
)

PERMIT NO. M-265

March 21, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

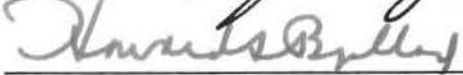
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 15, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 21st day of March 1967.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
PAUL HARDY)
ROUTE 2, BOX 89)
PUEBLO, COLORADO 80110)

PERMIT NO. M-1066

March 21, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


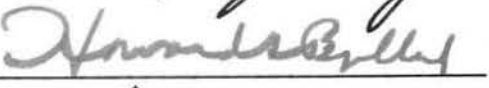

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 16, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of March 1967.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
W. M. MAYBER & SON)
744 ACERO)
PUEBLO, COLORADO 81005)

PERMIT NO. M-1355

March 21, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

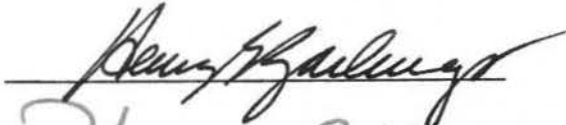

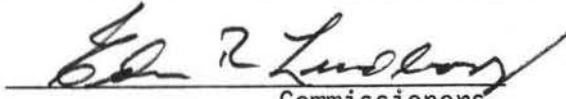
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 13, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ERNEST A. WILLNER DBA)
A & E DISTRIBUTING COMPANY)
5541 MARSHALL STREET)
AURORA, COLORADO 80002)

PERMIT NO. M-1951

March 21, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


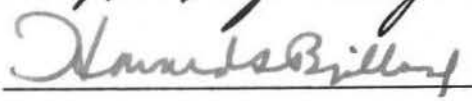

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 2, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
EDWARD C. KING)
1960 JASMINE STREET)
DENVER, COLORADO 80220)

PERMIT NO. M-2561

March 21, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


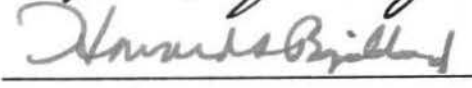

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 13, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
PAUL VANDENBARK)
ROUTE 1)
FLEMING, COLORADO 80728)

PERMIT NO. M-3759

March 21, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


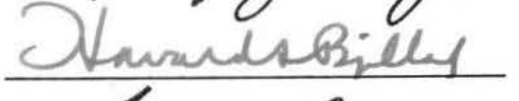
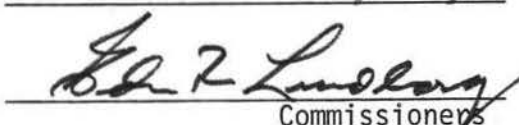
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 16, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ARTHUR HAUGHT)
STAR ROUTE)
AGUILAR, COLORADO 81020)

PERMIT NO. M-475

March 21, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


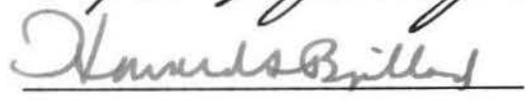

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 4, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HOBART C. JENKINS DBA)
SMILEY'S GARAGE)
2708 B $\frac{1}{4}$ ROAD)
GRAND JUNCTION, COLORADO 81501)

PERMIT NO. M-8625

March 21, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

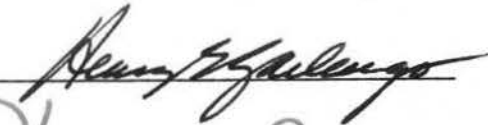
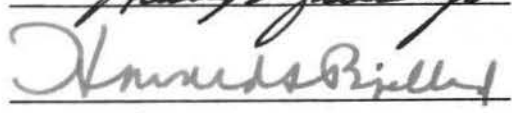

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 13, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
JOHN WESLEY COSGROVE AND)	
JOHN WESLEY COSGROVE, JR.)	
1031 PRAIRIE DRIVE)	<u>PERMIT NO. M-8679</u>
COLORADO SPRINGS, COLORADO 80900)	

March 21, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


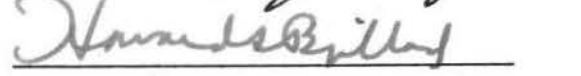
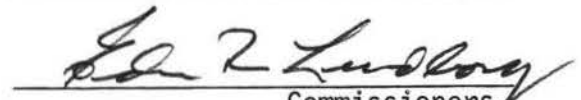
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 20, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WILLIAM NISWENDER, JR.)
P. O. BOX 353)
FORT COLLINS, COLORADO 80521)

PERMIT NO. M-10153

March 21, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


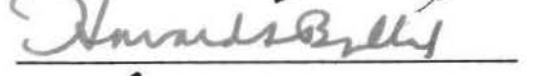

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 14, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
GARY SHANE & ALEX DORSCH DBA)
DORSCH AND SHANE)
ROUTE 2)
LA JUNTA, COLORADO 81050)

PERMIT NO. M-13033

March 21, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


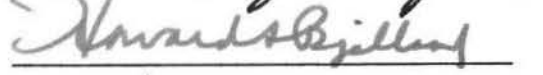
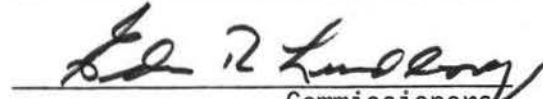
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 11, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
MISSION PETROLEUM CARRIERS, INC.)	
3259 EAST COMMERCE STREET)	<u>PERMIT NO. M-15157</u>
SAN ANTONIO, TEXAS 78220)	
-----)	

March 21, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


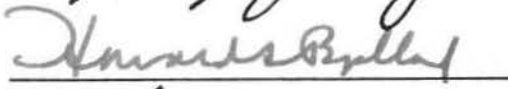
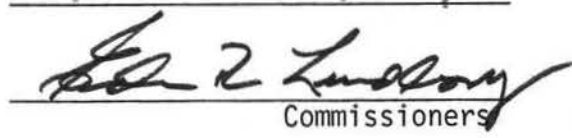
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective February 23, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of March 1967.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RICHARD C. SHERWOOD)
ROUTE 4)
WHITEWATER, COLORADO)

PERMIT NO. M-15455

March 21, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

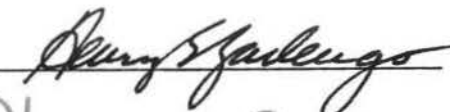
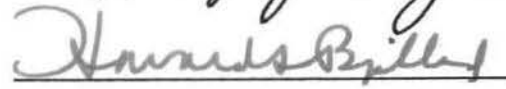

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 19, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PETITION OF)
THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY AND RAILWAY)
EXPRESS AGENCY, INCORPORATED, TO) APPLICATION NO. 22423
WITHDRAW THEIR RESPECTIVE RAIL AND)
EXPRESS AGENCIES AT BUENA VISTA,)
COLORADO.)

March 22, 1967

S T A T E M E N T

BY THE COMMISSION:

Pursuant to Rule No. 6 of this Commission's Rules and Regulations Pertaining to Railroads and Express Companies operating in the State of Colorado, The Denver and Rio Grande Western Railroad Company (Rio Grande) and Railway Express Agency, Incorporated, (Railway Express), on February 8, 1967, filed an application seeking authority to close and withdraw the joint agency station maintained for Rail and Express service at Buena Vista, Chaffee County, Colorado.

Buena Vista is at Mile Post No. 240.3 on the Rio Grande Royal Gorge Route between Salida (MP 215.1) and Malta (MP 271.0). Buena Vista is also served by U. S. Highway No. 24, a heavily traveled east-west road extending across the central portion of the State. Estimated population is 1800 persons.

Applicant states the Agency Station at Buena Vista is not required for operational purposes; that future carload traffic may be efficiently handled by the Agent at Salida, located 26 miles to the south and open 24 hours daily; that only a small volume of rail business is handled by the Agent; hence, proposal for closing of the station is made on the basis that only minor public convenience and necessity

is involved and that non-productive station expense may be eliminated. Proposed effective date for requested station closing was March 10, 1967 which was extended to March 17, 1967.

In conformance with the Commission rules herein, public notice of the requested change was posted at the Buena Vista station. Said Notice included the further directions that any public objections should be forwarded to the Public Utilities Commission.

Rail service through Buena Vista is under C.T.C. control and consists of some 8 to 10 freight trains daily. About one half of the trains, including the local switching service, operate through Buena Vista at night when the Agent is not on duty. Passenger trains provide Royal Gorge service eastward from Salida so there is no passenger operation through Buena Vista.

Pursuant to posting of the above-mentioned Public Notice, protest letters were received from the Trustees, Town of Buena Vista (February 27, 1967) and the Buena Vista Chamber of Commerce (February 28, 1967).

Thereafter, further explanatory data by Rio Grande was provided to the Buena Vista Town Council at its Special Meeting held on March 7, 1967, with members of the Chamber of Commerce also attending. By correspondence dated March 8, 1967, the Buena Vista Chamber of Commerce notified the Commission to withdraw its request for a public hearing on the closing of the Buena Vista station. Also, forwarded to the Commission was correspondence of the Town of Buena Vista, dated March 13, 1967, to give notice of withdrawing its protest to the closing of the freight depot and to withdraw its request that a hearing be held in Buena Vista.

With reference to the instant application and investigation data of the Commission, it appears there is no continuing industrial demand or activity at Buena Vista for regular freight shipments. In 1965 and 1966 there was some increased activity due to shipments by contractors in connection with work on the Homestake water development and Frying Pan-Arkansas River project.

It was noted by the Agent that currently he is not doing any railroad business for Buena Vista. His only activity concerned receipt of poles and wire at the siding station of Nathrop, 7½ miles to the south. These materials are for a new power line construction which is a non-recurring activity. Meanwhile, sand and gravel movements into Buena Vista terminated in October of 1966, when the contractor completed his work on the Homestake water tunnel and has since moved his equipment away from Buena Vista. Meanwhile, to date of March 7, 1967, there have been no other carload shipments handled at Buena Vista.

L.C.L. merchandise and Railway Express shipments move in truck service by the Rio Grande Motorway through Buena Vista, where Motorway uses the local warehouse facilities of Eveready Freight Service, Inc. as its agent also.

As may be noted in the application, basic reason for proposed closing is to eliminate the non-productive station expense. Substitute services for the shipping public are available at the Salida agency; toll calls to handle Buena Vista business will be accepted at Salida where all shipping documents will also be handled. Billing and collecting throughout the Railroad system is handled by the central System Agency at Denver, Colorado. No change in carload freight movements or switching service is involved. Past operating experience during the times when the Agent is not on duty has shown that train operations under C.T.C. control can be safely maintained. Station expenses are shown as:
1965 - \$6,330; 1966 (10 mos) - \$6,931.

In the instant matter, it appears that withdrawal of local protests indicates a cooperative spirit has been developed between Rio Grande and the City regarding other mutual problems at Buena Vista. In view of future growth and activity as expected in connection with more complete development of the Frying Pan-Arkansas River project, the proposals as contained in the City Council resolution made at its meeting on March 7, 1967 were acceptable wherein:

1. Rio Grande will not oppose annexation of railroad right-of-way southward from present boundary, in order to connect the Esgar and Collegiate Heights additions.
2. Once each year Rio Grande will make a traffic study and report to the Buena Vista Board of Trustees. If sufficient rail traffic is present to economically justify station operation, the agency would be reopened.

It is, therefore, the belief of the Commission that the proposed station closing is compatible with the public interest and, upon withdrawal of public protests as previously submitted, the Commission determined to hear, and without further notice, has heard said matter forthwith upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

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

That safe and economical railroad operation does not require the maintenance of an agent at the Buena Vista Station, Chaffee County, Colorado.

That there will be a continuation of local switching service and trackage; which, with only minor inconvenience on the whole, will be adequate to meet current requirements of the Buena Vista area.

That the expenses involved in maintaining a joint Agent at Buena Vista are not justified in view of the proposed change.

That the public convenience and necessity no longer require the continued maintenance of a joint Agency Station at Buena Vista, Colorado, by The Denver & Rio Grande Western Railroad Company and Railway Express Agency, Inc. and authority for discontinuance should be granted as requested.

O R D E R

THE COMMISSION ORDERS:

That Applicants herein, The Denver & Rio Grande Western Railroad Company, and Railway Express Agency, Inc., be, and are hereby authorized to discontinue joint Agency service at Buena Vista, Chaffee County, Colorado, and to thereafter maintain same as a pre-pay or non-agency station served through Agency office at Salida, Chaffee County, Colorado.


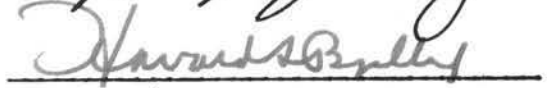
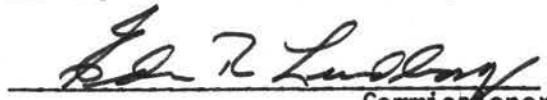
That telephone toll expense to Salida for handling of Railroad business in the Buena Vista area shall be paid by Rio Grande.

That reference shall be made to this decision in the respective tariff schedules to show closing of the Buena Vista agency office and as authority for such action.

That the Commission shall retain jurisdiction in this matter, to make such further Order or Orders as may be required.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 22nd day of March, 1967.
ls

(Decision No. 69210)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LA PLATA ELECTRIC ASSOCIATION, INC.,)
DURANGO, COLORADO, FOR AN ORDER)
APPROVING THE ISSUANCE OF SECURITIES)
AND FOR AN ORDER AUTHORIZING THE)
ISSUANCE OF SECURITIES AND THE)
APPLICATION OF THE PROCEEDS THEREFROM)
TO CERTAIN LAWFUL PURPOSES.)

APPLICATION NO. 20346-SECURITIES
SUPPLEMENTAL

March 22, 1967

Appearances: Frank E. Maynes, Esq., Durango,
Colorado, for Applicant;
B. D. Maggard, Denver, Colorado,
and
E. R. Thompson, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On March 17, 1967, La Plata Electric Association, Inc. filed with the Commission an application for authority to modify its loan agreement with the United States of America pertaining to the Rural Electrification Administration project designation "Colorado 32 L La Plata," Amendment, dated as of January 28, 1964 to Amending Loan Contract, dated as of December 15, 1952, as amended. This loan, mortgage note, principal amount \$785,000, was authorized and approved by this Commission on April 17, 1964 in its Order, Decision No. 62737, Application No. 20346-Securities.

The parties above-mentioned have now entered into an agreement which would modify the repayment obligations of the Applicant. All of the \$785,000 has not been "drawn down" by Applicant and, therefore, it seeks to renew the loan on the unadvanced balance of \$362,988, known as the "principal balance." The provisions of the note as applied in the beginning will, in effect, be moved later in time to the date of

this agreement, April 21, 1967, and thence will apply in the same manner to the payment of interest and repayment of "principal balance" over thirty-five years from this date.

In view of the fact that this Commission has previously authorized and approved the borrowing of the \$362,988, and that the Applicant asked for no changes in the provision other than moving the period of the note to a later date (relative to the unadvanced portion), we see no need for a public hearing on this matter; and therefore, in the Order to follow, will authorize and approve the agreement between the United States of America and La Plata Electric Association, Inc., dated as of April 21, 1967, pertaining to REA Project designation "Colorado 32 L La Plata."

F I N D I N G S

THE COMMISSION FINDS:

After careful consideration of this supplemental application of La Plata Electric Association, Inc., and of the date and records on file with this Commission pertaining thereto, the Commission is of the opinion that the agreement, subject herein, should be authorized and approved.

That this Commission has jurisdiction of La Plata Electric Association, Inc., as to the subject matter of the instant application, as defined in 115-1-3 and -4, Colorado Revised Statutes, 1963.

That the Commission is fully advised in the premises.

That the Commission has retained jurisdiction of these proceedings to the end that it may make further Order or Orders in the premises which it may deem to be proper and desirable.

That the above and foregoing Statement is incorporated in these Findings, by reference.

That the Agreement between the United States of America and La Plata Electric Association, Inc., dated ~~April 21, 1967~~ referred to above and filed with this Commission March 17, 1967, is not inconsistent with the public interest and should be authorized and approved.

O R D E R

THE COMMISSION ORDERS:

That the Agreement between the United States of America and La Plata Electric Association, Inc., dated April 21, 1967, and designated "Colorado 32 L La Plata", as set forth fully in the copy of the Agreement attached to Application No. 20346-Securities, Supplemental, be, and the same is hereby, authorized and approved.


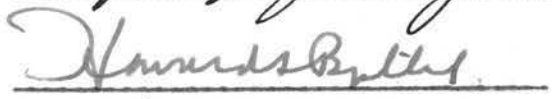

That La Plata Electric Association, Inc., within one hundred twenty (120) days of the date hereof, or date of execution, shall file with this Commission a conformed copy of the executed agreement authorized and approved herein.

That nothing herein contained shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, said securities on the part of the State of Colorado; and

That in all other respects the Decision and Order No. 62737, Application No. 20346-Securities, shall remain in full force and effect.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 22nd day of March, 1967.
1s

(Decision No. 69211)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATIONS)
OF E. J. TRENBERTH AND GWENDOLYN)
D. TRENBERTH, 1607 WASHINGTON)
STREET, GOLDEN, COLORADO, AND)
KENNETH CROWLEY, 1713 PEARL STREET,)
BOULDER, COLORADO, TO TRANSFER)
ALL THEIR OUTSTANDING CAPITAL)
STOCK IN AND TO KINGERY TRANS-)
PORTATION CO., RECORD OWNER OF)
PERMIT NO. A-750 AND PERMIT NO.)
B-6196, TO LAURA BETH COOK, 2970)
WEST 92ND AVENUE, DENVER, COLO-)
RADO, AND CLARA LOUISE MORRISON,)
3806 SOMERSET DRIVE, COLORADO)
SPRINGS, COLORADO.)

APPLICATION NO. 22412-PP-Stk. Transfer
APPLICATION NO. 22413-PP-Stk. Transfer

March 22, 1967

Appearances: Herbert M. Boyle, Esq., Denver,
Colorado, for Applicant Transferors
and Transferees;
John P. Thompson, Esq., Denver,
Colorado, for Boulder-Denver
Truck Line, Protestant;
Leslie R. Kehl, Esq., Denver,
Colorado, for Red Ball Motor
Freight, Inc., and Westway Motor
Freight, Inc., Protestants;
T. Peter Craven, Esq., Denver,
Colorado, for Denver-Climax
Truck Line, Inc., Protestant;
Robert D. Means, Esq., Denver,
Colorado, for Denver-Fort Collins
Freight Service, Inc., Protestant;
Royce D. Sickler, Esq., Denver,
Colorado, for Rio Grande Motor
Way, Inc., and Larson Transportation
Company, Protestants;
Lloyd Espinosa, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

This matter came before the Commission for hearing at 10:00
o'clock A.M. on Monday, March 20, 1967 in the Hearing Room of the Commission
pursuant to our Decision No. 69089. Gwendolyn D. Trenberth and E. J.
Trenberth testified. Upon conclusion of their testimony, the Presiding


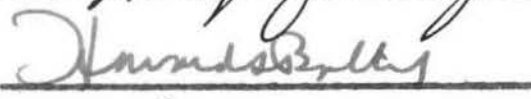

Commissioner, pursuant to Decision No. 69089, continued the matter until June 21, 1967 at 10:00 o'clock A.M. with the understanding that June 22, 1967 would be reserved for an additional day of hearings if necessary.

O R D E R

THE COMMISSION ORDERS:

That this matter be, and the same hereby is, continued until 10:00 o'clock A.M. on Wednesday, June 21, 1967 in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 22nd day of March, 1967.
1s

(Decision No. 69212)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GENE W. HARDING, DOING BUSINESS)
AS "APEX DELIVERY SERVICE," 4147) APPLICATION NO. 22306-PP-Extension
NORTH 26TH, BOULDER, COLORADO,) Amended
FOR AUTHORITY TO EXTEND OPER-)
ATIONS UNDER PERMIT NO. B-6518.)

March 22, 1967

Appearances: Richard J. Bernick, Esq., Denver,
Colorado, for Applicant;
Leslie R. Kehl, Esq., Denver, Colo-
rado, for Frederic A. Bethke, dba
Bethke Truck Line and Westway Motor
Freight, Inc.;
Joseph F. Nigro, Esq., Denver, Colo-
rado, for Package Delivery Service
and Acme Delivery Service;
John P. Thompson, Esq., Denver, Colo-
rado, for Boulder-Denver Truck Line
and Denver Climax Truck Line, Inc.;
Harlan G. Balaban, Denver, Colorado,
for Yellow Cab, Inc. and Boulder
Yellow Cab, Inc.;
Dalton O. Ford, Denver, Colorado, of
the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

Applicant is the owner and operator of Permit No. B-6518 which
authorizes the:

"Decision No. 62194: Transportation of general mer-
chandise weighing less than 150 pounds per item,
except documents, messages, letters (not including
sack mail), drugs, film and deliveries for individuals
not in the course of their daily occupation, business,
or trade, from point to point within a radius of ten
miles of the Boulder County Court House.

"Decision No. 63930: Extended to include the right
to transport general merchandise weighing less than
350 pounds per item, except documents, letters (not
including sack mail), drugs, film, and deliveries for
individuals not in the course of their daily occupation,
business, or trade, within a radius of ten miles of the
Boulder County Court House; restricted, however, against
the transportation of household goods and appliances
weighing over 150 pounds except for commercial custo-
mers in the ordinary course of their business."

By the instant application, authority is sought to extend operations under Permit No. B-6518 to include the transportation of general merchandise weighing less than 350 pounds per item, except documents, letters (not including sack mail), drugs, film, and deliveries for individuals not in the course of their daily occupation, business or trade, within a radius of 40 miles of the Boulder County Court House, Boulder, Colorado.

Said application was regularly set by the Commission for hearing, and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Prior to the hearing, all parties got together and agreed to the wording of an extension which was written out and tendered as Applicant's Exhibit No. 1, and after questioning all parties concerned regarding the fact that this was the agreement, the exhibit was admitted and upon Applicant's motion to amend his application to conform with the exhibit, said motion was granted and the hearing was then held on the application without protest.

The Applicant, Gene W. Harding, testified that he is the owner and proprietor of Apex Delivery Service; that there is a real need for the service; and that the service he wants to perform is now unavailable; that his equipment consists of two 3/4-ton type trucks, one of which is a van and the other is a flat bed; that he has several years of experience and a net worth of approximately \$35,000.00; that as far as he knew, the granting of such authority would not impair the efficient public service of any other authorized motor vehicle common carrier having the same territory over the same general route or routes; that if this authority is granted, he agrees to operate in accordance with all the present and future rules, regulations and safety requirements

of the Public Utilities Commission and all laws of the State of Colorado; and that he has made provisions for insurance as required by the Commission.

Mr. William A. Zierlein was called to testify in behalf of the Applicant. He stated that he is Manager of the Boulder Sears Roebuck Store and he was also appearing on behalf of the Longmont Sears Roebuck Store; that he has a real need for the service requested; that the two stores are required to use their own servicemen for delivery of merchandise; and that he would use the services of the Applicant in the event the application were granted.

Mr. Roger Perschbacher appeared as a witness on behalf of the Applicant. He stated that he is the owner of Perschbacher Furniture Company in Boulder and has customers within a 40-mile radius of Boulder; that he needs the services of the Applicant and has used the Applicant's service in the past; and that he has had to turn customers down because of lack of ability to deliver the merchandise.

Following the above testimony, Dalton O. Ford of the Commission's Staff, stated that the existing authority under Permit No. B-6518 was cumbersome, hard to enforce and not set forth in good manner, and all parties present, including the applicant and the protestants, conferred and presented a statement describing the existing authority. It was stipulated and agreed by all parties, including the applicant, that the authority under Permit No. B-6518 should be clarified to read to properly describe the actual authority as follows:

"Transportation of general merchandise, for commercial customers only, weighing less than 350 pounds per item from point to point within a radius of 40 miles of the Boulder County Courthouse, subject to the following restrictions; this authority shall exclude the transportation of the following commodities: documents, messages, letters (not including sack mail), drugs and film."

The Commission finds that said stipulation is compatible with the public interest and should be authorized and the authority henceforth

should read as set out in the following Order.

The Commission, having considered the record and the written statement of the Examiner herein, further finds that no one protests the authority, as amended, herein sought; that there is a need for applicant's proposed extended transportation services; that applicant will have sufficient equipment and experience to properly carry on the proposed operation; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that it does not appear to the Commission that the proposed extended operation will impair the efficient public service of any authorized common carrier adequately serving the same territory, over the same general highway route, or routes; that the granting of authority, as provided in the following Order, will be in the public interest and such authority should be granted.

O R D E R

THE COMMISSION ORDERS:

That Gene W. Harding, doing business as "Apex Delivery Service," Boulder, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-6518 to include the

"Transportation of general merchandise weighing not less than 100 pounds nor more than 350 pounds per item so as to deliver goods sold at retail, handle returns and trade-ins returning to the retail store, and bring goods to the store for repair or servicing, returning the same to the customer after repair, between points within 10 miles of the Boulder Courthouse and points in Longmont, Colorado, on the one hand; and on the other hand, points within 40 miles of the Boulder County Courthouse, for the following named customers only: Sears Roebuck & Company, Perschbacher Furniture Company; K-Mart, Gil and Hal Furniture, J. C. Penney Store, Rymill Interiors, Joslin's Department Store."

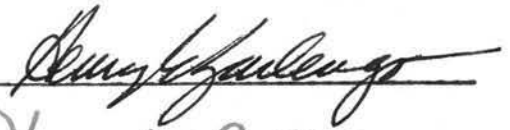
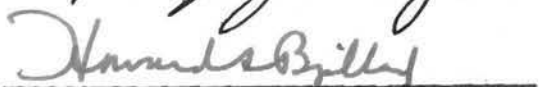
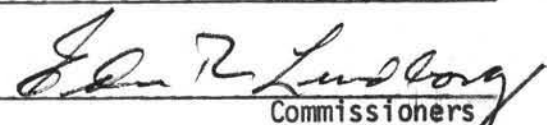
That henceforth the full and complete authority under Permit No. B-6518 shall be as follows, to-wit:

"(1) Transportation of general merchandise, for commercial customers only, weighing less than 350 pounds per item from point to point within a radius of 40 miles of the Boulder County Courthouse, subject to the following restrictions; this authority shall exclude the transportation of the following commodities: documents, messages, letters (not including sack mail), drugs and film.

"(2) Transportation of general merchandise weighing not less than 100 pounds nor more than 350 pounds per item so as to deliver goods sold at retail, handle returns and trade-ins returning to the retail store, and bring goods to the store for repair or servicing, returning the same to the customer after repair, between points within 10 miles of the Boulder Courthouse and **points in Longmont, Colorado, on the one hand; and on the other hand, points within 40 miles of the Boulder County Courthouse, for the following named customers only: Sears Roebuck & Company, Perschbacher Furniture Company; K-Mart, Gil and Hal Furniture, J. C. Penney Store, Rymill Interiors, Joslin's Department Store."**

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 22nd day of March, 1967.

ls

(Decision No. 69213)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SALIDA GAS SERVICE COMPANY, SALIDA,)
COLORADO, FOR AN ORDER AUTHORIZING)
THE ISSUANCE OF \$60,000 AGGREGATE)
PRINCIPAL AMOUNT OF 6-3/4% FIRST)
MORTGAGE SINKING FUND BONDS DUE)
DECEMBER 1, 1981.)

APPLICATION NO. 22458-Securities

March 22, 1967

Appearances: Dawson, Nagel, Sherman & Howard,
Esqs., Denver, Colorado, by
William F. Voelker, Esq., for
Applicant;
J. McNulty, Denver, Colorado, and
E. R. Thompson, Denver, Colorado,
for the Commission.

S T A T E M E N T

BY THE COMMISSION:

On March 3, 1967, Salida Gas Service Company (hereinafter called Applicant) filed with this Commission its application for an Order authorizing it to issue and sell \$60,000 principal amount of its 6-3/4% First Mortgage Sinking Fund Bonds, due December 1, 1981, to be issued under and secured by Applicant's Indenture of Mortgage and Deed of Trust to The First National Bank of Denver, Denver, Colorado, dated as of December 1, 1963, as amended and supplemented by a First Supplemental Indenture, to be dated as of April 1, 1967, between the same parties.

By Decision No. 69129, dated March 6, 1967, the Commission ordered that a public hearing be held on this Application March 16, 1967, at 2:00 o'clock P.M., at 532 State Services Building, Denver, Colorado. At the above designated time and place, after due notice to all interested parties, the hearing was held, and at the conclusion thereof, the matter was taken under advisement by the Commission.

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

Applicant is a corporation organized under the laws of Colorado, and is a public utility operating company engaged principally in the purchase, distribution and sale of natural gas and liquefied petroleum gas in the City of Salida, the Towns of Poncha Springs, Crested Butte, and the area of Chalk Creek, all in the State of Colorado. The principal center of distribution and sale of gas is in the City of Salida and immediate vicinity. Applicant is not affiliated with any other companies.

Applicant's Articles of Incorporation as amended authorize capital stock consisting of 250,000 shares of capital stock of the par value of \$1.00 each of an aggregate par value of \$250,000. Of this authorized number of shares, 144,500 shares were issued and outstanding as of December 31, 1966. As of this date, total stockholders' equity was \$190,870. Long-term debt amounted to \$165,944, and current liabilities, including notes and accounts payable amounted to \$168,449, of which \$17,783 consisted of long-term debt payable within one year and \$63,500 consisted of notes payable within one year to the First National Bank of Salida and to F. Marion and Kathleen T. Chelf.

Applicant's witness, Mr. F. Marion Chelf, President, testified summarily as follows:

Since October 31, 1963, and until December 31, 1966, Applicant added a net of \$148,746 (after retirements) of capital improvements to its utility and non-utility plant. Such improvements were financed through short-term debt, purchase money indebtedness, and cash flow from the general operations of the Applicant. The Applicant seeks to refund certain of the current portion of long-term debt as well as other short-term indebtedness and proposes to issue \$60,000 additional first mortgage bonds for this purpose. Applicant has negotiated with Guarantee Mutual Life Company of Omaha, Nebraska, the holder of its presently outstanding

first mortgage bonds, to purchase such additional bonds. In July 1966, Guarantee Mutual Life Company committed itself to purchase such bonds, subject among other things to the approval of this Commission, the purchase being scheduled for late March 1967 or shortly thereafter.

From the sale of these bonds, the Applicant will receive a net amount of \$58,000 after deduction of \$2,000 expenses of issue, itemized in paragraph 17 of Applicant's Application. Applicant considers such expenses of issue to be reasonable. Of such proceeds \$56,000 will be used to retire an equivalent amount of debt, as set forth on Schedule 3 of Exhibit B to Applicant's Application, the balance of \$2,000 being added to Applicant's general working funds as reimbursement for moneys spent therefrom on capital improvements.

Mr. Chelf stated his belief that the proposed interest rate of 6-3/4% is the best obtainable under all the circumstances, considering today's money market. It will refund short-term indebtedness ranging from 6-1/2% to 6.7%. The general effect will be to relieve the Company somewhat of the pressure of constant and immediate cash requirements for the payment of interest and repayment of short-term borrowing out of year-to-year earnings, as well as from the frequent search for additional funds. The bonds are to be issued under and secured by Applicant's Indenture of Mortgage and Deed of Trust, dated as of December 1, 1963, as supplemented and amended by a First Supplemental Indenture, to be dated as of April 1, 1967, entered as Exhibit C-2 in these proceedings. The specific terms of the bonds are set forth in said First Supplemental Indenture. The bonds mature on December 1, 1981, but are subject to prior redemption pursuant to the operation of the sinking fund which requires the redemption of the following principal amounts of bonds on December 1st of each of the years indicated as follows:

<u>Sinking Fund Redemption Date</u>	<u>Principal Amount of Bonds To Be Redeemed</u>
December 1, 1968 through December 1, 1978	\$ 2,000
December 1, 1979	12,000
December 1, 1980	13,000

The balance is due and payable December 1, 1981.

The bonds are entitled to the protection of the general covenants set forth in the Indenture dated December 1, 1963, incorporated by reference as Exhibit C-1 in these proceedings. They will be equally and ratably secured with Applicant's outstanding 6% First Mortgage Bonds, and as such are entitled to the benefits of the lien created on Applicant's property and assets by the original indenture, as supplemented by the First Supplemental Indenture.

As evidence of the Company's financial position as of December 31, 1966, and its capitalization and current position after the financing, there were offered into evidence the Company's Balance Sheet as of December 31, 1966, actual and pro forma, and its Statement of Income and Retained Earnings for the year ended December 31, 1966. The Balance Sheet discloses that the Company had as of this date \$502,989 of utility plant and a depreciation reserve of \$147,074, making for a net utility plant investment of \$355,915. Because of the Company's growth, the Company's expenditures for construction during the period November 1, 1963, to December 31, 1966, inclusive, has amounted to approximately \$148,750. As of this date, total stockholders equity amounted to \$190,870. However, current liabilities due within one year to banks and to others amounted to \$168,449. After the financing and the repayment of various notes, the capitalization will stand at \$190,870 of equity and \$255,994 of long-term debt, making for an equity-debt position of approximately 46% equity and 54% debt. Also, the refinancing will greatly improve the current assets position and bring it to a current ratio of approximately 1.14 to 1 up from 1 to 1.33. The Statement of Income for the year ending December 31, 1966,

Exhibit B, Schedule 2, shows total revenues of \$388,928, and net income of \$8,931 after all expenses and deductions from income. Mr. Chelf stated that in his judgment, the Applicant would generate sufficient cash through depreciation and net income with which to meet all its debt service obligations.

F I N D I N G S

THE COMMISSION FINDS:

That Applicant, Salida Gas Service Company, is a Colorado corporation, as defined by Section 115-1-3, Colorado Revised Statutes, 1963.

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

That this Commission is fully advised in the premises.

That the above and foregoing Statement is incorporated in these findings by reference.

That the proposed issuance and sale by Applicant of \$60,000 principal amount of 6-3/4% First Mortgage Sinking Fund Bonds due December 1, 1981, as hereinabove set forth, is reasonably required and necessary for its proposed corporate financing.

That the proposed securities transaction is not inconsistent with the public interest and that the purpose or purposes thereof are permitted and are consistent with the provision of Chapter 115 Colorado Revised Statutes, 1963.

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

O R D E R

THE COMMISSION ORDERS:

That Applicant, Salida Gas Service Company, Salida, Colorado, be, and it hereby is, authorized and empowered to issue and sell its First Mortgage Bonds in the principal amount of \$60,000 at a price equal to the principal amount thereof, such bonds to be in accordance with the

provisions of the Indenture of Mortgage and Deed of Trust to The First National Bank of Denver as Trustee, as to be amended and supplemented by a First Supplemental Indenture to be dated as of April 1, 1967, Exhibit C-2 in these proceedings, but with such modifications as Applicant or counsel may deem necessary or proper or desirable, provided that such modifications shall not change or amend any of the material terms of the bonds as hereinabove set forth.

That Applicant be, and it hereby is, authorized to use and apply the net proceeds derived from the issuance and sale of its bonds to retire short-term and the current portion of long-term indebtedness in the approximate amount of \$56,000, and the remainder for other corporate purposes.

That the First Mortgage Bonds authorized to be issued and sold hereunder shall bear on the face thereof, a serial number for proper and easy identification; that within ninety (90) days from the issuance and delivery of said securities, the Company shall make a verified report to this Commission of such serial numbers or number placing on such securities as are initially issued.

That Salida Gas Service Company be, and it hereby is, directed, in reflecting in its accounts the consummation of the financing outlined above, to make and record the various accounting entries in accordance with the Uniform System of Accounts for Gas Utilities prescribed by this Commission.

That within ninety (90) days from the sale of the securities authorized herein, the Company shall file with this Commission a verified report of the issue and disposition of said securities, the consideration for which such securities were sold, the fees, commissions, and expenses incident to such sale and shall file also a new Balance Sheet reflecting the issuance and sale of said bonds and supporting journal entries which shall reflect the exercise of the authority herein granted together with


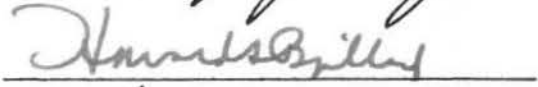

copies of the accompanying entries recorded on its books as a result of such consummation of such financing, and one conformed copy of the executed Indenture of Mortgage and Deed of Trust.

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

That the Commission retains jurisdiction of these proceedings to the end that it may make such further Order or Orders in the premises as it may deem to be proper and desirable.

That the authority herein granted shall be exercised from and after this date, this Order being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 22nd day of March, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EPHRAIM FREIGHTWAYS, INC., 1385 UMATILLA)
STREET, DENVER, COLORADO, FOR A WAIVER)
OF RULE 12 (b) OF THE COMMISSION'S RULES)
AND REGULATIONS GOVERNING PRIVATE CAR-)
RIERS BY MOTOR VEHICLE SO AS TO PERMIT)
THE EMPLOYMENT OF LOCAL DRAYMEN AT THE)
VARIOUS TERMINALS AS USED BY THE APPLI-)
CANT IN THE CONDUCT OF OPERATIONS UNDER)
PERMIT NO. A-494.)

APPLICATION NO. 22148-PP-Waiver

March 22, 1967

Appearances: William F. Schenkein, Esq., Denver,
Colorado, for Applicant;
Warren D. Braucher, Esq., Denver,
Colorado, for Rio Grande Motor
Way, Inc., and Larson Transporta-
tion Co., Protestant;
Edward T. Lyons, Esq., Denver,
Colorado, for Red Ball Motor
Freight, Inc., Protestant.

STATEMENT AND FINDINGS OF FACT

On March 2, 1967, the Commission entered Decision No. 69114 in
the above-entitled matter.

On March 13, 1967, Petition for Rehearing was filed with the
Commission by the Applicant, Ephraim Freightways, Inc., by William F.
Schenkein, Attorney.

The Commission has carefully considered the Petition for Rehearing
filed herein, and each and every allegation thereof, and is of the opinion,
and finds that said Petition should be denied.

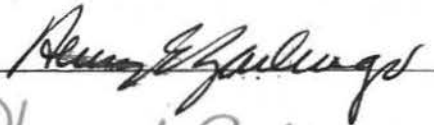
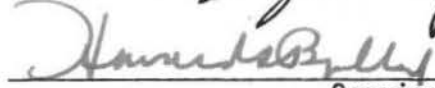
O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing filed with the Commission by the
Applicant herein, be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 22nd day of March, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LEROY D. ELLIOTT)
P. O. BOX 1233)
ADAMS CITY, COLORADO 80001)

PUC NO. 6298-I

March 23, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

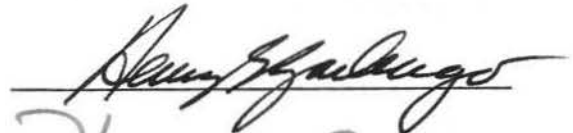
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 30, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CECIL C. BOULWARE DBA)
CECIL C. BOULWARE LIVESTOCK) PUC NO. 6430-I
TRANSPORTS)
ROUTE 2)
MONTGOMERY, TEXAS 77356)

March 23, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

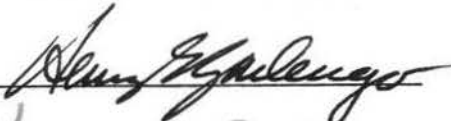
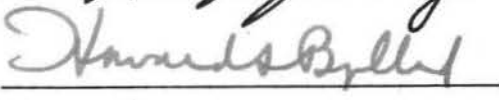
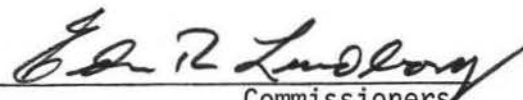
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 1, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JAMES W. MADER)
422 PINE STREET)
FORT MORGAN, COLORADO 80701)

PUC NO. 6855-I

March 23, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


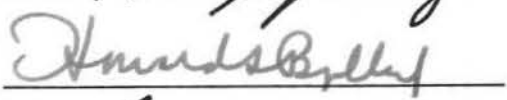
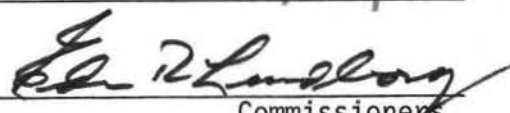
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 13, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LERoy D. ELLIOTT)
P. O. BOX 1233)
ADAMS CITY, COLORADO 80001)

PERMIT NO. B-6670 & I

March 23, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


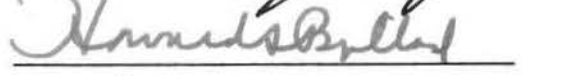

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 30, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN WESLEY COSGROVE AND)
JOHN WESLEY COSGROVE, JR.)
1912 SOUTH CEDAR)
COLORADO SPRINGS, COLORADO 80900)

PERMIT NO. B-6690

March 23, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


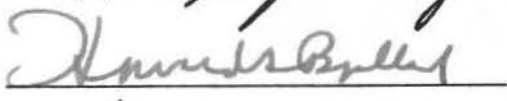
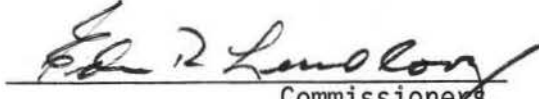
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 20, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
KENNETH BATTUELLO & DONALD BATTUELLO)
15770 EAST COLFAX)
AURORA, COLORADO 80010)

PERMIT NO. B-6731

March 23, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


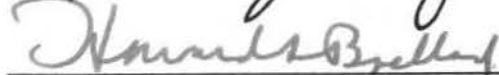
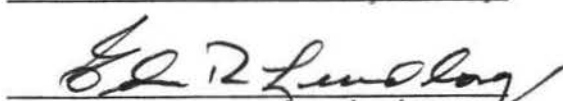
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 15, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
PARK J. CALU DBA)	
PARK ROYAL INSTALLATION)	
1309 NORWOOD)	<u>PERMIT NO. B-6870</u>
COLORADO SPRINGS, COLORADO 80906)	

March 23, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

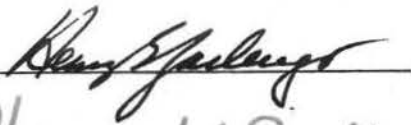
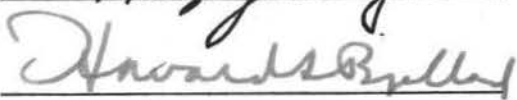
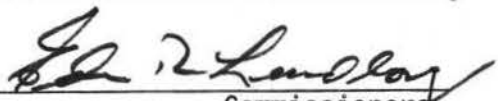
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective February 15, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

Dated at Denver, Colorado,
this 23rd day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LEROY D. ELLIOTT)
P. O. BOX 1233)
ADAMS CITY, COLORADO 80001)

PERMIT NO. M-8873

March 23, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


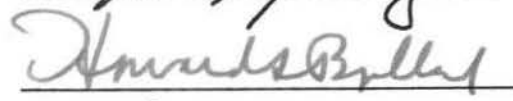
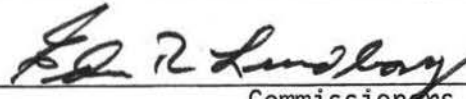
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 30, 1966.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of March 1967.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
PIONEER TRUCK LINES, INC.
5190 EAST COLFAX AVENUE
DENVER, COLORADO 80220

)
)
) PUC NO. 616
)
)

March 23, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

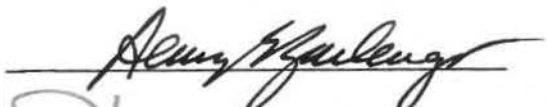
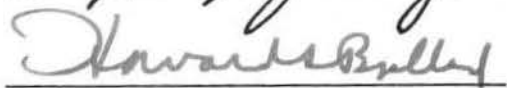
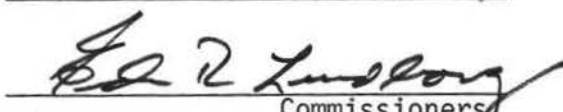
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 1, 1967 to and including July 1, 1967.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of March 1967.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
BECKER'S TRASH SERVICE, INC.
2390 EAST BOULDER
COLORADO SPRINGS, COLORADO 80900

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)
)
)
)
PUC NO. 2182

March 23, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R


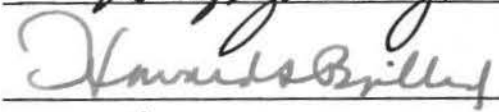
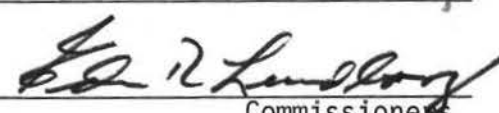
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 16, 1967 to and including July 16, 1967.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of March 1967.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RAYMOND FLYNN)
912 LOWELL BOULEVARD)
DENVER, COLORADO 80204)

PERMIT NO. B-3867

March 23, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R


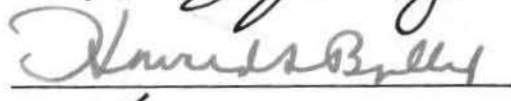

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from March 23, 1967 to and including September 23, 1967.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of March 1967.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
FLOYD J. LINVILLE)
TRAIL'S INN)
CHEYENNE, WYOMING 82001)

PERMIT NO. B-4918

March 23, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R


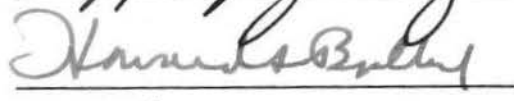

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from March 20, 1967 to and including September 20, 1967.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of March 1967.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JAMES MEDLEY)
3645 SOUTH HAZEL COURT)
ENGLEWOOD, COLORADO 80110)

PERMIT NO. B-5570

March 23, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

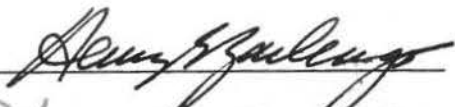
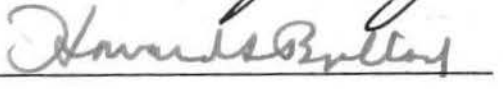
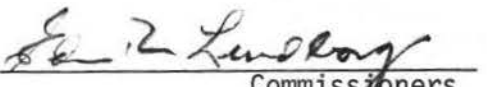
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from March 13, 1967 to and including September 13, 1967.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of March 1967.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
LEWIS H. ROBERTS)	
3285 RALEIGH STREET)	<u>PERMIT NO. B-6572</u>
DENVER, COLORADO 80212)	
)	
)	

March 23, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R


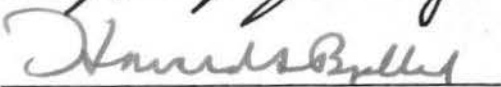
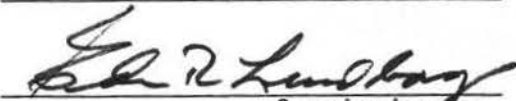
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 1, 1967 to and including July 1, 1967.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of March 1967.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
REX ROSS WALKER, DOING BUSINESS AS }
"WESTERN TRUCKING COMPANY," 1262 }
CHERRYVALE ROAD, BOULDER, COLORADO, }
TO TRANSFER PERMIT NO. B-4724 TO }
WESTERN TRUCKING COMPANY, INC., }
DOING BUSINESS AS "WESTERN TRUCKING }
COMPANY," 1262 CHERRYVALE ROAD, }
BOULDER, COLORADO. }

APPLICATION NO. 22414-PP-Transfer

March 24, 1967

Appearances: Rex Ross Walker, Boulder,
Colorado, pro se.

PROCEDURE AND RECORD

On January 26, 1967 Rex Ross Walker, doing business as "Western Trucking Company", and Western Trucking Company, Inc., doing business as "Western Trucking Company," filed the instant joint application (No. 22414) with this Commission seeking authority for the transfer of intrastate Permit No. B-4724 from Rex Ross Walker to Western Trucking Company, Inc. After due and proper notice to all interested parties, the application was heard by Commissioner Howard S. Bjelland on Monday, March 20, 1967 at 10:00 o'clock A.M. in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado.

Rex Ross Walker, the president of Western Trucking Company, Inc. testified in support of the application. Upon conclusion of the hearing the Presiding Commissioner took the matter under advisement.

FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Commission finds as fact from such record, that:

1. Rex Ross Walker, doing business as "Western Trucking Company" is the owner and operator of Permit No. B-4724 authorizing the

transportation of:

"(1) Sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants, railroad loading points, and to home and small construction jobs, all within a radius of fifty miles of said pits and supply points; (2) sand, gravel, dirt, stone and refuse from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; (3) insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; (4) and coal from mines in the northern Colorado coal fields to Valmont Plant of Public Service Company located near Boulder, Colorado, Kurer-Empson and Great Western Sugar Company plants within a fifty mile radius of Boulder, Rocky Mountain Arsenal, located northeast of Denver, Colorado, and to the Denver Federal Center; (5) the transportation of road-surfacing materials in Boulder, Clear Creek and Gilpin Counties being restricted against the use of tank vehicles."

2. Western Trucking Company, Inc., doing business as "Western Trucking Company" is a corporation duly organized and existing under the laws of the State of Colorado. Rex Ross Walker owns a majority of the common stock of this corporation.

3. If authority to consummate this transfer is granted, the transferee corporation will have the same assets, utilize the same equipment and perform the same type of service as is now performed by Rex Ross Walker holding the permit as an individual. Rex Ross Walker will be the president of the new corporation and the manager of the transportation enterprise.

4. Western Trucking Company, Inc. will have adequate equipment, experience and financial resources to properly operate under Permit No. B-4724. The financial standing of the corporation was established to the satisfaction of the Commission.

O R D E R

THE COMMISSION ORDERS:

That Rex Ross Walker, doing business as "Western Trucking Company," Boulder, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Permit No. B-4724 to Western Trucking Company, Inc., doing business as "Western Trucking Company,"

Boulder, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

The authority granted under this transfer shall be that authority as described in Finding of Fact No. 1 previously described herein.


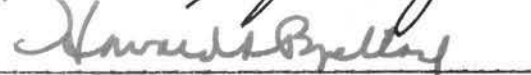

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of March, 1967.

ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
B. G. ROBINSON, DOING BUSINESS AS)
"CRIPPLE CREEK TOURS," BOX 38,)
CRIPPLE CREEK, COLORADO, FOR AUTH-) APPLICATION NO. 22453-Transfer
ORITY TO TRANSFER PUC NO. 2786 TO)
GOLD CAMP TOURS, INC., 501 MINING)
EXCHANGE BUILDING, COLORADO SPRINGS,)
COLORADO.)

March 24, 1967

Appearances: Robert E. Anderson, Esq., of
Horn, Anderson & Johnson, Esqs.,
Colorado Springs, Colorado, for
the Applicant Transferor and
Transferee.

PROCEDURE AND RECORD

On February 24, 1967, B. G. Robinson, individually and doing business as "Cripple Creek Tours," and Gold Camp Tours, Inc. filed a joint application (No. 22453) seeking authority from this Commission for the transfer of PUC No. 2786 from the said B. G. Robinson to Gold Camp Tours, Inc. After due and proper notice to all interested parties, the application was heard by Commissioner Howard S. Bjelland at 10:00 o'clock A.M. on Tuesday, March 21, 1967 in the Auditorium of the County Office Building, 27 E. Vermijo Street, Colorado Springs, Colorado.

B. G. Robinson and David W. Cowen testified in support of the application. Upon conclusion of the hearing, the Presiding Commissioner took the application under advisement.

FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Commission finds as fact from such record, that:

1. B. G. Robinson, doing business as "Cripple Creek Tours," Box 38, Cripple Creek, Colorado, is the owner and operator of certificate of public convenience and necessity No. 2786 issued by the Colorado

Public Utilities Commission which authorizes generally the rendition of a common carrier motor vehicle call and demand service for the transportation of tourists in and around a radius of ten miles of the Cripple Creek district. PUC No. 2786 is in good standing before the Commission. There is no indebtedness against such certificate.

2. On January 30, 1967, B. G. Robinson entered into a contract to sell his equipment consisting of a 1949 Jeepster and a 1962 International Travelall together with Certificate No. 2786 to Gold Camp Tours, Inc., for a total consideration of \$4,000 subject to approval of the Colorado Public Utilities Commission. A copy of the contract is attached to the application.

3. Likewise on January 30, 1967, Gold Camp Tours, Inc., a corporation organized and existing under the laws of the State of Colorado entered into the above-mentioned contract and agreed to purchase the said equipment and certificate from B. G. Robinson for the sum of \$4,000.

4. John Dendahl is the president, David W. Cowen the vice president and Paul F. Bauer the secretary-treasurer of Gold Camp Tours, Inc. The corporation has cash assets at the time of the hearing of \$4,000 with an additional \$3,000 to be paid in immediately if the Colorado Public Utilities Commission approves the transfer.

5. If the transfer is approved, Gold Camp Tours, Inc. will utilize the 1949 Jeepster and the 1962 Travelall to render service, as well as passenger busses with a capacity of 33 which the corporation intends to lease.

David W. Cowen, the vice president of Gold Camp Tours, Inc., has been engaged in the sightseeing business in the Pikes Peak region since 1959 and is familiar with the operation of such a business. He is familiar with the rules and regulations of the Commission as well as the statutes of the State of Colorado and will see that the corporation will comply therewith if the transfer is authorized.

6. Gold Camp Tours, Inc. has adequate equipment, experience

and financial resources to properly render transportation services under Certificate No. 2786. The financial responsibility of the corporation was established to the satisfaction of the Commission.

7. The application for transfer sought herein should be granted.

O R D E R

THE COMMISSION ORDERS:

That B. G. Robinson, doing business as "Cripple Creek Tours," Cripple Creek, Colorado, be, and hereby is authorized to transfer all right, title and interest in and to PUC No. 2786 to Gold Camp Tours, Inc., Colorado Springs, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission.


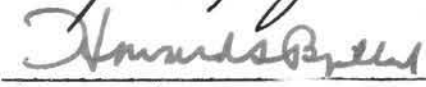

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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

The right of transferee to operate under this Order shall depend upon the prior filing of the annual report by transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of March, 1967.
ls

(Decision No. 69231)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF BOB C. HOCHSTETLER, 2529 BUSCH)
AVENUE, COLORADO SPRINGS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 22437-PP

March 24, 1967

Appearances: Bob C. Hochstetler, Colorado
Springs, Colorado, pro se.

PROCEDURE AND RECORD

On February 14, 1967, Bob C. Hochstetler filed with the Commission an application (No. 22437) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the:

"Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 75 miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, to homes and small construction jobs within a radius of 75 miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of 75 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 75 miles of said pits and supply points; provided, however, that the transportation of road-surfacing materials shall be restricted against the use of tank vehicles."

After due and proper notice to all interested parties, the application was heard by Commissioner Howard S. Bjelland on Tuesday, March 21, 1967 at 10:00 o'clock A.M. in the Auditorium of the County Office Building, 27 E. Vermijo Street, Colorado Springs, Colorado.

Bob C. Hochstetler testified in support of the application. Upon conclusion of the hearing, the Presiding Commissioner took the matter under advisement.

FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Commission finds as fact from the record, that:

1. Bob C. Hochstetler of 2529 Busch Avenue, Colorado Springs, Colorado, is the applicant herein, and by the instant application seeks authority from the Commission to operate as a private carrier by motor vehicle for hire in intrastate commerce under a Class "B" permit. The precise transportation services which he plans to render are set forth hereinabove.

2. Bob C. Hochstetler is the owner of a five-yard Ford dump truck. He has had eight years' experience in dump truck operation. He plans to operate only one vehicle under the authority which he seeks and plans to drive such vehicle himself. He has a net financial worth of about \$15,000.

3. If the authority sought is granted, Bob C. Hochstetler plans to enter into contracts for the rendition of transportation services with contractors, particularly road and construction contractors. He will plan to be working for only one contractor at a time and would render that contractor a specialized transportation service with his dump truck.

4. Bob C. Hochstetler is familiar with the rules and regulations of the Colorado Public Utilities Commission and with the statutes of the State of Colorado and will comply therewith if the authority sought herein is granted.

5. Bob C. Hochstetler has adequate equipment, experience and financial resources to render transportation services under the authority which he seeks. His financial responsibility was established to the satisfaction of the Commission.

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

7. The authority sought herein should be granted.

O R D E R

THE COMMISSION ORDERS:

That Bob C. Hochstetler, 2529 Busch Avenue, Colorado Springs, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire in intrastate commerce, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 75 miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, to homes and small construction jobs within a radius of 75 miles of said pits and supply points; sand, gravel, dirt, stone and refuse, from and to building construction jobs, to and from points within a radius of 75 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 75 miles of said pits and supply points; provided, however, that the transportation of road-surfacing materials shall be restricted against the use of tank vehicles, and this ORDER shall be deemed to be, and be, a PERMIT therefor.

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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry H. Allen
Howard Byler

E. R. Lucery
Commissioners

Dated at Denver, Colorado,
this 24th day of March, 1967.
ls

(Decision No. 69232)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MILDRED F. HARDING, EXECUTRIX OF THE)
ESTATE OF LEO HARDING, DECEASED, AND)
LESTER HARDING, DOING BUSINESS AS)
"HARDING BROTHERS SAND & GRAVEL," 2828)
NORTH CASCADE and 3105 ARCADIA STREET,) APPLICATION NO. 22405-PP-Transfer
COLORADO SPRINGS, COLORADO, TO TRANS-)
FER PERMIT NO. B-5256 TO LESTER E.)
HARDING, DOING BUSINESS AS "HARDING)
BROTHERS SAND & GRAVEL," 3105 NORTH)
ARCADIA, COLORADO SPRINGS, COLORADO.)

March 24, 1967

Appearances: Lester E. Harding, Colorado
Springs, Colorado, pro se;
Leslie R. Kehl, Esq., Denver,
Colorado, for Ward Transport,
Inc. and Ruan Transport
Corporation, Protestants.

PROCEDURE AND RECORD

On January 30, 1967, Leo Harding and Lester Harding, doing business as "Harding Brothers Sand & Gravel," and Lester E. Harding, individually doing business as "Harding Brothers Sand & Gravel," filed the instant joint application (No. 22405) with the Commission seeking authority from the Commission to transfer Permit No. B-5256 from Leo and Lester Harding to Lester E. Harding. On February 28, 1967, a protest to the transfer was filed by Ward Transport, Inc. and Ruan Transport Corporation. Thereafter the applicants and protestants entered into a stipulation, as shown by correspondence in the files of the Commission, that the authority transferred in the within proceeding should be restricted to the use of dump trucks only. Upon the filing of such a stipulation, Ward Transport, Inc. and Ruan Transport Corporation withdrew their respective protests.

After due and proper notice to all interested parties, the

matter was heard by Commissioner Howard S. Bjelland at 10:00 o'clock A.M. on Tuesday, March 21, 1967 in the Auditorium of the County Office Building, 27 E. Vermijo Street, Colorado Springs, Colorado.

Lester E. Harding testified in support of the application. Upon conclusion of the hearing the Presiding Commissioner took the matter under advisement.

FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Commission finds as fact from such record, that:

1. Leo Harding and Lester Harding, doing business as "Harding Brothers Sand & Gravel," are the record owners and operators of Permit No. B-5256 which generally authorizes:

"Transportation, in dump trucks, only, of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points."

Leo Harding and Lester Harding were partners and brothers. Permit No. B-5256 is in good standing before the Commission.

2. On January 4, 1965, Leo Harding died and thereafter his estate was probated in the proper courts of El Paso County, Colorado. The executrix of the estate of Leo Harding was his widow, Mildred F. Harding. On March 5, 1965, Mildred F. Harding, as the executrix of the estate of Leo Harding, executed a bill of sale in consideration of the sum of \$11,524.04 conveying and selling unto Lester Harding all of the right, title, and interest that the Estate of Leo Harding had in and to the partnership assets and property of that partnership theretofore existing between Leo Harding and Lester Harding, dated May 6, 1954, whereby the said two persons did business under the firm name of "Harding Brothers

Sand & Gravel"; together with all of the equipment, machinery and other assets of said partnership. A copy of such bill of sale is part of the file in this proceeding.

3. Lester Harding, the brother and partner of Leo Harding, is the same person as Lester E. Harding, the Transferee in this proceeding. If this transfer should be approved by this Commission, Lester E. Harding intends to continue to do business under the name of "Harding Brothers Sand & Gravel."

4. Lester E. Harding has a net financial worth in excess of \$20,000. If the transfer is authorized, Lester E. Harding will continue to render the same type of service as he and his brother rendered under their partnership and with the same basic equipment. Lester E. Harding has had many years of experience in the rendition of transportation services.

5. Lester E. Harding has adequate equipment, experience, and financial resources to properly render service under Permit No. B-5256. His financial responsibility was established to the satisfaction of the Commission.

6. The application for transfer should be granted.

O R D E R

THE COMMISSION ORDERS:

That Mildred F. Harding, Executrix of the Estate of Leo Harding, Deceased, and Lester Harding, doing business as "Harding Brothers Sand & Gravel," Colorado Springs, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Permit No. B-5256 to Lester E. Harding, doing business as "Harding Brothers Sand & Gravel," Colorado Springs, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission.

That henceforth the full and complete authority under Permit No. B-5256 shall be as follows, to-wit:

"Transportation, in dump trucks, only, of (1) sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; (2) sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; (3) sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; (4) insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points."

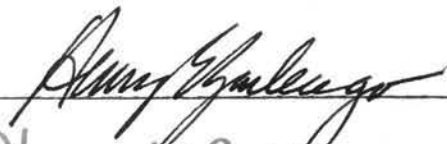
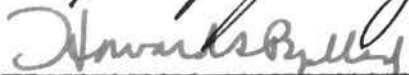
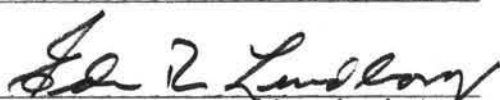
That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of March, 1967.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DUANE M. FEE, 830 BRYCE DRIVE, COLO-)
RADO SPRINGS, COLORADO, TO TRANSFER)
PERMIT NO. B-6438 TO DEAN W. HODGES,) APPLICATION NO. 22384-PP-Transfer
DOING BUSINESS AS "DEAN HODGES)
TRUCKING," 2303 BEDFORD LANE,)
COLORADO SPRINGS, COLORADO.)

March 24, 1967

Appearances. Duane M. Fee, Colorado Springs,
Colorado, the Transferor, pro se;
Dean W. Hodges, Colorado Springs,
Colorado, the Transferee, pro se.

PROCEDURE AND RECORD

On January 23, 1967, Duane M. Fee and Dean W. Hodges filed the instant joint application (No. 22384) with the Commission seeking authority from the Commission for the transfer of Permit No. B-6438 from Duane M. Fee to Dean W. Hodges, doing business as "Dean Hodges Trucking." After due and proper notice to all interested parties, the matter was heard by Commissioner Howard S. Bjelland at 10:00 o'clock A.M., Tuesday, March 21, 1967 in the Auditorium of the County Office Building, 27 E. Vermijo Street, Colorado Springs, Colorado.

Duane M. Fee and Dean W. Hodges testified in support of the application. Upon conclusion of the hearing the Presiding Commissioner took the matter under advisement.

FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Commission finds as fact from such record, that:

1. Duane M. Fee, 830 Bryce Drive, Colorado Springs, Colorado, is the owner and operator of Permit No. B-6438 which generally authorizes:

"Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to home and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials being restricted against the use of tank vehicles."

2. On January 20, 1967, the said Duane M. Fee entered into an agreement to sell a 1963 Ford dump truck and Permit No. B-6438 to Dean W. Hodges for the sum of \$5,375.94. This consideration has been paid and Duane M. Fee requests the Commission to authorize the transfer. There is no indebtedness against Permit No. B-6438.

3. Dean W. Hodges, 2303 Bedford Lane, Colorado Springs, Colorado, has paid the sum of \$5,375.94 to Duane M. Fee and now requests the Commission to authorize the transfer of Permit No. B-6438. Dean W. Hodges, doing business as "Dean Hodges Trucking," has a net financial worth in excess of \$40,000. He has had some ten years' experience in the operation of trucks and about five years' experience in trucking for hire. He plans to operate only one truck under the permit and plans to drive it himself. He is familiar with the rules and regulations of the Commission and with the statutes of the State of Colorado and will comply therewith if the transfer be authorized.

4. Dean W. Hodges has adequate equipment, experience and financial resources to render service under Permit No. B-6438. His financial responsibility was established to the satisfaction of the Commission.

5. The application for transfer should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Duane M. Fee, Colorado Springs, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to

Permit No. B-6438 to Dean W. Hodges, doing business as "Dean Hodges Trucking," Colorado Springs, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

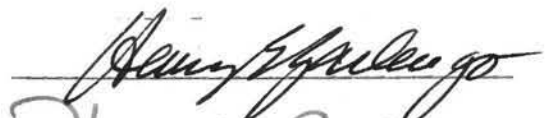
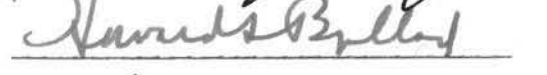

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of March, 1967.

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(Decision No. 69234)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EMORY G. EARLE AND JUNE G. EARLE, 491)
FRUIT PARK, MONTROSE, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 2350 TO)
HERMAN G. ARCHULETA AND FILIBERTO)
CORDOVA, DOING BUSINESS AS "EMORY)
EARLE HOUSE MOVER," 20 SOUTH NINTH)
STREET, MONTROSE, COLORADO.)

APPLICATION NO. 22351-Transfer
SUPPLEMENTAL ORDER

March 23, 1967

Appearances: Emory G. Earle, Montrose, Colorado,
for Transferors;
Herman G. Archuleta, Montrose,
Colorado, for Transferees.

STATEMENT AND FINDINGS OF FACT

On February 24, 1967, the Commission entered Decision No. 69071 in the above-styled application authorizing Emory G. Earle and June G. Earle to transfer PUC No. 2350 to Herman G. Archuleta and Filiberto Cordova, doing business as "Emory Earle House Mover."

Herman G. Archuleta and Filiberto Cordova, doing business as "Emory Earle House Mover," (debtors) herein seek authority to encumber said PUC No. 2350 to Emory Earle and June G. Earle (secured parties) to secure payment of the sum of \$8,000.00 in accordance with the certain terms and conditions as set forth in copies of the Security Agreement and Financing Statement and Promissory Note, filed with the Commission on March 17, 1967, as executed by and between said parties in accordance with the statutory provisions of the Uniform Commercial Code.

The Commission states and finds that the authority as herein sought is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

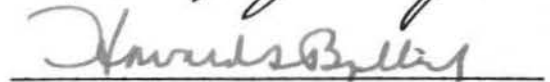
THE COMMISSION ORDERS:

That debtors, Herman G. Archuleta and Filiberto Cordova, doing business as "Emory Earle House Mover," be, and hereby are, authorized to encumber all their right, title and interest in and to PUC No. 2350, transferred by Decision No. 69071, dated February 24, 1967, to secured parties, Emory Earle and June G. Earle to secure payment of the indebtedness in the sum of \$8,000.00, as set forth in the Statement preceding, which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 23rd day of March, 1967.
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(Decision No. 69235)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
BOULDER-YELLOW CAB, INC. 2680 ARAPAHOE)	
STREET, BOULDER, COLORADO, FOR AN)	
INTERPRETATION OR CLARIFICATION OF)	<u>APPLICATION NO. 22396</u>
PUC NO. 301, OR IN THE ALTERNATIVE)	<u>Clarification and Extension</u>
FOR A CERTIFICATE OF PUBLIC CONVEN-)	
IENCE AND NECESSITY AUTHORIZING EXTEN-)	
SION OF OPERATIONS UNDER PUC NO. 301.)	

March 23, 1967

Appearances: Walter M. Simon, Esq., Denver,
Colorado, for Applicant;
David Butler, Esq., Denver,
Colorado, for Denver-Boulder
Bus Company and Colorado Motor
Way, Inc., for Copy of Order
and as their interest may appear.

STATEMENT AND FINDINGS OF FACT

The above-entitled application was regularly set by the Commission for hearing and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement and said Examiner transmitted to the Commission the record of said proceeding together with a written statement of his findings of fact and conclusions.

As is noted in the application, Applicant seeks an interpretation or clarification of its authority, or, in the alternative, for a certificate of public convenience and necessity which would, in effect, authorize it to provide service to intermediate points along the route described in the authority. Prior to the hearing, the Staff had reviewed the file and concluded that the authority sought, namely, "to provide such service to all intermediate points along said route" was not previously authorized; therefore, the hearing proceeded on the request for extension as set forth in the application.

Mr. Lloyd Brady testified that he is Operations Manager for Boulder-Yellow Cab and that for a substantial period of time the company had been rendering the service requested; that this particular service was being used by the public and in fact, there was a substantial demand for the service, one in particular, is the I.B.M. Plant which fronts on Highway 119, and the other is the Town and community of Niwot. There were introduced and admitted into evidence Exhibit 1 which is a letter requesting this service for film delivery and Exhibit 2 which is also a letter setting forth the need for the service. Mr. Brady stated that the equipment used is a 1963 International Carry-All.

Robert Steele, Jr., Greeley, Colorado, testified that he was the previous holder of PUC No. 301; that he operated this authority in the manner requested in this application and, in fact, would provide service to intermediate points along the route. He also testified as to the public need for the service and that there was no other such service available.

Mr. Cecil W. Smith testified that he operates an antique shop in Niwot and that he himself not only uses the service but his customers need and would use the service.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and exhibits and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that applicant corporation has ample and suitable equipment and qualified and experienced personnel with which to render the proposed extended service herein sought; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that there is a present need for such service; that the present or future public convenience and necessity requires or will require the proposed extended services of the applicant; and that said authority should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Boulder-Yellow Cab, Inc., Boulder, Colorado, be, and hereby is, authorized to extend operations under PUC No. 301, and that henceforth the full and complete authority under said PUC No. 301 shall be as follows, to-wit:

"Transportation of passengers and their baggage, and express, between Longmont, Colorado and Boulder, Colorado, via Niwot, on State Highway No. 119, including the right to provide such service to all intermediate points along said route."


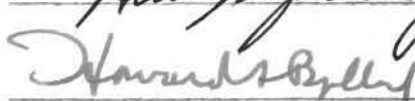
That Applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of March, 1967.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF DAVE KLEIN,)
DOING BUSINESS AS "KLEIN'S RUBBISH)
REMOVAL," 4036 NEWLAND, WHEATRIDGE,)
COLORADO.)

PUC NO. 3268
PUC NO. 6790

March 23, 1967

STATEMENT AND FINDINGS OF FACT

The Commission is in receipt of a communication from Dave Klein requesting authority to change his trade name to Klein's Rubbish Removal in lieu of Klein's Hauling Service in the conduct of operations under PUC No. 3268 and PUC No. 6790.

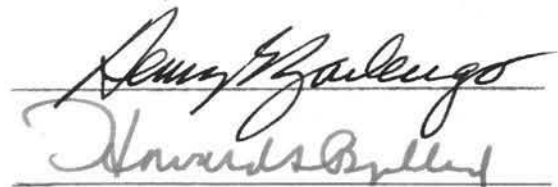
The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That Dave Klein, doing business as "Klein's Hauling Service," be, and hereby is, authorized to conduct operations under the trade name and style of Dave Klein, doing business as "Klein's Rubbish Removal," in the conduct of operations under PUC No. 3268 and PUC No. 6790, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Donald B. Miller


Commissioners

Dated at Denver, Colorado
this 23rd day of March, 1967.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
NEPTUNE WORLD-WIDE MOVING, INC.,)
55 WEYMAN AVENUE, NEW ROCHELLE,)
NEW YORK.)

PUC NO. 3351-I

March 23, 1967

STATEMENT AND FINDINGS OF FACT

The Commission is in receipt of a communication from J. R. Goldman, Vice President, of the above-styled certificate holder requesting authorization to change its corporate name from Neptune Storage Inc. to Neptune World-Wide Moving, Inc., in the conduct of operations under PUC No. 3351-I.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

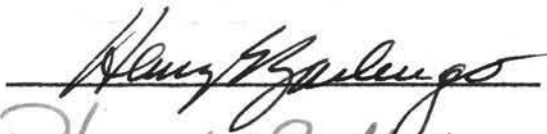
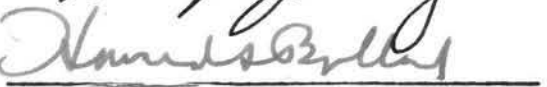

ORDER

THE COMMISSION ORDERS:

That Neptune Storage Inc. be, and hereby is, authorized to change its corporate name to Neptune World-Wide Moving, Inc. in the conduct of operations under PUC No. 3351-I, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado
this 23rd day of March, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GLEN CAMPBELL, GENERAL DELIVERY,)
DOLORES, COLORADO, FOR A CLASS "B") APPLICATION NO. 21806-PP
PERMIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE)

IN THE MATTER OF THE APPLICATION OF)
GLEN CAMPBELL, DOLORES, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS AS A) APPLICATION NO. 21949-PP-Extension
CLASS "B" PRIVATE CARRIER GRANTED BY)
DECISION NO. 67307, DATED APRIL 28, 1966.)

SUPPLEMENTAL ORDER

March 24, 1967

Appearances: Glen Campbell, Dolores,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

On April 28, 1966, the Commission entered Decision No. 67307, granting applicant herein the right to operate as a Class "B" private carrier by motor vehicle for hire, and on July 15, 1966, by Decision No. 67789 authorized said applicant to extend operations under authority granted by said Decision No. 67307.

Said applicant has failed to comply with the requirements set forth in said Decision No. 67307 and Decision No. 67789, viz., has failed to file a certificate of insurance covering pl/pd, customer list and tariff.

The Commission states and finds that inasmuch as applicant has not fulfilled requirements set forth in said Decisions, operating rights granted thereby should be revoked, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That operating rights, and extension thereto, granted to Glen Campbell, Dolores, Colorado, by Decision No. 67307, dated April 28, 1966, and Decision No. 67789, dated July 15, 1966, be, and the same hereby are, revoked, for failure of applicant to comply with requirements set forth in said Decisions.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry J. Gallegos
Howard Brillant

E. R. Lundberg
Commissioners

Dated at Denver, Colorado,
this 24th day of March, 1967.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MYRON BODAM DBA)
BESSEMER AUTO PARTS)
1212 E. Evans)
Pueblo, Colorado 81001)
-----)

AUTHORITY NO. M-2336
CASE NO. 1309-M-Ins.

March 24, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 14, 1967, in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

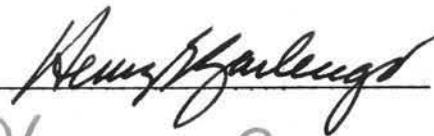
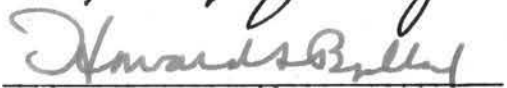

O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
24th day of March, 1967 .

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CECIL R. THOMPSON DBA)
THOMPSON RADIO & ELECTRIC)
740 SANTA FE)
SPRINGFIELD, COLORADO 81073)

AUTHORITY NO. M-14271

CASE NO. 1466-M-Ins.

March 24, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 14, 1967, in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.


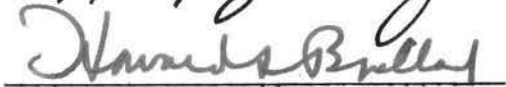
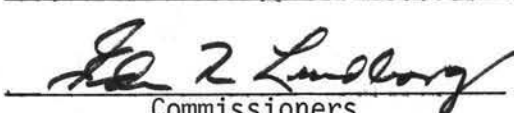
O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
24th day of March, 1967 .

hw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

JOHN E. STRONG DBA
STRONG LUMBER COMPANY
Box 523
Aspen, Colorado 81611

AUTHORITY NO. M-7629

CASE NO. 1324-M-Ins.

March 24, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 14, 1967, in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.


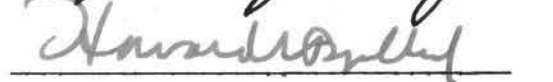
O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
24th day of March, 1967.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARRY H. SCHAFER AND LOIS I. SCHAFER,)
5800 WEST 39TH AVENUE, DENVER, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO. 3517) APPLICATION NO. 22400-Transfer
TO JAKE SCHLAGEL, JR., DOING BUSINESS)
AS "AURORA & EAST DENVER TRASH DISPOSAL,")
447 OSWEGO, AURORA, COLORADO.)

March 24, 1967

Appearances: Harry H. Schafer, Denver, Colorado,
for Transferors;
Jake Schlagel, Jr., Aurora,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

By the instant application authority is sought to transfer
PUC No. 3517 from Harry H. Schafer and Lois I. Schafer, Denver, Colorado,
to Jake Schlagel, Jr., doing business as "Aurora & East Denver Trash
Disposal," Aurora, Colorado.

Said application was regularly set by the Commission for hearing
and was heard by an Examiner duly designated and to whom the hearing was
assigned by the Commission. At the conclusion of the hearing, the matter
was taken under advisement, and said Examiner transmitted to the Commission
the record of said proceeding, together with a written statement of his
findings of fact and conclusions.

Harry H. Schafer, one of the transferors, appeared and testified
in support of the granting of the instant application. His testimony
generally disclosed that he and his wife have entered into an agreement
with the transferee for the sale and purchase of PUC No. 3517; that they
are the owners of PUC No. 3517; that the consideration for the transfer is
\$400.00; and that the motor vehicle operation is in good standing with the
Commission with no encumbrances or outstanding debts against said authority.

The transferee herein also appeared and testified in support hereto. His testimony disclosed that he has entered into an agreement to acquire and operate PUC No. 3517 from the transferors herein; that the consideration for the transfer is \$400.00; that he will have sufficient equipment, net worth and operating experience with which to render and continue operations under this authority; that he has made provisions for insurance as required by the Commission; and that he will abide by all rules, regulations and safety requirements of the Public Utilities Commission and the laws of the State of Colorado.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that transferee will have sufficient equipment and experience to properly carry on the operations; that transferee's financial standing and qualifications are established to the satisfaction of the Commission; that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Harry H. Schafer and Lois I. Schafer, Denver, Colorado, be, and they hereby are, authorized to transfer all their right, title and interest in and to PUC No. 3517 to Jake Schlagel, Jr., doing business as "Aurora & East Denver Trash Disposal," Aurora, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission.


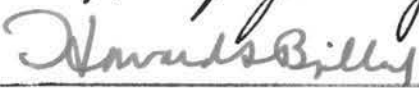

That henceforth the full and complete authority under PUC No. 3517 shall be as follows, to-wit:

"Transportation of ashes, trash, and other waste materials, between points within the City and County of Denver, State of Colorado, and from points in the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe and Jefferson, State of Colorado."

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of March, 1967.
gh

(Decision No. 69243)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HUBERT GORDON, STAR ROUTE, HUDSON,)
COLORADO, FOR A CLASS "B" PERMIT) APPLICATION NO. 22408-PP
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

March 24, 1967

Appearances: Hubert Gordon, Hudson, Colorado,
pro se;
R. Paul Brown, Esq., Fort Lupton,
Colorado, for C. E. Gerkin,
Protestant.

STATEMENT AND FINDINGS OF FACT

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire.

Said application was regularly set by the Commission for hearing and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Hubert Gordon, the applicant herein, appeared and testified in support of the granting of the instant application. His testimony generally disclosed that he will enter into private carriage contracts to provide needed and specialized service with certain shippers who have requested the herein proposed service; that he has ample and suitable equipment, sufficient net worth and operating experience with which to conduct said proposed operation; that provisions will be made for insurance as required by the Commission; and that, if the authority is granted, he agrees to operate in accordance with all the present and future rules and regulations and safety requirements of the Public Utilities Commission and all laws of the State of Colorado pertaining to private carriers.

Anthony Eichthaler, Joe Wurtz, Merrill Strawder and Harlan Wall appeared and testified in support of the application stating that they would use the services of the applicant if the authority herein sought is granted.

The Protestant, C. E. Gerkin, did not appear personally but was represented by R. Paul Brown, Attorney, however, no evidence was offered on behalf of the said protestant.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that there is a need for applicant's proposed transportation services; that applicant will have sufficient equipment and experience to properly carry on the proposed operation; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that it does not appear to the Commission that the proposed operation will impair the efficient public service of any authorized common carrier adequately serving the same territory, over the same general highway route or routes; that the granting of authority as provided in the following Order will be in the public interest and such authority should be granted.

O R D E R

THE COMMISSION ORDERS:

That Hubert Gordon, Hudson, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of farm products (excluding livestock and bulk milk) from point to point in Adams and Weld Counties, and to and from said counties, from and to Denver, State of Colorado; and this ORDER shall be deemed to be, and be, a PERMIT therefor.

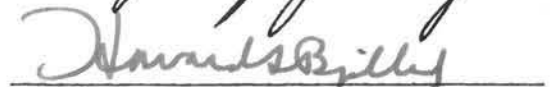
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 24th day of March, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THOMAS W. SOMERVILLE, DOING BUSINESS)
AS "LEADVILLE TAXI SERVICE," P. O.)
BOX 160, LEADVILLE, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22397

March 24, 1967

Appearances: William M. Simms, Esq., Denver,
Colorado, for the Applicant;
Thomas R. Wattom, Dillon,
Colorado, for Summit Stage
Line Ltd.; Protestant;
Dalton Ford, Denver, Colorado,
for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

Applicant herein seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of passengers and baggage; packages and parcels not to exceed 100 pounds in weight, from point to point within a 30-mile radius of Leadville, Colorado, all such passenger and parcel transportation to be accomplished by the use of six-passenger automobiles.

Said application was regularly set by the Commission for hearing and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Prior to the hearing and in conference with the Applicant, the Protestant and the Staff of the Commission, a description of the authority was worked out which was typed, identified and admitted as Applicant's Exhibit No. 1. This new description of authority gets away from the "crow

flies" type of radial description and was very satisfactory to all concerned. It was understood that the authority specifically excludes Aspen and upon agreement of the redescribed authority noted above, Protestant withdrew its protest.

Thomas W. Somerville, Leadville, Colorado, the Applicant herein, appeared and testified in support of the within application. He stated that there is a need for this type of service in the area and that this need was expressed by the bank who loaned him the money to go into business; that the City Council expressed its desire for a taxi service and other parties of Leadville have done likewise; that the population of Leadville is presently from 5,000 to 8,000 and growing; that he has two six-passenger automobiles, one a sedan and the other a station wagon; that he has an approximate net worth of \$7,720.46; and that with regard to experience, he stated he has no experience in this particular type of operation but he has operated a successful business in the past and has had a chauffeur's license for a period of 30 years; that if this authority is granted, he agrees to operate in accordance with all the present and future rules, regulations and safety requirements of the State of Colorado and will make provisions for insurance as required by the Commission.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and exhibits and the written statement of the Examiner herein states and finds no one protests the granting of the application as amended; that applicant will have sufficient equipment and experience to properly carry on the proposed transportation services; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that there is a present need for applicant's proposed transportation services; that the present or future public convenience and necessity require or will require the transportation services for which applicant herein seeks authority, and the authority should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Thomas W. Somerville, doing business as "Leadville Taxi Service," Leadville, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire, for the:

Transportation of passengers and baggage and packages and parcels, not to exceed 100 pounds in weight, from point to point within the City Limits of Leadville, Colorado, and for such passengers and baggage and packages and parcels, originating or terminating in the City of Leadville, Colorado, from and to the following points: Turquoise Lake, Twin Lakes, Buena Vista, Fairplay, Climax, Frisco, Vail, Dillon and Breckenridge, as well as intermediate points; provided, however, that all such transportation be accomplished by use of six-passenger automobiles;

and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.


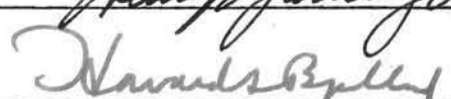
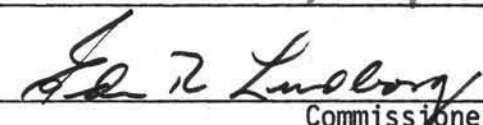
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of March, 1967.
gh

(Decision No. 69245)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES F. STOVER, DOING BUSINESS AS)
"CHUCK STOVER ASH & TRASH SERVICE",)
619 TIA JUANA, COLORADO SPRINGS,)
COLORADO, TO EXTEND OPERATIONS)
UNDER PUC NO. 2179.)

APPLICATION NO. 22440-Extension

IN THE MATTER OF THE APPLICATION OF)
CHARLES F. STOVER, DOING BUSINESS AS)
"CHUCK STOVER ASH & TRASH SERVICE,")
619 TIA JUANA, COLORADO SPRINGS,)
COLORADO, TO TRANSFER PUC NO. 2179)
TO STAN T. ERNST AND LEE R. CORDER,)
3107 EAST PIKES PEAK AVENUE, COLO-)
RADO SPRINGS, COLORADO.)

APPLICATION NO. 22441-Transfer

March 24, 1967

Appearances: Otto K. Hilbert, Esq., Colorado
Springs, Colorado, for Charles
F. Stover, the Transferor, and
Stan T. Ernst and Lee R. Corder,
the Transferees;
Dwight Murphey, Esq., Colorado
Springs, Colorado, for Ace
Disposal Service Co., Inc., Disposal
Service Co., Bestway Disposal Co.,
Security Garbage & Trash Service,
Colorado Springs Landfill, Inc., and
Superior Sanitation, Inc., Protestants;
Paul Hendricks, Monument, Colorado

PROCEDURE AND RECORD

On February 14, 1967, Charles F. Stover, doing business as
"Chuck Stover Ash & Trash Service," and Stan T. Ernst and Lee R. Corder
filed the instant joint application (No. 22440 and 22441) with the Com-
mission seeking authority for the transfer of Certificate No. 2179 from
the said Charles F. Stover to the said Stan T. Ernst and Lee R. Corder
and also requesting in said application an extension of authority under
such Certificate No. 2179. Because the application involved both a
transfer and an extension, the Secretary of the Commission assigned two

docket numbers to the application. On March 20, 1967 a notice of intention to protest was filed by Ace Disposal Service Co., Inc., Disposal Service Co., Bestway Disposal Co., Security Garbage & Trash Service, and Colorado Springs Landfill, Inc. After due and proper notice to all interested parties the matter was heard by Commissioner Howard S. Bjelland at 10:00 o'clock A.M. on Tuesday, March 21, 1967 in the Auditorium of the County Office Building, 27 E. Vermijo Street, Colorado Springs, Colorado.

As a preliminary matter, the applicants moved to expand the application for extension to permit the holder of Certificate No. 2179 to haul to all authorized dumps in El Paso County. The motion to amend being expansive in nature, was denied by the Presiding Commissioner.

Charles F. Stover, Stan T. Ernst and Lee R. Corder testified in support of the application. Applicants introduced into evidence the following exhibits:

Exhibit A--A signed agreement between Stover, Ernst and Corder for the sale and transfer of Certificate No. 2179.

Exhibit B--The financial statement of Stan T. Ernst.

Exhibit C--The financial statement of Lee R. Corder.

Robert E. Parker and Thomas McLaughlin were called as witnesses by the protestants. Upon conclusion of the hearing the Presiding Commissioner took the matter under advisement.

FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Commission finds as fact from such record, that:

1. Charles F. Stover, doing business as "Chuck Stover Ash & Trash Service," 619 Tia Juana, Colorado Springs, Colorado, is the owner and operator of certificate of public convenience and necessity No. 2179 issued by the Colorado Public Utilities Commission.

2. Certificate No. 2179 authorizes in general the:

"Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials between points within a radius of ten (10) miles of the corner of Pikes Peak and Nevada Avenues, in Colorado Springs, Colorado, and the city dump, located approximately .8 of a mile from the City limits of Colorado Springs, Colorado, and any dump which is now or which may hereafter be located within the area above-described. Decision No. 48230 Extended to: Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials, between points within the City of Colorado Springs, Colorado."

This certificate was originally issued on November 8, 1950 in Decision No. 35612 and was extended on June 27, 1957 by Decision No. 48230.

3. Charles F. Stover entered into an agreement on March 10, 1967 to convey to Stan T. Ernst and Lee R. Corder all of the right, title and interest which he had in and to Certificate No. 2179 for the sum of \$300.

4. Stan T. Ernst and Lee R. Corder have had several years of experience in the ash and trash business. They are the owners of a 1959 Chevrolet pack garbage truck which they plan to utilize to render service if the transfer is authorized. Stan T. Ernst has a net financial worth in excess of \$3500, and Lee R. Corder has a net financial worth in excess of \$2500. Stan T. Ernst and Lee R. Corder have adequate equipment, experience and financial resources to properly render service under Certificate No. 2179. The financial responsibility of Ernst and Corder was established to the satisfaction of the Commission.

5. In 1951 the City of Colorado Springs apparently entered into the ash and trash business as a municipal utility and also apparently passed certain regulatory measures requiring all ash and trash haulers in the City of Colorado Springs to utilize closed trucks rather than open dump trucks. As a result of such regulatory action by the City, Charles F. Stover ceased to render ash and trash service in the City of Colorado Springs from 1951 on. Charles F. Stover has not obtained a license from the City of Colorado Springs to operate as an ash and trash hauler within the corporate boundaries of the City

since 1951. When Charles F. Stover was called upon to render ash and trash service, the said Charles F. Stover refused to render such service and referred the customer to other trash hauling services. Charles F. Stover admitted that he had not rendered any ash and trash hauling service since 1951.

6. Charles F. Stover has abandoned any and all rights which he might have had under Certificate No. 2179 to haul ashes and trash.

7. The application for extension simply seeks extended authority to permit the holder of Certificate No. 2179 to transport material under such certificate to dumps located within a radius of fifteen miles of the corner of Pikes Peak and Nevada Avenues in Colorado Springs, Colorado, in order that the holder thereof may use presently existing dumps located within such radius. The extension should be granted.

8. The application to transfer should be granted, but the right to transport ashes and trash should be deleted from the authority contained in Certificate No. 2179.

9. It is in the public interest that such transfer be allowed. Public convenience and necessity require the extension of authority under PUC No. 2179 to include the right to haul to authorized dumps located within the said fifteen-mile radius.

O R D E R

THE COMMISSION ORDERS:

That the holder of PUC No. 2179 be, and hereby is, authorized to extend operations under said certificate to authorize the holder thereof to transport material under said certificate to authorized dumps located within fifteen miles of the corner of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado.

That Charles F. Stover, doing business as "Chuck Stover Ash & Trash Service," be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 2179 to Stan T. Ernst and Lee R. Corder, Colorado Springs, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission, provided, however

that the right to transport ashes and trash shall be deleted from said authority.

That henceforth the full and complete authority under PUC No. 2179 shall be as follows, to-wit:

"Transportation of dirt, rock, fertilizer, rubbish, brush and other waste materials, excluding ashes and trash, between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues in Colorado Springs, Colorado, and including points within the City of Colorado Springs, Colorado, and all authorized dumps located within fifteen miles of the corner of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado."

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

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

The right of transferees to operate under this Order shall depend upon the prior filing of the annual report by transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin G. Jenkins
Howard B. Miller

Ed. R. Linsley
Commissioners

Dated at Denver, Colorado,
this 24th day of March, 1967.
ls

(Decision No. 69246)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE F. RIBELIN, 806 SUMMIT VIEW)
DRIVE, FORT COLLINS, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.) APPLICATION NO. 22337-PP-Transfer
B-6831 TO ORVILLE HAWKINS, ROUTE 2,)
BOX 6505, FORT COLLINS, COLORADO.)

March 24, 1967

Appearances: Orville Hawkins, Fort Collins,
Colorado, pro se.

PROCEDURE AND RECORD

On December 21, 1966, George F. Ribelin and Orville Hawkins filed the instant joint application (No. 22337) seeking authority from the Commission for the transfer of Permit No. B-6831 from George F. Ribelin to Orville Hawkins. After due and proper notice to all interested parties, the matter was heard by Commissioner Howard S. Bjelland at 10:00 o'clock A.M. on March 22, 1967 in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado.

Orville Hawkins testified in support of the application. No one appeared in protest. Upon the conclusion of the hearing, the Presiding Commissioner took the matter under advisement.

FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Commission finds as fact from such record, that:

1. George F. Ribelin, 806 Summit View Drive, Fort Collins, Colorado, is the owner and operator of Permit No. B-6831 issued by the Colorado Public Utilities Commission, which permit generally authorizes:

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage, and loading points within a radius of 75 miles of said forests; rough lumber, from sawmills in said 75-mile radius to markets in the State of Colorado, with no town-to-town service."

The permit is in good standing before the Commission.

2. George F. Ribelin has entered into an oral agreement to transfer Permit No. B-6831 to Orville Hawkins. George F. Ribelin is a logging contractor and Hawkins has been employed by Ribelin for some time. If the transfer authority is granted, Orville Hawkins plans to render transportation services for George F. Ribelin.

3. Orville Hawkins has had over seven years' experience in the trucking business, is the owner of a 1959 Kenilworth tractor with log trailer and has a net financial worth in excess of \$10,000. Orville Hawkins has adequate experience, equipment and financial resources to render transportation services under Permit No. B-6831.

4. Orville Hawkins is familiar with the rules and regulations of this Commission and with the statutes of the State of Colorado and will comply therewith if the transfer is authorized.

5. The transfer is in the public interest and should be granted.

O R D E R

THE COMMISSION ORDERS:

That George F. Ribelin, Fort Collins, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to Permit No. B-6831 to Orville Hawkins, Fort Collins, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

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


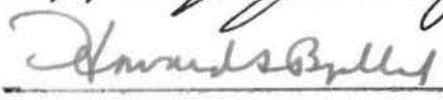

and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of March, 1967.

1s

(Decision No. 69247)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GRAND)
LAKE TOURS, A DIVISION OF GRAND LAKE BOAT)
SERVICE, INC., DOING BUSINESS AS "GRAND)
LAKE TOURS," BOX 587, GRAND LAKE, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY AUTHORIZING EX-)
TENSION OF OPERATIONS UNDER PUC NO. 6641)
SO AS TO PERMIT THE APPLICANT TO USE)
FOUR-WHEEL DRIVE MOTOR VEHICLES WITH A)
MAXIMUM CAPACITY OF TWENTY PASSENGERS)
AND ONE DRIVER IN THE CONDUCT OF)
OPERATIONS UNDER SAID PUC NO. 6641.)

APPLICATION NO. 22449-Extension

March 24, 1967

Appearances: William D. Jochems, Esq., Denver,
Colorado, for Grand Lake Tours, a
Division of Grand Lake Boat
Service, Inc., the Applicant;
David Butler, Esq., Denver, Colorado,
for Colorado Transportation
Company, Protestant.

PROCEDURE AND RECORD

On February 17, 1967, Grand Lake Tours, a division of Grand Lake Boat Service, Inc. filed an application (No. 22449) seeking an extension of its existing certificate (No. 6641) of public convenience and necessity. On March 3, 1967, Colorado Transportation Company filed a protest to the application. After due and proper notice to all interested parties the matter was heard by Commissioner Howard S. Bjelland on Wednesday, March 22, 1967 at 10:00 o'clock A.M. in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado.

As a preliminary matter, the applicant filed an amendment to the application which provided:

"9. Applicant shall use U.S. Highways 34 and 40 solely for access to roads or trails leading to destination points no less than one mile off said highways."

The Presiding Commissioner allowed the filing of the amendment. Thereupon Colorado Transportation Company, the protestant, withdrew its protest, stating through counsel that it had no objection to the application as amended.

Lyle Killion, president of the applicant, testified in support of the application. No one protested the application. Upon conclusion of the hearing the Presiding Commissioner took the application under advisement.

FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Commission finds as fact from such record, that:

1. Grand Lake Tours, a division of Grand Lake Boat Service, Inc., the applicant herein, is the owner of Certificate No. 6641 issued by the Colorado Public Utilities Commission. Certificate No. 6641 authorizes the holder thereof:

"To transport passengers, without baggage, by four-wheel drive vehicles of a capacity not exceeding ten passengers and one driver on scenic and informative round trip tours for hire on a call and demand basis or on a specific timetable basis or on both bases during the tourist season, within the following area:

All territory bounded by a circle with a radius of fifty miles from the town of Grand Lake, except:

1. That portion of the circle lying to the east of a north-south line formed by extending that portion of the east boundary of the Rocky Mountain National Park which runs from the northeast corner of the Park south to a point approximately four miles north-northeast of the Town of Estes Park, Colorado, north to the point where said line intersects said circle and south to the point where said line intersects said circle.
2. The territory east of the Continental Divide lying within fifteen miles of Estes Park, Colorado.
3. The territory bounded by Kremmling, Parshall, Loveland Pass Summit, Como, Fairplay, Malta, Dowd and Azure, Colorado."

Certificate No. 6641 is in good standing before the Commission.

2. By the present application, the applicant seeks to extend the authority granted under Certificate No. 6641 in such manner as to

allow the applicant to utilize vehicles of a capacity not exceeding 20 passengers and one driver. The present authority restricts the vehicle capacity to 10 passengers and one driver.

3. Certificate No. 6641 was issued by the Commission by Order dated April 8, 1966, Decision No. 67162. Applicant operated for approximately a month and a half during July and August of 1966. During that course of time the applicant conducted approximately 60 tours with a total of 350 passengers, using a Toyota 6-passenger plus driver four-wheel drive vehicle. On approximately 25% of the tours, the applicant had more prospective customers than this size vehicle would accommodate.

4. Applicant has purchased a four-wheel drive Dodge power wagon and has modified such vehicle so that it will handle 14 passengers plus a driver. The applicant corporation anticipates that in the future somewhat larger four-wheel drive passenger vehicles may be available. No substantial changes in the financial position of the applicant have occurred since the last hearing.

5. The application as amended should be granted, and public convenience and necessity so require.

O R D E R

THE COMMISSION ORDERS:

That Grand Lake Tours, a division of Grand Lake Boat Service, Inc., be, and hereby is, authorized to extend operations under PUC No. 6641 so that said Certificate PUC No. 6641 henceforth shall be authority to provide the following transportation service:

"To transport passengers, without baggage, by four-wheel drive vehicles of a capacity not exceeding twenty passengers and one driver on scenic and informative round trip tours for hire on a call and demand basis or on a specific timetable basis or on both bases during the tourist season, within the following area:

All territory bounded by a circle with a radius of fifty miles from the town of Grand Lake, except:

1. That portion of the circle lying to the east of a north-south line formed by extending that portion of the east boundary

of the Rocky Mountain National Park which runs from the northeast corner of the Park south to a point approximately four miles north-northeast of the Town of Estes Park, Colorado, north to the point where said line intersects said circle and south to the point where said line intersects said circle.

2. The territory east of the Continental Divide lying within fifteen miles of Estes Park, Colorado.
3. The territory bounded by Kremmling, Parshall, Loveland Pass Summit, Como, Fairplay, Malta, Dowd and Azure, Colorado.

The holder of this authority shall use U. S. Highways 34 and 40 solely for access to roads and trails leading to destination points no less than one mile off said highways."

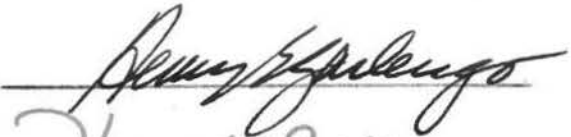
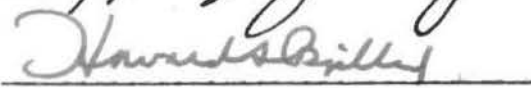
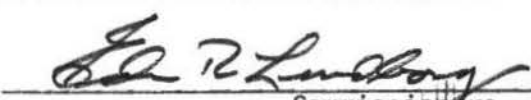
That applicant shall file tariffs of rates, rules and regulations and/or time and distance schedules as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of March, 1967.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEO T. RICHARDSON, DOING BUSINESS AS)
"CENTRAL STORAGE AND TRANSFER COMPANY,")
4401 EAST 46TH AVENUE, DENVER, COLO-)
RADO, FOR AUTHORITY TO TRANSFER PUC)
NO. 3428 TO CENTRAL STORAGE AND)
TRANSFER COMPANY, A COLORADO CORPORA-)
TION, 4401 EAST 46TH AVENUE, DENVER,)
COLORADO.)

APPLICATION NO. 22360-Transfer

IN THE MATTER OF THE APPLICATION OF)
LEO T. RICHARDSON, DOING BUSINESS AS)
"CENTRAL STORAGE AND TRANSFER COMPANY,")
4401 EAST 46TH AVENUE, DENVER, COLO-)
RADO, FOR AUTHORITY TO TRANSFER PERMIT)
NO. A-4192 TO CENTRAL STORAGE AND)
TRANSFER COMPANY, A COLORADO CORPORA-)
TION 4401 EAST 46TH AVENUE, DENVER,)
COLORADO.)

APPLICATION NO. 22361-PP-Transfer

March 24, 1967

Appearances: Frank P. Lynch, Jr., Esq.,
Denver, Colorado, for Applicants.

STATEMENT AND FINDINGS OF FACT

The above-entitled applications, pursuant to prior setting after appropriate notice to all parties in interest, were heard at 9:30 o'clock A.M., at Denver, Colorado, on March 21, 1967, and at the conclusion of the evidence, the matters were taken under advisement. The applications were heard on a consolidated basis as it appeared that the rights of no one would be prejudiced.

Leo T. Richardson appeared and testified in support of both applications for transfer. Said witness testified in substance and to the effect that he was conducting operations under the authorities as an individual doing business as "Central Storage and Transfer Company;" that the transferee is a corporation having the same name, to-wit: "Central Storage and Transfer Company;" that all of the assets of the transferor

used in connection with operations under both authorities are being transferred to the transferee and the transferee will have as secure a financial position as the transferor; that the operations will be carried on in the same manner after the transfer as prior thereto excepting for the fact that the operations will be that of a corporation rather than that of an individual; that the transfers are being made because the transferor decided to separate this part of his business from other business interests which he has; that there are no mortgages, liens or encumbrances against the authorities. A balance sheet as of January 3, 1967, of the transferee corporation, an affidavit or statement of mortgages and liens as well as copy of the articles of incorporation signed by the transferor, and the agreement providing for the transfer of the transferee corporation were filed with the Commission.

The Commission finds that transferee corporation will have sufficient equipment and experienced personnel to properly carry on the operations; that transferee's financial standing and qualifications are established to the satisfaction of the Commission; that no one protests the granting of the instant applications; that the proposed transfers are compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Leo T. Richardson, doing business as "Central Storage and Transfer Company," Denver, Colorado, be, and hereby is, authorized to transfer all his right, title and interest in and to PUC No. 3428 and Permit No. A-4192 to Central Storage and Transfer Company, a Colorado corporation, Denver, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission.

That henceforth the full and complete authority under PUC No. 3428 shall be as follows, to-wit:

Transportation of general commodities, excepting (1) used household goods and used office furniture and fixtures; (2) commodities which, because of size and weight, require special equipment; and (3) commodities moving in package delivery service to private residences, from point to point within the City and County of Denver.

That henceforth the full and complete authority under Permit No. A-4192 shall be as follows, to-wit:

Transportation of groceries, consisting of canned goods, soap, and packaged goods, from termini in the vicinity of 22nd and Blake Street, Denver, Colorado, to termini (grocery stores) located in Arvada, Aurora, Lakewood, Englewood, Littleton, Wheatridge, Westminster, The Denver Federal Center, Edgewater, and Lakeside Shopping Center, Colorado, said service to be limited to the use of one truck only, and to be rendered for the following-named wholesale firms, to-wit: H. J. Heinz & Company, Berger Sales Company, Colgate-Palmolive-Peat Company, Ace Mercantile Company, A & F Warehouse Co., Denver Warehouse, Inc., Hilex Co., Inc., and The Stone-Hall Co.

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

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


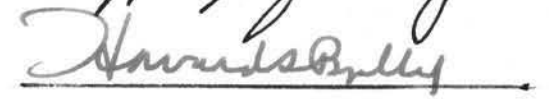

The right of transferee to operate under this Order shall depend upon the prior filing of the annual report by transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of March, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
UNION TELEPHONE COMPANY, INC.,)
MOUNTAIN VIEW, WYOMING, FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

APPLICATION NO. 21267
SUPPLEMENTAL ORDER

March 24, 1967

Appearances: Vincent A. Vehar, Esq., Evanston,
Wyoming, associated with Marvin
Brown, Esq., Steamboat Springs,
Colorado, for the Applicant;
Oscar A. Hall, Esq., Rawlins, Wyoming,
associated with John F. Mueller, Esq.,
Denver, Colorado, for Protestant Valley
Telephone Company, Baggs, Wyoming;
Paul M. Brown, Denver, Colorado,
of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

On September 13, 1965, the Commission entered Decision No. 65789 in the matter of the application of the Union Telephone Company for a certificate of public convenience and necessity. The terms of the Order contained the provision that the certificate granted therein was subject to the acquisition by the Applicant of certain communication facilities of Mountain Fuel Supply Company and further provided that such acquisition should be accomplished within one year from the date of an affirmative order issued by the Commission or the certificate issued shall be null and void.

The Commission has received written request from Union Telephone Company requesting that the time limitation imposed by the Commission Order of one year from the date of the decision be extended for one year from March 9, 1967, the date of Union's written request.

Union Telephone Company has notified Valley Telephone Company of Baggs, Wyoming (which company's request for a certificate to serve a part

of the same area granted to Union Telephone Company in Decision No. 65789 was denied) of their intent to request an extension of time. No objection by Valley Telephone to the time extension has been received, either by Union Telephone Company or this Commission.

The reason for the extension request is that negotiations with Mountain Fuel Supply Company by Union to acquire a part of Mountain Fuel Supply Company's communication system and, thereafter, in conjunction with Mountain States Telephone and Telegraph Company to supply private line service, is still being negotiated and it is anticipated the negotiations should be completed within the one year extension now requested.


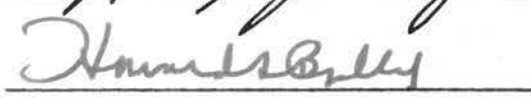
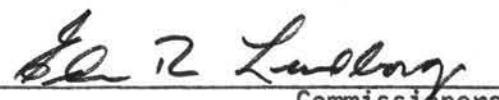
O R D E R

THE COMMISSION ORDERS:

That the herein Applicant, Union Telephone Company, be, and hereby is, granted an extension of time within which to meet the limitations imposed in Decision No. 65789.

That the extension requested shall be to March 9, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of March, 1967.
gh

(Decision No. 69250)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ACE DISPOSAL SERVICE, INC., 110 WEST)
FOUNTAIN STREET, COLORADO SPRINGS,)
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER PUC NO. 2180.)

APPLICATION NO. 22385-Extension

IN THE MATTER OF THE APPLICATION OF)
ROBERT D. CUMMINGS, DOING BUSINESS AS)
"DISPOSAL SERVICE COMPANY," 1511 HAN-)
COCK EXPRESS WAY, COLORADO SPRINGS,)
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER PUC NO. 2130.)

APPLICATION NO. 22386-Extension

IN THE MATTER OF THE APPLICATION OF)
THOMAS E. SALMON, DOING BUSINESS AS)
"SECURITY GARBAGE COMPANY," 578 MAR-)
QUITTE DRIVE, COLORADO SPRINGS, COLO-)
RADO, FOR AUTHORITY TO EXTEND OPERA-)
TIONS UNDER PUC NO. 2695.)

APPLICATION NO. 22387-Extension

IN THE MATTER OF THE APPLICATION OF)
THOMAS E. SALMON, DOING BUSINESS AS)
"SECURITY GARBAGE COMPANY," 578 MAR-)
QUITTE DRIVE, COLORADO SPRINGS, COLO-)
RADO, FOR AUTHORITY TO EXTEND OPERA-)
TIONS UNDER PUC NO. 3700.)

APPLICATION NO. 22388-Extension

IN THE MATTER OF THE APPLICATION OF)
J. W. ESTES, DOING BUSINESS AS "ESTES)
SERVICE COMPANY," BOX 1201, COLORADO)
SPRINGS, COLORADO, FOR AUTHORITY TO)
EXTEND OPERATIONS UNDER PUC NO. 2575)
(PRESENTLY LEASED TO AND OPERATED BY)
GARBAGE SERVICE CO., INC., DOING)
BUSINESS AS "BESTWAY DISPOSAL CO."))

APPLICATION NO. 22389-Extension

IN THE MATTER OF THE APPLICATION OF)
GARBAGE SERVICE, INC., DOING BUSINESS)
AS "BESTWAY DISPOSAL COMPANY," 1705)
LAS VEGAS, COLORADO SPRINGS, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS)
UNDER PUC NO. 3626.)

APPLICATION NO. 22390-Extension

March 27, 1967

Appearances: William Andrew Wilson, Esq.,
Denver, Colorado, for
Applicants;
Paul Hendryx, Colorado Springs,
Colorado, pro se, Protestant.

STATEMENT AND FINDINGS OF FACT

The above-entitled applications were regularly set by the Commission for hearing, and were heard, on a consolidated record, by an Examiner duly designated and to whom the hearings were assigned by the Commission. At the conclusion of the hearing, the matters were taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Paul Hendryx, Colorado Springs, Colorado, holder of PUC No. 6396 appeared as a Protestant. However, upon stipulation by all Applicants that the authority would not in any way extend or affect the "pickup" authority but applied only to an extension of the area within which the commodities designated in the Certificates could be dumped, this Protestant withdrew his protest.

Each of the Applicants or representatives testified in support of the granting of the authorities herein applied for. Each have ample and suitable equipment, are financially able and have operating experience to render the proposed extended service; that all are acquainted with the rules, regulations and safety requirements of the Public Utilities Commission and the laws of the State of Colorado pertaining to common carriers and will continue to observe the same; that there is a need for these extended areas; and that provisions have been made for insurance as required by the Commission.

Mr. Orris Gram, Public Utilities Commission Transportation Representative in the Colorado Springs area, appeared pursuant to Subpoena and testified that because of an increase in population and city boundaries dumps were located further out than heretofore and that in order to be able to dump their commodities, these Applicants and others similarly

situated required the extension of authority as herein applied for.

Mr. Gram, along with the Applicants, testified that most of them were now hauling to these dumps and were, in fact, exceeding their authority by doing so. He also testified that the public interest required the extension and that there was a present and special need for the extension.

All motions granted by the Examiner are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that the applicants have ample and suitable equipment and operating experience to properly carry on the proposed extended service herein sought; that their financial standing and qualifications are established to the satisfaction of the Commission; that there is a present need for such proposed extended services; that the present or future public convenience and necessity requires or will require such operations and that the extensions herein sought should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Ace Disposal Service, Inc., Colorado Springs, Colorado, be, and hereby is, authorized to extend operations under PUC No. 2180 to include the transportation of the commodities within the area designated in the aforesaid certificate to any duly designated or approved dump or dump site within a thirty (30) mile radius of the City of Colorado Springs, Colorado, and that henceforth the full and complete authority under said PUC No. 2180 shall read as follows, to-wit:

Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials from points within a radius of ten (10) miles of the corner of Pikes Peak and Nevada Avenues, in Colorado Springs, Colorado, to any duly designated or approved dump or dump site within a thirty (30) mile radius of the City of Colorado Springs, Colorado.

That Robert D. Cummings, doing business as "Disposal Service Company," Colorado Springs, Colorado, be, and hereby is, authorized to

extend operations under PUC No. 2130 to include the transportation of the commodities within the area designated in the aforesaid certificate to any duly designated or approved dump or dump site within a thirty (30) mile radius of the City of Colorado Springs, Colorado, and that henceforth the full and complete authority under said PUC No. 2130 shall read as follows, to-wit:

Transportation of ashes, trash, rubbish and other waste material from points within a ten (10) mile radius of the Post Office in Colorado Springs, Colorado to any duly designated or approved dump site within a thirty (30) mile radius of the City of Colorado Springs, Colorado.

That Thomas E. Salmon, doing business as "Security Garbage Company," Colorado Springs, Colorado, be, and hereby is, authorized to extend operations under PUC No. 2695 to include the transportation of the commodities within the area designated in the aforesaid certificate to any duly designated or approved dump or dump site within a thirty (30) mile radius of the City of Colorado Springs, Colorado, and that henceforth the full and complete authority under said PUC No. 2695 shall read as follows, to-wit:

Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials, from points within a radius of ten (10) miles of the corner of Pikes Peak Avenue and Nevada Avenue, Colorado Springs, Colorado, to any duly designated or approved dump or dump site within a thirty (30) mile radius of the City of Colorado Springs, Colorado.

That Thomas E. Salmon, doing business as "Security Garbage Company," Colorado Springs, Colorado, be, and hereby is, authorized to extend operations under PUC No. 3700 to include the transportation of the commodities within the area designated in the aforesaid certificate to any duly designated or approved dump or dump site within a thirty (30) mile radius of the City of Colorado Springs, Colorado, and that henceforth the full and complete authority under said PUC No. 3700 shall read as follows, to-wit:

Transportation of rubbish, ashes, trash, scrap products and waste materials of every kind and nature for all customers within the Town of Fountain and within a radius of seven (7) miles of Fountain, Colorado, to any duly designated or approved dump or dump site within a thirty (30) mile radius of the City of Colorado Springs, Colorado.

That J. W. Estes, doing business as "Estes Service Company," Colorado Springs, Colorado, be, and hereby is, authorized to extend operations under PUC No. 2575, (presently leased to and operated by Garbage Service Co., Inc., doing business as "Bestway Disposal Co.") to include the transportation of the commodities within the area designated in the aforesaid certificate to any duly designated or approved dump or dump site within a thirty (30) mile radius of the City of Colorado Springs, Colorado, and that henceforth the full and complete authority under said PUC No. 2575 shall read as follows, to-wit:

- 1) Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials from points within a ten (10) mile radius of the corner of Pikes Peak and Nevada Avenues in Colorado Springs, Colorado.
- 2) Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials from points in the area covered by the site of the United States Air Force Academy.
- 3) Transportation of garbage, ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials from points within a five (5) mile radius of the Post Office in the Town of Woodland Park, Teller County, Colorado,

to any duly designated or approved dump or dump site within a thirty (30) mile radius of the City of Colorado Springs, Colorado.

That Garbage Service, Inc., doing business as "Bestway Disposal Co.," Colorado Springs, Colorado, be, and hereby is, authorized to extend operations under PUC No. 3626 to include the transportation of the commodities within the area designated in the aforesaid certificate to any duly designated or approved dump or dump site within a thirty (30) mile radius of the City of Colorado Springs, Colorado, and that henceforth the full and complete authority under said PUC No. 3626 shall read as follows, to-wit:

Transportation of garbage, ashes, trash, rubbish, rubble, and any and all similar materials or articles from points within the City of Colorado Springs, Colorado, and within a radius of one (1) mile of Colorado Springs, Colorado, to any duly designated or approved dump or dump site within a thirty (30) mile radius of the City of Colorado Springs, Colorado.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 27th day of March, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

UNION SALES CORPORATION
301 Washington Street
Columbus, Indiana 47201

AUTHORITY NO. M-6695

CASE NO. 1266-M-Ins.

March 24, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 14, 1967, in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.




ORDER

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated,
as of the date of revocation and the said revocation order be, and the
same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




 Commissioners

Dated at Denver, Colorado, this
24th day of March, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
C. G. STANLEY)
3746 Chamberlin Dr.)
Indianapolis, Indiana 46227)
-----)

AUTHORITY NO. M-9427

CASE NO. 1450-M-Ins.

March 24, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 14, 1967 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.


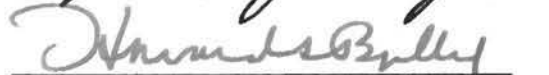

O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
24th day of March, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JAMES D. STEPHENSON)
4558 Wyandot Street)
Denver, Colorado 80221)
-----)

AUTHORITY NO. B 3729

CASE NO. 366-H-Ins.

March 27, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 14, 1967 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

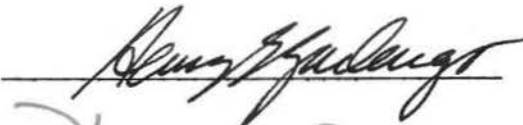


O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
27th day of March, 1967 .

(Decision No. 69254)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYE BENHAM, DOING BUSINESS AS)
"BENHAM'S TRUCK STOP," BOX 98,)
HIGHWAY 145, RICO, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 22296-PP
SUPPLEMENTAL ORDER

March 24, 1967

Appearances: William A. Thompson, Esq., Cortez,
Colorado, for Applicant.

STATEMENT AND FINDINGS OF FACT

On March 20, 1967, the Commission entered Decision No. 69185 in the above-styled application, revoking operating rights granted to the above-styled applicant by Decision No. 68776, dated December 28, 1966, for failure of said applicant to comply with requirements set forth in said Decision No. 68776.

It now appears that applicant has complied with all requirements of Decision No. 68776, and requests reinstatement of operating rights granted thereby.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

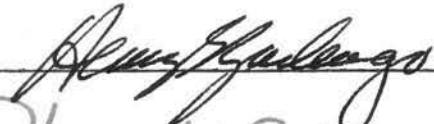


O R D E R

THE COMMISSION ORDERS:

That Decision No. 69185, dated March 20, 1967, be, and the same hereby is, vacated, set aside, and held for naught, as of said 20th day of March, 1967, and operating rights heretofore granted to

Raye Benham, doing business as "Benham's Truck Stop," Rico, Colorado,
by Decision No. 68776, dated December 28, 1966, be, and the same
hereby are, restored to active status as of said date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of March, 1967.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
MISSOURI PACIFIC RAILROAD COMPANY,)	
543-550 THATCHER BUILDING, 511 NORTH)	APPLICATION NO. 20582
MAIN STREET, PUEBLO, COLORADO, FOR)	<u>SUPPLEMENTAL</u>
AUTHORITY TO RETIRE TRACK NO. 1 AT)	
WERME, COLORADO.)	

March 28, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 20, 1965, by Decision No. 66127, and after hearing held on August 25, 1965 at Pueblo, Colorado, the Commission made its Order that Applicant, Missouri Pacific Railroad Company, be

"...authorized to retire and remove Track No. 1 at Werme, Colorado, after January 15, 1967, after a trial period to that date, and then only on condition that the Applicant has not realized revenue of \$1,500.00 or more for carload shipment in-bound or out-bound from said track during the preceding one year trial period."

In further accord with the above decision and order, Missouri Pacific Railroad Company, by G. M. Holzman, General Manager, has notified the Commission by correspondence dated March 3, 1967, to the effect that for the trial period of January 15, 1966 through January 15, 1967

"...no inbound or outbound shipments were received on this track for the above period; therefore, in line with application, Missouri Pacific requests authority to remove track."

With reference to the Commission files, it is noted the only subsequent entry made in the instant matter, following the above Decision of October 20, 1965, is a Staff reminder letter dated July 22, 1966 and directed to protesting parties:

Homer H. Osborne and
John Werme, Jr.

as owner-users of lands served by Track No. 1. Copy of the complete decision was enclosed with the Staff correspondence.

After further consideration of the matter, it would appear that results of the one-year trial period showing no rail shipments would further confirm our initial findings

"...that continued non-use or infrequent use would justify retirement and track removal."

A final order authorizing requested removal of Track No. 1, Werme, Colorado, will be made herewith.

O R D E R

THE COMMISSION ORDERS:

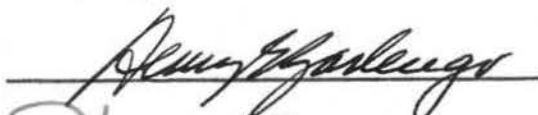
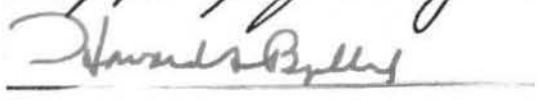

That Applicant, Missouri Pacific Railroad Company, Pueblo, Colorado, be, and is hereby authorized to retire and remove Track No. 1 at Werme, Colorado.

That this Order is made in conformance with results of a one-year trial period, wherein no revenue was shown and no cars were handled.

That reference shall be made to this decision in the affected tariffs as required, to show the withdrawal of service.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 28th day of March, 1967.

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DELOYD JOHNSON, DOING BUSINESS AS)
"D. JOHNSON'S ASH AND TRASH SERVICE,")
2111 NORTH WEBER, COLORADO SPRINGS,)
COLORADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY AUTHORIZING)
EXTENSION OF OPERATIONS UNDER PUC NO.)
2568.)

APPLICATION NO. 22447-
Extension

March 28, 1967

Appearances: Deloyd Johnson, Colorado
Springs, Colorado, pro se;
Paul Hendryx, Colorado Springs,
Colorado, pro se, Protestant.

STATEMENT AND FINDINGS OF FACT

The above-entitled application was regularly set by the Commission for hearing, and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Paul Hendryx, Colorado Springs, Colorado, holder of PUC No. 6396 appeared as a Protestant. However, upon stipulation by the Applicant that the authority herein sought would not in any way extend or affect the "pick-up" authority but applied only to an extension of the area within which the Commodities designated in the Certificate could be dumped, this Protestant withdrew his protest.

The Applicant appeared and testified in support of the granting of the authority herein sought. He stated that he has ample and suitable equipment, financial ability and operating experience to render the proposed extended service; that he is acquainted with the rules, regulations and safety requirements of the Commission and the laws of the State of

Colorado pertaining to common carriers and will continue to observe the same; that there is a need for the extended area as sought; and that provisions have been made for insurance as required by the Commission.

Orris Gram, Public Utilities Commission Transportation Representative in the Colorado Springs area, did not appear in support of the application. However, his testimony in Application Nos. 22385 through 22390, inclusive, is applicable to the herein application.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the authority herein sought; that applicant will have ample and suitable equipment and operating experience to properly carry on the proposed extended service herein sought; that the applicant's financial standing and qualifications are established to the satisfaction of the Commission; that there is a present need for such proposed extended services; that the present or future public convenience and necessity requires or will require such operations; and that the extension herein sought should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Deloyd Johnson, doing business as "D. Johnson's Ash and Trash Service," Colorado Springs, Colorado, be, and hereby is, authorized to extend operations under PUC No. 2568 to include the transportation of the commodities within the area designated in the aforesaid certificate to any duly designated or approved dump or dump site within a thirty (30) mile radius of the City of Colorado Springs, Colorado, and that henceforth the full and complete authority under said PUC No. 2568 shall read as follows, to-wit:

Transportation of ashes and trash from points within a radius of ten (10) miles of the corner of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado, to any duly designated or approved dump or dump site within a thirty (30) mile radius of the city of Colorado Springs, Colorado.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 28th day of March, 1967.

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BERNARD B. TYLER, DOING BUSINESS AS)
"TYLER TRASH SERVICE," 731 SOUTH)
WEBER, COLORADO SPRINGS, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AUTHORIZING EXTENSION OF)
OPERATIONS UNDER PUC NO. 2195.)

APPLICATION NO. 22404-
Extension

March 28, 1967

Appearances: Bernard B. Tyler, Colorado
Springs, Colorado, pro se;
Paul Hendryx, Colorado Springs,
Colorado, pro se, Protestant.

STATEMENT AND FINDINGS OF FACT

The above-entitled application was regularly set by the Commission for hearing, and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Paul Hendryx, Colorado Springs, Colorado, holder of PUC No. 6396 appeared as a Protestant. However, upon stipulation by the Applicant that the authority herein sought would not in any way extend or affect the "pickup" authority but applied only to an extension of the area within which the commodities designated in the Certificate could be dumped, this Protestant withdrew his protest.

The Applicant appeared and testified in support of the granting of the authority herein sought. He stated that he has ample and suitable equipment, financial ability and operating experience to render the proposed extended service; that he is acquainted with the rules, regulations and safety requirements of the Commission and the laws of the State of

Colorado pertaining to common carriers and will continue to observe the same; that there is a need for the extended area as sought; and that provisions have been made for insurance as required by the Commission.

Orris Gram, Public Utilities Commission Transportation Representative in the Colorado Springs area did not appear in support of the application. However, his testimony in Application Nos. 22385 through 22390, inclusive, is applicable to the herein application.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the authority herein sought; that applicant will have ample and suitable equipment and operating experience to properly carry on the proposed extended service herein sought; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that there is a present need for such proposed extended services; that the present or future public convenience and necessity requires or will require such operation; and that the extension herein sought should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Bernard B. Tyler, doing business as "Tyler Trash Service," Colorado Springs, Colorado, be, and hereby is, authorized to extend operations under PUC No. 2195 to include the transportation of ashes, trash, rock, fertilizer, rubbish, brush and other waste materials, to any designated or approved dump, or dump site, within a thirty (30) mile radius from the corner of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado, and that henceforth the full and complete authority under said PUC No. 2195 shall read as follows, to-wit:

Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials from points within a radius of ten (10) miles of the corner of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado, to any designated or approved dump, or dump site, within a thirty (30) mile radius from the corner of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 28th day of March, 1967
et

(Decision No. 69258)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM SWANN, DOING BUSINESS AS)
"H & H HAULING COMPANY," 940 SOUTH)
CONEJOS, COLORADO SPRINGS, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AUTHORIZING EXTENSION OF)
OPERATIONS UNDER PUC NO. 2183.)

APPLICATION NO. 22403-
Extension

March 28, 1967

Appearances: William Swann, Colorado Springs,
Colorado, pro se;
Paul Hendryx, Colorado Springs,
Colorado, pro se, Protestant

STATEMENT AND FINDINGS OF FACT

The above-entitled application was regularly set by the Commission for hearing, and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Paul Hendryx, Colorado Springs, Colorado, holder of PUC No. 6396 appeared as a Protestant. However, upon stipulation by the Applicant that the authority herein sought would not in any way extend or affect the "pick-up" authority but applied only to an extension of the area within which the commodities designated in the Certificate could be dumped, this Protestant withdrew his protest.

The Applicant appeared and testified in support of the granting of the authority herein sought. He stated that he has ample and suitable equipment, financial ability and operating experience to render the proposed extended service; that he is acquainted with the rules, regulations and safety requirements of the Commission and the laws of the State of

Colorado pertaining to common carriers and will continue to observe the same; that there is a need for the extended area as sought; and that provisions have been made for insurance as required by the Commission.

Orris Gram, Public Utilities Commission Transportation Representative in the Colorado Springs area, did not appear in support of the application. However, his testimony in Application Nos. 22385 through 22390, inclusive, is applicable to the herein application.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the authority herein sought; that applicant will have ample and suitable equipment and operating experience to properly carry on the proposed extended service herein sought; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that there is a present need for such proposed extended services; that the present or future public convenience and necessity requires or will require such operations; and that the extension herein sought should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That William Swann, doing business as "H & H Hauling Company," Colorado Springs, Colorado, be, and hereby is, authorized to extend operations under PUC No. 2183 to include the transportation of ashes, trash, rock, fertilizer, rubbish, brush and other waste materials, to any dump or dump site, within a thirty (30) mile radius from the corner of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado, and that henceforth the full and complete authority under said PUC No. 2183 shall read as follows, to-wit:


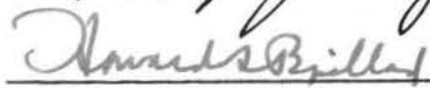

Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials from points within a radius of ten (10) miles of the corner of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado, to any dump or dump site within a thirty (30) mile radius from the corner of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 28th day of March, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: RATES AND CHARGES APPLICABLE TO)
FERTILIZING COMPOUNDS, NOI, AND/OR)
AMMONIUM NITRATE, IN BAGS OR IN BULK,)
BETWEEN POINTS IN THE STATE OF COLORADO)
OVER IRREGULAR ROUTES.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 584
SUPPLEMENTAL ORDER

March 28, 1967

STATEMENT AND FINDINGS OF FACT

On March 13, 1967, the Commission entered Decision No.69156 in the above-styled matter, which, among other things, set the herein matter for hearing on April 5, 1967, at 10:00 A.M., 532 State Services Building, Denver, Colorado.

The Commission is in receipt of a communication from Alvin J. Meiklejohn, Jr., Attorney for Allen Transfer Company, requesting that the hearing presently set for April 5, 1967, be continued and reset for hearing at a future date to be determined by the Commission.

The Commission states and finds that the hearing date on the above-styled matter presently set for April 5, 1967, as specified by Decision No. 69156, should be vacated and that said hearing be held on May 5, 1967, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the hearing on the above-styled matter presently set for April 5, 1967, be, and the same hereby is, vacated.

That said matter be, and the same hereby is, reset for hearing on May 5, 1967, at 10:00 o'clock A.M., at 532 State Services Building, Denver, Colorado.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin E. Galt
James B. Galt

E. R. Lusk
Commissioners

Dated at Denver, Colorado,
this 28th day of March, 1967

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JAMES E. YENKO)
2022 Elmwood Lane)
Pueblo, Colorado 81004)
)
)
)
)
)

AUTHORITY NO. B 6915
CASE NO. 441-H-Ins.

March 30, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 14, 1967 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

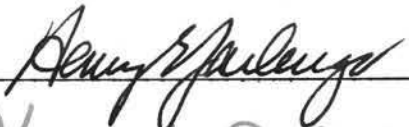
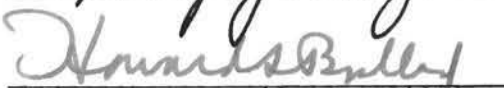

O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
30th day of March, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WALTER RUMNEY AND CELESTE W. RUMNEY,)
ROUTE 4, BOX 287, GREELEY, COLORADO,)
UNDER PERMIT NO. B-729 AND PERMIT)
NO. B-729-I.)

CASE NO. 5341

March 28, 1967

STATEMENT AND FINDINGS OF FACT

On March 27, 1967, the Contract Carriers Conference of the Colorado Motor Carriers Association, on behalf of its members, through its attorney, John J. Conway, filed a Petition requesting the Commission to allow it to intervene or appear in the above-entitled matter as its interests may appear, and caused copies of said Petition to be served by mail upon John R. Barry and Lloyd Espinosa, parties of record in this proceeding.

The Commission has carefully considered said Petition filed herein, and is of the opinion, and finds that said Petition should be denied.


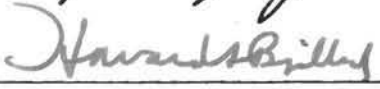

O R D E R

THE COMMISSION ORDERS:

That Petition filed with the Commission by John J. Conway, Attorney for and on behalf of the Contract Carriers Conference of the Colorado Motor Carriers Association and its members, be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 28th day of March, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
550-15th STREET, DENVER, COLORADO,)
FOR AN ORDER GRANTING TO IT A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NECESSITY)
TO EXERCISE FRANCHISE RIGHTS FOR THE)
GENERATION, PRODUCTION, MANUFACTURE,)
PURCHASE, STORAGE, EXCHANGE, TRANS-)
MISSION AND DISTRIBUTION OF ELECTRICAL)
ENERGY, GASEOUS FUELS OR MIXTURES)
THEREOF, AND STEAM, IN THE CITY AND)
COUNTY OF DENVER.)

APPLICATION NO.22429
SUPPLEMENTAL ORDER

March 29, 1967

Appearances: Lee, Bryans, Kelly & Stansfield,
Esqs., Denver, Colorado, by
Bryant O'Donnell, Esq., and
Donald D. Cawelti, Esq.,
Denver, Colorado, for the
Applicant;
Brian Goral, Esq., Denver, Colo-
rado, City Attorney's Office,
on behalf of Thomas G. Currigan,
Mayor, and the City and County
of Denver, Colorado;
Elbridge G. Burnham, Denver,
Colorado, Intervenor;
Robert L. Pyle, Esq., Denver,
Colorado, for the Staff of
the Commission.

STATEMENT AND FINDINGS OF FACT

On March 7, 1967, the Commission entered Decision No. 69133 in
the above-entitled application.

On March 27, 1967, Petition for Rehearing was filed with the
Commission by Elbridge G. Burnham.

The Commission has carefully considered Petition for Rehearing
filed herein, and each and every allegation thereof, and is of the opinion
and finds that said Petition should be denied.

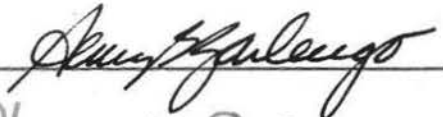
O R D E R

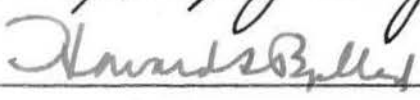
THE COMMISSION ORDERS:


That Petition for Rehearing filed with the Commission by
Elbridge G. Burnham be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 29th day of March, 1967
et

(Decision No. 69263)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
SUSIE PERKINS, 332 SOUTH CONEJOS,)	
COLORADO SPRINGS, COLORADO, FOR A)	<u>APPLICATION NO. 22448-Extension</u>
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY AUTHORIZING EXTENSION)	
OF OPERATIONS UNDER PUC NO. 2606.)	

March 30, 1967

Appearances: Susie Perkins, Colorado Springs,
Colorado, pro se;
Paul Hendryx, Colorado Springs,
Colorado, pro se, Protestant.

STATEMENT AND FINDINGS OF FACT

The above-entitled application was regularly set by the Commission for hearing, and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Paul Hendryx, Colorado Springs, Colorado, holder of PUC No. 6396 appeared as a Protestant. However, upon stipulation by the Applicant that the authority herein sought would not in any way extend or affect the "pickup" authority but applied only to an extension of the area within which the commodities designated in the Certificate could be dumped, this Protestant withdrew his protest.

The Applicant appeared and testified in support of the granting of the authority herein sought. He stated that he has ample and suitable equipment, financial ability and operating experience to render the proposed extended service; that he is acquainted with the rules, regulations and safety requirements of the Commission and the laws of the State of Colorado pertaining to common carriers and will continue to observe

the same; that there is a need for the extended area as sought; and that provisions have been made for insurance as required by the Commission.

Orris Gram, Public Utilities Commission Transportation Representative in the Colorado Springs area, did not appear in support of the application. However, his testimony in Application Nos. 22385 through 22390, inclusive, is applicable to the herein application.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the authority herein sought; that applicant will have ample and suitable equipment and operating experience to properly carry on the proposed extended service herein sought; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that there is a present need for such proposed extended services; that the present or future public convenience and necessity requires or will require such operations; and that the extension herein sought should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Susie Perkins, Colorado Springs, Colorado, be, and hereby is, authorized to extend operations under PUC No. 2606 to include the transportation of ashes, trash, rubbish, and every other item of a similar junk or refuse nature as provided in said PUC No. 2606, from within a ten (10) mile radius of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado, to any duly designated or approved dump or dump site within a thirty (30) mile radius of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado, and that henceforth the full and complete authority under said PUC No. 2606 shall read as follows, to-wit:

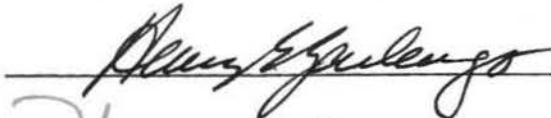
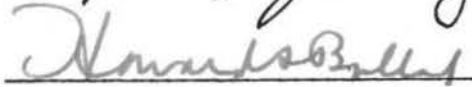
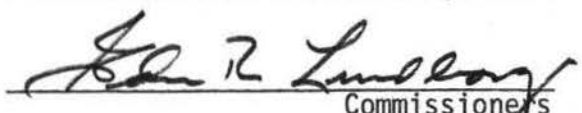
Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials from points within a radius of ten (10) miles of the corner of Pikes Peak and Nevada Avenues in Colorado Springs, Colorado, to any duly designated or approved dump or dump site within a thirty (30) mile radius of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of March, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LOUIS LONGO)
3417 Fairfield)
Pueblo, Colorado 81004)
)
)
)
)
)
)

AUTHORITY NO. B 5918

CASE NO. 403-H-Ins.

March 30, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 14, 1967 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

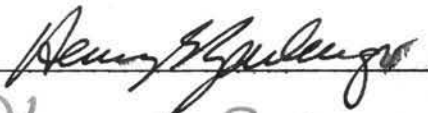
O R D E R


THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
30th day of March, 1967 .

(Decision No.69265)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DENVER CLEAN-UP SERVICE, INC., 803)
SOUTH JASON, DENVER, COLORADO, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AUTHORIZING EXTENSION)
OF OPERATIONS UNDER PUC NO. 3343.)

APPLICATION NO. 22155-
Extension
SUPPLEMENTAL ORDER

March 29, 1967

Appearances: James C. Perrill, Esq., Denver,
Colorado, for Applicant;
Robert E. McLean, Esq., Denver,
Colorado, and
William Andrew Wilson, Esq., Denver,
Colorado, for Protestants as
set out in written Protests
herein filed.

STATEMENT AND FINDINGS OF FACT

On February 27, 1967, the Commission entered Decision No. 69085
in the above-entitled matter.

On March 20, 1967, Petition for Rehearing was filed with the
Commission by Protestants herein by their attorneys, William Andrew Wilson
and Leslie R. Kehl.

The Commission has carefully considered Petition for Rehearing
filed herein, and each and every allegation thereof, and is of the opinion, and
finds that said Petition should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing filed with the Commission by the Pro-
testants herein be, and the same hereby is, granted, said matter to be later
set for rehearing, de novo, before the Commission with notice to all parties
in interest.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER EDWIN R. LUNDBORG NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 29th day of March, 1967.
et

(Decision No. 69266)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE ATCHISON, TOPEKA AND SANTA FE)
RAILWAY COMPANY AND R E A EXPRESS)
FOR PERMISSION TO CLOSE THE STATION)
AT PALMER LAKE, EL PASO COUNTY,)
COLORADO, AS AN AGENCY STATION.)

APPLICATION NO. 22410

March 30, 1967

S T A T E M E N T

BY THE COMMISSION:

Pursuant to Rule No. 6 of this Commission's Rules and Regulations Pertaining to Railroads and Express Companies Operating in the State of Colorado, the Atchison, Topeka and Santa Fe Railway Company (Santa Fe) and Railway Express Agency, Incorporated, on February 1, 1967, filed an application seeking authority to close the joint agency station presently maintained for Rail and Express service at Palmer Lake, El Paso County, Colorado.

Palmer Lake, Colorado, is located approximately 23.0 miles north from the Agency Station at Colorado Springs on the Santa Fe Denver District line extending between Denver and Pueblo, Colorado. Palmer Lake is four miles north from Monument on a segment of Colorado Highway No. 105 that formerly continued northward through Larkspur into Castle Rock. U.S. 85-87 as a part of I-25 now serves the Castle Rock-Monument area.

Applicant states the Agency Station at Plamer Lake is not required for operational purposes. It appears that in past years the station was

open twenty-four hours daily as a Train Order station. In 1966, improved communications and train control procedures were completed permitting reduction to one shift and now there is no longer any operational need during any part of the day. Meanwhile, it is also stated that revenues are substantially less than expenses; that only a small volume of rail business is handled by the Agent; hence, proposal for closing of the station is made on the basis that only minor public convenience and necessity is involved to handle future station business at the Colorado Springs station. Supporting explanatory information and exhibits were offered for Commission consideration. Proposed effective date for requested station closing is March 15, 1967.

In conformance with the Commission rules herein, public notice of the requested change was posted at the Palmer Lake Station on January 24, 1967. Said Notice included the further directions that any public objections should be forwarded to the Public Utilities Commission. Inquiry in behalf of Town of Palmer Lake was made by Mayor Stan Johnson. On March 3, 1967, Formal Protest of the Town of Palmer Lake was received by the Commission. On March 10, 1967, withdrawal of Protest by Town of Palmer Lake was received by the Commission.

It appears that Palmer Lake is noted as a summer-home mountain area, population varies between winter and summer seasons with about 950 persons as a stable estimate for the general area. Station work has been handled for the industry sidings at Castle Rock, Larkspur, Greenland and Monument. Passenger train stops are only made at Palmer Lake. With reference to the exhibit data as submitted with the instant application, Santa Fe business at Palmer Lake is summarized as follows:

SUMMARY - PALMER LAKE

<u>Station</u>	<u>Item</u>	1963		1964		1965		1966 (8 Mo.)	
		<u>Rec.</u>	<u>Fwd.</u>	<u>Rec.</u>	<u>Fwd.</u>	<u>Rec.</u>	<u>Fwd.</u>	<u>Rec.</u>	<u>Fwd.</u>
Palmer Lake	Carloads	-	-	-	-	1	-	-	-
	LCL Shipments	19	12	41	7	35	2	8	-
Castle Rock	Carloads	-	-	1	4	9	-	20	-
	LCL Shipments	-	-	10	-	-	-	-	-
Greenland	Carloads (May)	12	-	10	-	13	-	15	-
	LCL Shipments	None							
Larkspur	Carloads	-	-	1	-	-	-	-	-
	LCL Shipments	None							
Monument	Carloads	-	-	4	-	1	-	48	-
	LCL Shipments	None							
Palmer Lake Station Totals:									
	Carloads	12	-	16	4	24	-	83	-
	LCL Shipments	19	12	51	7	35	2	8	-

Revenues

Palmer Lake	Carloads	\$ -	\$ -	\$ 340	\$ -
	LCL	70	108	82	18
	Passenger	454	445	205	165
	Express	179	246	275	115
	Western Union	32	24	16	5
	Total	\$ 735	\$ 823	\$ 918	\$ 303
Castle Rock	Carloads	-	1,153	2,761	3,393
	LCL	-	22	-	-
	Total	\$ -	\$ 1,175	\$ 2,761	\$ 3,393
Greenland	Carloads	\$ 507	\$ 421	\$ 595	\$ 710
Larkspur	Carloads	\$ -	\$ 411	\$ -	\$ -
Monument	Carloads	\$ -	\$ 790	\$ 266	\$ 5,264
Total Station Revenue		\$ 1,242	\$ 3,620	\$ 4,540	\$ 9,670
Less: Palmer Lake Expenses		29,482	29,719	22,355	10,695
Gain (Loss)		\$(28,240)	\$(26,099)	\$(17,815)	\$(1,025)
Less: Operating Expense					
Move trains etc.		1,025	2,977	3,676	7,830
System Net (Loss)		<u>\$(29,265)</u>	<u>\$(29,076)</u>	<u>\$(21,491)</u>	<u>\$(8,855)</u>

Relative to the above LCL shipments, it is noted this traffic has been handled by The Santa Fe Trail Transportation Company, a motor carrier subsidiary of The Atchison, Topeka and Santa Fe Railway Company, on a substituted service basis. If the agency at Palmer Lake is closed, the LCL service will be continued on a Store door delivery basis.

In other Commission investigation it was determined that the single carload shipment received at Palmer Lake in 1965 consisted of piling timbers used to repair bridges damaged in the 1965 flood. In 1966, there were 45 carloads of pipe received at Monument for Colorado Interstate Gas Co. as a non-recurring type of shipment. At Greenland, ten to twenty cars of cattle are received annually. Freight bills for the cattle are sent to the shipper Mr. Richie at Clarendon, Texas, and in the future can be readily sent from Colorado Springs as the proposed alternate station. Meanwhile, customary switching service is to be continued; there are no track removals involved and there is no toll charge for telephone calls between Palmer Lake and Colorado Springs.

In view of inquiries made in behalf of Palmer Lake by Mayor Stan Johnson, Santa Fe Railway has completed arrangements whereby "Flag Stop" passenger service in and out of Palmer Lake will be available on all northbound and all southbound passenger trains. Service corrections have already been made by Santa Fe, with more complete notice to become available upon issuance of a new passenger time table on or before April 30, 1967. Readjustment of the passenger service as noted above was the basis for withdrawal of its protest by Town of Palmer Lake.

Railway Express business has been limited, averaging eight shipments per month, so that future service will also be offered from the office at Colorado Springs station. In like manner, it is proposed that the small volume of Western Union business may be handled via telephone with Colorado Springs. The mail service is not involved since local mail is not handled on the trains.

As noted in the application, reason for proposed agent removal is to eliminate the non-productive station expense. Public need appears to be centered in use of the passenger trains operating through Palmer Lake. In operating at times when there has been no Agent on duty "Flag Stop" service has been previously utilized. Hence, with Palmer Lake revenues amounting to some \$700 to \$900, it would appear reasonable to eliminate the wage and station expense of some \$7,000 annually. Meanwhile, handling for all the instant industry siding stations and Palmer Lake business will be provided on a substitute basis by another station.

Therefore, it is the belief of the Commission that the proposed station closing is compatible with the public interest and, upon withdrawal of the public protest as previously submitted, the Commission determined to hear, and without further notice, has heard said matter forthwith upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

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

That safe and economical railroad operation does not require the maintenance of an agent at the Palmer Lake station, El Paso County, Colorado.

That there will be a continuation of local switching service and trackage; which, with only minor inconvenience on the whole, will be adequate to meet requirements of the Palmer Lake area.

That the expenses involved in maintaining a joint Agent at Palmer Lake are not justified in view of the proposed change.

That the public convenience and necessity no longer require the continued maintenance of a joint Agency Station at Palmer Lake, Colorado, by The Atchison, Topeka and Santa Fe Railway Company and Railway Express Agency, Inc. and authority for discontinuance should be granted as requested.

O R D E R

THE COMMISSION ORDERS:

That Applicants herein, The Atchison, Topeka and Santa Fe Railway Company, and Railway Express Agency, Inc., be, and are hereby authorized to discontinue joint Agency service at Palmer Lake, El Paso County, Colorado, and to thereafter maintain same as a prepay or non-agency station served through Agency office at Colorado Springs, Colorado.

That, with the closing of the Palmer Lake station, authority is granted to The Atchison, Topeka and Santa Fe Railway Company and its subsidiary, The Santa Fe Trail Transportation Company, for LCL Pickup and Delivery handling within the Palmer Lake city limits on a substituted service basis.


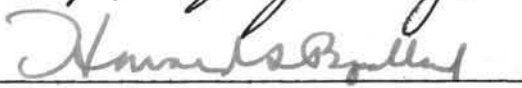

That during any times of seasonal rush or unforeseen need for temporary station service, necessary personnel may be brought in or withdrawn as required, to meet the public needs.

That reference shall be made to this decision in the respective tariff schedules to show closing of the Palmer Lake agency office and as authority for such action.

That the Commission shall retain jurisdiction in this matter, to make such further Order or Orders as may be required.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of March, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LOUIS LONGO)
3417 Fairfield)
Pueblo, Colorado 81001)
-----)

AUTHORITY NO. M-6939

CASE NO. 1391=M-Ins.

March 30, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 14, 1967 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

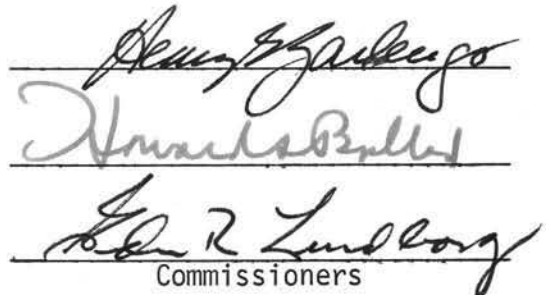
O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
30th day of March, 1967 .

hw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HUNTER BROS MOTOR INC.)
5th & Court Streets)
Pueblo, Colorado 81001)
-----)

AUTHORITY NO. M-15341
CASE NO. 1303-M-Ins.

March 30, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 14, 1967, in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.


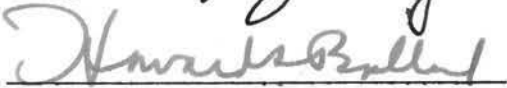

O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
30th day of March, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ROBERT W. DAVIS,
8753 PRINCETON STREET,
WESTMINSTER, COLORADO,

Complainant

vs.

NORTHWEST WATER CORPORATION,
1529 YORK STREET,
DENVER, COLORADO,

Respondent.

CASE NO. 5334

March 30, 1967

Appearances: Robert W. Davis, Westminster,
Colorado, pro se;
Arthur Hayutin, Esq., Denver,
Colorado, for Northwest
Water Corporation;
J. M. McNulty, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

The Northwest Water Corporation, in Application No. 21020, by Decision No. 68272 of September 29, 1966 was granted a rate increase by the Commission amounting to \$25,309.00 in its annual gross operating revenue. By this same Order, the Commission permitted Applicant to file a rate schedule on not less than five (5) days notice to the Commission and the public after the effective date of the Order. A copy of this Order was served on Mr. Robert W. Davis, who appeared in opposition to the granting of the rate increase. This Order was mailed by the Commission on September 29, 1966.

On November 30, 1966 Mr. Davis filed a formal complaint with this Commission alleging that he did not receive a notice of the increase in rates until November 3, 1966, while said notice stated the rate was to become ef-

fective November 1, 1966. Mr. Davis is not protesting the rate increase, per se, but is protesting the fact that he did not have at least five (5) days notice of the increase, in accordance with the Commission Order.

Mr. Arthur Hayutin testified at the hearing that the Notice to the customers of the increase in rates was mailed by the Company on Monday, October 31, 1966 and that in the general course of business it has been his experience the customers usually received their mail the following day, which, in this case, would have been Wednesday, November 1, 1966. He identified Seventh Revised Sheet No. 2, Colo. PUC Tariff No. 1 of the Northwest Water Corporation being the rate filing authorized by the Commission by Decision No. 68272 as having been filed with the Commission on October 20, 1966 with the effective date of the rate of November 1, 1966. This rate filing changed the monthly minimum from \$8.33 for 5,000 gallons to \$10.50 for 5,000 gallons, and increased the charge per 1,000 gallons over the minimum gallonage from \$0.46 to \$0.52 per 1,000 gallons.

Mr. Davis admitted that if his water bill were to be pro-rated to adjust for a five day notice would not be large, but he was inconvenienced by the fact he did not have the full five (5) days notice. He was also concerned since he did not believe the Company complied with the Commission's Order in allowing the five (5) days notice of the increase to his customers.

The rate increase filed by the Water Company was after a hearing and in compliance with the Commission Order. The evidence herein shows that there was no intent by the Company to circumvent the Commission Order. Mr. Davis, and other customers of the Company, actively participated in the rate hearing and were fully informed as to all of the facts. Mr. Davis received a copy of the Order and was the only customer to complain regarding inadequate Notice. The Company was required to wait twenty-one (21) days prior to any action on its part to implement the Order. The Company filed the proposed rate ten (10) days before the effective date, while the Order specified not less than five (5) days. Had we felt that anyone was not fully informed, we could have suspended the filing on our own Motion. In this particular pro-

ceeding, however, we did not believe that further delay was necessary and, consequently, the rate was permitted to become effective November 1, 1966.

We have reviewed the testimony adduced herein and, while there may have been some inconvenience to Mr. Davis, we nevertheless believe that the Company did comply with the Commission Order in filing its rate increase with the Commission ten (10) days prior to the effective date of the rate increase.

F I N D I N G S

THE COMMISSION FINDS:

That Northwest Water Corporation did comply with the Commission's Order in its Decision No. 68272 by filing with this Commission its proposed increase in rates on October 20, 1966 to become effective November 1, 1966.

That the complaint of Robert W. Davis herein, should be dismissed.


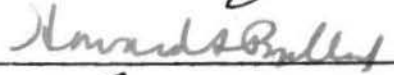

O R D E R

THE COMMISSION ORDERS:

That the Complaint of Robert W. Davis, Westminster, Colorado, in this matter be, and hereby is, dismissed.

That this Order shall become effective twenty-one (21) days from this date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of March, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INVESTIGATION AND SUSPENSION OF)	
COLORADO PUC NO. 1, FIRST REVISED)	<u>INVESTIGATION AND SUSPENSION</u>
SHEET NO. 4A OF THE RYE TELEPHONE)	<u>DOCKET NO. 578</u>
COMPANY, INC., P. O. BOX 36, RYE,)	<u>SUPPLEMENTAL ORDER</u>
COLORADO.)	

March 30, 1967

Appearances: Robert S. Gast, Jr., Esq., of
Lee, Bryans, Kelly & Stansfield,
Esqs., Denver, Colorado, for
Joe Sellers, d/b/a Pine Drive
Telephone Company;
Robert R. McCormack, President, Rye,
Colorado, for Rye Telephone
Company, Inc.;
Paul M. Brown, Denver, Colorado, of
the Staff of the Commission.

STATEMENT AND FINDINGS

BY THE COMMISSION:

By Commission Decision No. 68368, First Revised Sheet 4A of the
Tariff Colo. PUC No. 1 of the Rye Telephone Company, Inc. (Rye) was sus-
pended until February 28, 1967.

By Commission Decision No. 69064 the suspension was extended until
May 28, 1967, and the matter set for hearing at 2:00 P.M., on March 28, 1967
in the Hearing Room of the Commission, 532 State Services Building, 1525
Sherman Street, Denver, Colorado. The matter was called up for hearing at said
time and place.

The Attorney for Pine Drive Telephone Company (Pine Drive) advised
that the matter of exchange boundaries had been discussed and an agreement
reached between Rye and Pine Drive, but the matter had not been formalized.
A Stipulation was, therefore, not available to be presented in evidence.
Such a stipulation is to be prepared by the Attorney for Pine Drive and
submitted to the Commission's Staff for its review and recommendations
to the Commission. In the proposed boundary revisions, existing and poten-

tial subscribers of telephone service may be affected by the proposed change by being transferred to the other telephone company. These subscribers were not notified of the hearing. Therefore, it will be necessary for Pine Drive and Rye to contact these subscribers and obtain from them information that they will not object to being served by whichever telephone company is finally certificated to serve the area.

In view of the above, this matter should be continued until further Order of the Commission.

O R D E R

THE COMMISSION ORDERS:


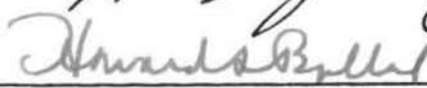

That within thirty (30) days of the date of this Decision, the proposed stipulation shall be filed with the Staff of the Commission.

That there shall also be included therewith an advice from existing and known potential subscribers of their acceptance of the service from the telephone exchange which will ultimately be certificated to serve them.

That Investigation and Suspension Docket No. 578 shall be continued until further Order of this Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of March, 1967.

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
SHIRLEY D. LAZOR)
Route 2, Box 21-A)
Colo. Springs, Colorado 80900)
)
)
)
)
)
)

AUTHORITY NO. B 6858

CASE NO. 479-H-Ins.

March 31, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1967 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

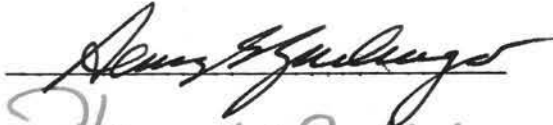


O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
31st day of March, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ANNA M. HANSSEN, DOING BUSINESS AS)
"HANSSEN'S TRUCK LINE," WESTCLIFFE,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 791 AND PUC NO. 791-I TO)
CHARLES E. KOCH AND VERA DELORES KOCH,)
DOING BUSINESS AS "HANSSEN'S TRUCK)
LINE," WESTCLIFFE, COLORADO.)

APPLICATION NO. 22333-Transfer
SUPPLEMENTAL ORDER

March 31, 1967

Appearances: T. Peter Craven, Esq., Denver,
Colorado, for Applicants.

STATEMENT AND FINDINGS OF FACT

On February 15, 1967, the Commission entered Decision No.69013 in the above-styled application authorizing Anna M. Hanssen, doing business as "Hanssen's Truck Line," Westcliffe, Colorado, to transfer PUC No. 791 and PUC No. 791-I to Charles E. Koch and Vera Delores Koch, doing business as Hanssen's Truck Line," Westcliffe, Colorado. On March 1, 1967, the Commission entered Decision No. 69103 granting Transferor and Transferees an extension of an additional period of time with which to file the written acceptance of transfer as set forth in Decision No. 69013, to and only until May 8, 1967.

On March 17, 1967, the Commission entered Decision No. 69177 authorizing Charles E. Koch and Vera Delores Koch to encumber said PUC No. 791 and PUC No. 791-I to Anna M. Hanssen.

The Commission is now in receipt of a communication from T. Peter Craven, Attorney for Applicants, requesting, in addition to the above encumbrance, Commission approval of that certain After Acquired Property Agreement, filed with the Commission on March 13, 1967, as executed by and between Charles E. Koch and Vera Delores Koch and the First National Bank of Florence, Colorado, which Agreement purportedly constitutes a separate lien on PUC No. 791 and PUC No. 791-I to said bank in the principal amount of \$60,000.00.

The Commission states and finds that the authority as herein sought is compatible with the public interest and should be granted as set forth in the Order following.


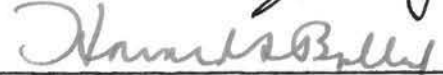

O R D E R

THE COMMISSION ORDERS:

That Charles E. Koch and Vera Delores Koch, doing business as "Hanssen's Truck Line," Westcliffe, Colorado, be, and they hereby are, authorized to encumber PUC No. 791 and PUC No. 791-I in favor of the First National Bank of Florence, Colorado, to secure payment of the indebtedness in the principal sum of \$60,000.00, insofar as that certain After Acquired Property Agreement, as executed by and between said parties, constitutes a lien on said certificates.

This Order shall become effective, nunc pro tunc, as of the 17th day of March, 1967.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 31st day of March, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LEE LEMUEL KELSO, DOING BUSINESS)
AS "D & L TRUCK LINES," ROUTE 1,)
BOX 167, MORRISON, COLORADO.)

PERMIT NO. B-6435

March 30, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.



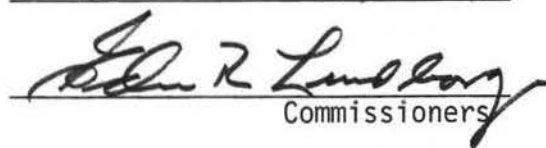
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 23, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of March 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
NORMA V. BAILEY)
323-21ST AVENUE)
GREELEY, COLORADO 80631)

PERMIT NO. A-1165

March 30, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

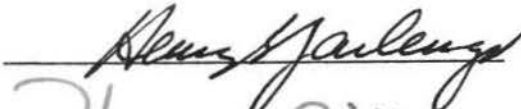


O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of March 1967.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JAMES E. EGGERING)
4003 VALLEY DRIVE)
PUEBLO, COLORADO 81001)

PUC NO. 5806-I

March 30, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The Commission is now in receipt of a communication from the above-named carrier requesting that said authority be reinstated.

The Commission finds that the request should be granted.


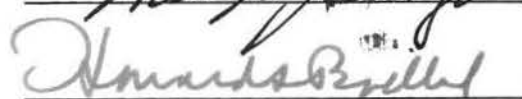
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of March 23, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 30th day of March, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WAYNE W. KELLER)
2811 WEST CUCHARRAS STREET)
COLORADO SPRINGS, COLORADO 80904)

PERMIT NO. B-6482

March 30, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

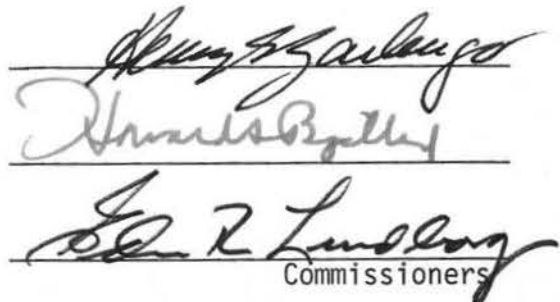
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from March 20, 1967, to and including September 20, 1967.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of March 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SOUTHERN UNION GAS COMPANY, DALLAS,)
TEXAS, FOR AN ORDER AUTHORIZING THE)
ISSUANCE OF \$15,000,000 PRINCIPAL AMOUNT)
OF ITS SINKING FUND DEBENTURES.)

APPLICATION NO. 22465-Securities

March 31, 1967

Appearances: John R. Barry, Esq., Denver,
Colorado, and
A. S. Grenier, Esq., Dallas,
Texas, for Applicant;
J. M. McNulty, Denver, Colo-
rado, and
E. R. Thompson, Denver, Colo-
rado, of the Staff of
the Commission.

S T A T E M E N T

BY THE COMMISSION:

Southern Union Gas Company filed this application on March 8, 1967, seeking authority of the Commission to issue and sell \$15,000,000 principal amount of sinking fund debentures.

By Commission's Decision and Order No. 69145 this matter was set for public hearing March 29, 1967, at 2:00 o'clock P.M., 532 State Services Building, Denver, Colorado. At such time and place, after due notice to all interested parties, the application was heard and at the conclusion thereof taken under advisement by the Commission. No Petitions of Intervention were filed with the Commission prior to the hearing and no one appeared at the hearing in opposition to the authority sought by Applicant in this matter.

Applicant is a corporation organized under the laws of Delaware, and is lawfully transacting a public utility business in the State of Colorado, owning and operating a gas transportation system in La Plata County, and a gas distribution system serving Durango, Colorado, and vicinity. Applicant is also extensively engaged in the operation of

natural gas utility properties located in Texas, New Mexico and Arizona, and through two wholly-owned subsidiaries, it is engaged to a limited degree in the businesses of exploring for and producing oil and natural gas, and in the gathering of natural gas for resale in the field to Applicant and other purchasers.

Evidence adduced at the hearing is summarized as follows:

Applicant proposes to issue and sell \$15,000,000 principal amount of new sinking fund debentures due March 1, 1987 (hereinafter referred to as the "Debentures"). Subject to the obtaining of necessary regulatory authorization, Applicant proposes to issue and sell such Debentures pursuant to a contract with one or more financially responsible underwriters, at no less than 98% of the principal amount, plus interest accrued from the date to be borne by the Debentures, which it has indicated will be on or about April 28, 1967. The proposed Indenture securing the new Debentures is expected to be dated as of March 1, 1967, with The Northern Trust Company (Chicago) designated to serve as Trustee. It will contain standard provisions, will conform to the requirements of the Federal Trust Indenture Act, and will provide, among other things, for a sinking fund designed to retire all the Debentures within their 20-year term. All of the new Debentures are to be issued in registered form. The interest rate to be borne thereby has not yet been finally determined nor become capable of exact ascertainment. However, such interest rate will not be in excess of 6% per annum and the discount below the public offering price at which the Debentures are to be sold by Applicant to the underwriter(s) will not exceed 1% of the aggregate principal amount thereof.

The net proceeds from the sale of the Debentures will be used to the extent of \$14,000,000 to discharge existing bank loans of that aggregate principal amount incurred by Applicant in 1965 and 1966, pursuant to regulatory authorization, in order to finance expenditures for additions to and betterments of its plant and properties. The remainder of such net proceeds will be added to Applicant's general funds, and will be used along with other funds available and to become available to Applicant for the acquisition of

property and the construction, completion, extension, or improvement of Applicant's facilities, for the discharge of Applicant's obligations or in reimbursement of its treasury for a portion of the moneys actually expended for the same purposes from income of Applicant or other moneys in its treasury not secured by or obtained from the issuance, assumption or guarantee of securities within five years prior to the filing of its application herein.

As evidence of Southern Union Gas Company's financial position, there were introduced into evidence the Company's Balance Sheet as of December 31, 1966, and a pro forma Balance Sheet as of the same date showing the effects of the proposed financing set forth in this application. The Company's capitalization as of December 31, 1966, and pro forma as of that date are as follows:

	December 31, 1966		Pro-Forma December 31, 1966 giving effect to issuance and sale of \$15,000,000 of Sinking Fund Debentures and the payment of \$14,000,000 of Long-Term Bank Notes	
	Capitalization	Capitalization Ratio	Capitalization	Capitalization Ratio
<u>Equity Capital</u>				
Preferred Stocks	\$ 21,151,800.00	15.50%	\$ 21,151,800.00	15.39%
Common Stock	46,990,667.22	34.44	46,990,667.22	34.18
Total Equity Capital	\$ 68,142,467.22	49.94%	\$ 68,142,467.22	49.57%
Long-Term Debt	68,315,000.00	50.06	69,315,000.00	50.43
Total Capital Structure	<u>\$136,457,467.22</u>	<u>100.00%</u>	<u>\$137,457,467.22</u>	<u>100.00%</u>

For the purpose of determining the basis for the computation of the fee for the issuance of the authority in the order to follow, Applicant introduced into evidence net investment figures for the total company and for the State of Colorado respectively \$104,479,507.98 and \$1,238,747.88. The ratio of net investment in Colorado to that of the total Southern Union Gas Company is 1.19%. The issuance fee in this instance is the minimum

amount of \$50.00.

F I N D I N G S

THE COMMISSION FINDS:

That the Applicant, Southern Union Gas Company, a Delaware corporation, is a public utility as defined by Chapter 115-1-3, Colorado Revised Statutes 1963.

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

That this Commission is fully advised in the premises.

That the issuance and sale by Southern Union Gas Company of \$15,000,000 principal amount of its sinking fund Debentures as herein set forth is reasonably required and necessary for its proper corporate financing.

That the proposed securities transactions are not inconsistent with the public interest; that the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, Colorado Revised Statutes 1963.

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

O R D E R

THE COMMISSION ORDERS:

To the full extent that approval, authorization or permission are required by the laws of Colorado, that the application of Southern Union Gas Company is hereby granted and approved; and

(1) That Southern Union Gas Company is hereby authorized to issue and sell \$15,000,000 principal amount of its new sinking fund Debentures, due March 1, 1987, for cash at a price of not less than 98% of principal amount plus interest accrued from the date borne by the Debentures, such Debentures to bear interest at a rate of not to exceed 6% per annum, and to apply the proceeds from the sale thereof, all in the manner herein specified;

(2) That the differential between the price paid to Southern Union Gas Company for the Debentures by the underwriter or underwriters thereof and the price at which such Debentures are initially offered to the public by such underwriter or underwriters shall not exceed 1% of the aggregate principal amount of the Debentures;

(3) That Southern Union Gas Company is hereby authorized to take such further steps and actions as may, in conformity with applicable laws and regulations, be necessary, incident or appropriate to the full accomplishment of the transaction hereinabove approved and authorized;

(4) That within 90 days from and after the issuance and sale of the Debentures herein authorized, and in any event on or before August 1, 1967, Southern Union Gas Company shall file its report with the Commission, showing consummation of such transaction, together with an itemized statement of the expenses incurred in connection with the issuance and sale of the Debentures and a conformed copy of the Indenture executed to secure the Debentures to be issued pursuant to this authorization;


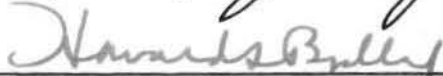

(5) That each of the Debentures issued by Applicant pursuant to the authority granted herein, and each of the promissory notes issued by Applicant hereunder, shall be identified by a legend appearing thereon, as follows:
"Colo. PUC No. 22465";

(6) That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, any of the aforesaid securities or the payment of interest thereon, on the part of the State of Colorado; and

(7) That the Commission retain jurisdiction of these proceedings to the end that it may make such further order, or orders, in the premises as to it may seem to be proper and desirable.

The authority herein granted shall be effective and exercisable
from and after this date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 31st day of March, 1967

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

REDWOOD COMPANY INC.)
3499 Wazee Street)
Denver, Colorado 80205)

AUTHORITY NO. B 1048

CASE NO. 482-H-Ins.

March 31, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1967 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
31st day of March, 1967 .

(Decision No. 69279)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRONTIER TRUCK LINE, INC., P. O.)
BOX 683, GLENWOOD SPRINGS, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC)
NO. 779 TO DON WARD, INC., 241 WEST)
56TH AVENUE, DENVER, COLORADO.)

APPLICATION NO. 22378-Transfer

IN THE MATTER OF THE APPLICATION OF)
FRONTIER TRUCK LINE, INC., P. O.)
BOX 683, GLENWOOD SPRINGS, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC)
NO. 865 TO DON WARD, INC., 241 WEST)
56TH AVENUE, DENVER, COLORADO.)

APPLICATION NO. 22379-Transfer

IN THE MATTER OF THE APPLICATION OF)
FRONTIER TRUCK LINE, INC., P. O.)
BOX 683, GLENWOOD SPRINGS, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC)
NO. 1816 TO DON WARD, INC., 241 WEST)
56TH AVENUE, DENVER, COLORADO.)

APPLICATION NO. 22380-Transfer

IN THE MATTER OF THE APPLICATION OF)
FRONTIER TRUCK LINE, INC., P. O.)
BOX 683, GLENWOOD SPRINGS, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO.)
B-5595 TO DON WARD, INC., 241 WEST)
56TH AVENUE, DENVER, COLORADO.)

APPLICATION NO. 22381-PP-Transfer

March 31, 1967

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Frontier Truck
Line, Inc., Transferor;
Charles H. Haines, Jr., Esq.,
Denver, Colorado, for Don Ward,
Inc., Transferee;
Royce D. Sickler, Esq., Denver,
Colorado, for Rio Grande Motor
Way, Inc. and Lesley Estes, doing
business as "Estes Trucking
Company."

STATEMENT AND FINDINGS OF FACT

The above-entitled matters were regularly set by the Commission for hearing, and were heard, on a consolidated record, by an Examiner who was duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matters were taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

At the commencement of the hearing, all of the parties stipulated that upon approval of the transfer herein sought, as to private carrier Permit No. B-5595, the same should be restricted by deleting therefrom the words "building materials, including" and the words "and steel products." In explanation of the said stipulation, the parties stated that the words so to be deleted are contained in an extension of authority heretofore granted by the Commission, but now the subject of review in Denver District Court under Docket No. B-93639, entitled "Rio Grande Motor Way, Inc. et al. vs. Public Utilities Commission." It was stipulated that if this deletion is satisfactory to the Commission and the transfer is, therefore, approved, the protestants withdraw their objections to all of the applications for transfer above-captioned and agree to dismiss the said Denver District Court review proceeding.

The transferor and transferee also stated that it is not desired to transfer PUC No. 779-I, and that the same should be cancelled upon approval of the transfer of all of the captioned authorities. However, the intrastate authority, to which the "I" authority relates, is to be transferred.

Jean Cole, Secretary of Frontier Truck Line, Inc., testified in support of the granting of the within applications. His testimony generally disclosed that the transferor is the owner and operator of all of the captioned authorities, and now seeks permission to sell them to the transferee in accordance with the terms of an Agreement which was received in evidence

as Exhibit A. If the transfers are approved, the transferor will be entirely out of the trucking business as it has no other operating authorities of any kind. Neither the transferor nor any stockholder thereof has any financial interest in the transferee, although one of the stockholders is to become an employee of the transferee if the transfers are approved. The transferor is also selling its transportation equipment to a wholly owned subsidiary of the transferee as part of the transaction. All of the terms of the transaction are set forth in Exhibit A. There is to be no mortgage of any of the operating authorities in connection with this transaction, although all of them are now mortgaged in favor of Beuford Bogue, said mortgage having been approved by the Commission in Decision No. 65676 dated August 26, 1965. Official notice was taken of said decision. The present parties have agreed that the first substantial down payment provided in the Agreement shall be first used to satisfy equipment mortgages with the balance to be applied on the mortgage of Bogue, but if this balance is not sufficient to satisfy Bogue's mortgage, then the note to be issued in connection with this transaction shall be deposited in such manner that the payments made by the transferee to the transferor shall instead be made to Bogue until the mortgage of Bogue is fully satisfied. Bogue has consented to the transfer of the authorities herein sought. All of the captioned authorities have been operated and are being operated; detailed exhibits supported by underlying documents in the Hearing Room were presented in this connection. The insurance and other requirements of the Commission pending transfer are being met.

Don Ward, President of the transferee corporation, also testified in support of the within applications. In general, his testimony established that his company is qualified financially and by experience, and has equipment suitable to the performance of the operations authorized by the authorities herein sought to be transferred. He is familiar with the rules and regulations of the Commission concerning operations of this type and is

familiar with the particular authorities herein sought to be transferred; that his company would study and abide by the said rules and regulations and by all restrictions contained in any of the authorities sought to be transferred; and that his company intends to operate them actively, and based upon his experience in the trucking industry in Colorado, he is satisfied that the price to be paid is a reasonable price.

It appears from an examination of the authorities sought to be transferred and a comparison of those authorities with authorities now held by the transferee that there may be some duplication between the various authorities. The transferee stated that while he was aware of the Commission's regulations in this connection, and in principle, had no objection to the cancellation of duplicating authorities, these particular applications presented certain special problems which he felt warranted special treatment of the problem in these particular cases. The authorities sought to be transferred are now mortgaged as previously mentioned and neither of the parties to this proceeding were able to consent to an impairment of the mortgagee's security by such a cancellation. It was also pointed out that some of the authorities sought to be transferred were obviously designed to be local service authorities for the benefit of the local communities they described. Thus, PUC No. 779, for example, authorizes general transportation in and out of Pitkin County and requires that an office be maintained in Pitkin County. If cement were to be cancelled out of that authority and Ward later sold that authority, then the local service carrier could serve the public of Pitkin County in all respects except the transportation of cement. For the purpose of accomplishing the sense of the regulation on duplication while at the same time leaving the subject open for future consideration by the Commission based upon facts at that future time, the transferor and transferee suggested that the language of restriction in compliance with Rule 5, be as follows:

"To the extent that any authority here sought to be transferred duplicates authority already held by the transferee, operations of any transferred rights which duplicate authority already held shall be temporarily suspended during transferee's ownership thereof."

All rulings made by the hearing officer on motions, on objections and on exhibits should be approved, and they hereby are approved.

The Commission has considered the record made herein and takes official notice of its records and in particular of the authorities of the transferor and transferee corporations, and finds that, in certain respects, there will be, should the transfers be authorized as requested, an overlapping of (a) common carrier authority with common carrier authority, (b) common carrier authority with private carrier authority, and (c) private carrier authority with private carrier authority; that under the facts and circumstances in this case and taking into consideration the practical aspects of supervision, enforcement, and regulation of rates, it will be contrary to the public interest not to require the transferee to accept the Order of transfer without consent by the transferee corporation to cancellation of those parts of the authority, or authorities, being transferred and overlapping with the authority, or authorities, held, or which would be held if the transfers be authorized as requested, as set out in the following Order.

The Commission finds that the transferor and transferee corporation mutually agree and request cancellation of PUC No. 779-I should transfer of authorities be authorized, and that such request should be granted.

The Commission further finds that the transferee corporation has ample and suitable equipment and experienced personnel to properly carry on the operations; that transferee's financial standing and qualifications are established to the satisfaction of the Commission; that the proposed transfers are compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Frontier Truck Line, Inc., Glenwood Springs, Colorado, be, and hereby is, authorized to transfer all its right, title and interest in and to PUC No. 779, PUC No. 865, PUC No. 1816, and Permit No. B-5595, to Don Ward, Inc., Denver, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission.

That PUC No. 779-I be, and the same hereby is, cancelled and revoked.

That PUC No. 779, PUC No. 865, PUC No. 1816 and Permit No. B-5595, be, and the same hereby are, amended, and henceforth shall read as follows, to-wit:

PUC NO. 779

1) Transportation of freight, (excluding bulk and sack cement, crushed or pulverized limestone in bulk) not on schedule, from point to point within the County of Pitkin, including a transfer and drayage service in the Town of Aspen.

2) Transportation of freight (excluding bulk and sack cement, crushed or pulverized limestone in bulk), not on schedule, but on call and demand, by motor vehicle, between points in the County of Pitkin on the one hand, and points in the State of Colorado on the other hand, excluding competition between towns served by scheduled line-haul carriers, and, as a condition thereto, it is required that applicant shall establish and maintain an office and keep equipment in Pitkin County, Colorado, for service under PUC No. 779.

PUC NO. 865

1) Transportation not on schedule of farm products, farm supplies and farm equipment from farm to farm, farm to town, and town to farm in an area extending ten miles south, fourteen miles west, ten miles north, and twenty-five miles east of Glenwood Springs, excluding any

overlap on area fifteen miles in radius around Carbondale, heretofore allocated to Bert Hinkle and G. W. Dodge, in Application Nos. 2517 and 2564; including the

2) Transportation of bulk farm products from said area to Grand Junction, and livestock from ranch to ranch in said area, from ranches to loading points, and to Denver.

3) Transportation on call and demand, of farm products, including livestock, farm supplies, and immigrant moveables between points in his presently authorized territory, and between points in said area on the one hand, and points in the State of Colorado, on the other hand, excluding service for the transportation of commodities other than livestock between points served by scheduled common carriers in competition therewith.

PUC NO. 1816

1) Transportation, on call and demand, over irregular routes, of farm products (including livestock and wool in grease), road equipment and machinery, farm supplies and equipment (including emigrant moveables, as defined in Frt. Classif. #17 - R.C. Fyfe's ICC Classif. #30), from point to point within a radius of 15 miles of Carbondale, Colorado, (excluding that portion lying within Pitkin County), and from and to points in said area, to and from points in the State of Colorado.

2) Ores and concentrates, mining supplies and equipment and oil well supplies, (excluding bulk and sack cement, crushed or pulverized limestone) from point to point within a radius of 20 miles of Marble, Colorado, (excluding that portion lying within Pitkin County), and from and to points in said area, to and from points in the State of Colorado.

3) Ores and concentrates, mining machinery, equipment, and supplies (excluding bulk and sack cement, crushed or pulverized limestone) between points within a 10-mile radius of Twin Lakes, and from points in said area to Leadville and the Arkansas Valley Smelter, at Malta, near

Leadville, and mining machinery, equipment, and supplies (excluding bulk and sack cement, crushed or pulverized limestone) from Leadville and Malta, to points within a radius of 10 miles of Twin Lakes, excepting service to or from that portion of said 10-mile radius which lies east of the mountain range between Fairplay and Leadville.

4) Livestock between points within the area extending to a line drawn north and south through New Castle on the west, to the first Correction Line on the north, to a line drawn north and south through Independence Pass on the east, and to the Township Line between Townships 11 and 12 on the south, and to and from points in said area, from and to points in the State of Colorado; with the proviso that the transportation of commodities aforementioned except livestock and farm products in bulk shall be limited to service from farm to farm, farm to town, and town to farm, with no competition with common carrier by motor vehicle between towns served by them.

PERMIT NO. B-5595

1) Transportation of forest and sawmill products including rough and finished lumber, logs and timber, from sawmills at Woody Creek, Colorado, to any rail loading point or delivery point in Colorado, for Flogaus Lumber Company, of Woody Creek, Colorado, only.

2) Transportation of forest products, from forests to sawmills, railroad loading yards or storage points within a radius of 100 miles of Basalt, Colorado.

This Order of transfer is contingent upon written acceptance of transfer being filed with the Commission by the parties within thirty (30) days after the effective date of this Order, and, if such written acceptance not be filed, this Order shall be null and void and the applications be, and considered to be, denied.

The transferee shall, by proper adoption notice filed with the Commission, adopt the tariff, or tariffs, of rates, rules and regulations of

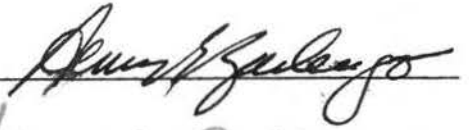
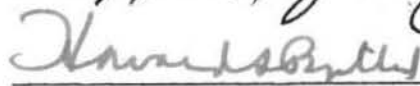
the transferor and, if necessary, in accordance with this Order of transfer, amend the tariff, or tariffs, to correspond with the authorities herein amended and transferred.

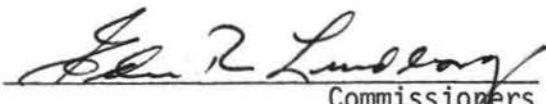
The right of the transferee to operate under this Order shall depend upon the prior filing of the Annual Reports by the transferor herein, covering the operations under PUC No. 779, PUC No. 865, and PUC No. 1816 up to the time of transfer of said certificates.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 31st day of March, 1967.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: INCREASED AND REDUCED RATES
ON LIVESTOCK BETWEEN LA VETA,
COLORADO AND DENVER, LA JUNTA,
PUEBLO AND TRINIDAD, COLORADO

Investigation and Suspension
Docket No. 585

March 30, 1967

STATEMENT AND FINDINGS

BY THE COMMISSION:

On March 1, 1967, Colorado Motor Carriers' Association, Agent, Denver, Colorado, filed 1st Revised Page 87-K, item 1393, to its tariff No. 14, Colorado PUC No. 13*(*The Motor Truck Common Carriers' Association, Agent, Series), naming increased and reduced rates for the transportation of livestock between La Veta, Colorado, on the one hand, and Denver, La Junta, Pueblo and Trinidad, Colorado, on the other, scheduled to become effective April 1, 1967.

Upon consideration of said schedule, the increased and reduced rates may, if permitted to become effective, result in violations of the Public Utilities Law. It is the opinion of the Commission that said schedules should be suspended and an investigation instituted into and concerning the lawfulness thereof.

O R D E R

THE COMMISSION ORDERS, that:

1. The Statement and Findings herein be, and they are hereby, made a part hereof.

2. It shall enter a hearing concerning the lawfulness of increased and reduced rates on livestock proposed to be applied by the cancellation of item 1393, 1st Revised page 87-K to Colorado Motor Carriers' Association, Agent, tariff No. 14, Colorado PUC No. 13*(*The Motor Truck Common Carriers' Association, Agent, series), scheduled to become effective April 1, 1967.

3. The operation of said schedules be, and it is hereby, suspended and the use thereof deferred to and including July 29, 1967, unless otherwise ordered by the Commission.

4. The investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of said schedule under the Public Utilities Law.

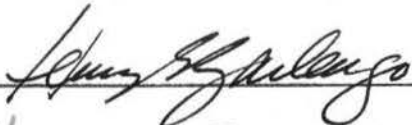
5. Neither the schedule hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.

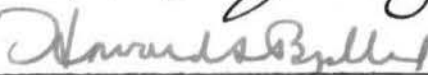
6. A copy of this order shall be filed with the schedules in the office of the Commission and copies thereof served upon carriers participating in said schedules and the Colorado Motor Carriers' Association as their agent, and that said carriers be, and they are hereby, made respondents in this proceeding. The necessary suspension supplement shall be issued, filed and posted to the schedule referred to herein.

7. Seven days prior to the hearing date herein, respondent shall provide the Secretary of the Commission with copies of any and all exhibits which respondents intend to introduce in evidence in support of their case.

8. This Investigation and Suspension Docket No. 585 be, and the same hereby is, set for hearing before the Commission on the 24th day of April 1967, at 2:00 o'clock p.m., in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado, this
30th day of March, 1967. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
REEVES TRUCKING COMPANY, A COLORADO)
CORPORATION, BOX 793, FORT MORGAN,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PERMIT NO. B-610 & I TO FRANK J.)
KLOBERDANZ AND THERESA M. KLOBERDANZ,)
DOING BUSINESS AS "KLOBERDANZ TRUCK)
LINES," BOX 1618 STERLING, COLORADO.)

APPLICATION NO. 22270-PP-Transfer

April 3, 1967

Appearances: Edward C. Hastings, Esq., Denver,
Colorado, for Reeves Trucking
Company, and Frank J. Kloberdanz
and Theresa M. Kloberdanz, the
Applicant Transferor and
Transferees;
Edward Lyons, Esq., Denver, Colorado,
for North Eastern Motor Freight,
Inc., Protestant.

PROCEDURE AND RECORD

On October 19, 1966, Reeves Trucking Co., as the Transferor, and Frank J. Kloberdanz and Theresa M. Kloberdanz, as the Transferees, filed a joint application (No. 22270), seeking authority from the Commission to transfer Permit No. B-610 & I from Reeves Trucking Co. to Frank J. Kloberdanz and Theresa M. Kloberdanz, doing business as "Kloberdanz Truck Lines." On November 29, 1966, North Eastern Motor Freight, Inc., filed a Petition for Leave to Intervene as a Protestant. on December 1, 1966, the Commission in Decision No. 68608 granted the Petition for Leave to Intervene. The Commission had, on November 16, 1966, set the application for hearing at Fort Morgan, Colorado, at 10:00 o'clock A.M. on December 2, 1966. The application, after due and proper notice to all interested parties, was called for hearing at said time and place. At that time, the Applicants orally moved that the Petition to Intervene be denied, and the Presiding Commissioner denied such motion. The Applicants then moved for a continuance, and the Presiding Commissioner granted the motion for continuance.

A written order confirming these rulings was entered by the Commission on December 9, 1966, Decision No. 68673. The application was re-set, and again came before the Commission at 10:00 o'clock A.M., February 1, 1967, in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado. As a preliminary matter, the parties stipulated that the information sought by Protestant from Applicant under a Subpoena Duces Tecum issued by the Secretary of the Commission had been furnished.

Applicants called as their first witness one J. L. Reeves. During the course of examination, J. L. Reeves asserted, in effect, that he was the owner, as an individual, of Permit No. B-610 & I. At this point, the Presiding Commissioner called a recess and the files of the Commission relevant to Permit No. B-610 & I were examined. These files established that the records of the Commission showed that Permit No. B-610 & I was owned by Reeves Trucking Company, a Colorado corporation.

Upon the reconvening of the hearing, the attorney for the Applicant Transferor and Transferees moved for a continuance in order to file an amended application. The Presiding Commissioner granted such motion, ordered that the proceeding be continued in order that Applicants might file an amended application, and further ordered that the matter should be re-set for hearing by the Secretary of the Commission upon the filing of such amended application. The Commission, on February 2, 1967, entered Decision No. 68912 confirming such orders of the Presiding Commissioner.

On February 24, 1967, the applicants filed an amended application. On March 1, 1967, the Commission in Decision No. 69099 re-set the application for hearing for 10:00 o'clock A.M. on Thursday, March 23, 1967, in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado. The application was heard at said time and place by Commissioner Howard S. Bjelland.

J. L. Reeves, Theresa M. Klobberdanz, and Frank J. Klobberdanz testified in support of the application. Warren Martin and Meredith Crist testified as rebuttal witnesses called by the applicants. Applicants

introduced and had admitted in evidence the following exhibits:

- No. 1. A one-page authority sheet for Permit No. B-610 & I issued by the Colorado Public Utilities Commission.
- No. 2. A one-page agreement dated October 19, 1966, signed by J. L. Reeves and Frank J. Klobberdanz.
- No. 3. A two-page supplemental agreement dated January 30, 1967 signed by J. L. Reeves, Frank J. Klobberdanz and Theresa M. Klobberdanz.
- No. 4. A nine-page abstract of shipments handled (exclusive of livestock) by Reeves Trucking Company for the years 1958 to 1966 inclusive.
- No. 5. A one-page authority sheet for Certificate No. 870 & I issued by the Colorado Public Utilities Commission.
- No. 6. A one-page balance sheet, dated January 28, 1967 of Frank J. Klobberdanz and Theresa M. Klobberdanz.
- No. 7. A one-page equipment list of Frank J. Klobberdanz and Theresa M. Klobberdanz.
- No. 8. A two-page supplemental agreement dated February 23, 1967, signed by J. L. Reeves, Frank J. Klobberdanz and Theresa M. Klobberdanz.
- No. 9. A one-page document entitled "Minutes of Meeting of Board Directors."
- No. 10. A four-page document consisting of correspondence concerning a claim against North Eastern Motor Freight, Inc.

William W. Shipp testified in support of the protest to the application.

The Protestant introduced and had admitted in evidence the following exhibits:

- No. A. A four-page authority sheet for Certificate No. 374 & I issued by the Colorado Public Utilities Commission.
- No. B. A one-page equipment list of North Eastern Motor Freight, Inc.

Upon conclusion of the hearing, the Presiding Commissioner took the matter under advisement.

FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Commission finds as fact from such record, that:

1. Reeves Trucking Company, a corporation duly organized and existing under the laws of the State of Colorado, with offices located at Fort Morgan, Colorado, is the owner of a permit to operate as a private carrier

by motor vehicle for hire issued by the Colorado Public Utilities Commission, namely, Permit No. B-610 & I, which authorizes:

- a. The transportation of all commodities originating at any point within the Counties of Logan, Washington, Sedgewick, Phillips, Yuma and Morgan, to any other point within said Counties;
- b. The transportation of all commodities originating or destined to any point within the Counties of Logan, Washington, Sedgewick, Phillips, Yuma, and Morgan, from and to any point within the State of Colorado;
- c. The transportation of sawdust, grain and emigrant moveables, including used farm machinery, from any point in the State of Colorado to any other points in the State of Colorado;
- d. The transportation of all commodities between all points in Colorado and the Colorado State boundary lines where all highways cross same in interstate commerce only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

The permit contains the following restriction:

"...provided, that the transferee herein shall not be permitted, without further authority from this Commission, to establish a branch office or have any agent employed in any other County than the Counties of Logan, Washington, Sedgewick, Phillips, Yuma, and Morgan, for the purpose of developing business."

J. L. Reeves is the President of Reeves Trucking Company and Bernice Reeves is the Secretary.

2. Reeves Trucking Company has entered into an agreement to transfer and convey Permit No. B-610 & I to Frank J. Kloberdanz and Theresa M. Kloberdanz, doing business as "Kloberdanz Truck Lines," with offices in Sterling, Colorado. The consideration to be paid Reeves Trucking Company for the transfer of Permit No. B-610 & I is \$30,000. An additional \$5,000 is to be paid Reeves Trucking Company for the equity such corporation has in three trailers which is also to be transferred. The sum of \$15,000 has already been paid, and the balance of \$20,000 is to be paid upon approval of the transfer by this Commission.

3. Frank J. Kloberdanz is the owner and operator of a certificate of public convenience and necessity issued by this Commission namely, Certificate No. 870 & I, authorizing the holder thereof to operate as a

call and demand irregular route common carrier by motor vehicle for:

- a. The transportation not on schedule, of farm produce, including livestock, and farm supplies, including coal, used furniture and farm machinery from farm to farm, in a radius of 25 miles of Peetz, Colorado, (excluding Sterling) and from and to said farms to and from Sterling, Greeley, Fort Morgan and Denver;
- b. The transportation of livestock, from and to points within a radius of twenty-five (25) miles of Peetz (excluding Sterling) on the one hand, to and from points in the area bounded by the Colorado State Line on the North and the East, the township line between Townships 3 North and 4 North on the South and United States Highway No. 287 on the West;
- c. The transportation of high test gasoline and petroleum products, as a back-haul, from Denver to Peetz;
- d. The transportation of merchandise as a back-haul from Sterling to Peetz;
- e. The transportation of coal from Colorado coal fields to points within a twenty-five (25) mile radius of Peetz (excluding Sterling);
- f. The transportation of building materials and farm supplies to and from points within a twenty-five (25) mile radius of Peetz on the one hand, from and to all points in the State of Colorado;
- g. The transportation of all commodities between all points in Colorado and the Colorado State Boundary lines where all highways cross same in interstate commerce only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

The certificate contains the following restriction:

"...Provided, that no service shall be rendered at Sterling save and except upon movements directly from or to Peetz and no service shall be rendered that will compete with present authorized scheduled common carrier operations."

Frank J. Kloberdanz has operated for many years under this certificate, and has had a great deal of experience in the trucking business. Frank J. Kloberdanz and Theresa M. Kloberdanz have a net financial worth in excess of \$23,000. They will have available nine tractors and ten trailers which would be utilized to render service under both Permit No. B-610 & I and Certificate No. 870 & I. Frank J. Kloberdanz and Theresa M. Kloberdanz, doing business as "Kloberdanz Truck Lines," are well qualified to render transportation services under Permit No. B-610 & I. They have adequate equipment, experi-

ence and financial resources. Their financial standing has been established to the satisfaction of the Commission.

4. Certificate No. 870 & I contains certain operating rights which duplicate in part to a material extent the operating rights contained in Permit No. B-610 & I. A paragraph of Rule 5 of the Commission Rules and Regulations Governing Common Carriers (as well as an identical paragraph in Rule 6 of the Commission Rules and Regulations Governing Private Carriers) provides:

"The Commission will not approve a transfer of operating rights to a carrier who is the holder of operating rights duplicate, in whole or in part, except to an immaterial extent, to those proposed to be transferred, unless the transferee shall agree to cancel such duplicating rights."

In testifying before this Commission in this application, Frank J. Klobberdanz stated that he was not willing to cancel such duplicating rights.

5. During the year of 1966, Reeves Trucking Company handled a total of 947 livestock shipments. A large number of these livestock movements were within the six-county base area consisting of Logan, Washington, Sedgewick, Phillips, Yuma and Morgan Counties. The remainder of these livestock movements were either into this six-county area from other points in the State of Colorado, or out of said six-county area to other points in the State of Colorado.

6. Exclusive of livestock shipments, Reeves Trucking Company handled a total of approximately 208 shipments for the nine-year period from 1958 to 1966, inclusive. Almost all of these shipments were movements within the six-county base area of Logan, Washington, Sedgewick, Phillips, Yuma and Morgan Counties, although a few of the shipments were either in or out of the said six-county base area. Almost all of the shipments involved heavy hauling, oilfield commodities, farm commodities, buildings or houses, or wrecked vehicles.

7. North Eastern Motor Freight, Inc., a corporation, is a common carrier by motor vehicle operating under Certificate of Public Convenience and Necessity No. 374 & I issued by this Commission. This certificate

generally authorizes the rendition of a common carrier, all commodity, line-haul, scheduled motor carrier transportation service between Denver, Fort Morgan, Brush, Sterling, Wiggins, Julesburg, and specified intermediate points. By interline arrangements with other line-haul scheduled common carriers, North Eastern Motor Freight, Inc. provides transportation service to or from its own service area to or from all other points in the State of Colorado served by scheduled line-haul common carriers. Wiggins, Fort Morgan, and Brush are located in Morgan County. Sterling is located in Logan County. Julesburg is located in Sedgewick County. This corporation is now rendering adequate service under its certificate.

8. North Eastern Motor Freight, Inc. has been engaged in the motor carrier transportation business since 1929. Its headquarters are located in Denver. It maintains terminal facilities in Denver, Fort Morgan, and Sterling. It has about 75 employees. It has available 27 pick-up trucks, 11 gas tractors, 6 diesel tractors, 5 flat-bed trailers, 23 closed van trailers, and 7 refrigerated trailers to render service. In past years, Reeves Trucking Company has not been a competitor of North Eastern Motor Freight, Inc., because the type of transportation service being rendered by Reeves Trucking Company was not similar to the type of service rendered by North Eastern Motor Freight, Inc.

9. Frank J. Kloberdanz and Theresa M. Kloberdanz, doing business as "Kloberdanz Truck Lines," intend, if the transfer here under consideration be approved, to operate under and utilize to the fullest extent possible, all operating rights contained in Permit No. B-610 & I. If such intent should be realized, Kloberdanz Truck Lines would become a serious competitive threat to North Eastern Motor Freight, Inc., particularly under the in-and-out authority contained in Permit No. B-610 & I. The operation of Permit No. B-610 & I in this manner would impair the efficient public services of North Eastern Motor Freight, Inc. The effect of authorizing the proposed transfer of Permit No. B-610 & I without restrictions would be to introduce a new competitive element in the transportation system of the State of Colorado, in that the

transferee intends to operate under such permit in a manner far beyond the scope of the present operation of the transferor.

10. It is in the public interest that restrictions be placed upon Permit No. B-610 & I to insure that the proposed transferee operate such permit in the same manner and to the same extent that such permit has been operated by the transferor. With such restrictions, it is in the public interest to authorize the transfer.

DISCUSSION

In the case of Public Utilities Commission vs Stanton Company, 153 Colo. 372, 386 P. 2d 590, decided on November 4, 1963, the Supreme Court of Colorado said on page 379:

"To sum up, we think that the legislative scheme involved in the regulatory statutes clearly gives the Commission the power to consider the effect of a transfer of a private carrier authority on the operations of existing common carriers and to impose such reasonable restrictions as are necessary to conform the transfer to the public interest."

In consonance with such language, we deem it reasonable to restrict authority under Permit No. B-610 & I to the actual operations conducted thereunder by the transferor, and order provisions to follow will so provide. Such action on our part will simply maintain the status quo. Other Order provisions to follow will require the cancellation of all portions of Permit No. B-610 & I which duplicate the authority now held by the transferee under Certificate No. 870 & I.

O R D E R

THE COMMISSION ORDERS:

1. That Reeves Trucking Company, be, and hereby is, authorized to transfer all rights, title and interest in and to Permit No. B-610 & I to Frank J. Klobardanz and Theresa M. Klobardanz, doing business as "Klobardanz Truck Lines," subject to encumbrances against said operating rights, if any, approved by this Commission.

2. That Permit No. B-610 & I, as and if transferred to Frank J. Klobardanz and Theresa M. Klobardanz, doing business as "Klobardanz Truck

Lines," shall authorize the transferees to operate as a Class "B" private carrier by motor vehicle for hire for:

- a. The Transportation of all commodities originating at any point within the Counties of Logan, Washington, Sedgewick, Phillips, Yuma and Morgan, to any other points within said counties;
- b. The Transportation of (1) commodities which because of their size or weight require special equipment, (2) machinery, materials, supplies and equipment incidental to and used in the construction, development, operation, and maintenance of facilities for the discovery, development and production of natural gas, and petroleum and their products, (3) farm commodities, specifically including livestock, (4) houses and buildings, and (5) wrecked vehicles, all originating at or destined to any point within the Counties of Logan, Washington, Sedgewick, Phillips, Yuma and Morgan, from and to any point within the State of Colorado;
- c. The Transportation of sawdust, grain, and emigrant moveables, including used farm machinery, from any point in the State of Colorado to any other point in the State of Colorado;
- d. The Transportation of all commodities between all points in Colorado, and the Colorado State Boundary lines where all highways cross same in interstate commerce only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended;
- e. Provided, that the transferee herein shall not be permitted, without further authority from this Commission, to establish a branch office or have any agent employed in any other County than the Counties of Logan, Washington, Sedgewick, Phillips, Yuma and Morgan, for the purpose of developing business.

3. That all portions of the authority set forth in ordering paragraph (2) hereinabove which duplicate the authority contained in Certificate No. 870 & I be, and the same shall be, cancelled if the transferees decide to accept the transfer authorized herein.

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


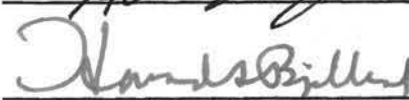

Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 3rd day of April, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
TIP TOP MUSIC CO. INC.)
817 Broadway)
Denver, Colorado 80203)
)
)

AUTHORITY NO. M-5740

CASE NO. 1399-M-Ins.

April 3, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1967, in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.

ORDER

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated,
as of the date of revocation and the said revocation order be, and the
same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry H. H. H.
H. H. H. H.

Edmund L. Loring
Commissioners

Dated at Denver, Colorado, this
3rd day of April, 1967 .
hw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
NEWBURY PARK ACADEMY)
180 Academy Drive)
Newbury Park, California 91320)
-----)

AUTHORITY NO. M-2217
CASE NO. 1243-M-Ins.

April 3, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1967 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.


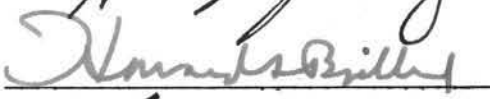
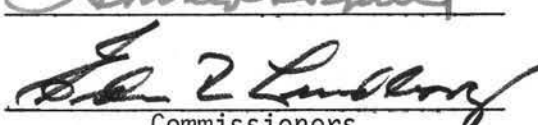
O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
3rd day of April, 1967 .
hw

(Decision No. 69284)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

CABS, INC., DOING BUSINESS AS DOLLAR
CAB LINE, OPERATING ZONE CABS; IDA
LEWIS, DOING BUSINESS AS RITZ CAB
CO.; AND TEAMSTERS LOCAL UNION NO.
775,

Complainants,

vs.

AIRPORT LIMOUSINE SERVICE, INC.,
3455 RINGSBY COURT, DENVER, COLORADO,

Respondent.

CASE NO. 5342

April 3, 1967

Appearances: John F. Mueller, Esq., Denver,
Colorado, for Cabs, Inc., and
Ida Lewis, Complainants;
George T. Ashen, Esq., Denver,
Colorado, for Teamsters Local
Union No. 775, Complainant;
Walter M. Simon, Esq., Denver,
Colorado, for Airport Limousine
Service, Inc., Respondent.

PROCEDURE AND RECORD

On November 23, 1966, Airport Limousine Service, Inc. filed with the Commission its Tariff No. 4 for limousine fares. This new tariff superceded and cancelled its previous Tariff No. 3 and was filed pursuant to the requirements of Decision No. 67481 entered by the Commission on May 31, 1966, in Application No. 21518-Extension. Such Tariff No. 4 was filed on statutory notice of thirty days. No protests were received by the Commission, the Commission did not suspend the tariff, and the new tariff became effective as a matter of law on December 23, 1966.

On March 3, 1967, Cabs, Inc., doing business as "Dollar Cab Line" operating Zone Cabs, Ida Lewis, doing business as "Ritz Cab Co.," and Teamsters Local Union No. 775, filed the instant joint complaint (Case No. 5342)

against Airport Limousine Service, Inc., alleging, inter alia, that certain of the rates contained in said Tariff No. 4 were unlawful, illegal, discriminatory, void, unjust, unreasonable, etc., and requesting the Commission to suspend said rates and order Airport Limousine Service, Inc. to cease and desist from applying said rates. On March 3, 1967, the Commission entered an Order to Satisfy or Answer to Airport Limousine Service, Inc. On March 8, 1967, Airport Limousine Service, Inc. filed an Answer to the Complaint.

After due and proper notices to all interested parties, the complaint was heard by Commissioner Howard S. Bjelland on Thursday, March 30, 1967, at 10:00 o'clock A.M., in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado.

Cecil Lynch was called for cross-examination by Complainant and testified. Upon the conclusion of his testimony, all parties rested, and the Presiding Commissioner took the matter under advisement.

FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Commission finds as fact from such record that:

1. Airport Limousine Service, Inc., a Colorado corporation, is a motor vehicle common carrier of passengers by multi-passenger limousines between points and within a prescribed area in downtown Denver and Stapleton International Airport. That it operates under authority of a Certificate of Public Convenience and Necessity No. PUC 2778 issued by this Commission and that said Certificate is now in full force and effect.

2. In Application No. 21518, Airport Limousine Service, Inc. sought an extension of its authority under said Certificate No. 2778. In such application a full hearing was held and this Commission made and filed its Decision and Order No. 67481, dated May 31, 1966, in said proceeding. Said Decision defined the operating authority of Applicant and directed that it file with this Commission, not later than November 30, 1966, its Schedules

of Rates, Rules and Regulations and Time Schedules, for the rendition of the airport limousine service authorized by said Order. The Commission further ordered that such filing be in compliance with the provisions of said Order, the Rules and Regulations of this Commission and the Statutes of the State of Colorado.

3. On November 23, 1966, the Applicant filed with this Commission a document numbered "Colo. PUC No. 4" and described as its "Tariff No. 4." Said tariff recited that it was filed in compliance with the Order of this Commission entered on May 31, 1966, and that the rates and charges and Rules and Regulations governing the same would become effective December 23, 1966.

4. Said Tariff No. 4 established a rate of \$1.25 per passenger from and to the Stapleton Airport Terminal Building to and from all other points authorized to be served by Applicant.

5. Said Tariff No. 4 provided in Item 9 thereof that:

"Reduced fares applicable for qualifying airport and airline employees: Airline employees, trainees, city, state, and federal employees, airport, and concession employees, after suitable arrangements of identification are made with the company, may ride to and from Stapleton International Airport and all authorized points of pickup and delivery at \$.60 cents per passenger per trip."

6. Said Tariff No. 4 provided in Item 10 that:

"Reduced fare tickets:
Passengers may purchase reduced fare tickets from Airport Limousine agent, or other authorized ticket agency covering return trip passage for \$1.00. Reduced return fare tickets will be honored from any authorized point of pickup to the Airport Terminal."

7. Cabs, Inc. is a Colorado corporation, doing business under the firm name and style of "Dollar Cab Line," operating Zone Cabs (hereinafter referred to as "Zone").

8. Ida Lewis is an individual doing business under the firm name and style of Ritz Cab Company (hereinafter referred to as "Ritz").

9. Teamsters Local Union No. 775 is a labor organization representing taxicab drivers presently operating taxicabs within the City and County of Denver and elsewhere. Said Union appears in this proceeding in behalf of the taxicab drivers named in the Petition attached to the Complaint.

10. Zone and Ritz are now and for many years have been motor vehicle common carriers of passengers and their baggage by taxicab between points in Denver and the State of Colorado and Stapleton International Airport. Zone operates under authority of Certificates of Public Convenience and Necessity Nos. PUC 234 and PUC 1221. Ritz operates similar service by taxicab under authority of Certificate of Public Convenience and Necessity No. PUC 1481. Each of said Certificates were duly and regularly issued by this Commission and are in full force and effect.

11. The complaint here under consideration attacks primarily the special rates provided for by Items No. 9 and No. 10, as above set forth. These special rates as set forth in said Items No. 9 and No. 10, considering the testimony introduced at the hearing, are ambiguous, and it is impossible for the Commission to rule upon the merits as to the propriety or impropriety of such rates as presently set forth. Under such circumstances, Airport Limousine Service, Inc. should be required to cancel Items No. 9 and No. 10 of its Tariff No. 4 filed with the Commission on November 23, 1966, without prejudice to the right of Airport Limousine Service, Inc. to file new tariffs setting forth the proposed special rates in clear, proper, and unambiguous language.

DISCUSSION

Item No. 9 appears on its face to be probably intended to create a special rate for people employed at Stapleton International Airport. It could be construed, however, to authorize a much broader application, as shown by the testimony of Cecil Lynch, an employee of Airport Limousine Service, Inc., who interpreted the items as authorizing a special rate for all airline employees, all employees of any State government, all employees

of the Federal Government, and all military personnel, regardless of whether or not they were employees at the airport. Item No. 9 is certainly not clear as to who is intended to be benefited by the special rate.

Item No. 10 appears on its face to establish a special rate for a return trip to the airport. It is not clear, however, whether it is necessary to first purchase transportation from the airport to the downtown area to qualify for the reduced return trip fare.

Other ambiguities appear possible in the interpretation of these items.


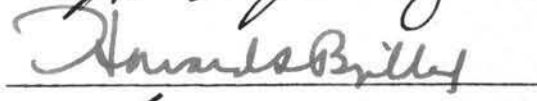
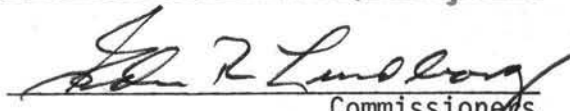
O R D E R

THE COMMISSION ORDERS:

That Airport Limousine Service, Inc. be required, on or before the effective date of this Order, and such corporation is hereby ordered to so do, to cancel Item No. 9 and Item No. 10 of its Tariff No. 4 filed with the Commission on November 23, 1966.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 3rd day of April, 1967.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN BUSCH)
2634 FEDERAL BLVD.,)
DENVER, COLORADO 80211)
-----)

PERMIT NO.B-4875

April 4, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R


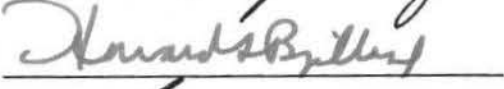
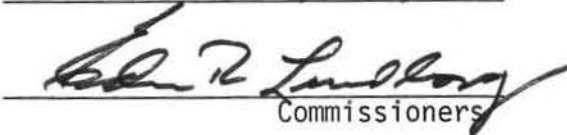
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from March 27,1967 to and including September 27, 1967

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 4th day of April 1967.

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
L. H. SCOTT)
GENERAL DELIVERY)
FRASER, COLORADO 80442)

PERMIT NO. M-14673

April 4, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


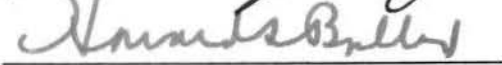
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 15, 1967..

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of April 1967.
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
FRANK J. HARVEY)
1275 INDUSTRIAL)
CRAIG, COLORADO 81626)

PERMIT NO. M-220

April 4, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.



O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 13, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of April 1967.
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
KNAGO CONSTRUCTION CO.,)
892 SO. 6TH STREET)
BRIGHTON, COLORADO 80601)

PERMIT NO. M-15631

April 4, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

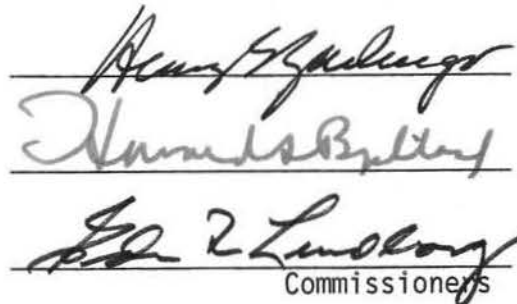
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 22, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of April 1967.
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
NEWTON LUMBER & MFG. CO.,)
24 W. VERMIJO STREET)
COLORADO SPRINGS, COLO. 80900)

PERMIT NO. M-1224

April 4, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

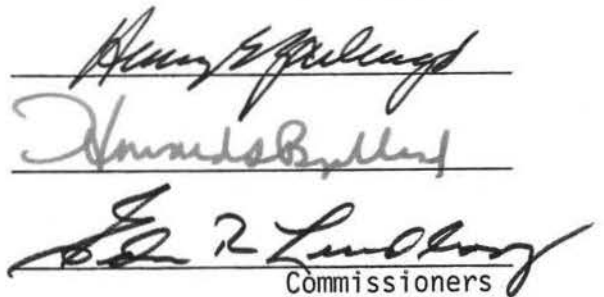
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 23, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of April 1967.
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MOUNTAIN VALLEY ENTERPRISES, INC.)
P.O. BOX 916)
ESTES PARK, COLORADO 80517)

PERMIT NO. M-5110

April 4, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

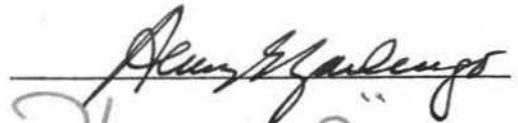
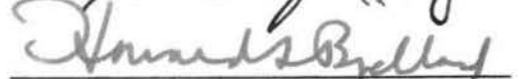
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 27, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

Dated at Denver, Colorado,
this 4th day of April 1967.
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WESTERN LEAD SMELTERS CO.)
P O BOX 1752)
GRAND JUNCTION, COLORADO 81501)

PERMIT NO. M-1248

April 4, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

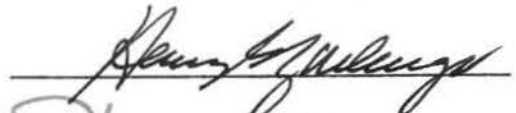
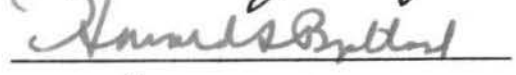
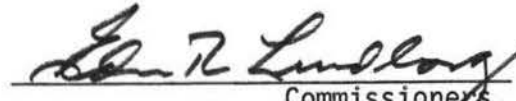
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 28, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 4th day of April 1967.
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: PRESCRIBING MINIMUM RATES ON)
SAND, GRAVEL AND RELATED COMMODITIES)
IN DUMP TRUCKS BETWEEN POINTS IN THE)
STATE OF COLORADO.)

CASE NO. 1585

April 4, 1967

Appearances: Truman A. Stockton, Jr., Esq.,
Denver, Colorado,
John H. Lewis, Esq., Denver,
Colorado, and
Samuel Berman, Esq., Denver, Colorado,
for Colorado Dump Truck Owners Association;
Alvin J. Meiklejohn, Jr., Denver, Colorado,
for Red Ball Motor Freight, Inc., Bethke
Truck Lines, North Eastern Motor Freight,
Inc., and Westway Motor Freight, Inc.;
Charles E. Grover, Esq., Denver,
Colorado, and
Bruce Ducker, Esq., Denver, Colorado,
for Colorado Contractors' Association;
John J. Conway, Esq., Denver, Colorado,
for Contract Carriers Conference of The
Colorado Motor Carriers Association;
Max M. Glaston, Esq., Denver, Colorado,
for M D Trucking Company;
Ivan P. Kladder, Esq., Grand Junction,
Colorado, for George Bittle;
Herbert M. Boyle, Esq., Denver, Colorado,
for Clifford M. Cooper;
Joseph F. Nigro, Esq., Denver, Colorado,
for Colorado Transfer & Warehousemen's
Association;
Robert P. Grueter, Assistant Attorney General,
Denver, Colorado, for Colorado Department
of Highways;
Fred E. Woodring, Denver, Colorado, for Colorado
Mixed Concrete Association and Colorado Sand
and Gravel Producers Association;
Dan McEachern, Leadville, Colorado, for
Dan McEachern & Sons;
Wolfe Trucking Co., Florence, Colorado.

PROCEDURE AND RECORD

On March 14, 1966, the Colorado Dump Truck Owners Association
filed an application with the Commission alleging certain matters as fact,
and requesting the Commission, as to the transportation of sand, gravel,

road-surfacing materials, dirt, stone, refuse, and insulrock,

"to enter an order extending the prescribed rates under Case No. 1585 to the entire State of Colorado, or in the alternative extending the prescribed rates under Case No. 1585 to the entire State of Colorado for a period of one year in order to permit Applicant to compile the necessary records and information and to make a traffic study which would enable Applicant to return and request the Commission to prescribe rates at a level which might be substantiated by Applicant's records."

On August 30, 1966, the Commission in Decision No. 68117 determined that the application should be set for hearing and that the Commission should institute a general investigation on its own motion into and concerning the lawfulness of the rates and charges applicable to the transportation of sand, gravel, concrete (wet or dry) and road-surfacing material within the State of Colorado. All Common and Private Carriers by motor vehicle holding authority from the Commission to transport said commodities were made Respondents in the general investigation. Decision No. 68117 also required the Applicants, Respondents, and interested parties to file briefs with the Commission as a preliminary matter relative to the legal issues involved in the proceeding.

Briefs have now been filed with the Commission pursuant to Decision No. 68117. The Commission has examined the briefs with care and has determined that the issues before the Commission in this proceeding are legal issues, and can and should be decided without the necessity of a hearing as to factual material. For the purpose of this Order, therefore, we shall treat the allegations of the complaint as fact. The Commission now takes official notice of Commission Decision Nos. 6432, 7118, 9608, 12930, 10822, 15806, 16190, 21918, 22161, 44023, and 44760. The Commission, having examined the contents of the B-permits issued by it, also takes official notice of the fact that there are 723 active sand and gravel B-permits presently being operated in Colorado.

FINDINGS OF FACT

After due and careful consideration of the record in this proceeding, we find as fact, for the purposes of this Order, from such record, that:

1. Colorado Dump Truck Owners Association, the Applicant herein, is a non-profit corporation, authorized and existing under and by the laws of the State of Colorado. The address of such Association is 1711 Pennsylvania Street, Suite 102, Denver, Colorado, 80203.

2. This Association consists of seventy-one members. All members of the Association are "private carriers by motor vehicle" holding "B" permits from the Public Utilities Commission of the State of Colorado (See paragraph 6, page 5 of the Answer Brief filed by the Association) under the provisions of the 1963 Colorado Revised Statutes, Chapter 115, Article 11. The members of the Association transact business as such "private carriers by motor vehicle" throughout the entire State of Colorado.

3. The permits held by the members of the Association generally authorize the:

"Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of (50 to 150) miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, to homes and small construction jobs within a radius of (50 to 150) miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of (50 to 150) miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of (50 to 150) miles of said pits and supply points; PROVIDED, HOWEVER, THAT THE TRANSPORTATION OF ROAD-SURFACING MATERIALS SHALL BE RESTRICTED AGAINST THE USE OF TANK VEHICLES."

As shown above in parentheses, the radius mileage authorized in different permits may vary from 50 miles to 150 miles. Certain of the permits may contain authority restrictions of authority additions. There are 723 active sand and gravel B-permits presently being operated in Colorado.

(Note: The application does not state that the members of the Association

have authority to render the specific transportation service for which the Association seeks prescribed rates. The inference is that they do. A check by the Commission Staff as to the permits held by the members so reveals, and the Commission has made a factual finding on this basis. It should be obvious that without such a factual finding, the Applicant Association would have no standing of any kind to pursue its application before the Commission.)

4. On April 17, 1935, the Commission in Decision No. 6432 instituted Case No. 1585 for the stated purpose of "prescribing a schedule or schedules of rates to be charged and collected for the transportation of the various classes of freight by all motor vehicle common carriers, and all private carriers by motor vehicle competing with any such motor vehicle common carrier or carriers....". On February 5, 1936, the Commission entered Decision No. 7118 in Case No. 1585 prescribing rates. On March 15, 1937, the Commission entered Decision No. 9608, a supplemental order in Case No. 1585, and on February 4, 1937, the Commission entered Decision No. 12930, also a supplemental order in Case No. 1585. Neither Decision No. 9608 nor Decision No. 12930 have any relevance in the instant proceeding. In Decision No. 15806, dated August 19, 1940, the Commission instituted a proceeding on its own motion, in Case No. 1585, to prescribe rates for the transportation of sand, gravel, dirt, concrete (wet or dry) and road-surfacing materials, and in Decision No. 16190, dated November 23, 1940 did so prescribe rates within a radius of 50 miles of Denver. Decision No. 44023, dated March 4, 1955, and Decision No. 44760, dated October 19, 1955, deal with amendments to Case No. 1585 relevant to the definition of "road-surfacing material" and "building construction material". Under such above-cited decisions, there are now in effect prescribed rates for the transportation of sand, gravel, dirt, concrete (wet and dry), road-surfacing material (defined as asphalt base or surfacing or a mixture, or a combination of rock, dirt, asphalt and oil, as the combination may be made up, or concrete mix,

composed of sand or gravel and cement) and building construction material (defined as sand, gravel, dirt, stone, insulrock ((geolite or georock)), and refuse) applicable only within a fifty (50) mile radius of Denver. No prescribed rates are applicable outside of this 50-mile radius. The prescribed rates in this 50-mile radius are now 5½ cents per ton mile in Plains Territory and 8½ cents per ton mile in Mountain Territory.

5. A chaotic rate situation as to the transportation of these commodities exists in the portion of the State of Colorado not included within a 50-mile radius of Denver. The general level of rates as to the transportation of these commodities in the portion of the State of Colorado not included within a 50-mile radius of Denver has been lowered to the point where said rates are no longer compensatory.

6. The Applicant Association believes that the rates prescribed for the 50-mile radius of Denver under Case No. 1585 are reasonable.

DISCUSSION

As the Commission understands the instant proceeding, there are two major legal issues before us for determination. In 1935, the legislature conferred upon the Commission the power and the duty "to prescribe minimum rates and charges to be collected by private carriers when competing with duly authorized motor vehicle common carriers, which rates, fares and charges shall not be less than the rates prescribed for motor vehicle common carriers for substantially the same or similar service." The application filed by the Colorado Dump Truck Owners Association which is before us in the instant proceeding does not allege that its members are "competing with duly authorized motor vehicle common carriers". Therefore, the first legal issue to be determined by this Commission in the instant case is:

Does the Public Utilities Commission of the State of Colorado have the power and the duty to prescribe minimum

rates and charges to be collected by private carriers
when NOT competing with duly authorized motor vehicle
common carriers?

To properly determine this issue it is necessary to review in some detail the history of motor carrier regulation in the State of Colorado.

At the outset, and by way of over-simplification, the Commission has three types of motor carriers subject to its jurisdiction, namely, common, contract, and own-haul. Basically, a common carrier serves the general shipping public, a contract carrier serves such shippers under contract as it may choose to, and an own-haul carrier serves himself. In the regulatory terminology adopted by the Legislature:

A "Motor Vehicle Carrier" is a common carrier.

A "Private Carrier by Motor Vehicle" is a contract carrier.

A "Commercial Carrier by Motor Vehicle" is an own-haul carrier.

A common carrier is issued a certificate of public convenience and necessity (PUC No. __). Common carriers are normally either line-haul scheduled carriers or irregular route call and demand carriers. A contract carrier is issued a permit (A-__ or B-__). The letter A indicates a Class A private carrier by motor vehicle, and the letter B indicates a class B private carrier by motor vehicle. A Class A private carrier is the contract carrier equivalent of the line-haul scheduled common carrier, even though a Class A carrier technically does not operate on schedule. In actual practice, many of them do. A Class B private carrier is the contract carrier equivalent of the irregular route call and demand common carrier. An own-haul carrier is issued a permit (M-__). These M-permits are issued over-the-counter without hearing upon payment of a \$3.00 filing fee. No issues relative to commercial carriers are involved in this proceeding, and, therefore, no further mention will be made in this Order concerning commercial carriers.

In a brief submitted by the Plaintiffs in Error in the case of Consolidated Freightways Corporation of Delaware vs. Public Utilities

Commission, 406 P. 2d 83, the differences between common and contract carriers were discussed in the following words:

"The common carrier is required by law to furnish service, Donahur vs. P.U.C., 145 Colo. 499; 359 P(2) 1024; to carry chattels for all persons who may choose to employ or remunerate him, Bushnell vs. People, 92 Colo. 174; 19 P(2) 197. It is forbidden to favor one shipper over another in the same circumstances, by discrimination or otherwise, Section 115-3-6, C.R.S. 1953. The common carrier is held to the highest degree of care as to liability for loss and damage, McKay vs. P.U.C. 104 Colo. 402; 91 P(2) 965. A public authority, the Public Utilities Commission controls the territory in which he may serve, Section 115-9-4, C.R.S. 1953, and sets and controls the rates and charges he may make for his services, C.R.S. 1953, Section 115-9-2 and Section 115-3-1, et seq. The common carrier must make those exact charges, neither more nor less, Section 115-9-26, C.R.S. 1953, and Rio Grande Railroad vs. Marty, 143 Colo. 496; 353 P(2) 1095. The property used in the performance of these duties is dedicated to a public use and the common carrier may not discontinue service without permission from the Commission, Donahue vs. P.U.C., 97 Colo. 1; 46 P(2) 80; and People vs. Colorado Title and Trust Company, 65 Colo. 472; 178 Pac. 6.

"On the other hand, the private (contract) carrier may pick and choose his customers. Not being under any duty to serve the public, he may select the shipper that he wants and turn down the others. The private (contract) carrier can charge anything he can, subject only to observing the prescribed minimum rates. His rates do not have to be 'just and reasonable', but rather can be as high as individual contract will allow. Similarly, as was stated in McKay vs. P.U.C., *supra*, the private (contract) carrier has nowhere near the legal liability for loss and damage that the common carrier has. The permit which is given to the private (contract) carrier may well be described as a 'hunting license'. It can be used to select the good and profitable business, but turn down the other."

The differences pointed out in such quotation are basically correct, although some of the distinctions which appear to be so clear in theory, tend to blur in actual practice. There are three additional areas of difference between a common carrier and a contract carrier which should be mentioned. A common carrier may advertise, whereas a contract carrier may not. A common carrier may initiate rates, whereas a contract carrier may not. (Exception: A contract carrier, however, may file such rates as he may desire when not in competition with a common carrier.) A line-haul scheduled common carrier may interline, whereas a contract carrier may not.

The history of the regulation of motor vehicle common carriers begins with the passage of the original Colorado Public Utilities Act in 1913 (Chapter 127, page 464, Session Laws of 1913). This Act defined the terms "public utility" in Section 3, thereof, as follows:

"The term 'public utility,' when used in this Act, includes every common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, person or municipality operating for the purpose of supplying the public for domestic, mechanical or public uses, and every corporation, or person now or hereafter declared by law to be affected with a public interest, and each thereof, is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission and to the provisions of this Act;..."

Section 2-(e) defined a common carrier in the following words:

"The term 'Common carrier,' when used in this Act, includes every railroad corporation; street railroad corporation; express corporation, dispatch, sleeping car, dining car, drawing room car, freight, freight-line, refrigerator, oil, stock, fruit, car loaning, car renting, car loading; and every other corporation or person affording a means of transportation, by automobile or other vehicle whatever, similar to that ordinarily afforded by railroads or street railways, and in competition therewith, by indiscriminately accepting, discharging and laying down either passengers, freight or express between fixed points or over established routes; and every other car corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, operating for compensation within this State,"

and Section 14 gave the Commission the power to regulate rates of public utilities, as follows:

"The power and authority is hereby vested in The Public Utilities Commission of the State of Colorado, and it is hereby made its duty to adopt all necessary rates, charges, and regulations to govern and regulate all rates, charges and tariffs of every public utility of this State as herein defined, the power to correct abuses, and prevent unjust discriminations and extortions in the rates, charges and tariffs of such public utilities of this State and to generally supervise and regulate every public utility in this State and to do all things, whether herein specifically designated, or in addition thereto, which are necessary or convenient in the exercise of such power, and to enforce the same by the penalties provided in this act, through proper courts having jurisdiction."

The terminology used in this Section 14 some 53 years ago has been carried over almost identically to 1963 C.R.S. 115-3-2, and is cited by Applicant

Association in support of its position in this proceeding.

In 1915, the legislature (Chapter 133, Session Laws of 1915) passed an act providing:

"Any person, firm, association of persons or corporation, now or hereafter engaged in transporting passengers, freight or express for hire in this state in any automobile or other vehicle whatever, and operating for the purpose of affording a means of transporting similar to that afforded by railroads or street railways, and in competition therewith by indiscriminately accepting, discharging and laying down either passengers, freight or express, between fixed points or over established routes is hereby declared to be affected with a public interest, and to be a public utility, and subject to the laws of this state now in force and effect or that may hereafter be enacted pertaining to public utilities. Approved April 12, 1915, effective July 12, 1915."

Other amendments may be found in Chapter 134, Session Laws of 1915, and in Chapter 109, Session Laws of 1917.

In 1926, the Supreme Court of Colorado in the case of Greeley Transportation Company vs. The People, 79 Colo. 307, held that: "All common carriers are within the Act, and the fact that they do or do not compete with railroads, is immaterial." It would appear from this decision that, regardless of the definition of a common carrier as set forth above, the Colorado Public Utilities Commission had jurisdiction over all motor vehicle common carriers from 1913 on, whether it knew it or not.

However, the first act dealing specifically with the regulation of motor vehicle common carriers was enacted by the 1927 Legislature (Chapter 134, page 499, Session Laws of 1927). This Act, inter alia, defined a common carrier as a "motor vehicle carrier" in these words (Section 1 (d)):

"(d) The term 'motor vehicle carrier' when used in this Act means and includes every corporation, person, firm, association of persons, lessee, trustee, receiver or trustee appointed by any court, owning, controlling, operating or managing any motor vehicle used in serving the public in the business of transporting persons or property for compensation over any public highway between fixed points or over established routes, or otherwise, who indiscriminately accept, discharge and lay down either passengers, freight or express, or who hold themselves out for such purpose by advertising or otherwise,"

and provided in Section 2 that:

"Section 2. All motor vehicle carriers as defined in this Act are hereby declared to be public utilities within the meaning of the public utility laws of this state, and are hereby declared to be affected with a public interest and subject to this Act and to the laws of this state, including the regulation of all rates and charges, now in force or that hereafter may be enacted, pertaining to public utilities, so far as applicable, and not in conflict therewith."

At this point in time, it is clear that the Commission had jurisdiction over common carriers and the rates to be charged by such common carriers.

Until 1931, there was no regulation of contract carriers, unless such carriers operated in such a manner as to become common carriers, in which case, they would have become subject to regulation as common carriers. The history of the regulation of motor vehicle contract carriers begins with the passage of House Bill No. 173 by the 1931 Legislature (Chapter 120, page 465, Session Laws of 1931). This Act defined a contract carrier as a "private carrier by motor vehicle" in the following words:

"Section 1. (h) The term 'private carrier by motor vehicle' means every corporation or person, lessee, trustee, receiver or trustee appointed by any court whatsoever, other than motor vehicle carriers as defined by section 1-(d) of Chapter 134 of the Session Laws of Colorado for the year 1927, as amended, owning, operating, controlling or managing any motor vehicle in the business of transporting persons or property for compensation over any public highway of this State between fixed points or over established routes, or otherwise, by contract or otherwise...."

"Private carriers by motor vehicle are hereby divided into two classes for the purposes of this Act, which shall be as follows:

(1) Class A Private Carriers shall embrace all private carriers by motor vehicle operating over substantially regular or established routes or between substantially fixed termini; or to a fixed terminus or termini;

(2) Class B Private Carriers shall embrace all private carriers by motor vehicle who do not operate over substantially regular or established routes or between substantially fixed termini,"

and provided in Sections 3, 10, and 23:

"Section 3. It shall be unlawful for any private carrier by motor vehicle, as defined in Section 1 of this Act, to engage in or transact the business of transporting passengers, freight, merchandise or other property over the

public highways of the State of Colorado, without first having obtained a permit therefor from the Public Utilities Commission of the State of Colorado, and for the purpose of protecting the public highways of the State of Colorado and safeguarding the use of the same by the traveling public, the Commission is hereby vested with the authority to issue a permit to a private carrier by motor vehicle, and may attach to such permit and to the exercise of the rights granted thereunder, such terms and conditions as are reasonable.

"This Act shall not apply to any motor vehicle carrier as defined by Section 1-(d) of Chapter 134 of the Session Laws of Colorado for the year 1927, and nothing herein contained shall be construed so as to require a showing of public convenience and necessity by a private carrier by motor vehicle prior to the issuance of a permit to him or it upon his or its application therefor; nor shall anything herein contained be construed or applied so as to compel a private carrier by motor vehicle to be or become a common carrier, or to subject such private carrier by motor vehicle to the laws or the rules and regulations applicable to a common carrier."

"Section 10. The Commission shall promulgate such rules and regulations as may be reasonably necessary for the effective administration of the provisions of this Act."

"Section 23. The provisions of the Public Utilities Act of the State of Colorado, Chapter 127, Laws of 1913, and all Acts amendatory thereof or supplemental thereto shall apply insofar as applicable to all private carriers by motor vehicle subject to the provisions of this Act."

This statute did not require a hearing as a condition precedent to the issuance of a permit; did not give the Commission any jurisdiction over the rates to be charged by contract carriers; and established no standards as to what criteria, if any, should be applied by the Commission in the granting of such permits, other than to state, in effect, that no showing of public convenience and necessity was required. The Public Utilities Commission issued many of these permits between 1931 and 1935, when the Act was amended. Apparently, all of the permits issued during this period were issued over-the-counter without notice or hearing, and contained no conditions, other than that the Applicant was required to state in his application that:

"The applicant understands and agrees that if a permit is issued to it to operate as a private carrier as prayed in this application that it is not thereby entitled to, nor will said applicant, operate as a "motor vehicle carrier" as that term is defined in Subsection 1 (d) of Chapter 134, Session Laws 1927, as amended. The undersigned solemnly swears that the above statements are true to the best of his knowledge and belief."

In 1935, the Legislature (Chapter 166, page 866, Session Laws of 1935, Senate Bill No. 294) drastically changed the 1931 Act dealing with contract carriers by amending Section 3 to read:

"Section 3. It shall be unlawful for any private carrier by motor vehicle, as defined in Section 1 of this Act, to engage in or transact the business of transporting passengers, freight, merchandise or other property over the public highways of the State of Colorado, without first having obtained a permit therefor from the Public Utilities Commission of the State of Colorado. It is hereby declared that the business of private carriers by motor vehicle as defined in this Act, is affected with a public interest and that the safety and welfare of the public traveling upon such highways, the preservation and maintenance of such highways, and the proper regulation of motor vehicle common carriers using such highways require the regulation of private carriers by motor vehicle to the extent hereinafter provided, for which purposes, the Commission is hereby vested with the authority to issue a permit to a private carrier by motor vehicle, and may attach to such permit and to the exercise of the rights and privileges granted thereunder, such terms and conditions as are reasonable.

"No application for permit, nor for any extension or enlargement of an existing permit, shall be granted by the Commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof, be granted if the Commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes. The Commission shall give written notice of such hearing to all persons, firms or corporations interested in or affected by the issuance of such permit at least ten (10) days prior to the time fixed for such hearing. No existing permit shall be transferred until the financial standing of the transferee is established to the satisfaction of the Commission.

"This Act shall not apply to any motor vehicle carrier as defined by Section 1 (d) of Chapter 134 of the Session Laws of Colorado for the year 1927, as amended, nor shall anything herein contained be construed or applied so as to compel a private carrier by motor vehicle to be or become a common carrier, or to subject such private carrier by motor vehicle to the laws or liability applicable to a common carrier.

and by amending Section 10 to read:

"Section 10. The Commission is hereby vested with the power and authority and it is hereby made its express duty to prescribe such reasonable rules and regulations covering the operations of Private Carriers by motor vehicle as may be necessary for the effective administration of the provisions of this Act.

"Every Private Carrier is hereby forbidden, by discrimination or unfair competition, to destroy or impair the service or business of any motor vehicle common carrier

or the integrity of the State's regulation of any such service or business; and to that end, the Commission is hereby vested with power and authority and it is hereby made its duty to prescribe minimum rates, fares and charges to be collected by private carriers when competing with duly authorized motor vehicle common carriers, which rates, fares and charges shall not be less than the rates prescribed for motor vehicle common carriers for substantially the same or similar service. Under such rules and regulations as the Commission may prescribe, every private carrier, subject to the provisions of this Act, shall file with the Commission within such time and in such form as the Commission may designate, and shall keep on file with the Commission at all times, schedules showing rates, charges and collections, collected or enforced, or to be collected or enforced, which in any manner affect or relate to the operations of any such private carrier, and the Commission shall have full power to change, amend or alter any such tariff or, after hearing, fix the rates of any private carrier, or carriers, subject to the provisions of this Act and competing with a motor vehicle common carrier."

The Legislature, by these amendments, corrected to a substantial degree, the deficiencies of the 1931 Act by (a) requiring notice and hearing, (b) setting forth circumstances under which the Commission could not issue a permit, and (c) by granting to the Commission limited authority to control to a limited degree the rates charges by contract carriers. In retrospect, it appears clear that the only power conferred upon the Commission to regulate the rates of contract carriers was:

"to prescribe minimum rates, fares and charges to be collected by private carriers when competing with duly authorized motor vehicle common carriers, which rates, fares and charges shall not be less than the rates prescribed for motor vehicle common carriers for substantially the same or similar service."

And the Commission at that time so construed the law. Senate Bill No. 294 became effective on April 3, 1935. On April 17, 1935, the Commission on its own motion instituted a complaint and general investigation, Case No. 1585, by Decision No. 6432, the relevant segments of such order reading:

"The Commission is of the opinion, and so finds, that it should on its own motion institute a complaint against, and an investigation of, and shall hold a hearing concerning the rates, fares and charges of all common and private motor vehicle carriers operating in the State of Colorado, for the purpose of prescribing a schedule or schedules of rates to be charged and collected for the transportation of

the various classes of freight by all motor vehicle common carriers, and all private carriers by motor vehicle when competing with any such motor vehicle common carrier or carriers, and the rules and practices under which any such transportation service is to be rendered.

"The Commission is further of the opinion, and so finds, that pending the final determination of this case, the rates charged and collected by the several motor vehicle common carriers, for the transportation of freight, and the classifications in effect, should be prescribed as the minimum rates to be charged and collected and the classifications to be used by all private carriers by motor vehicle who compete with, and render substantially the same or similar service rendered by any one or more of said motor vehicle common carriers, unless otherwise ordered by the Commission.

"O R D E R

"IT IS THEREFORE ORDERED, By the Commission, on its own motion, that there be, and there is hereby instituted, a complaint against, and an investigation of, the reasonableness of the rates, fares and charges of all common and private motor vehicle carriers operating over the public highways of the State of Colorado, for the purpose of prescribing a schedule or schedules of rates to be charged and collected for the transportation of the various classes of freight by all motor vehicle common carriers, and all private carriers by motor vehicle competing with any such motor vehicle common carrier or carriers, and the rules and practices under which any such transportation service is rendered.

"IT IS FURTHER ORDERED, By the Commission, on its own motion, that, pending final determination of this case, the rates charged and collected by the several motor vehicle common carriers for the transportation of freight intrastate, and the classifications in effect, be, and the same are hereby, prescribed as the minimum rates to be charged and collected by all private carriers by motor vehicle wherever they compete with, and render substantially the same or similar service as, any one or more of said motor vehicle common carriers."

After extensive hearings and rehearings, the Commission on February 5, 1936, entered its Decision No. 7118 in Case No. 1585 prescribing uniform rates to be charged and collected for the transportation of the various classes of freight by all motor vehicle common carriers, and prescribing such uniform rates to be charged by the common carriers as the minimum rates to be charged by all private carriers by motor vehicle competing with any such motor vehicle common carrier or carriers, saying in part:

"Senate Bill No. 294, conferring upon this Commission the power to regulate the rates of private carriers by motor vehicle, became effective on April 3, 1935. Prior to the effective date of this Act, the Commission had no power to regulate the rates and charges of private carriers by motor

vehicle, while at all times, the rates, fares, and charges of motor vehicle common carriers have been under the jurisdiction of, and regulated by, the Commission under the provisions of Chapter 134, Session Laws of 1927, and the Public Utilities Act of 1913. The clearly mandatory provisions of Senate Bill No. 294 (Chapter 166, Session Laws of 1935) made it imperative that the Commission take immediate steps to conduct a general investigation of the rates, fares, and charges of all motor vehicle carriers of freight, both common carriers and private carriers competing with such common carriers for purpose of prescribing a uniform freight classification and a schedule of rates, fares and charges to be charged and collected by all competing 'for hire' motor carriers in the future, now or hereafter authorized to operate in intrastate commerce in this State.

"Heretofore, the Commission has made no effort to prescribe a uniform tariff of motor carrier rates on account of the competitive situation existing because of no adequate regulation of the private carrier. To have attempted to require the common carriers to adhere to a uniform tariff would have aggravated a competitive situation which has existed too long already, since most, if not all, private carriers have made a practice of charging their customers rates which were generally lower than the rates charged by the common carriers, both by rail and motor vehicle, resulting in many cases of discrimination against the shipping public using the facilities of the common carriers in favor of the large shippers who were able to obtain preferential rates from private carriers. As a result of this condition, nearly every motor vehicle common carrier has been forced to publish tariffs calculated to obtain the traffic without regard to the value of the service or the risk involved, and it has been rare to find any two tariffs based upon a uniform scale. This circumstance alone makes it extremely desirable that some uniform classification be adopted and a uniform scale of rate be prescribed and required to be charged by all common and private carriers by motor vehicle where competition between the two classes of carriers exists.".....

"The rates to be prescribed for common carriers by motor vehicle will be reasonable maximum and minimum rates to be assessed in the future. If the level of some are insufficient to pay the operating expenses of any private carrier, there is no legal obstacle to any private carrier charging rates in excess of those prescribed in this proceeding, since the law (Section 10, Chapter 120, S.L. 1931, as amended) prohibits only the fixing or charging of rates less than those charged and received by the common carrier with whom any certain private carrier competes."

In said Decision No. 7118, the Commission exempted certain commodities from the prescribed rate structure. For example, as to coal, the Commission said:

"With respect to the movement of coal, the record discloses that no common carriers by motor vehicle are engaged in the transportation of coal; that most coal moving over the highways is being hauled in shipper owned trucks or by contract motor carriers who haul for one or two dealers. Since the law contemplates the fixing of rates only in cases where contract carriers are competing with common carriers by motor vehicle and rendering substantially the same service, the necessary condition precedent does not appear to exist with respect to this commodity. Therefore, until circumstances arise which change existing conditions, the commission will refrain from fixing coal rates."

Thereafter, from time to time, the Commission has re-opened Case No. 1585 for the purpose of entering additional or supplemental orders therein prescribing rates. For example, in Decision No. 21918 and No. 22161, the Commission, upon discovering that large amounts of petroleum products were then moving by common carrier, re-opened Case No. 1585 and prescribed rates for the transportation of petroleum products. In Decision No. 16190, relating to the prescription of rates for the transportation of sand and gravel within a 50-mile radius of Denver, the Commission first found that:

"After full consideration of all the facts in the instant petitions and the record as a whole, the Commission is of the opinion, and so finds, that the rates, rules, regulations and provisions set forth in: "Reference to Paragraph G;" "Paragraph T-1;" "Supplement No. 3 to Appendix A;" "Supplement No. 3 to Appendix B;" "Appendix G-2;" "Supplement No. 2 to Appendix J;" "Supplement No. 3 to Appendix K;" "Supplement No. 3 to Appendix L-3;" and 'Appendix Q,' attached hereto, and made a part hereof, are, and for the future will be, just, fair, reasonable and sufficient maximum and minimum rates, and just, reasonable and proper rules, regulations and provisions for all motor vehicle common carriers and minimum rates, rules, regulations and provisions for all private carriers by motor vehicle when competing with duly authorized motor vehicle common carriers for substantially the same or similar service."

APPENDIX Q

Sand, Gravel, Dirt, Concrete (Wet and Dry)
and Road Surfacing Material.

Rules and Regulations Governing the Transportation
of Sand, Gravel, Dirt, Concrete and Road Surfacing
Material:

Rule No. 1. Territorial Application: The rates herein prescribed shall apply within a 50-mile radius of Denver.

Rule No. 2. Definition of Road Surfacing Material.

The term "Road surfacing material," as used herein will mean, Asphalt base or surfacing, or a mixture, or a combination of rock, dirt, asphalt and oil, as the combination may be made up, or concrete mix, composed of sand or gravel and cement.

Rule No. 3. Weights: The rates herein prescribed shall apply on the actual weight of the shipment transported. However, where it is impossible to secure the actual weight the following estimated weights shall be used: Sand, Dirt and Gravel, 2750 pounds per cubic yard; Concrete and Road Surfacing Material, 3500 pounds per cubic yard.

Rule No. 4. Definition of Plains and Mountain Territory.

Plains and Mountain Territory will be the same territories as now defined by the Commission.

Rates

Plains Territory - 5 cents per ton mile
Mountain Territory - 8 cents per ton mile
Interterritorial Movements - Apply the applicable rate in each territory for the distance traversed in each respective territory.

and then ordered:

"IT IS FURTHER ORDERED, That this order shall become effective on December 6, 1940, and that the rates, rules, regulations and provisions prescribed and approved in the aforesaid statement on further consideration shall be published by all motor vehicle common carriers and private carriers by motor vehicle operating in intrastate commerce in Colorado, to the extent they are affected, on notice to this Commission and the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913 and Section 10, Chapter 120, Session Laws of 1931, as amended, and that on and after said date said motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than the rates and bases of rates herein prescribed; and private carriers by motor vehicle shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those prescribed and approved in the aforesaid statement.

"IT IS FURTHER ORDERED, That this order shall not be construed so as to compel a private carrier by motor vehicle to be or become a common carrier, or to subject any such private carrier by motor vehicle to the laws or liability applicable to a common carriers."

In Decision No. 10822, October 29, 1937, entered in Case No. 1585, the Commission said:

"The law, in substance, provides that the commission shall prescribe rates for motor vehicle common carriers which rates shall be the minimum rates of private carriers by motor vehicle when competing with motor vehicle common carriers and rendering substantially the same, or similar, service."

The amendments to the private carrier by motor vehicle act passed by the Legislature in 1935 (Senate Bill No. 294) were clearly intended to protect the common carrier. In McKay vs. P.U.C., 104 Colo. 402, the Supreme Court said, on page 413:

"The legislative intent is clear, that the authorization of private carriers shall not be detrimental, within the limits of the law, to common-carrier operation,"

and in P.U.C. vs. Stanton, 153 Colo. 372, the Supreme Court said, on page 377:

"The flavor of the entire act is to protect common carrier operations."

The Public Utilities Commission of the State of Colorado has, since the passage of said Senate Bill No. 294 in 1935, interpreted such bill as conferring authority upon the Commission

"to prescribe minimum rates, fares, and charges to be collected by private carriers when competing with duly authorized motor vehicle common carriers...."

In the absence of such competition, the Commission has uniformly and consistently for over thirty years held that it does not have the power to establish the rates of private carriers by motor vehicle. The entire regulatory rate structures of the Commission, common and contract, are based upon such interpretation.

We now specifically rule and so hold that the Public Utilities Commission of the State of Colorado has neither the power nor the duty to prescribe minimum rates and charges (or indeed any rates or charges) to be collected by private carriers when not competing with duly authorized motor vehicle common carriers.

Having so ruled, however, it appears wise to the Commission to set forth the argument advanced by the Applicant Association and point

out why such argument, though ingenious and persuasive, is not tenable.

The argument is simple, and is as follows:

1. A public utility is defined (1963 CRS 115-1-3), inter alia, as "...every corporation, or person now or hereafter declared by law to be affected with a public interest, and each thereof, is hereby declared to be a public utility and to be subject to the jurisdiction, control, and regulation of the Commission and to the provisions of articles 1 to 7 of this chapter."
2. The Commission is required to regulate the rates of all public utilities by 1963 C.R.S. 115-3-2:
"The power and authority is hereby vested in the public utilities commission of the state of Colorado, and it is hereby made its duty to adopt all necessary rates, charges, and regulations to govern and regulate all rates, charges and tariffs of every public utility of this state to correct abuses, and prevent unjust discriminations and extortions in the rates, charges and tariffs of such public utilities of this state...."
3. The legislature in 1935, Senate Bill No. 294 (1963 C.R.S. 115-11-3) provided, inter alia;
"It is hereby declared that the business of private carriers by motor vehicle as defined in this act is affected with a public interest...."
4. Therefore, a private carrier by motor vehicle is a public utility. So says the Supreme Court in P.U.C. vs. Stanton, 153 Colo. 372, on page 378:
"The Legislature has expressly declared that the business of private carriers by motor vehicle is affected with a public interest, C.R.S. '53, 115-11-3. Private carriers are, therefore, public utilities by legislative mandate."
So sayeth the Supreme Court again in Consolidated Freightways vs. P.U.C. 406 P 2d 83 (1965):
"It needs no citation of authority to support a statement that motor carriers for hire, of whatever commodity, are public utilities."
And counsel for the Applicant Association, in his opening brief, concludes:
"It is axiomatic that a private carrier is a public utility."
5. Therefore, a private carrier by motor vehicle, being a public utility, is subject to rate regulation under 1963 C. R. S. 115-3-2.

By carefully selected quotations, taken out of context, and erroneously applied (3 and 4 above), we have very effectively established a completely untenable conclusion.

In the first place, we note that in (1) above, the precise language used is "every corporation, or person.....declared by law to be

affected with a public interest.....is hereby declared to be a public utility.....", and the Legislature followed such precise language in 1927 in declaring motor vehicle carriers to be public utilities, (1963 C.R.S. 115-9-2), i.e.:

"All motor vehicle carriers as defined in this article are hereby declared to be public utilities within the meaning of articles 1 to 7 of this chapter, and are hereby declared to be affected with a public interest and subject to this article and to the laws of this state, including the regulation of all rates and charges, now in force or that hereafter may be enacted, pertaining to public utilities, so far as applicable, and not in conflict therewith,"

and again in 1961 in declaring rural electric cooperatives to be public utilities (1963 C.R.S. 115-1-3 (2)), i.e.:

"Every cooperative electric association, or non-profit electric corporation or association, and every other supplier of electrical energy, whether supplying electric energy for the use of the public or for the use of its own members, is hereby declared to be affected with a public interest and to be a public utility and to be subject to the jurisdiction, control, and regulation of the commission and to the provisions of articles 1 to 7 of this chapter."

In the private carrier act, the Legislature simply "declared the business of private carriers by motor vehicle is affected with a public interest....." Compare the differences in the language used in 115-1-3 (2), 115-9-2, and 115-11-3. The difference was deliberate. The words "business of" were probably taken from the case of Stephenson v. Binford, 53 S. Ct. 181, 287 U.S. 251, and were used for the precise purpose of meeting the legal arguments set forth in said case by protesting contract carriers. (Note: See Nebbia v. New York, 291 U.S. 502.) Had the Legislature intended to make private carriers by motor vehicle public utilities, the Legislature would have used the same language it used for common carriers, and 115-11-3 would have read:

"All private carriers by motor vehicle as defined in this article are hereby declared to be public utilities within the meaning of articles 1 to 7 of this chapter, and are hereby declared to be affected with a public interest and subject to this article and to the laws of this state, including the regulation of all rates and charges, now in force or that hereafter may be enacted, pertaining to public utilities, so far as applicable, and not in conflict therewith."

The Legislature deliberately did not so frame the private carrier legislation. Had it done so, grave questions would have arisen as to the constitutionality of the act. In C.J.S. Volume 13, Carriers, it is said on pages 49 and 50:

"A state under its power to regulate common carriers, has no power, either directly or through its administrative boards or officers, to regulate purely private carriers, and it cannot, by legislative fiat, convert a private carrier into, or compel it to become, a common carrier, so as to be subject to regulations applicable only to common carriers, although it has been held that the legislature, without violating this rule, may place private carriers operating on public highways under the control of the corporation commission and empower the commission to prescribe for them regulations necessary for public safety and order, and that a statute requiring such carriers to obtain permits to operate on the highway is valid. A statute regulating transportation will, to uphold its validity, be construed as intended to be limited to common carriers."

In support of such language, C.J.S. cites a line of cases including Frost v. Railroad Commission of California, 46 S. Ct. 605, 271 U.S. 583, and Stephenson v. Binford, *supra*, as well as many similar state court decisions. These cases were cited by Justice Frantz in his dissenting opinion in the case of Western Colorado Power Company vs. Colorado Public Utilities Commission, 411 P.2d 785. The Supreme Court of Colorado, in the case of Bushnell v. People, 92 Colo. 174, in construing the private carrier act passed by the Legislature in 1931, and the amendment to the common carrier act also passed in 1931, considered this line of cases, and said on page 193 and 194:

"Counsel argue that chapter 120 when construed in connection with chapter 121 is void for uncertainty because it cannot be definitely determined what acts bring one within the various classifications. This argument is based largely upon the erroneous

assumption that one who transports goods in the manner described in a, b and c, chapter 121, Session Laws of 1931, is not only prima facie a public motor vehicle carrier, but one in fact, and that there is no distinction between a Class A private carrier and a common carrier.

Chapter 120 does not force a private carrier for hire to become a common carrier; on the contrary it specifically provides, 'nor shall anything herein contained be construed or applied so as to compel a private carrier by motor vehicle to be or become a common carrier, or to subject such private carrier by motor vehicle to the laws or the rules and regulations applicable to a common carrier.' Section 3.
.....

Public motor vehicle carriers are clearly and reasonably differentiated from private motor vehicle carriers for hire and also their several statutory duties and obligations. The various classifications so made are reasonable and not arbitrary. If these acts be so administered as to deny any motor vehicle operator his rights under the law, the courts are always open to redress such wrongs. But such possibilities cannot properly be urged as reasons for declaring the questioned act unconstitutional."

If the position argued by counsel for Applicant Association is tenable, then not only 115-3-2 dealing with rates would be applicable to private carriers, but also all of articles 1 to 7 of Chapter 115 should be applicable, including for example such sections as 115-3-1 dealing with reasonable charges and adequate service, 115-3-6 dealing with prohibitions of preference or advantage, 115-3-11 dealing with the determination of rates after hearing. If all of articles 1 to 7 of Chapter 115 are applicable to private carriers, then such carriers are no longer private carriers but common carriers. The Legislature obviously did not intend such a result, and so stated in 115-11-3 (3):

"Nor shall anything herein contained be construed or applied so as to compel a private carrier by motor vehicle to be or become a common carrier, or to subject such private carrier by motor vehicle to the laws or liability applicable to a common carrier."

We therefore suggest that the Legislature has not declared by law that "private carriers by motor vehicle are affected with a public interest," and that therefore the statutory criterion for a public utility set forth in 115-1-3 has not been met.

The Supreme Court of Colorado, however, apparently arrived at a contrary conclusion in the cases of P.U.C. vs. Stanton, supra, and Consolidated Freightways vs. P.U.C., supra. Considering such quotations in the context of the actual decisions in each of said cases, it would appear that the Supreme Court is actually saying that they are public utilities to the extent so declared by the Legislature.

The full quotation from the legislation passed in 1935, Senate Bill No. 294, (1963 C.R.S. 115-11-3) reads as follows:

"It is hereby declared that the business of private carriers by motor vehicle as defined in this Act, is affected with a public interest and that the safety and welfare of the public traveling upon such highways, the preservation and maintenance of such highways, and the proper regulation of motor vehicle common carriers using such highways require the regulation of private carriers by motor vehicle to the extent hereinafter provided, for which purposes, the Commission is hereby vested with the authority to issue a permit to a private carrier by motor vehicle, and may attach to such permit and to the exercise of the rights and privileges granted thereunder, such terms and conditions as are reasonable."

Later on in said Senate Bill No. 294 (1963 C.R.S. 115-11-5), the Legislature provided:

115-11-5 Commission to make rules--prescribe rates.

(1) The commission is hereby vested with the power and authority and it is hereby made its express duty to prescribe such reasonable rules and regulations covering the operations of private carriers by motor vehicle as may be necessary for the effective administration of the provisions of this article.

(2) Every private carrier is hereby forbidden, by discrimination or unfair competition, to destroy or impair the service or business of any motor vehicle common carrier or the integrity of the state's regulation of any such service or business; and to that end, the commission is hereby vested with power and authority and it is hereby made its duty to prescribe minimum rates, fares and charges to be collected by private carriers when competing with duly authorized motor vehicle common carriers, which rates, fares and charges shall not be less than the rates prescribed for motor vehicle common carriers for substantially the same or similar service.

(3) Under such rules and regulations as the commission may prescribe, every private carrier, subject to the provisions of this article, shall file with the commission within such time and in such form as the commission may

designate, and shall keep on file with the commission at all times, schedules showing rates, charges and collections, collected or enforced, or to be collected or enforced, which in any manner affect or relate to the operations of any such private carrier; and the commission shall have full power to change, amend or alter any such tariff or, after hearing, fix the rates of any private carrier, or carriers, subject to the provisions of this article and competing with a motor vehicle common carrier.

It is certainly clear that even if the Legislature intended to declare private carriers by motor vehicle to be public utilities, it intended to so do to a very limited degree, and set forth such degree with great care and particularity. We believe that this is what the Colorado Supreme Court has actually held in the previously cited decisions, namely, that the private carriers by motor vehicle are public utilities for regulatory purposes to the extent, and only to the extent, so declared by the Legislature, and this, in effect, is what the Supreme Court said in the remainder of the quotation from the Stanton case, i.e.:

"The Legislature has expressly declared that the business of private carriers by motor vehicle is affected with a public interest, C.R.S. '53, 115-11-3. Private carriers are, therefore, public utilities by legislative mandate. Their property is devoted to a public use to the extent that it cannot be used to engage in competition with common carriers in such a manner as would impair the efficient service of the latter."

To adopt the interpretation of the statute urged upon us by the Applicant Association would be to destroy a framework of rate regulation built up over the past 30 years, would be to completely negate the direct instructions of the Legislature as set forth specifically in Senate Bill No. 294, and would be for all practical purposes, a mandatory conversion of all contract carriers to common carriers in violation of their constitutional rights. We cannot adopt such an interpretation.

Having determined that the Commission has no authority over the rates charged by private carriers by motor vehicle except "when competing with duly authorized motor vehicle common carriers", it automatically follows that the fact a chaotic rate situation may exist as between private carriers competing with each other rather than with

common carriers, and that the level of rates in such a situation is not compensatory, is a matter of no relevancy. The rates to be charged by a private carrier are a matter of contract negotiation with the shipper. The private carrier may charge any rate it may so desire, limited only to a prescribed minimum rate "when competing with duly authorized motor vehicle common carriers". If the private carriers desire to engage in internecine rate wars when not so "competing", they have a constitutional right to so do, and this is not a matter of concern to the Commission.

We turn now to the second legal issue before the Commission in the instant proceeding. The Applicant Association is composed entirely of private carriers by motor vehicle. The application requests the Commission to prescribe rates under Case No. 1585. The legal issue is:

"Does a private carrier by motor vehicle, acting either individually or through an association of private carriers, have the right to initiate a proceeding to prescribe rates under Case No. 1585?"

Rule 18C of the Rules of Practice and Procedure Before the Public Utilities Commission of the State of Colorado, originally adopted in 1950, now reads as follows:

C. Procedure to Change Rates or Rules of Motor Vehicle Common Carriers Not Involving a General Percentage Increase.

(1) Procedure to Change Rates Prescribed Under Case No. 1585.

(a) Changes on Statutory (30 day) Notice. Where motor vehicle common carrier desires to change a rate, rule or regulation prescribed by the Commission in Case No. 1585, such motor vehicle common carrier shall give not less than 30 days' notice to the Commission and to the public (unless shorter time is allowed on application under this rule) by filing with the Commission and keeping open for public inspection new schedules or tariffs, stating plainly the change or changes to be made in the rates, tariffs, schedules, rules, or regulations then in force, and the time when the change or changes will go into effect. Shippers or other common carriers wishing to protest the proposed

changes shall be subject to sub-section E of this Rule in regard to requirements for filing protests, including the ten-day deadline.

If the Commission, after investigation of the proposed change and after examination of protests, if any are received, believes that the public convenience and necessity will be served by approval of the proposed tariff, the Commission will, on the day following the protest deadline, enter an order in Case No. 1585 prescribing the rates, rules, or regulations contained in such tariffs as the rates to be charged or the practices to be followed by the initiating carrier and all other motor vehicle common carriers in competition with said initiating carrier, and which prescribed rate, rule, or regulation shall also be the minimum rate, rule, or regulation to be charged by all competing private carriers. Such order will provide that at the expiration of the 30-day notice period, or such other proposed effective date as may be requested by the carriers, said rates will be and become the prescribed rates, and all competing common and private carriers shall, on or before the effective date, bring their tariffs and schedules into conformance with said prescribed rates, rules, or regulations, by proper tariff filings.

- (b) When Commission Will Suspend. If the Commission receives protests at least ten days prior to the effective date of the proposed change, sufficient in number and importance, in the judgment of the Commission to warrant further investigation, the Commission will suspend the effective date of the proposed change until further order of the Commission.

The Commission, on its own motion, may order suspension of the proposed change whether or not any protests are received.

- (c) Requests to Amend Tariffs on Less Than Thirty Days' Notice. Applications for permission to change schedules on less than statutory notice shall be over the signature of the officer duly authorized to file schedules in the form set out in Appendix D hereof. Orders authorizing motor vehicle common carriers to change tariffs and schedules on less than the thirty days' notice (statutory notice) will be entered only in instances fully justified by special or unusual circumstances and conditions.

When a motor vehicle common carrier or an agent issues a schedule for two or more carriers and desires to make application for authority to amend the schedule on less than statutory notice, such requests as to joint schedules must be made by the carrier, or agent, authorized to file the schedule, and in making them, the same form as that prescribed for use of individual carriers shall be used, except that the request must state that it is made in the name and on behalf of all carriers that are parties to the schedule.

All rates and rules published and effective on less than statutory notice under special permission of the Commission cannot be cancelled or changed except on full statutory notice and must, therefore, remain in effect at least thirty days after the effective date thereof, unless permission is requested in the application to have the rates expire within thirty days after the effective date, and the authority of the Commission so specifically states.

No authority will be granted upon telephonic request, and all requests by telegraph must be confirmed immediately thereafter by verified application.

Under no conditions will authority be granted to make rates or rules effective upon less than ten days' notice to the Commission and to the parties.

- (2) Procedure for Motor Carriers to Change Rates Not Prescribed Under Case No. 1585 and Not Involving a General Percentage Increase. Where a motor vehicle carrier desires to change or amend any rate, rule or regulation not prescribed by this Commission in Case No. 1585, and not involving general percentage increase, the procedure to be followed by such motor vehicle carrier shall be the procedure prescribed for changes in railroad rates as set out in Rule 18 (B) of these Rules.

Under this Rule, only a motor vehicle common carrier has the right to initiate action for the prescription of rates under Case No. 1585. This rule has been in effect in its present form since 1951 (Decision No. 35628, December 11, 1950). It would appear that prior to that time, direct applications for change were made by the common carrier.

Previous citations have thoroughly established that the Legislature passed Senate Bill No. 294 in 1935 for the purpose of protecting common carriers from private carriers. Note the final few lines of the second paragraph of amended Section 10:

"Every Private Carrier is hereby forbidden, by discrimination or unfair competition, to destroy or impair the service or business of any motor vehicle common carrier...."

The statute having been passed to protect common carriers from private carriers, it would appear clear that a private carrier may not invoke the statute to protect itself either from common carriers or other private carriers.

We now specifically rule and so hold that a private carrier by motor vehicle, acting individually or through an association of private carriers, has no right to initiate a proceeding to prescribe rates either under Case No. 1585, or by a direct proceeding under 1963 C.R.S. 115-11-5 (2).

From our determination of the legal issues herein involved, it follows that the general investigation ordered by the Commission in Decision No. 68117 should be discontinued and terminated, and the application here under consideration should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That the general investigation instituted by the Commission in Decision No. 68117 should be, and hereby is, discontinued and terminated.

That the application filed herein by the Colorado Dump Truck Owners Association should be, and hereby is, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 4th day of April, 1967.
ls

CHAIRMAN HENRY E. ZARLENGO SPECIALLY CONCURRING.

The issue presented to the Commission is a legal issue.

Does the Commission have the power to prescribe rates for private carriers by motor vehicle when not competing with common carriers by motor vehicle?

The following reasons impel me to conclude that the Commission does not have such power:

Such power would be in derogation of the common law as infringing upon the rights of individuals to freely enter into contracts and, therefore, according to well established principles of law the statutes relied upon to so empower the Commission must be strictly construed. The contention and conclusion are urged that the Commission has such power under its general powers, based on provisions of the statute embodying only general and indefinite wording. In the face of such principles of statutory construction and the pertinent general and indefinite wording of the statute from which such contention and conclusion are rationalized, it is my judgment that the Commission does not have such power.

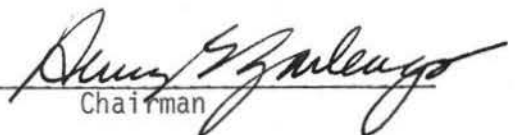
The specific and definitive wording empowering the Commission to prescribe rates for private carriers by motor vehicle (115-11-3) provides, inter alia, that ". . . the proper regulation of motor vehicle common carriers using such highways require(s) the regulation of private carriers by motor vehicle to the extent hereinafter provided . . .," and (hereinafter) 115-11-12, provides, inter alia, that "every private carrier is hereby forbidden to destroy or impair the service or business of any motor vehicle common carrier or the integrity of the state's regulation of any such service or business; and to that end, the Commission is hereby vested with power and authority and it is hereby made its duty to prescribe minimum rates . . . collected by private carriers when competing with duly authorized motor vehicle common carriers . . ." Thus, we have on the one hand the contention and

and conclusion based on general, non-specific and indefinite wording that the Commission under its general powers does have the power to prescribe rates for private carriers whether competing, or not competing, with common carriers, and, on the other hand, we have the relevant and specific restrictive wording alluded to, i.e., the Commission is vested with the authority to prescribe rates for private carriers "to the extent" and "when competing." The Colorado Supreme Court in ruling on principles to be followed in the construction of statutes in analogous situations has ruled:

"The framers of the amendment must be presumed to have intended what is expressly and specifically therein stated rather than what might be inferred from the use of ambiguous generalities. It is a rule of construction that a particular power which is clear and definite should be given effect as against a confusing general expression, and especially so when to give the effect contended for would make the clear specific provisions unnecessary and surplusage." Guyer v. Stutt, 68 Colo. 422 p. 427.

If the statutory general provisions provide as it is contended, the quoted statutory specific restrictive provisions empowering the Commission to prescribe rates for private carriers by motor vehicle to the extent and when competing with common carriers would be rendered unnecessary and surplusage.

The power to prescribe rates of private carriers is expressly vested in the Commission "to the extent" provided, and the specific proviso is limited to "when competing." Obviously, the express investiture of restricted power to prescribe the rates for private carriers must prevail over the generally expressed, general powers granted.


Chairman

Dated at Denver, Colorado,
this 4th day of April, 1967.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
CERTIFICATE NO, 1658)	<u>CASE NO. 82-T</u>
BY: T, J, ISENBART)	<u>NOTICE OF HEARING</u>
1506 CARSON)	<u>AND</u>
HASTY, COLORADO 80150)	<u>ORDER TO SHOW CAUSE</u>
Respondent,)	
- - - - -	

- - - - -
April 5, 1967
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,

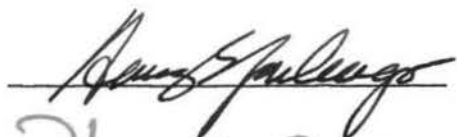

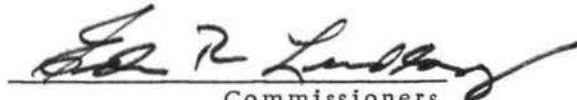
Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
CERTIFICATE NO, 426)	<u>CASE NO. 83-T</u>
BY: JAMES W, GREGG)	<u>NOTICE OF HEARING</u>
BOX 134)	<u>AND</u>
BENNETT, COLORADO 80102)	<u>ORDER TO SHOW CAUSE</u>
Respondent,)	
- - - - -	
April 5, 1967	
- - - - -	

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street,

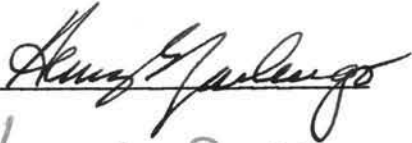
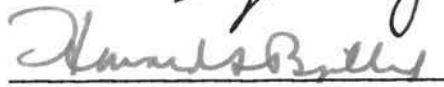

Denver, Colorado, at 10:00 o'clock A. M., on April 28, 1967,
at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as
herein and above set forth or show cause why the above captioned
and numbered operating rights should not be revoked for the herein
described violation on or before the date and time for the hearing
as specifically set forth above, the operating rights of the res-
pondent shall be revoked; and

That other orders and penalties as may be appropriate
be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
PERMIT NO. B-6255)	<u>CASE NO. 84-T</u>
BY: GEORGE STROUP)	<u>NOTICE OF HEARING</u>
EIGHT MILE PARK)	<u>AND</u>
CANON CITY, COLORADO 81212)	<u>ORDER TO SHOW CAUSE</u>
Respondent,)	
- - - - -	

- - - - -
April 5, 1967
- - - - -

STATEMENT AND FINDING OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street,


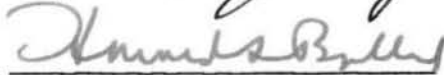
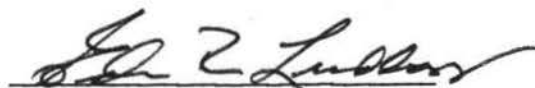
Denver, Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

(Decision No. 69296)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDWIN WELCH, WRAY, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 1783) APPLICATION NO. 22424-Transfer
TO WELCH HOUSEMOVING, INC., 445)
VALLEY DRIVE, STERLING, COLORADO.)

IN THE MATTER OF THE APPLICATION OF)
EDWIN WELCH, WRAY, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 1910) APPLICATION NO. 22425-Transfer
TO WELCH HOUSEMOVING, INC., 445)
VALLEY DRIVE, STERLING, COLORADO.)

April 10, 1967

Appearances: Graydon F. Dowis, Jr., Esq., Sterling,
Colorado, for Applicants;
Dalton O. Ford, Denver, Colorado, of
the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

The above-entitled applications were regularly set by the Commission for hearing, and were heard, on a consolidated record, by an Examiner who was duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matters were taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Carroll E. Welch, Sterling, Colorado, appeared and testified in support of the above transfers. He stated that he is the son of the transferor and President of the transferee corporation; that the purpose of the within applications is to transfer the certificates from an individual to a corporation; that according to Exhibit A, which was identified as a copy of the Contract of Sale, the consideration is \$20,000.00 for both certificates and certain equipment; that a copy of the Articles of Incorporation will be filed with the Commission as soon

as it is received from the Secretary of State's office; that there are no outstanding debts or encumbrances against the motor vehicle operations of said PUC Nos. 1783 and 1910 but that there will be a mortgage on the equipment only as stated in Exhibit A, the Contract of Sale; that the transferee corporation will have the necessary equipment, net worth and experience in this type of transportation to render and continue operations under these authorities; that the corporation made provisions for insurance as required by the Commission; and that the corporation will acquaint itself with the rules, regulations and laws of the State of Colorado pertaining to common carriers and will carefully observe the same.

Mr. Dalton Ford, appearing on behalf of the Staff of the Commission pointed out the fact that the duplication of authority contained in Certificate No. 1783 should be eliminated by deleting the County of Yuma and the County of Phillips from said authority inasmuch as both of those counties are contained in Certificate No. 1910. This recommendation was approved and agreed to by the transferee.

Mr. Ford also pointed out that the prior authority in Certificate No. 1783 provided for service to the "east half of Weld County". This wording is ambiguous in that the shape of Weld County does not lend itself to such division and after reviewing the original applications dating back to 1947, it was agreed and stipulated that the authority be amended with the following wording:

"that part of Weld County lying east of a north-south line drawn through the Towns of Purcell, Galeton and Hudson as well as including those towns".

This description being limiting in nature, and Mr. Welch testifying to the fact that this area was being served since obtaining the authority, the Commission finds that the same should be approved.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant applications; that the transferee corporation will have sufficient equipment and experienced personnel to properly carry on the operations; that transferee's financial standing and qualifications are established to the satisfaction of the Commission; that the proposed transfers are compatible with the public interest and should be authorized as set forth in the Order following.

The Commission has considered the record made herein and takes official notice of its records and in particular of the authorities herein sought to be transferred and finds that, in certain respects, there will be, should the transfers be authorized as requested, an overlapping of common carrier authority with common carrier authority; that under the facts and circumstances in this case, and taking into consideration the practical aspects of supervision, enforcement, and regulation of rates, it will be contrary to the public interest not to require the transferee corporation to accept the Order of transfer without consent by the transferee to cancellation of those parts of the authorities being transferred and overlapping, or which would be held if the transfers be authorized as requested, as set out in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Edwin Welch, Wray, Colorado, be, and hereby is, authorized to transfer all his right, title and interest in and to PUC No. 1783 and PUC No. 1910 to Welch Housemoving, Inc., Sterling, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission.

That henceforth the full and complete authority under PUC No. 1783 and PUC No. 1910 shall be as follows, to-wit:

PUC No. 1783:

Transportation of houses, buildings, equipment and supplies necessarily incident thereto, on call and demand, between points in the area included in the Counties of Logan, Morgan, Sedgwick, and that part of Weld County lying east of a north-south line drawn through the Towns of Purcell, Galeton and Hudson as well as including those towns.

PUC No. 1910:

(1) Transportation of houses and other buildings, including railroad and trolley cars, between points in the Counties of Yuma and Washington, and between points and places in said counties on the one hand, and points and places in the State of Colorado on the other hand.

(2) Transportation of buildings between points in Kit Carson and Phillips Counties, Colorado.

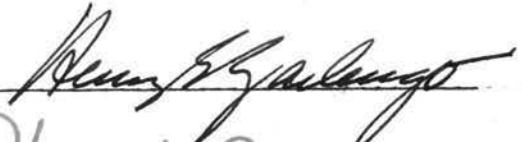
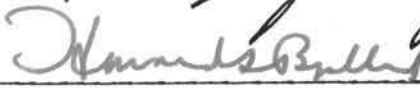
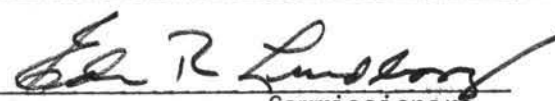
This Order of transfer is contingent upon written acceptance of transfer being filed with the Commission by the parties within thirty (30) days after the effective date of this Order, and, if such written acceptance not be filed, this Order shall be null and void and the applications be, and considered to be, denied.

The transferee shall, by proper adoption notice filed with the Commission, adopt the tariff, or tariffs, or rates, rules and regulations of the transferor and, if necessary, in accordance with this Order of transfer, amend the tariff, or tariffs, to correspond with the authorities herein amended and transferred.

The right of the transferee to operate under this Order shall depend upon the prior filing of the Annual Reports by the transferor herein, covering the operations under PUC No. 1783 and PUC No. 1910 up to the time of the transfer of said certificates.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 10th day of April, 1967.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
CERTIFICATE NO. 641)
BY: BEMAN MOTORS TRANSPORTATION, INC.)
EAST HIGHWAY 50)
ROCKY FORD, COLORADO 81067)
Respondent.)

CASE NO. 86-T
NOTICE OF HEARING
AND
ORDER TO SHOW CAUSE

April 5, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,

Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
CERTIFICATE NO. 449)	<u>CASE NO. 87-T</u>
BY: BATES & SONS, INC.)	<u>NOTICE OF HEARING</u>
BOX 45)	<u>AND</u>
HYGIENE, COLORADO 80533)	<u>ORDER TO SHOW CAUSE</u>
Respondent.)	

April 5, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,




Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
CERTIFICATE NO. 1179)
BY: FAIRPLAY MOTOR COMPANY)
FAIRPLAY,)
COLORADO 80440)
Respondent.)

CASE NO. 88-T
NOTICE OF HEARING
AND
ORDER TO SHOW CAUSE

April 5, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,

Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
CERTIFICATE NO. 961)	<u>CASE NO. 89-T</u>
)	
BY: ZIMMERMAN TRUCK LINES)	<u>NOTICE OF HEARING</u>
949 DONELAN)	<u>AND</u>
BURLINGTON, COLORADO 80807)	<u>ORDER TO SHOW CAUSE</u>
)	
Respondent.)	
- - - - -	

- - - - -
April 5, 1967
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,

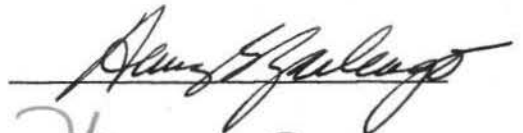


Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
CERTIFICATE NO. 1152 AND)	
PERMIT NO. B-1517)	<u>CASE NO. 90-T</u>
)	
BY: MIKE JOSEPH)	<u>NOTICE OF HEARING</u>
P. O. BOX 20)	<u>AND</u>
SAN LUIS, COLORADO 81152)	<u>ORDER TO SHOW CAUSE</u>
)	
Respondent.)	
- - - - -)	

- - - - -
April 5, 1967
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for

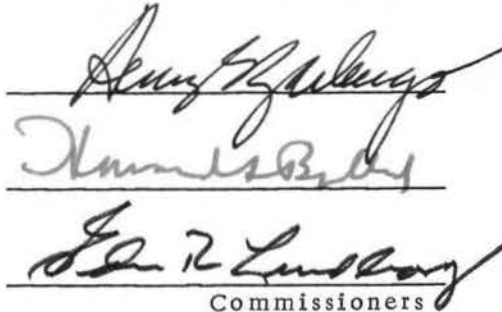
hearing in Room 529, State Services Building, 1525 Sherman Street, Denver, Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

(Decision No. 69302)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MILE HI EXPRESS, INC., 3963 WALNUT)
STREET, DENVER, COLORADO, UNDER)
PUC NO. 3540 AND PUC NO. 3540-I.)

CASE NO. 5335

April 5, 1967

Appearances: Richard A. Dudden, Esq., Denver,
Colorado, for Respondent;
Warren Braucher, Esq., Denver,
Colorado, for Rio Grande Motor
Way, Inc., and Larson Transpor-
tation Co., Inc.;
Robert L. Pyle, Esq., Denver,
Colorado, for the Staff of the
Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Mile Hi Express, Inc., Respondent herein, is the owner and operator of certificate of public convenience and necessity PUC No. 3540 and PUC No. 3540-I, issued by the Commission, which authorizes the conduct of operations as a common carrier by motor vehicle for hire for the following, to-wit:

"Transportation of general commodities, except those which because of size or weight require special equipment, between points within the City and County of Denver, State of Colorado;

Freight between points in the City and County of Denver and a five-mile radius thereof in interstate commerce only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended;

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

The authority for the above certificate was granted on August 31, 1956 by Commission Decision No. 46420. On October 17, 1966, the Enforcement

Department of the Commission, by Lloyd C. Espinosa, Supervising Transportation Representative, reported to the Commission that Mile Hi Express, Inc. was rendering a transportation service which was beyond the scope of authority as contained in its Certificate No. PUC 3540 and PUC 3540-I. As a result thereof, the Commission, on December 8, 1966, by Decision No. 68658, in Case No. 5335, issued its Order to Show Cause and Notice of Hearing to Mile Hi Express, Inc., to show cause why the Commission should not take such action and enter such order as might be appropriate including, but not limited to, a cease and desist order, or as warranted, an order cancelling and revoking PUC No. 3540 and PUC No. 3540-I.

Said matter was set for hearing before the Commission in the Hearing Room of the Commission, 532 State Services Building, at 10:00 A.M. on January 16, 1967. On January 9, 1967, the Commission received a letter from Richard A. Dudden, counsel for the Respondent, requesting that Case No. 5335 be continued until February 27, 1967. The Commission, by Decision No. 68868, dated January 11, 1967, issued its Supplemental Order granting the extension of time and setting the matter for hearing on February 27, 1967.

Mr. Lee Scott, Transportation Representative of the Commission, testified concerning his investigation of the activities of Mile Hi Express, Inc. He introduced Exhibit No. 1, which consisted of certified copies of Commission Decision Nos. 46420, 55575 and 58709. The purpose of this Exhibit was to show the historical background of PUC No. 3540 and PUC No. 3540-I.

Mr. Scott testified that during the course of his investigation he talked to Mr. John Sieb, the Manager of Mile Hi Express, Inc., and that Mr. Sieb admitted to him that they (Mile Hi Express, Inc.) "now and then" exceeded their authority and rendered transportation services outside the authorized geographical limits of their operating authority. Mr. Scott further testified that he picked up freight bills and bills of lading for

the period from January 1, 1966 through May 31, 1966 and that these freight bills and bills of lading were turned over to his supervisor, Mr. Espinosa.

Mr. Lloyd C. Espinosa, Supervising Transportation Representative of the Commission, identified Staff Exhibit No. 2 which consisted of 83 freight bills and bills of lading showing shipments handled by Mile Hi Express, Inc. for the period of time from January 1, 1966 through May 31, 1966 as being the freight bills and bills of lading of shipments which were delivered to points beyond the scope of the operating authority as contained in Certificate No. 3540 and No. 3540-I. These shipments moved to the following points outside the City and County of Denver.

Wheatridge, Lakewood, Westminster, Arvada,
Morrison in Jefferson County; Northglenn,
Commerce City and Aurora in Adams County;
Littleton and Englewood in Arapahoe County;
and Niwot in Boulder County.

Exhibit No. 2 further showed that the revenue derived from the shipments beyond the scope of authority totaled \$596.66. Mr. Espinosa further testified that all of these violations were intrastate in character. Although 17 of said shipments involved the Diamond Wire Company, none of the freight bills showed or indicated in any way that there was a connecting carrier nor was there any showing of the fact that any revenue was shared with any connecting carrier.

Mr. Coons, President of K. P. Moving, testified that he holds authority under PUC No. 3741 which authorizes his company to operate in the City of Denver and a fifteen-mile radius of Denver. Mr. Coons testified that he had previously held the account of Tubular Steel, 2300 South Delaware, Denver, Colorado which was subsequently lost to Mile Hi Express, Inc. He also testified that, upon soliciting the Diamond Wire Company for hauling into Westminster, Wheatridge and Lakewood, he found that he could not get the business because Mile Hi Express, Inc. already had the business for that Company.

Mr. Richard Sandoval, General Manager for Mile Hi Express, Inc., testified that he takes calls and dispatches trucks for the company; that

he has some knowledge of the company's operating authority, and that he quit dispatching trucks outside the scope of his company's operating authority when the Commission began its investigation. The witness further testified that some breaches of operating authority had occurred between June 1, 1966 and December 31, 1966, which period of time, was after the Commission began its investigation and was also after being actually notified by the Investigation Department of the Commission. Witness Sandoval admitted that he did not know where the deliveries in all instances were actually being made, and explained that whenever he got a call for service, the customer would usually ask for a truck to make some deliveries, and that he would then dispatch a truck assuming that the deliveries would be made within the certificated area; and that, when the truck arrived at the customer's place of business, the customer would then add deliveries to be made outside the authorized certificated area. It appears from the demeanor of the witness and his testimony that, although negligence is apparent, the witness' actions were unintentional.

Mr. Forest McIntyre, Warehouse Manager for Essex Wire Company, appeared and testified in behalf of the Respondent, Mile Hi Express, Inc. Mr. McIntyre testified that his company warehouses for the Diamond Wire Company; that said company is one of the shippers shown in Exhibit No. 2; and that shipments handled by Mile Hi Express, Inc. for the Diamond Wire Company originated outside of the State of Colorado. Mr. McIntyre submitted evidence to show that the shipments were interstate in nature. However, such evidence was inconclusive either way.

The Commission finds from the evidence and from its records, of which it takes official notice, that the Respondent has a very substantial investment in its business and has been serving the public in a substantial manner as a common carrier by motor vehicle for approximately 7 years. The Commission further finds that the Respondent in the conduct of its operations under PUC No. 3540 and PUC No. 3540-I has been careless and negligent and has, in fact, rendered repeated and numerous transportation services

beyond the scope of its operating authority; however, there are some extenuating circumstances, as above pointed out, and that it will be in the public interest to enter the Order as hereinafter set out.

O R D E R

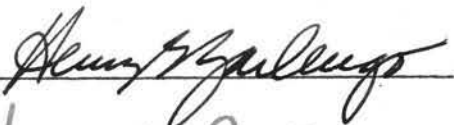
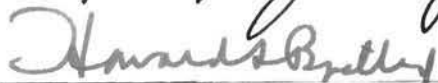
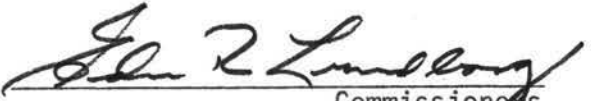
THE COMMISSION ORDERS:

1. That the authority of the Respondent, Mile Hi Express, Inc., being PUC No. 3540 and PUC No. 3540-I, be, and the same hereby is, revoked and cancelled; provided, however, that in lieu of said revocation and cancellation, Respondent may, if it should so desire, elect to pay the sum of One Thousand Ninety-Six Dollars and Sixty-six Cents (\$1,096.66) to the Treasurer of the State of Colorado, on or before the effective date of this Order, for the use and benefit of the State of Colorado, under and pursuant to the provisions of the Public Utilities Act, which is hereby, as an alternative penalty, assessed for the violations of the law and the rules and regulations of the Commission.

2. That Respondent, Mile Hi Express, Inc., should be, and is, ordered to Cease and Desist from rendering any transportation service beyond the scope of its authority as contained in PUC No. 3540 and PUC No. 3540-I.

3. That this Order shall become effective twenty-one (21) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN BURBANK, 9171 WEST 66TH AVENUE, ARVADA, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-2648.)))))	<u>APPLICATION NO. 22395-PP-Extension</u>
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April 5, 1967

Appearances: John Burbank, Arvada, Colo-
rado, pro se.

STATEMENT AND FINDINGS OF FACT

Applicant herein is the owner and operator of Permit No. B-2648
which authorizes the following:

"Transportation of sand, gravel, and other road-surfacing materials from pits and supply points within a radius of 50 miles of Wheatridge to jobs in said area, excluding service in Boulder, Clear Creek and Gilpin Counties; and coal from mines in the northern coal fields to Denver and Wheatridge, Colorado;

"Dec. #44615 Extended to: Transportation of sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to mixer and processing plants within a radius of fifty miles of said pits and supply points; and the transportation of sand and gravel from pits and supply points in the State of Colorado, to railroad loading points and to home and small construction jobs within a radius of fifty miles of said pits and supply points; and the transportation of insulrock from pits and supply points in the State of Colorado to roofing jobs within a radius of fifty miles of said pits and supply points;

"Dec. #55949 Extended to: Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of one hundred miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to home and small construction jobs within a radius of one hundred miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of one hundred miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of one hundred miles of said pits and supply points, transportation of road-surfacing materials to be restricted against the use of tank vehicles;

"Clay, from points within a radius of fifty miles of Denver, to points within a radius of ten miles of Denver, Colorado;

"Dec.#59065: Extended to include the transportation of natural fertilizer and peat moss between points within a radius of 100 miles of Denver, Colorado;

"Dec.#64371: Extended to include the right to transport silica quartz, from the Hamilton Mine, located in the area of Buffalo Creek and the Whitecaps Area, to points within a radius of one hundred miles thereof, for the Rocky Mountain Aggregates Company, of Golden, Colorado, only.

By the instant application, said permit-holder seeks authority to extend operations under Permit No. B-2648 to include the transportation of silica Quartz from mines of the Rocky Mountain Aggregates Company throughout the State wherever they may be located, to all points within the State of Colorado.

Said application was regularly set by the Commission for hearing and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Prior to the hearing, the Staff of the Commission redrafted the authority under Permit No. B-6284 and suggested that it be rewritten as hereinafter set out.

Upon presentation of this suggested wording of authority, the Applicant agreed to the recommendation and stated that in the event this extension is granted, he would accept this rewording of his entire authority.

The Applicant appeared on his own behalf and testified that the work to be done for Rocky Mountain Aggregate Company, which is the sole purpose of obtaining this extension, is compatible to his present and existing Permit; and that under this proposed extension, he would do work for the one customer only, to-wit: Rocky Mountain Aggregate Company; that he has one truck and trailer for this operation, has had fifteen to twenty

years experience and is financially able to render to service herein sought; that, as far as he knew, the granting of such extended authority would not impair the efficient public service of any other authorized motor vehicle common carrier having the same territory over the same general route or routes; that if this authority is granted, he will continue to operate in accordance with all the present and future rules, regulations and safety requirements of the Commission and all laws of the State of Colorado; and that he has made provisions for insurance as required by the Commission.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that there is a need for applicant's proposed extended transportation services; that applicant will have sufficient equipment and experience to properly carry on the proposed extended operation; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that it does not appear to the Commission that the proposed operation will impair the efficient public service of any authorized common carrier adequately serving the same territory, over the same general highway route or routes; that the granting of the authority, as provided in the following order will be in the public interest and such authority should be granted.

O R D E R

THE COMMISSION ORDERS:

That John Burbank, Arvada, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-2648 to include transportation of silica Quartz from mines of The Rocky Mountain Aggregates Company throughout the State wherever they may be located, to all points within the State of Colorado.

That henceforth the full and complete authority under Permit No. B-2648 shall be as follows, to-wit:

- 1) Transportation of sand, gravel, and other road-surfacing materials, from pits and supply points in the State of Colorado, to mixer and processing plants within a radius of fifty miles of said pits and supply points; and the transportation of

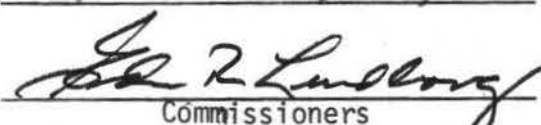
sand and gravel from pits and supply points in the State of Colorado, to railroad loading points and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; and the transportation of insulrock from pits and supply points in the State of Colorado to roofing jobs within a radius of fifty miles of said pits and supply points;

- 2) Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points; sand and gravel from pits and supply points in the State of Colorado, to railroad loading points, to homes and small construction jobs within a radius of 100 miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of 100 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 100 miles of said pits and supply points; PROVIDED, HOWEVER, THAT THE TRANSPORTATION OF ROAD-SURFACING MATERIALS SHALL BE RESTRICTED AGAINST THE USE OF TANK VEHICLES:
- 3) Transportation of clay from points within a radius of fifty miles of Denver, to points within a radius of ten miles of Denver, Colorado;
- 4) Transportation of natural fertilizer and peat moss between points within a radius of 100 miles of Denver, Colorado;
- 5) Transportation of silica Quartz from point to point in the State of Colorado for one customer only, the Rocky Mountain Aggregate Company.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEONARD DeLUE, D. J. SEBERN, T. W.)
RINKER AND E. L. DeLUE, DOING BUSINESS)
AS "ARMORED MOTORS SERVICE," 970 YUMA) APPLICATION NO. 22139-PP-Extension
STREET, DENVER, COLORADO, FOR AUTHOR-)
ITY TO EXTEND OPERATIONS UNDER PERMIT)
NO. B-958 AND PERMIT NO. B-958-I.)

RE: MOTOR VEHICLE OPERATIONS OF)
D. J. SEBERN, LEONARD DeLUE AND TED)
P. RINKER, DOING BUSINESS AS "ARMORED) PUC NO. 3037
MOTORS SERVICE," 970 YUMA STREET,)
DENVER, COLORADO.)

April 12, 1967

Appearances: Herbert M. Boyle, Esq., Denver,
Colorado, for Applicant;
Edward T. Lyons, Esq., Denver,
Colorado, for B.D.C. Corporation
of Colorado;
David Butler, Esq., Denver,
Colorado, for Colorado Motor Way,
Inc., Colorado Transportation
Company, and Denver-Boulder Bus
Company;
John R. Barry, Esq., Denver,
Colorado, for Continental Bus
System, Inc., American Bus Lines,
Denver-Colorado Springs-Pueblo
Motor Way, Denver-Salt Lake-Pacific
Stages, and Transcontinental Bus
System, Inc.

STATEMENT AND FINDINGS OF FACT

The Applicant is the holder of Permit No. B-958 and Permit No. B-958-I
which provides for the following authority, to-wit:

Transportation of gold bullion only from Golden Cycle
Mill at Colorado Springs to the Mint in Denver via
U.S. 85.

The right to transport gold bullion from the mill of
the Cripple Creek Milling Company of Cripple Creek
to the U.S. Mint in Denver.

Transportation of currency, silver, securities, and valuables, limited to those valuables normally transported in an armored car operation, between points within a 25-mile radius of Colorado Springs, Colorado;

between points within a radius of 25 miles of Pueblo, Colorado, between points within a radius of 25 miles of Denver, Colorado,

without the right to conduct such operations between the cities above-mentioned in this extension.

Transportation of the commodities above-mentioned in emergencies for all banks in this Federal Reserve District is expressly denied,

except within the 25-mile areas within which operations are authorized, as above set forth.

Transportation by armored car of money, coins, currency, gold, silver, bullion, jewelry, securities and other valuable papers from point to point in Denver, and between Denver and any other points in the State of Colorado.

Transportation of mail in vehicles other than armored cars between points within 25 miles of Denver, and Pueblo, Colorado,

and to extend it territorially also to include an operation within the corporate limits of Denver and Pueblo, Colorado, on the same basis as is presently authorized outside those cities.

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

Upon motions by counsel for the Applicant, which were granted, the original application is amended to provide for an extension of said authorities to include the transportation by armored car and armed guards of money, coins, currency, gold, silver, bullion, jewelry, securities and other valuable papers between all points in the State of Colorado. As a result of said amendment, the Protestants, Continental Bus System, Inc., American Bus Lines, Denver-Colorado Springs-Pueblo Motor Way, Denver-Salt Lake-Pacific Stages, Transcontinental Bus System, Inc., Colorado Motor Way, Inc., Colorado Transportation Company and Denver-Boulder Bus Company, withdrew their protest.

By stipulation the Protestant, B.D.C. Corporation of Colorado, restricted its protest to that part of the application of Armored Motors Service which seeks to transport coins, currency and negotiable securities between all points in the State of Colorado. It was stipulated between the Applicant and said Protestant that the testimony of Witness Larry Crutchfield on behalf of said Protestant in proceeding on Application No. 21864 together with all exhibits introduced by said witness therein be incorporated by reference into the record of this proceeding and be considered evidence in protest to the within application.

All rulings made by the hearing officer on motions, on objections and on exhibits should be approved, and they hereby are approved.

The Protestant, B.D.C. Corporation of Colorado, heretofore has filed with the Commission Application No. 21864 wherein a common carrier authority is sought to provide transportation services substantially the same as the services for which authority is herein made excepting that in said application the Protestant B.D.C. is not seeking to provide armored transportation as is the case herein. The Commission heretofore has denied said application on the grounds that the evidence submitted was insufficient to support a finding that public convenience and necessity required the granting of the authority.

Robert Armstrong testified in support of the application in substance and to the effect that he is Senior Vice President and Cashier of the First National Bank of Pueblo; that he has responsibility for all records of the Bank; that he is familiar with the application; that should the authority be granted it would help the Bank in pickup of cash letters and delivery of coins to the bank in the San Luis Valley and would also help in delivery of their checks and deposits after the same have been processed on the computer; that the Bank's customers are generally located in the Arkansas Valley, the San Luis Valley, southern New Mexico and Colorado Springs from which points the items specified would be transported; that

presently the Bank has no service by motor carrier, or otherwise, for transportation of coins, currency, cash letters, checks, etc. and must rely on the mails which is unsatisfactory; that problems now exist relating to the computer program in having checks picked up in the evening and having them delivered back in the morning; that there is a need for the type of service for which Applicant seeks authority; that the Bank would prefer armored vehicles and guards as the same would provide for better security and would be better from a public relations standpoint; that his Bank has an active account with practically every bank in the Arkansas Valley, in the San Luis Valley, including Colorado Springs, Florence and Canon City, with all of which banks they daily clear directly; that they have cash deliveries to banks in the Arkansas Valley and San Luis Valley and, that the service, if available, would be utilized.

On cross examination this witness stated that although cash letters and automation data have no intrinsic value as such that should they be lost a terrific amount of work would have to be gone through in order to reproduce the same and from the psychological point of view people would rather have an armored service and from the Bank's own public relations it should have armored service.

The witness further testified that to his knowledge no service of Armored Motors between Pueblo and Colorado Springs is being used and to the best of his recollection the mails were being used for cash letters between said points.

Donald J. Sebern testified in support of the application, stating that he was a partner of Armored Motors Service of Denver, Colorado, which is engaged in the business of transportation of valuables, business papers, cash, checks, and related items for banks and businesses and that he has been connected therewith for some 35 years; that his duties and responsibilities were operational through the entire organization; that the Applicant proposes to offer point to point service in the State of Colorado upon request under contract carrier authority in the transportation of coin, currency,

checks, bank drafts, negotiable instruments, business papers and other valuables; that business papers include records or papers that are necessary for the conduct of business needed to be transported; that with regard to the nature of the proposed service he made an investigation on Montrose, Delta, Paonia, Hotchkiss, Grand Junction, Eagle, Glenwood Springs, Rifle, Palisade, Fruita, and Grand Junction, and Applicant's proposal would be to pick up cash letters at Montrose, drop them at Delta, pick up letters at Delta, drop them at Hotchkiss or Paonia, letters consigned to Grand Junction would be delivered into Grand Junction and letters consigned to those banks would be picked up at that time and delivered back to those banks; that this service would include coin and currency; that armored equipment would be stationed in any areas in the State to serve in the area in which stationed; that he knows specifically of two instances where cash letters were lost or misplaced resulting in loss of funds, one being the bank at Brighton involving a cash letter in the amount of \$115,000, and the other being a northern bank involving film which was reproduced but the cost ran around \$1,500. In describing the method of operation, the witness stated that the Applicant goes to a pre-arranged area and the bank or business establishment signs a receipt for the commodity to be picked up, puts it in the car and delivers it to its consignor or consignee; that for banks it transports business papers, valuable papers, currency, gold, silver, bullion, jewelry, and securities; that for industry it does basically the same thing picking up bank deposits, delivering them to the bank, picking up business papers, delivering them to consignees, and picking up business papers, delivering them to consignees, and picking up payrolls, checks, etc.; that such service would be rendered also between industry and industry without involvement of any bank. This witness stated that by armored vehicle is meant one with bullet resistant qualities and equipped with bullet-proof glass; that no commodities are to be transported in a vehicle in which there is not an armed guard; that there employees are qualified to carry arms, have permits to carry them, and are supposed to

carry them under Applicant's rules and regulations; that it is his belief that Applicant has transported cash letters and automation data between the bank in Pueblo and Colorado Springs but did not recognize that the Applicant had no authority to provide such service.

Dan. B. Rule of Eagle, Colorado, testified in support of the application that he is Vice President of the First National Bank of Eagle County and is an executive officer responsible for the operations of the bank including the transportation of coins, currency and other items needed to be transported by the bank; that he understands the authority being sought and his bank is in need of armored transportation of the pertinent commodities between businessmen in Vail, Colorado, Minturn, Colorado and his bank, such transportation involving some \$50,000.00 a trip in the winter time; that at the present time individuals themselves make this trip personally; that considerable sums of currency and coin are involved, including deposits, checks, and negotiable instruments; and, that if the authority is granted use would be made of the services.

John Goodell testified in support of the application stating that he is controller and assistant secretary and treasurer for Vail Associates, Incorporated, who are the principal operators in Vail of the ski area, the ski school and a lodge at Vail; that he was authorized by said corporation to appear in support of the application with which he is acquainted and generally described the same; that in the corporation's operation very large deposits during the five winter months are involved; that presently it is necessary to send an individual to Eagle two or three times a week during the winter at least to obtain change; that the corporation carries a higher volume of operating capital on the premises than it would like if it could get the better service; that the night depository is used and employees are sent down each night; that it would help the company not to have its own employees carry the monies in the amounts involved; that armored service would be certainly an advantage; that the volume of cash and securities talked about in the five winter months average \$300,000 or \$400,000 monthly.

Gordon Weller testified that he is manager of the Vail Village Inn, Limited which operates a motor lodge on Highway 6 at the main entrance to the Vail area; that should application be granted it would help in eliminating the necessity of carrying deposits to Eagle, a distance of some 35 miles and return with cash needed in the operations; that the services are now performed by his own employees without protection and at some risk; that the company's deposits consist of cash, currency, bills and checks paid on account; that the return transportation would involve cash and currency; that there very definitely is a need for the proposed service; that specific rates have not been discussed with the Applicant, but on the assumption that they were reasonable his concern would certainly subscribe. He further testified that he judged there would be in the neighborhood of 40 possible subscribers in Vail.

During the course of this witness's testimony counsel for the Protestant states "We are not opposing the application to transport cash and currency, and for that matter truly negotiable instruments,. . ."

Upon conclusion of the questioning by counsel, Commissioner Zarlengo asked the following questions:

"Q. Mr. Sebern, do you know of any common carrier rendering transportation service by armored car with armed guards similar to the transportation you are applying for?

A. You mean anywhere in the United States?

Q. No, in Colorado.

A. In Colorado, no, sir, there is none. Well, there is an armored car company based in Greeley that only serves the immediate Greeley area.

Q. Is it a common carrier or do you know?

A. I don't know. It's a contract carrier I think.

* * * * *

Q. Mr. Lyons referred to an authority number 3037 that you have.

A. Yes, sir.

Q. What name is that?

A. It's a common carrier permit, Mr. Oregon ran the Oregon Armored Car Service in Colorado Springs.

Q. You have not operated that for a number of years?

A. No, sir, because it is much more practical and the needs of the area have been served by our contract carrier permit very adequately and very satisfactorily through these years, but we did acquire this through purchase of the Oregon Armored Car Service which was consolidated.

Q. Do you have any objection to having that authority canceled?

A. I can see no reason --

Q. You better consult with your attorney.

A. The tariffs on file but we have not utilized it in any way at all. I would like to reserve that with, as you suggest, consultation with our attorney.

Q. You understand that a common carrier authority has to be operated or if it isn't it's either abandoned or there is no need for it?

A. At the time that we entered into this purchase we stipulated that we would not use the permit as a common carrier permit."

Counsel for the Protestant moved to re-open the record in the A.M.S. Courier proceeding, Application No. 21885, and also moved that the Commission itself institute an investigation by show cause order into the activities of Armored Motors Service. Both motions should be, and hereby are, denied.

No one testified at the hearing in protest to the granting of the application. The record in Application No. 21864, by reference, is made a part hereof.

The Commission finds from the testimony, exhibits and records as made that the Applicant will have sufficient equipment and experienced personnel to properly carry on the proposed operation; that Applicant's financial standing and qualifications are established to the satisfaction of the Commission; that there is a present and future need for the proposed

transportation services of the Applicant; that the evidence presented in opposition to the granting of the application is too general, indefinite, and uncertain for the Commission to be of the opinion that the proposed operation as hereinafter authorized will impair the efficient public service of any authorized motor vehicle common carrier or carriers adequately serving the same territory over the same general highway route or routes; and that granting the authority will be in the public interest and the authority should be granted as set forth in the Order following.

The Commission further finds that PUC No. 3037 should be cancelled.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 3037 be, and the same hereby is, cancelled.

That Leonard DeLue, D. J. Sebern, T. W. Rinker, and E. L. DeLue, doing business as "Armored Motors Service," Denver, Colorado, be, and hereby are, authorized to extend operations under Permit No. B-958 and Permit No. B-958-I to include the transportation by armored car and armed guard or guards of money, coins, currency, gold, silver, bullion, jewelry, securities and other valuable papers, between all points in the State of Colorado, and this ORDER shall be deemed to be, and be, a PERMIT therefor.

That henceforth the full and complete authority under said Permit No. B-958 and Permit No. B-958-I shall be as follows to-wit:

Transportation of (1) gold bullion only from Golden Cycle Mill at Colorado Springs to the Mint in Denver via U.S. 85;

(2) gold bullion from the mill of the Cripple Creek Milling Company of Cripple Creek to the U.S. Mint in Denver;

(3) currency, silver, securities, and valuables, limited to those valuables normally transported in an armored car operation, between points within a 25-mile radius of Colorado Springs, Colorado; between points within a radius of 25 miles of Pueblo, Colorado, between points within a radius of 25 miles of Denver, Colorado, without the right to conduct such operations between the cities above-mentioned; application to transport the commodities above-mentioned in emergencies for all banks in this Federal Reserve District is expressly denied, except within the 25-mile areas within which operations are authorized, as above set forth;

(4) by armored car of money, coins, currency, gold, silver, bullion, jewelry, securities, and other valuable papers from point to point in Denver, and between Denver and any other points in the State of Colorado;

(5) mail in vehicles other than armored cars between points within twenty-five miles of Denver and Pueblo, Colorado, and to extend it territorially also to include an operation within the corporate limits of Denver and Pueblo, Colorado, on the same basis as is presently authorized outside those cities;




(6) by armored car and armed guard or guards of money, coins, currency, gold, silver, bullion, jewelry, securities and other valuable papers, between all points in the State of Colorado.

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

That this Order is made part of the permit granted to Applicant.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of April, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
BERNARD CHAVEY)
Clyde)
Kansas 66938)
)
)
)
)
)

AUTHORITY NO. M-13882

CASE NO. 1218-M-Ins.

- April 5, 1967 -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1967 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.



O R D E R

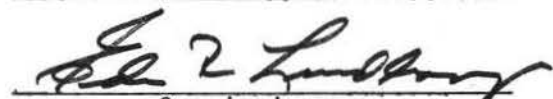
THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
5th day of April 1967 .

hw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
PERMIT NO. B-1877)
BY: B. R. HAYES INC.)
627 28TH AVENUE)
GREELEY, COLORADO 80630)
Respondent.)
- - - - -

CASE NO. 91-T
NOTICE OF HEARING
AND
ORDER TO SHOW CAUSE

- - - - -
April 5, 1967
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,

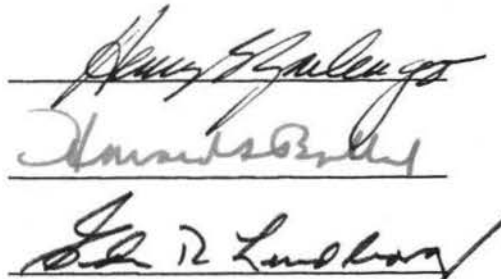
Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
PERMIT NO. B-1365 & I AND)
PERMIT NO. B-3076)
BY: HARRY B. HAWKS)
122 NORTH CASCADE)
MONTROSE, COLORADO 81401)
Respondent.)

CASE NO. 92-T
NOTICE OF HEARING
AND
ORDER TO SHOW CAUSE

- - - - -
April 5, 1967
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,


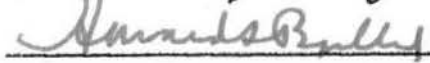

Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FAUSTIN G. GALLEGOS, LA JARA, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO.)
B-6669 TO MANUEL L. RODRIQUEZ, SANFORD,)
COLORADO.)

APPLICATION NO.22427-PP-Transfer

April 7, 1967

Appearances: Faustin G. Gallegos, La Jara,
Colorado, pro se;
Manuel L. Rodriquez, Sanford,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

By the instant application authority is sought to transfer Permit No. B-6669 from Faustin G. Gallegos, La Jara, Colorado, to Manuel L. Rodriquez, Sanford, Colorado.

Said application was regularly set for hearing by the Commission for hearing and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

The transferor herein, appeared and testified in support of the granting of the instant application. His testimony generally disclosed that he is the owner of the operation under this Permit and has continuously operated the same since granted by the Commission; that he has entered into an agreement to transfer the aforesaid authority to the transferee herein; that the consideration for the transfer is \$100; and that there is no outstanding debt or encumbrance against the motor vehicle operation.

Manuel L. Rodriquez, the transferee herein, also appeared and testified in support hereto. His testimony disclosed that he has entered into an agreement to acquire and to operate Permit No. B-6669 from the

transferor herein; that the consideration for the transfer is \$100; that he will have sufficient equipment, net worth and operating experience with which to render and to continue operations under this authority; that he has made provisions for insurance as required by the Commission; and that he will abide by all rules, regulations, and safety requirements of the Public Utilities Commission and the laws of the State of Colorado.

All motions granted, or denied, by the Examiner herein, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that transferee will have sufficient equipment and experience to properly carry on the operations; that transferee's financial standing and qualifications are established to the satisfaction of the Commission; that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Faustin G. Gallegos, La Jara, Colorado, be, and hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-6669 to Manual L. Rodriguez, Sanford, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission.

That henceforth the full and complete authority under Permit No. B-6669 shall be as follows, to-wit:

"Transportation of potatoes and hay, from point to point within a radius of twenty-five miles of La Jara, Colorado."

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


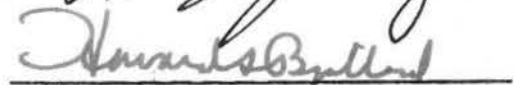
and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be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

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
PERMIT NO. A-1165)	<u>CASE NO. 94-T</u>
BY: NORMA V. BAILEY)	<u>NOTICE OF HEARING</u>
323 21ST AVENUE)	<u>AND</u>
GREELEY, COLORADO 80630)	<u>ORDER TO SHOW CAUSE</u>
Respondent.)	
- - - - -)	

- - - - -
April 5, 1967
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,

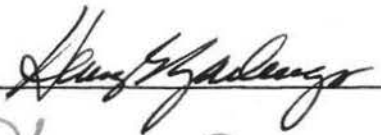
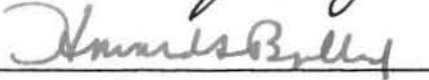

Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
CERTIFICATE NO. 1012)	<u>CASE NO. 95-T</u>
BY: GOLDEN WEST TRANSPORTATION)	<u>NOTICE OF HEARING</u>
BOX 328)	<u>AND</u>
FREDERICK, COLORADO 80530)	<u>ORDER TO SHOW CAUSE</u>
Respondent.)	
- - - - -	

- - - - -
April 5, 1967
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,




Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MOUNTAIN VIEW ELECTRIC ASSOCIATION,)
INC., A COLORADO CORPORATION, LIMON,)
COLORADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO EXERCISE) APPLICATION NO. 22471
THE RIGHTS AND PRIVILEGES AND PERFORM)
THE OBLIGATIONS GRANTED AND IMPOSED BY)
ORDINANCE NO. 198 PASSED AND ADOPTED BY)
THE TOWN OF LIMON, COLORADO.)

April 5, 1967

Appearances: Robert T. James, Esq., Colorado
Springs, Colorado, for Applicant;
Paul M. Brown, Denver, Colorado
and
E. R. Thompson, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

The above entitled application was filed with this Commission on March 13, 1967, and, after due notice to all interested parties, was set for hearing on March 24, 1967, at 10:00 o'clock A.M., at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. At said time and place, this matter was duly heard by the Commission and at the conclusion of the hearing taken under advisement. No protests were filed with the Commission with regard to this matter and no one appeared in opposition to the granting of this application.

Mountain View Electric Association, Inc. (Mountain View), is a corporation duly organized and existing under the laws of the State of Colorado, and is engaged in the business of transmitting and distributing electrical energy by means of transmission and distribution lines in the Counties of Elbert, Arapahoe, El Paso, Washington, Lincoln, Pueblo and Douglas, in the State of Colorado, which electrical energy Mountain View

View sells for light, heat, power and all other purposes to which the same is applicable. A certified copy of Mountain View's Certificate of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission.

The principal office and post office address of Mountain View is Limon, Colorado.

The evidence presented to the Commission in said hearing showed that on February 2, 1967, the Board of Trustees of the Town of Limon, Lincoln County, Colorado, duly passed and adopted Ordinance No. 198 of the Town of Limon, entitled as follows:

"AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF LIMON, LINCOLN COUNTY, COLORADO, TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF LIMON, ALL NECESSARY, NEEDFUL AND CONVENIENT POLES, POLE LINES, POSTS, WIRES, TRANSFORMERS, GUY POSTS AND GUY WIRES, APPARATUS, APPLIANCES AND WORKS, FOR THE PURCHASE, GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY AND TO FURNISH, SELL AND DISTRIBUTE SAID ELECTRICAL ENERGY TO THE TOWN OF LIMON, AND THE INHABITANTS THEREOF, FOR LIGHT, HEAT AND POWER OR OTHER PURPOSES BY MEANS OF CONDUITS, CABLES, POLES AND WIRES STRUNG THEREON, OR OTHERWISE, ON, OVER, UNDER, ALONG, ACROSS AND THROUGH ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF LIMON, AND FIXING THE TERMS AND CONDITIONS THEREOF."

The above entitled Ordinance granted Mountain View a franchise for a period of twenty-five years and provided further, among other things, that Mountain View shall pay to the said Town a sum equal to three per cent (3%) of the gross revenue derived from the sale of electricity within the corporate limits of the Town excluding all revenue received in excess of \$10,000.00 derived per annum from the sale of electric service rendered to each customer at any one location. A copy of said Ordinance No. 198 was introduced at the hearing as Exhibit "A".

There is no other public utility engaged in the business of distributing and selling electricity in the Town of Limon, Colorado.

Mountain View has adequate power now and for the foreseeable future to supply the requirements of the Town of Limon.

Mr. A. C. Payne, general manager of Mountain View testified at the hearing in regard to the instant application and Exhibits "A" through "H", inclusive, which exhibits included, in addition to the franchise ordinance, proofs of the Association's intent to apply for a franchise with certificates of publication and passage of the ordinance. Also included in the exhibits was a financial statement of recent date supporting Mountain View's ability to continue its operations. An acceptance of the franchise by Mountain View must be made within ten days after an affirmative Order of this Commission and Mountain View should file a certified copy of its acceptance of the franchise ordinance forthwith.

The Town of Limon has an estimated population of 2000 and an estimated 700 residence consumers.

A minimum fee shall be charged for the issuance of this certificate.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of the Applicant herein, Mountain View Electric Association, Inc., and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

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

That the public convenience and necessity require and will continue to require the exercise by Mountain View Electric Association, Inc., of the franchise rights granted in and by Ordinance No. 198 of the Town of Limon, State of Colorado, as set forth in Exhibit "A", introduced at the hearing and made a part hereof by reference and a Certificate of Public Convenience and Necessity should be issued to Mountain View Electric Association, Inc., therefor.

O R D E R

THE COMMISSION ORDERS:

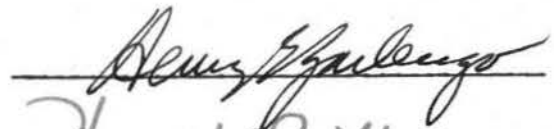
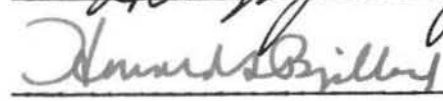
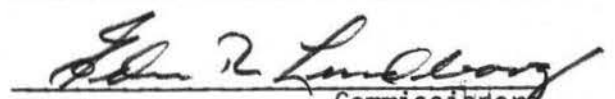
That a Certificate of Public Convenience and Necessity is by this Order hereby issued to Mountain View Electric Association, Inc., to exercise the franchise rights granted in and by said Ordinance No. 198 of the Town of Limon, State of Colorado, pursuant to the terms and conditions of said Ordinance No. 198.

That Mountain View Electric Association, Inc., shall install, operate and maintain its electric system, facilities and supply system within the corporate limits of the Town of Limon, Colorado, in accordance with its schedules of electric rates, classifications, rules and regulations now on file with this Commission or as the same may be changed according to law and the rules and regulations of this Commission.

That Mountain View Electric Association, Inc., shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and shall continue to keep its practices as to the testing of meters, customers' deposits and operations, records of meters and complaints in accordance with the Commission's requirements.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
PERMIT NO. B-6656)
BY: CHARLES HESSE)
1107 EAST 18TH)
GREELEY, COLORADO 80630)
Respondent.)
- - - - -

CASE NO. 96-T
NOTICE OF HEARING
AND
ORDER TO SHOW CAUSE

- - - - -
April 5, 1967
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,

Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
PERMIT NO. A-717)	
)	<u>CASE NO. 97-T</u>
BY: CURNOW TRANSPORTATION CO., INC.)	<u>NOTICE OF HEARING</u>
2165 SOUTH ST. PAUL STREET)	<u>AND</u>
DENVER, COLORADO 80222)	<u>ORDER TO SHOW CAUSE</u>
)	
Respondent.)	
- - - - -	

- - - - -
April 5, 1967
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,

Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
CERTIFICATE NO. 17)
BY: GRAND JUNCTION-PALISADE FREIGHT LINE)
BOX 367)
PALISADE, COLORADO 81526)
Respondent.)
- - - - -

CASE NO. 98-T
NOTICE OF HEARING
AND
ORDER TO SHOW CAUSE

- - - - -
April 5, 1967
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,

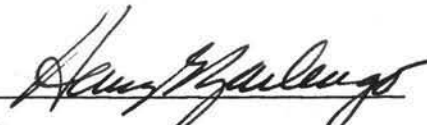
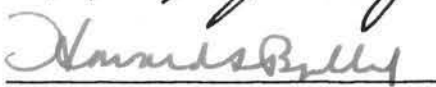

Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
CERTIFICATE NO. 1644 AND)
PERMIT NO. B-6213)
BY: W. H. HOLSTINE)
KIRK,)
COLORADO 80824)
Respondent.)

CASE NO. 99-T
NOTICE OF HEARING
AND
ORDER TO SHOW CAUSE

April 5, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

ORDER

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,

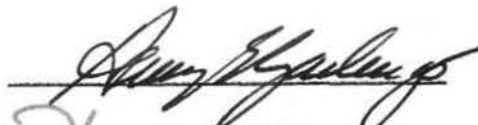
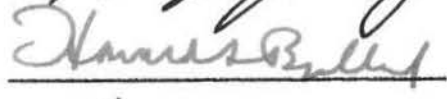

Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
CERTIFICATE NO, 342)	<u>CASE NO. 100-T</u>
BY: WANDELL & LOWE TRANSFER & STORAGE)	<u>NOTICE OF HEARING</u>
3615 NORTH STONE AVENUE)	<u>AND</u>
COLORADO SPRINGS, COLORADO 80900)	<u>ORDER TO SHOW CAUSE</u>
Respondent.)	
- - - - -)	

- - - - -
April 5, 1967
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,


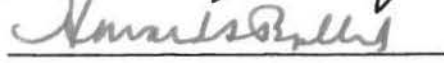

Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LAURA C. ZIMMERMAN, DOING BUSINESS AS)
"ZIMMERMAN TRUCK LINES," 949 DONELAN,)
BURLINGTON, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 961 AND PUC NO. 961-I)
TO LINK TRUCK LINES, INC., GENOA, COLO-)
RADO.)

APPLICATION NO. 22419-Transfer

April 17, 1967

Appearances: Laura C. Zimmerman, Burlington,
Colorado, pro se;
Frank T. Link, Genoa, Colorado,
for Transferee;
Edward C. Hastings, Esq., Denver,
Colorado, for Denver-Limon-
Burlington Transfer Company,
Protestant.

STATEMENT AND FINDINGS OF FACT

By the instant application authority is sought to transfer PUC No. 961 and PUC No. 961-I from Laura C. Zimmerman, doing business as "Zimmerman Truck Lines," Burlington, Colorado, to Link Truck Lines, Inc., Genoa, Colorado.

Said application was regularly set by the Commission for hearing and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding, together with a written statement of his findings of fact and conclusions.

Upon review of the application for transfer of PUC No. 961 and 961-I, Mr. Hastings, attorney for Denver-Limon-Burlington Transfer Company, stated that his client was withdrawing his protest as the transfer involved only an individual status to corporation status.

Laura C. Zimmerman stated that she is the transferor and has entered into an agreement with the transferee corporation for the purchase

and sale of PUC No. 961 and 961-I; that she has continuously operated the same since granted by the Commission; that the consideration for the transfer is \$10,000.00; that there are no outstanding debts or encumbrances against the motor vehicle operation of said authorities; and Exhibit A which was identified as a copy of the Agreement by Laura C. Zimmerman sets forth the terms and conditions of the transfer of PUC No. 961 and 961-I.

Frank T. Link, stated that he is President of the transferee corporation; that the corporation and Laura C. Zimmerman have entered into an agreement for the purchase and sale of PUC No. 961 and 961-I; that the consideration for the transfer is \$10,000.00; that he has made provisions for insurance as required by the Commission; and that he is acquainted with the rules, regulations and laws of the State of Colorado pertaining to common carriers. He identified Exhibit B as a financial statement of Link Truck Lines, Inc., and Exhibit C as a list of equipment of said corporation. He also stated that at present he has Commission authorities under PUC No. 898 & I, 1368 & I, 400 and M-5433, and that these authorities do not overlap or duplicate the authority to be transferred. He further stated that the Articles of Incorporation are on file with the Secretary of State of the State of Colorado.

Exhibits A, B and C were received in evidence.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and exhibits and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that transferee corporation will have sufficient equipment and experienced personnel to properly carry on the operations; that transferee's financial standing and qualifications are established to the satisfaction of the Commission; that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Laura C. Zimmerman, doing business as "Zimmerman Truck Lines," Burlington, Colorado, be, and hereby is, authorized to transfer PUC No. 961 and PUC No. 961-I to Link Truck Lines, Inc., Genoa, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission.

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

That henceforth the full and complete authority under PUC No. 961 and PUC No. 961-I shall be as follows, to-wit:

Transportation of general commodities, with a load limit of 30,000 pounds and further restricted against the use of tank vehicles, from point to point, from and to, to and from points in the following area:

From Burlington 35 miles north; west to a point 5 miles west of Stratton, Colorado; south to a point 2 miles south of the Kit Carson county line; and east along a line parallel to the county line to the Colorado-Kansas state line.

The restrictions against the use of tank trucks, and a load limit of 30,000 pounds shall not apply to the transportation of:

1. Farm products, including livestock
2. Farm supplies
3. Farm equipment
4. Used household goods
5. Petroleum products and elevator products from Denver to the above-described area.

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

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

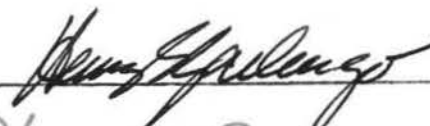
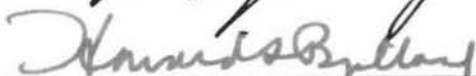
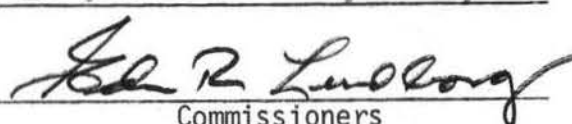
Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

The right of transferee to operate under this Order shall depend upon the prior filing of the Annual Report by transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 17th day of April, 1967.
et

(Decision No. 69318)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DOROTHY M. HERNANDEZ, DOING BUSINESS)
AS "VALLEY TAXI SERVICE," 423 NORTH)
MAIN STREET, ROCKY FORD, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.)
1989 TO WILLIAM J. MONTOYA, DOING)
BUSINESS AS "VALLEY TAXI SERVICE,")
717 NORTH 7TH STREET, ROCKY FORD,)
COLORADO.)

APPLICATION NO. 22293-Transfer
SUPPLEMENTAL ORDER

April 5, 1967

Appearances: Cover Mendenhall, Esq., Rocky Ford
Colorado, for Applicants.

STATEMENT AND FINDINGS OF FACT

On March 20, 1967, the Commission entered Decision No. 69190 in the above styled matter setting aside Decision No. 68661, dated December 8, 1966, for failure of applicants to comply with requirements set forth in said Decision No. 68661.

It now appears that applicants herein have complied with all requirements of Decision No. 68661, and request that transfer therein authorized be made fully effective.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 69190, dated March 20, 1967, be, and the same hereby is, vacated, set aside, and held for naught as of said 20th day of March 1967, and that the Secretary of the Commission is hereby instructed to change the records of the Commission to show PUC No. 1989

to be owned and operated by William J. Montoya, doing business as "Valley Taxi Service," Rocky Ford, Colorado, authority granted by this Commission to transfer said operating rights by Decision No. 68661, dated December 8, 1966, being made fully effective.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Adkins
Harold B. Billings

Ed R. Lundberg
Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.
ls

(Decision No. 69319)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MATEO SAN FILIPO, DOING BUSINESS AS)
"CITY CAB COMPANY," RAILROAD UNION)
STATION, PUEBLO, COLORADO.)

PUC NO. 2282, PUC NO. 2282-I,
PERMIT NO. A-6105

April 5, 1967

STATEMENT AND FINDINGS OF FACT

A written request from the above carrier has been received for a waiver from the Commission of its Rules relating to the filing of cash, or a surety bond, concerning C.O.D. shipments.




Upon full consideration of the matter the Commission states and finds that to grant the request will not be in the public interest and should be denied.

ORDER

THE COMMISSION ORDERS:

That the request above referred to be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967

et

(Decision No.69320)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HUBERT GORDON, STAR ROUTE, HUDSON,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22408-PP
SUPPLEMENTAL ORDER

April 5, 1967

Appearances: Hubert Gordon, Hudson, Colorado,
pro se;
R. PAUL Brown, Esq., Fort Lupton,
Colorado, for C. E. Gerkin,
Protestant.

STATEMENT AND FINDINGS OF FACT

On March 24, 1967, the Commission entered Decision No. 69243
in the above-styled application granting applicant authority to operate as a
Class "B" private carrier by motor vehicle for hire.

The Commission has received a written request from the above-styled
applicant stating that he no longer has use for said operating rights and re-
questing cancellation thereof.

The Commission states and finds that said request is compatible with
the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted by Decision No. 69243, dated March 24,
1967, be, and the same hereby are, cancelled and revoked upon request of ap-
plicant.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Adams
Donald B. Miller

Ed R. Lundberg
Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967
et

(Decision No. 69321)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DON E. NICHOLS, GENERAL DELIVERY,)
EAGLE, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22324-PP
SUPPLEMENTAL ORDER

April 5, 1967

Appearances: Don E. Nichols, Eagle, Colo-
rado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 8, 1967, the Commission entered its Decision No. 68917 in the above-styled application, granting to applicant herein the right to operate as a Class "B" private carrier by motor vehicle for hire.

Said applicant has failed to comply with the requirements set forth in said Decision No. 68917, viz., has failed to file a tariff.

The Commission states and finds that inasmuch as applicant has not fulfilled requirements set forth in Decision No. 68917, operating rights granted thereby should be revoked, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Don E. Nichols, Eagle, Colorado, by Decision No. 68917, dated February 8, 1967, be, and the same hereby are, revoked, for failure of applicant to comply with requirements set forth in said Decision No. 68917.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Adkins
Howard B. Miller

Ed R. Lundberg
Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
AL GEE TRUCK LEASING, INC.)
15 MAIN STREET)
HACKENSACK, NEW JERSEY 07601)

PUC NO. 6689-I

April 6, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

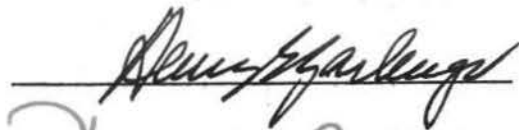
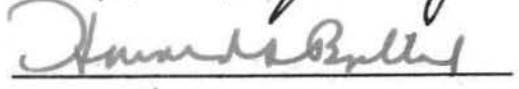
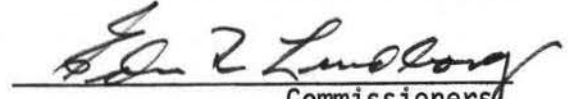
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 30, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 6th day of April 1967.
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
PERMIT NO. B-3109)	<u>CASE NO. 102-T</u>
)	
BY: LYMAN HASS)	<u>NOTICE OF HEARING</u>
BOX 63)	<u>AND</u>
SIMLA, COLORADO 80835)	<u>ORDER TO SHOW CAUSE</u>
)	
Respondent.)	
- - - - -	

- - - - -
April 5, 1967
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,

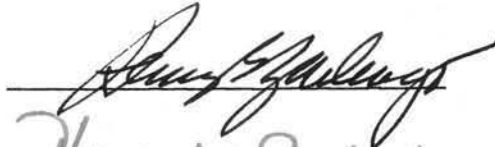
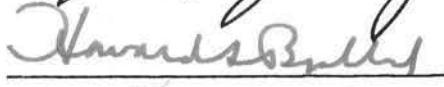

Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
TABLE MOUNTAIN INC.)
2680 YOUNGFIELD)
DENVER, COLORADO 80215)

PERMIT NO. B-6846

April 6, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

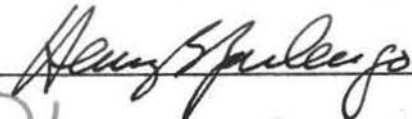

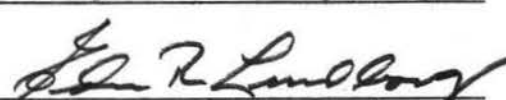
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 29, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 6th day of April 1967.
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
J. W. ALLEN)
4309 Boat Club Rd.)
Ft. Worth, Texas 76135)
-----)

AUTHORITY NO. M-1587

CASE NO. 1527-M-Ins.

April 7, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1967, in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.


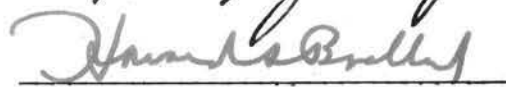

O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this

7th day of April 1967 .
hw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
PERMIT NO. B-1048)	<u>CASE NO. 105-T</u>
BY: REDWOOD COMPANY INC.)	<u>NOTICE OF HEARING</u>
3499 WAZEE STREET)	<u>AND</u>
DENVER, COLORADO 80205)	<u>ORDER TO SHOW CAUSE</u>
Respondent.)	
- - - - -	

- - - - -
April 5, 1967
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,

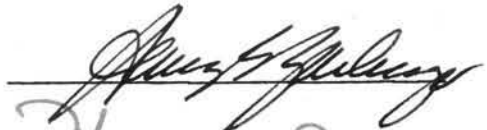
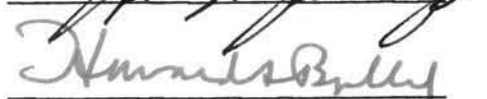

Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
PERMIT NO. B-3100)	<u>CASE NO. 106-T</u>
BY: REED BROTHERS)	<u>NOTICE OF HEARING</u>
BAYFIELD,)	<u>AND</u>
COLORADO 81122)	<u>ORDER TO SHOW CAUSE</u>
Respondent.)	
- - - - -	

- - - - -
April 5, 1967
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,


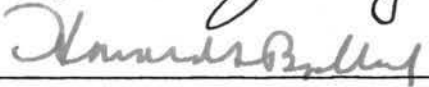

Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
PERMIT NO. B-5001)
BY: J. W. TAMLIN)
KUTCH,)
COLORADO 80826)
Respondent.)
- - - - -

CASE NO. 107-T
NOTICE OF HEARING
AND
ORDER TO SHOW CAUSE

- - - - -
April 5, 1967
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,


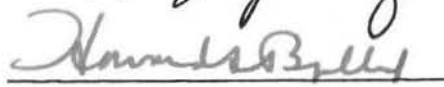

Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
PERMIT NO. B-3578)	<u>CASE NO. 108-T</u>
BY: JOHN F. PIERCE)	<u>NOTICE OF HEARING</u>
4221 STEELE STREET)	<u>AND</u>
DENVER, COLORADO 80216)	<u>ORDER TO SHOW CAUSE</u>
Respondent.)	
- - - - -	

- - - - -
April 5, 1967
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file tariff, ie classification in Decision No. 68180, Case 1585, dated September 14, 1966, as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver,

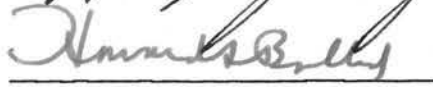
Colorado, at 10:00 o'clock A. M., on April 28, 1967, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF OMAR C. BEAGLE, DOING BUSINESS)
AS "BEAGLE'S TRUCKING," BOX 482,) APPLICATION NO. 22450-PP
NEDERLAND, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

April 6, 1967

Appearances: Omar C. Beagle, Nederland,
Colorado, pro se.

PROCEDURE AND RECORD

On February 24, 1957, Omar C. Beagle, doing business as "Beagle's Trucking," filed the instant application (No. 22450) with this Commission seeking a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for:

"Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 75 miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, to homes and small construction jobs within a radius of 75 miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of 75 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 75 miles of said pits and supply points; PROVIDED, HOWEVER, THAT THE TRANSPORTATION OF ROAD-SURFACING MATERIALS SHALL BE RESTRICTED AGAINST THE USE OF TANK VEHICLES: also, transportation of oil shale residue for one customer only, viz., The Oil Shale Corp. located at the Research Center, Colorado Highway No. 72 to disposal places in Jefferson and Boulder Counties; peat moss and natural fertilizer from point to point in a 75-mile radius of Colfax and Broadway, Denver, Colorado."

After due and proper notice to all interested parties the matter was heard by Commissioner Howard S. Bjelland on Tuesday, April 4, 1967 at 2:00 o'clock P.M. in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado.

Omar C. Beagle testified in support of the application. Upon the conclusion of the hearing the Presiding Commissioner took the application under advisement.

FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Commission finds as fact from such record, that:

1. Omar C. Beagle, the applicant herein, has had twenty-five years' experience in the trucking business. He has a net financial worth of approximately \$5,000. He is presently leasing a 1961 GMC dump truck which he will use to render service if the authority sought herein should be granted. He would plan to operate one truck at the present time under the authority which he seeks and would never plan to operate more than two trucks under such authority.

2. If the authority sought herein should be granted, he plans to haul under contract for road and building contractors, as well as individuals who may wish to use the specialized dump truck service which he plans to render.

3. In past years Omar C. Beagle has operated under similar authorities issued by the Commission and if the Commission should grant this application, he desires to re-use the number of B-6131 which was formerly held by him. He is familiar with the rules and regulations of the Commission and the statutes of the State of Colorado and will comply therewith if the authority sought herein is granted.

4. Omar C. Beagle is well qualified as to experience, equipment and finances to render transportation service. The financial responsibility of Omar C. Beagle was established to the satisfaction of the Commission. It did not appear that the proposed service of Omar C. Beagle would impair the efficiency of any common carrier service operating in the territory which he seeks to serve.

O R D E R

THE COMMISSION ORDERS:

That Omar C. Beagle, doing business as "Beagle's Trucking," Nederland, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire in intrastate commerce, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 75 miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, to homes and small construction jobs within a radius of 75 miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of 75 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 75 miles of said pits and supply points; provided, however, that the transportation of road-surfacing materials shall be restricted against the use of tank vehicles; also, transportation of oil shale residue for one customer only, viz., The Oil Shale Corp. located at the Research Center, Colorado Highway No. 72 to disposal places in Jefferson and Boulder Counties; peat moss and natural fertilizer from point to point in a 75-mile radius of Colfax and Broadway, Denver, Colorado, and this ORDER shall be deemed to be, and be, a PERMIT therefor.

That said permit shall bear the number B-6131, being the number of the permit formerly held by said Omar C. Beagle.

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


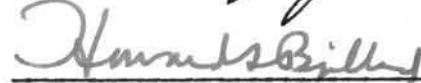

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 6th day of April, 1967.
ls

(Decision No. 69331)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF C. R. BRYANT, DOING BUSINESS)	
AS "EVERGREEN FREIGHT LINE,")	
EVERGREEN, COLORADO, TO TRANSFER)	<u>APPLICATION NO. 22452-Transfer</u>
PUC NO. 287 TO THOMAS P. MILLER,)	
DOING BUSINESS AS "EVERGREEN)	
FREIGHT LINE," STATE HIGHWAY 74,)	
EVERGREEN, COLORADO.)	

April 20, 1967

Appearances: Benjamin E. Sweet, Esq., Denver,
Colorado, for C. R. Bryant, doing
business as "Evergreen Freight Line,"
the Transferor, and Thomas P. Miller,
doing business as "Evergreen Freight
Line," the Transferee.

PROCEDURE AND RECORD

On February 23, 1967, C. R. Bryant, doing business as "Evergreen Freight Line," and Thomas P. Miller, doing business as "Evergreen Freight Line," filed a joint application (No. 22452) with this Commission seeking authority from the Commission for the transfer of PUC No. 287 from the said C. R. Bryant to the said Thomas P. Miller. On February 27, 1967, temporary authority was issued to Thomas P. Miller to operate under certificate No. 287 during the pendency of the transfer proceeding.

After due and proper notice to all interested parties the matter was heard by Commissioner Howard S. Bjelland on Tuesday, April 4, 1967 at 2:00 o'clock P.M. in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado.

C. R. Bryant and Thomas P. Miller testified in support of the application. Upon conclusion of the hearing the Presiding Commissioner took the application under advisement.

FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, including the application filed herein as well as the exhibits attached thereto, the Commission finds as fact from such entire record that:

1. C. R. Bryant, doing business as "Evergreen Freight Line," Evergreen, Colorado, is the owner and operator of a certificate of public convenience and necessity authorizing operation as a common carrier by motor vehicle for hire, namely, PUC No. 287. The certificate is in good standing before the Commission.

2. On February 13, 1967, C. R. Bryant and Thomas P. Miller entered into an agreement whereunder C. R. Bryant agreed to sell Evergreen Freight Line to Thomas P. Miller for a total purchase price of \$60,000. Included in the assets agreed to be conveyed is PUC certificate No. 287.

3. Thomas P. Miller has operated a service station for the last six years and such station showed a net profit of \$16,275.63 for the calendar year of 1966. Thomas P. Miller has a net financial worth in excess of \$35,000. He has had considerable experience in the operation and maintenance of trucking equipment. He is familiar with the rules and regulations of the Commission and the statutes of the State of Colorado and will comply therewith if the transfer is authorized.

4. Thomas P. Miller is well qualified as to experience, equipment and financial resources to properly render service to the public under PUC No. 287. His financial standing was established to the satisfaction of the Commission.

5. The proposed transfer is in the public interest and should be authorized as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That C. R. Bryant, doing business as "Evergreen Freight Line," Evergreen, Colorado be, and hereby is, authorized to transfer all right,

title and interest in and to PUC No. 287 to Thomas P. Miller, doing business as "Evergreen Freight Line," Evergreen, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 287 shall be as follows, to-wit:

- "1. Transportation of freight and express (except milk outbound from farms other than milk that may be delivered for transportation to this authority within the community of Evergreen, Colorado, or at points on State Highway No. 74 between Evergreen and Idledale):
 - a. between Denver and Morrison and all intermediate points on U.S. Highway 285 and from and to points within one-half ($\frac{1}{2}$) mile of said U.S. Highway 285 as it extends from Denver to Mount Morrison;
 - b. between Mount Morrison and Evergreen and all intermediate points on State Highway 74 and from and to points within one-half ($\frac{1}{2}$) mile of said Highway 74 from Mount Morrison to Idledale and within one (1) mile of said Highway 74 as it extends from Idledale to Evergreen, including the Evergreen community within a one-mile radius of the junction of Colorado 73 and 74 at Evergreen;
 - c. between Morrison and Brook Forest on Cub Creek and all intermediate points;
 - d. points on Colorado Highway 98 extending from Evergreen to Bendemeer;
 - e. points on highway extending from Evergreen to Brook Forest, a portion thereof being State Highway 73 and a portion being Cub Creek Road;
 - f. points on the road from Evergreen up Little Cub Creek;
 - g. between Evergreen and Marshdale and intermediate points along State Highway 73.
2. Transportation of lumber and cattle over said Highway to and from the ranch of George Berrian located in Sec. 35 T 5 S R 71 W.
3. Transportation of machinery and bottles to and from the Wilson Farm Dairy situated on the North Turkey Creek Road.
4. Transportation of freight and express including milk to and from and between points in the territory described as: commencing at the center of Sec. 22 T 4 S R 71 W; thence south five (5) miles to the center of Sec. 15 T 5 S R 71 W; thence in a southwesterly direction to the southeast corner of Sec. 36 T 5 S R 72 W; thence west six (6) miles to the southwest corner of Sec. 31 T 5 S R 72 W; thence north eight and one-half ($8\frac{1}{2}$) miles to the northwest corner of Sec. 19 T 4 S R 72 W; thence nine and one-half ($9\frac{1}{2}$) miles east to the point of beginning.

5. Transportation of freight from Evergreen to Brook Forest Inn and the territory along Cub Creek and to Evans Ranch and the territory along Bear Creek.
6. Transportation of general commodities to and from Denver, Colorado, from and to points between railhead at the foot of Mount Vernon Canon and Bergen Park and all intermediate points including said railhead and Bergen Park.
7. Call and demand transportation of freight:
 - a. between Evergreen, Colorado and Lakewood, Colorado;
 - b. between Evergreen, Colorado and the Federal Correctional Center and the Girls Industrial School;
 - c. between Denver, Colorado and the Federal Correctional Center and the Girls Industrial School;
 - d. household furniture between Evergreen, Colorado and Englewood, Colorado.
8. Transportation of general commodities along the route between Buffalo Bills Lodge on Lookout Mountain and the intersection of the north entrance to the Mount Vernon Country Club with Highway No. 40 and to serve residents and shippers along the route between the intersection of State Highway No. 285 and the road to Indian Hills in Jefferson County and the Town of Kittredge, via the Indian Hills Highway.

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

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

The right of transferee to operate under this Order shall depend upon the prior filing of the annual report by transferor herein, covering the operations under said certificate up to the time of

transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Paul S. Gabel
Donald B. Miller
John R. Lueders
Commissioners

Dated at Denver, Colorado,
this 20th day of April, 1967.
ls

(Decision No. 69332)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE COLORADO & WYOMING RAILWAY COMPANY)
FOR AN ORDER APPROVING THE CONSTRUCTION)
OF A GRADE CROSSING OF THE TRACKS OF) APPLICATION NO. 22456
THE DENVER AND RIO GRANDE WESTERN RAIL-)
ROAD COMPANY IN PUEBLO COUNTY, COLORADO.)

April 7, 1967

Appearances: William J. O'Connor, Vice President
& General Manager, Pueblo, Colorado,
and
Thomas G. Brown, Esq., Denver,
Colorado, for Applicant, The
Colorado & Wyoming Railway Co.;
J. L. McNeill, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

Pursuant to Section 115-4-6 (2), Colorado Revised Statutes, 1963,
The Colorado & Wyoming Railway Company (C&W) filed its application in
accordance with the rules of this Commission, seeking approval for con-
struction of a railroad crossing at grade, involving a single track of
Applicant, over and across two main-line tracks of The Denver and Rio
Grande Western Railroad Company (Rio Grande), to more completely serve
the plant and premises of C F & I Steel Corporation, Pueblo, Colorado.

Said application, pursuant to prior setting and after appropriate
Notice of Hearing to all parties in interest, was heard at the Commission
Hearing Room, 532 State Services Building, Denver, Colorado, on March 29,
1967, and the matter then taken under advisement by the Commission.

Explanatory testimony pertaining to proposed new crossing was
given by Robert L. Moore, Chief Engineer, Colorado & Wyoming Railroad.

Mr. Moore noted that C&W RR is a Class II common carrier by rail (Annual Operating Revenue under \$3,000,000) consisting of three separate operating segments as follows:

Northern Division: Platte County Wyoming, 7 miles.
Iron ore movement - Sunrise Mine.

Southern Division: Las Animas County, Colorado, 28 miles.
Coal movement - Allen Mine.

Middle Division: Pueblo County, Colorado, 65 miles.
Switching service - C F & I Steel Plant, Pueblo, Colorado.

In its agreement pertaining to operations on premises of C F & I Steel Plant, adequate right of way is also to be available for trackage purposes to serve plant needs such as are involved in proposed new crossing.

Trackage and right of way of the Rio Grande Railroad extends in a north-south direction within the western portion of the Steel Plant premises thus dividing the area. Along the west side of the Rio Grande are located various Plant offices, entrances, employee parking lots, storage warehouses and some tenant manufacturing operations. On the east side and extending away from the Rio Grande trackage are the ore bins, blast furnaces and major production areas of the widespread Steel Plant operations. Extensive C&W yard trackage is also located on the C F & I premises paralleling the east and west sides of the Rio Grande main lines and switching tracks.

According to Mr. Moore, all the in-plant and common carrier switching service for the C F & I Steel Plant is performed by C&W Railroad with C&W engines and crews operating over the private plant trackage of C&W Railroad. In the instant matter the "In-plant" switching involves movement of slag and plant wastes to a dump site located some two miles southwesterly from the central Steel Plant area, and on the opposite or west side of the two main-line tracks of the Rio Grande. Movement of plant wastes and slag haulage is handled in special built air-dump hopper cars and other equipment for plant service. The "Common carrier" switching service is movement of standard railroad cars, either empty or

handling traffic loads into and out of the various loading or unloading docks and warehouses of the plant and for serving tenant operations on the premises.

According to Mr. Moore, the movements between east side and west side plant areas are now made over a single high bridge 287 feet long passing above the Rio Grande trackage. The bridge track also connects with an important "High line" track serving C F & I coke and ore bins at the blast furnaces. Cars being dumped for the steel plant operations often block and delay the other switching moves which use the high bridge track for waste disposal or common carrier traffic. Hence, from an operating standpoint it becomes desirable that the various switching movements be separated and a new track is proposed within the plant area at about $\frac{1}{2}$ mile south from the high bridge. Mr. Moore also noted that the high railroad overpass bridge was built in 1901, it has been currently maintained for safe operating use, but on the basis of 66 years of service, extensive rebuilding must be considered in future plans. Further, the high track and embankment approach on the west side of the Rio Grande trackage occupies land which is desirable for additional office and parking lot extensions.

Exhibit A, as attached to the application, is a Rio Grande Railroad map showing trackage of both C&W and Rio Grande railroads in the vicinity of Rio Grande Mile Post No. 122. Mr. Moore explained that also indicated on the map is a proposed new track (Red Line) 2200 feet long to connect the east and west segments of C&W trackage. The new track connections will eliminate former interference with Steel Plant operations and provide a more direct route for the west side switching service.

Proposed crossing at grade over the two Rio Grande tracks is to be located 800 feet north from Mile Post 122 (MP 121.85). Mr. Moore stated that crossing design and protection; work of installation and continuing maintenance is to be all performed by Rio Grande. Exhibit B,

as included with the application, is a schematic drawing dated 4-28-66, to show proposal of hand operated switches and interlocking signal protection. A recent change, to be shown on another exhibit, (Exhibit D) provides for power operated switches.

C&W switching operations over the proposed crossing were described by Mr. Moore as varying from two movements to expected ten movements per day. A movement may be an outbound train of ten to fifteen cars, including both loads for waste disposal and other standard rail cars for industry switching. A separate or return movement is also made in returning empty waste cars to the plant and transfer of rail cars to the Rio Grande interchange yards. Switching times are uncertain but no conflict is expected with main track operations of Rio Grande.

In current estimates for the new work Mr. Moore noted the following:

\$ 70,000	- New track construction
<u>65,000</u>	- Signals and crossing work
\$135,000	- Total
Annual Maintenance Expense - \$2400	

The track and signal work including maintenance of proposed automatic switches and safety protection will be done by Rio Grande forces at expense of Applicant. Proposed installation and safety control operation by Rio Grande, also involves necessity to meet and conform with prescribed specifications and inspections of the Interstate Commerce Commission pertaining to operation and maintenance in main line use.

Mr. Moore also identified Exhibit C as photo copy of fully executed Agreement, made 31st of December, 1966, between Rio Grande and C&W, relating to the instant crossing proposal. He stated there were no other property owners involved and clearances for existing power and communication lines would be adjusted to meet necessary dimensions at the new track construction. Relative to a new grade separation, Mr. Moore stated costs would be very high; in addition, existing facilities and

proposed plant construction would be seriously hampered by the long and high embankment needed to secure operating clearance for a new bridge to cross the Rio Grande. In his experience and knowledge, the proposed grade crossing is a standard practice. Also, that in the proposed location, the small traffic volumes should offer no additional safety hazard, particularly in view of the operating controls and signal protection which are proposed to be as complete as possible.

Mr. B. M. Durland, Assistant Signal Engineer for 21 years with Rio Grande Railroad, testified regarding the proposed crossing and related work and operations by Rio Grande. He identified Exhibit C, being the fully executed Agreement, as his basis for planning the crossing installation and to determine protection needs.

Daily average of Rio Grande traffic is three through freight trains and three to four switching moves over the proposed crossing trackage. Movements over the instant trackage are also made under control of the Pueblo Yardmaster at two miles away. Passenger traffic is not involved since passenger trains are operated over another route by Colorado & Southern Railway.

Mr. Durland identified Exhibit D as a revised copy of Exhibit B initially submitted with the application. Current revision is to show "Power operated switches" in place of "Hand operated switches" as originally planned. As noted on the exhibit, only two Rio Grande tracks are involved at the proposed location for the new single track grade crossing of the C&W line. By use of two switches a cross-over connection will be made between the separate Rio Grande tracks. Two other switches will be provided - one in each Rio Grande line - to then connect with the new C&W track extensions at the east and west sides of the Rio Grande tracks. Due to the rather flat angle of crossing, Mr. Durland explained the use of switches rather than crossing frogs would provide safer operating trackage with a less complicated signal circuiting.

According to Mr. Durland, current plans provide that automatic control signals will be placed on lines of each railroad and be interconnected to the new switch installations. Signals on C&W line for train crew guidance will consist of two-position units - Green and Red - placed at each approach to the Rio Grande crossings. Normal position will be 'Red' until track switches are properly set for crossing move, when 'Green' will then appear.

Rio Grande signals will require 'Distant' or approach units at 2500 feet on each side of the crossing, showing the three positions - 'Green, Yellow and Red' - of standard main line block signals. The distant signals will be inter-connected to standard type (Home) or two position signals (Red & Green) at the crossings. Normal indication for the distant signal will be 'Yellow'; on approach of a Rio Grande train, the signal will go to 'Green' if the crossing is not in use; otherwise, it will remain 'Yellow' requiring Rio Grande train to slow down for a stop at crossing or 'Home' signal. The crossing, or Home signals, will be inter-locked to controls for the track switches to show 'Green' for Rio Grande move or 'Red' when crossing is in use by C&W.

Setting of track switches is proposed to also be automatic by use of power drives to move each switch. Central control will be provided from a locked switch box at each side of Rio Grande main track for use by the C&W crew when crossing movement is to be made. 'Lock out' control will only allow setting of the crossing switches when Rio Grande track is clear of approaching trains. Setting of push-button controls by C&W Trainman will automatically operate all the switches for crossing movement. When all cars have completed the movement, track switches may be automatically or manually reset for normal Rio Grande through movements.

As noted by Mr. Durland, 'At-grade' crossing locations of this type are not uncommon. With installation of power switches, it will be possible to quickly line up the tracks for a crossing movement and the switches to then automatically be returned to normal operating position.

By this means there is no chance for a crew member to improperly set the switches or forget to reset a switch upon completion of a move. He also emphasized that standard safety precautions are being provided to meet Rio Grande specifications and upon completion, the installation must meet operating tests of the Interstate Commerce Commission.

F I N D I N G S

THE COMMISSION FINDS:

That it is informed in the instant matter, and the foregoing Statement, by reference, is made a part hereof.

That installation, operation and maintenance of a proposed grade crossing between trackage of C&W Railway and Rio Grande Railroad is compatible with the public interest.

That proposed grade crossing is desirable, necessary and carefully designed to promote improved rail switching service and maintain operating safety for both the industry and main line rail movements.

That the public safety, convenience and necessity will be better served through expedited service and efficiency resulting from proposed installation.

That authority sought in the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:


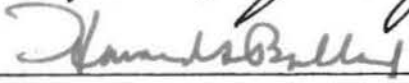

That Applicant, The Colorado & Wyoming Railway Company, Pueblo, Colorado, be, and hereby is, granted a certificate of public convenience and necessity to authorize and approve the construction, operation and maintenance of a new railroad grade crossing by the proposed switching track of Applicant, over and across two main-line tracks of The Denver and Rio Grande Western Railroad Company at Mile Post 121.85, near Minnequa Station, C F & I Steel Plant, Pueblo County, Colorado.

That the work to be done, installation, maintenance and operation of proposed grade crossing with interlocking controls and signal devices shall be as indicated in the preceding Statement; said Statement, and Exhibits A, B, C (Agreement) and D, all, by reference, are made a part hereof.

That the necessary protective devices and installation as proposed herein shall meet all requirements of the Interstate Commerce Commission Bureau of Safety.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1967.
gh

(Decision No. 69333)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WALTER RUMNEY AND CELESTE W. RUMNEY)
ROUTE 4, BOX 287, GREELEY, COLORADO,)
UNDER PERMIT NO. B-729 AND PERMIT)
NO. B-729-I.)

CASE NO. 5341

April 5, 1967

STATEMENT AND FINDINGS OF FACT

On April 5, 1967, the Contract Carriers Conference of the Colorado Motor Carriers Association, on behalf of its members, and through its attorney, John J. Conway, filed a Petition for Rehearing or Reconsideration and for Continuance of Hearing in the above entitled matter, and caused copies of said Petition to be served by mail upon John R. Barry and Lloyd Espinosa, parties of record in this proceeding.

The Commission has carefully considered said Petition filed herein and is of the opinion, and finds it would be incompatible with the public interest to Petition and the same should be denied.


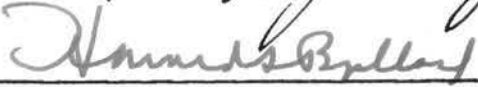

ORDER

THE COMMISSION ORDERS:

The Petition for Rehearing or Reconsideration for Continuance of Hearing filed with the Commission by John J. Conway, attorney for and on behalf of the Contract Carriers Conference of the Colorado Motor Carriers Association, be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of April, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
FARMERS UNION CENTRAL EXCHANGE INC.)
DBA CENEX SEED COMPANY)
Box 644)
Scottsbluff, Nebraska 69361)
-----)

AUTHORITY NO. M-934

CASE NO. 1238-M-Ins.

April 7, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1967 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.


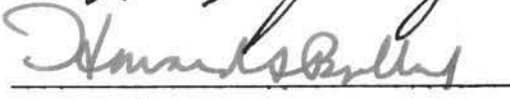

O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
7th day of April, 1967 .

hw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

MORRIS M. LONG)
DBA LONG HARDWARE)
Granby, Colorado 80446)

AUTHORITY NO. M-3086

CASE NO. 1355-M-Ins.

April 7, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1967, in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.



O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this

7th day of April 1967 .

hw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

J. W. ALLEN)
4309 Boat Club Road)
Fort Worth, Texas 76135)

AUTHORITY NO. PUC 5906-I

CASE NO. 477-H-Ins.

April 10, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1967 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.



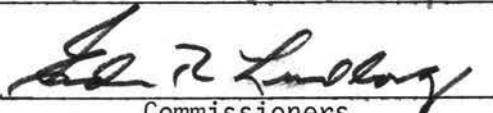
O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
10th day of April, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

SPEED KING MFG. CO. INC.)

Ft. Dodge Rd.)

Dodge City, Kansas 66601)

AUTHORITY NO. M-15915

CASE NO. 1407-M-Ins.

April 7, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1967 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.



O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this

7th day of April 1967 .
hw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LOUIS SANTANGELO)
DBA J. S. STAHL & CO.)
1435 Welton St.)
Denver, Colorado 80202)
-----)

AUTHORITY NO. M-9974

CASE NO. 1171-M-Ins.

April 7, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1967 , in the above entitled Case, the Commission entered its Order revoking the above Authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein Authority to active status.


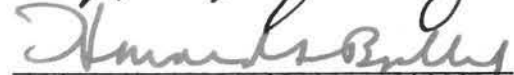

O R D E R

THE COMMISSION ORDERS:

That the herein Authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
7th day of April 1967 .
hw

(Decision No. 69339)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF KANSAS-)
NEBRASKA NATURAL GAS COMPANY, INC., PHILLIPS-)
BURG, KANSAS, FOR AN ORDER AUTHORIZING THE)
ISSUANCE OF COMMON STOCK)

APPLICATION NO. 22507
SECURITIES

April 7, 1967

S T A T E M E N T

BY THE COMMISSION:

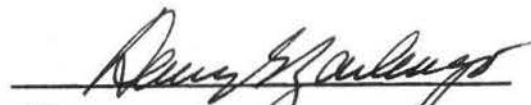
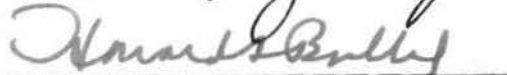
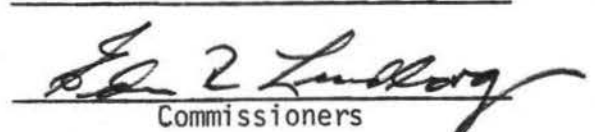
Upon consideration of the application filed April 6, 1967 by
Kansas-Nebraska Natural Gas Company, Inc., in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on April 20, 1967 at
9:00 o'clock A. M., 532 State Services Building, Denver, Colorado, respect-
ing matters involved and issues presented in the proceeding. Any inter-
ested municipality or any representative of interested consumers or secu-
rity holders of Applicant, and any other person whose participation herein
is in the public interest, may intervene in said proceeding. Intervention
petitions should be filed with the Commission on or before April 14, 1967,
and should set forth the grounds of the proposed intervention and the po-
sition and interest of the petitioners, in the proceeding and must be sub-
scribed by interveners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1967.

gs

(Decision No. 69340)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROCKY MOUNTAIN TRUCKING INSTITUTE,)
INC., 2550 WEST BARBERRY PLACE,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22455-PP

April 7, 1967

STATEMENT AND FINDINGS OF FACT

By the above-styled application, Applicant seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of building materials, to and from points and places in Colorado for the following customers only, Don Strait Lumber Co., University Park Lumber Co., and Barnett Lumber Co.

Said application is presently set for hearing at 10:00 o'clock A.M., on April 10, 1967, at Denver, Colorado.

The Commission is in receipt of a communication from E. A. Howard, Jr., Attorney for Applicant requesting that the hearing be vacated and that said application be dismissed.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.


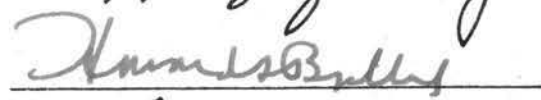
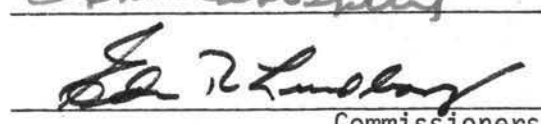
O R D E R

THE COMMISSION ORDERS:

That the hearing on Application No. 22455-PP, presently set for 10:00 o'clock A.M., April 10, 1967, at Denver, Colorado, be, and the same hereby is, vacated.

That Application No. 22455-PP be, and the same hereby is,
dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of April, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ARCHIE L. AND OLLIE D. REED)
DBA REED BROTHERS)
Bayfield, Colorado 81122)

AUTHORITY NO. B 3100 and I

CASE NO. 241 CL

April 11, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1967 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to file a Customer List with the Commission.

The records of the Commission now disclose that said Customer List has been filed.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

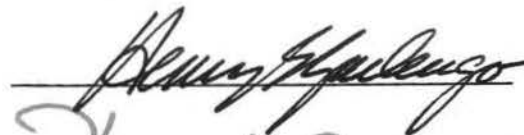
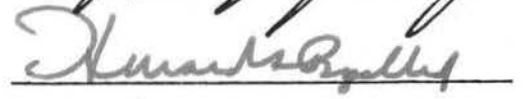

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
11th day of April, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN S. BRADDY DBA)
BRADDY SAND AND GRAVEL)
1832 East 17th St.)
Greeley, Colorado 80631)

AUTHORITY NO. B 4973
CASE NO. 293 CL

April 11, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1967 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to file a Customer List with the Commission.

The records of the Commission now disclose that said Customer List has been filed.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.


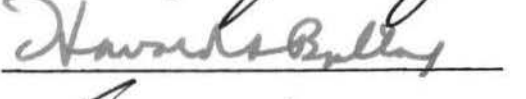

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
11th day of April, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DONALD L. CAMPER)
1429 Cedar Street)
Canon City, Colorado 81212)
-----)

AUTHORITY NO. B 5438
CASE NO. 317 CL

April 11, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1967 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to file a Customer List with the Commission.

The records of the Commission now disclose that said Customer List has been filed.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

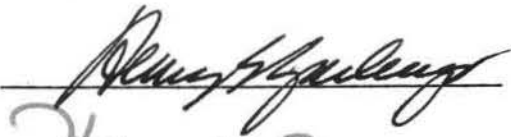
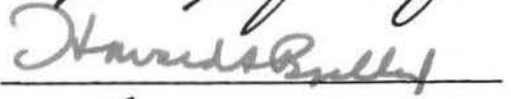

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
11th day of April, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
FRED G. STUTZ)
Box 21)
Kiowa, Colorado 80117)
-----)

AUTHORITY NO. B 5716
CASE NO. 338 CL

April 11, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1967 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to file a Customer List with the Commission.

The records of the Commission now disclose that said Customer List has been filed.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

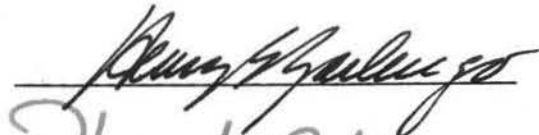


O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
11th day of April, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

BILLIE G. SMITH
Route 4, Box 2091-A
Ft. Collins, Colorado 80521

AUTHORITY NO. B 6653

CASE NO. 414-CL

April 11, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 28, 1967 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to file a Customer List with the Commission.

The records of the Commission now disclose that said Customer List has been filed.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

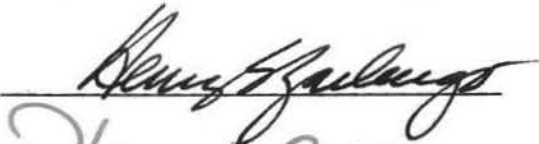
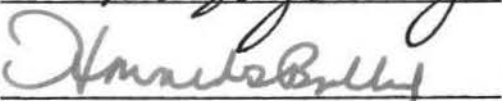

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
11th day of April, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
CLEM LOVISON,)
212 HARRISON AVENUE)
CANON CITY, COLORADO 81212)

PERMIT NO. B-6549

April 11, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

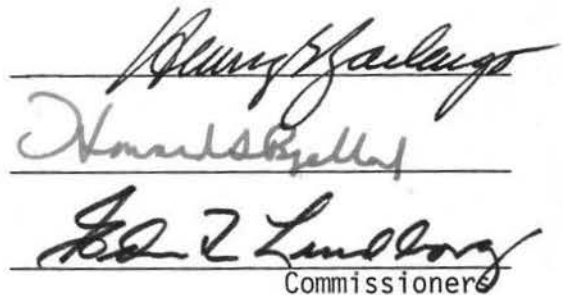
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from April 23, 1967 to and including October 23, 1967.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

Dated at Denver, Colorado,
this 11th day of April 1967.
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MRS. T. C. STEEN)
2395 FULTON)
AURORA, COLORADO 80010)
-----)

PERMIT NO. B-5802

April 11, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R


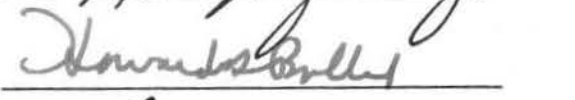

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from April 7, 1967 to and including October 7, 1967

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 11th day of April 1967.
et

(Decision No. 69348)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HOMER GROOMS)
1302 BLISS)
DUMAS, TEXAS 79029)

PUC NO. 2056-I

April 11, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


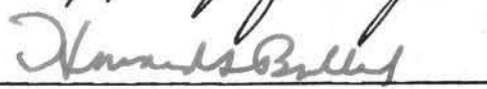

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 23, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 11th day of April 1967.
et

(Decision No. 69349)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
OWEN BALDWIN)
RTE 2, BOX 28)
ALAMOSA, COLORADO 81101)

PERMIT NO. M-5743

April 11, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective March 27, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 11th day of April 1967.
et

(Decision No. 69350)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
JAMES E. JACKS)
5500 S. WINDEMERE ST.,)
LITTLETON, COLORADO 80120)

PERMIT NO. M-3814

April 11, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 3, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 11th day of April

1967.
et

(Decision No. 69351)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
BOYD COLBERT)
RTE 1, BOX 13,)
CANON CITY, COLORADO 81212)

PERMIT NO. M-10317

April 11, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 2, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 11th day of April 1967.
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ART'S RADIO & TV SERVICE)
3614 W. 72ND AVENUE)
WESTMINSTER, COLO. 80030)

PERMIT NO. M-7668

April 11, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


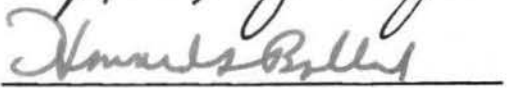

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 15, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 11th day of April 1967.
et

(Decision No. 69353)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HARRY ATWOOD)
RTE 1, BOX 350)
CANON CITY, COLO. 81212)

PERMIT NO. M-5209

April 11, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

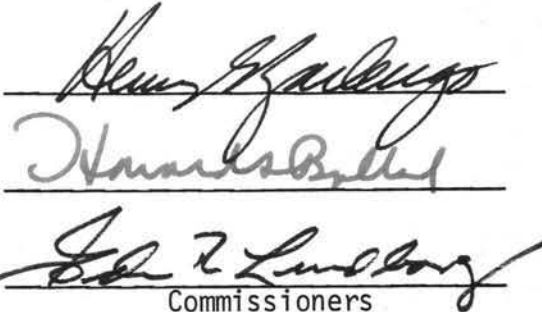
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 9, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 11th day of April 1967.
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
FLOYD E. & VERONICA SPELLMAN)
1104 STRONG STREET)
BRIGHTON, COLO. 80601)

PERMIT NO. M-208

April 11, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.




O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 17, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 11th day of April 1967.
et

(Decision No.69355)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JULIA K. SEIWALD, SPECIAL ADMINISTRA-)
TRIX OF THE ESTATE OF WILLIAM A. SEIWALD)
DECEASED, 4315 UTICA STREET, DENVER,)
COLORADO, FOR REINSTATEMENT OF PERMIT)
NO. A-853, AND FOR AUTHORITY TO TRANSFER)
SAID OPERATING RIGHTS TO DEAN RESLER,)
DOING BUSINESS AS "RESLER TRUCK)
SERVICE," STERLING, COLORADO.)

APPLICATION NO. 21048-PP-Transfer

April 10, 1967

Appearances: Jacob H. Chisen, Esq., and
Edward C. Hastings, Esq.,
Denver, Colorado, for
Applicants;
Alvin J. Meiklejohn, Jr., Esq.,
Denver, Colorado, for Red
Ball Motor Freight, Inc.,
North Eastern Motor Freight,
Inc.;
John H. Lewis, Esq., Denver,
Colorado, for Denver-Laramie-
Walden Truck Line, Inc.;
Colorado Cartage Company, Inc.;
John P. Thompson, Esq., Denver,
Colorado, for Boulder-Denver
Truck Line, Denver-Loveland
Transportation, Inc., and
Edson Express.

STATEMENT AND FINDINGS OF FACT

On February 24, 1967, the Commission entered Decision No. 69063
resetting the above-entitled matter for hearing before the Commission at
10:00 A.M., on April 12, 1967, at Denver, Colorado.

The Commission has been requested by Edward C. Hastings, Attorney
for Applicants, that said matter be continued and that the hearing presently
set be vacated.

The Commission states and finds that said request is compatible
with the public interest and should be granted.

The Commission further finds that Julia K. Seiwald, Special Ad-
ministratrix of the Estate of William A. Seiwald, Deceased, should be
authorized to further suspend operations under Permit No. A-853 to and in-

cluding July 3, 1967.

O R D E R


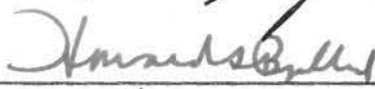

THE COMMISSION ORDERS:

That the hearing on the Application No. 21048-PP-Transfer, presently set for 10:00 A.M., April 12, 1967, at Denver, Colorado, be, and the same hereby is, vacated.

That said matter be, and the same hereby is, continued to be reset for hearing at a future date to be determined by the Commission.

That Julia K. Seiwald, Special Administratrix of the Estate of William A. Seiwald, Deceased, be, and hereby is, authorized to further suspend operations under Permit No. A-853 to and including July 3, 1967.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 10th day of April, 1967
et

(Decision No. 69356)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WENDELL B. WALCHER, 2825 B ROAD,)
GRAND JUNCTION, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 22426-PP

April 11, 1967

Appearances: Wendell B. Walcher, Grand
Junction, Colorado, pro se;
Lesley Estes, Rifle, Colorado,
for Estes Trucking Co.,
Protestant.

STATEMENT AND FINDINGS OF FACT

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of farm products (excluding livestock, dairy products and bulk milk) and bulk fertilizer from point to point within a 50-mile radius of Grand Valley, Colorado.

Said application was regularly set by the Commission for hearing and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding together with a written statement of his findings of fact and conclusions.

The Applicant agreed to limit the commodities which could be carried under this permit to "the transportation of bulk fertilizer, sugar beets and ensilage," and with this limitation placed upon the authority herein sought, the protestant withdrew his protest.

The Applicant testified in support of the granting of the authority herein sought that if his application is granted, he will

enter into special carriage contracts for the transportation of bulk fertilizer, sugar beets and ensilage; that he has ample and suitable equipment, sufficient net worth and operating experience to render the special service herein sought; that as far as he knew, the granting of such authority would not impair the efficient public service of any other authorized motor vehicle common carrier having the same territory over the same general route or routes; that if this authority is granted, he agrees to operate in accordance with all the present and future rules, regulations and safety requirements of the Public Utilities Commission and all laws of the State of Colorado; and that he has made provisions for insurance as required by the Commission.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant amended application; that there is need for applicant's proposed transportation services; that applicant will have sufficient equipment and experience to properly carry on the proposed operation; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that it does not appear to the Commission that the proposed operation will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general highway route or routes; that the granting of authority as provided in the following Order will be in the public interest and such authority should be granted.

O R D E R

THE COMMISSION ORDERS:

That Wendell B. Walcher, Grand Junction, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of bulk fertilizer, sugar beets and ensilage, from point to point within a 50-mile radius of Grand Valley,

Colorado, and this ORDER shall be deemed to be, and be, a PERMIT therefor.

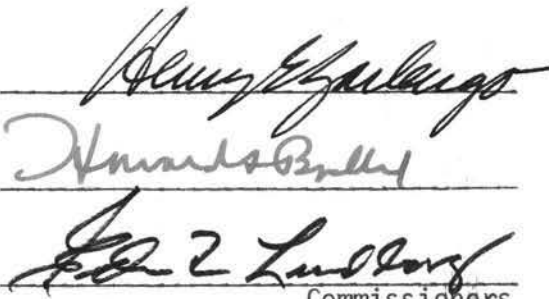
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 11th day of April, 1967.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE WESTERN COLORADO POWER COMPANY, A)
COLORADO CORPORATION, TO CONSTRUCT)
ITS MONTROSE-HOTCHKISS TRANSMISSION)
LINE.)

APPLICATION NO. 22469

April 11, 1967

Appearances: Harrison Loesch, Esq., Montrose,
Colorado, and
Robert B. Porter, Salt Lake City,
Utah, for The Western Colorado
Power Company;
John J. Conway, Esq., Denver,
Colorado, for Colorado Ute Electric
Association as its interests might
appear;
J. M. McNulty, Denver, Colorado, of
the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

Application No. 22469 of The Western Colorado Power Company was filed on March 10, 1967, seeking authority to construct 31.55 miles of transmission line from its Jim Bullock Steam Generating Plant in Montrose, Colorado, along a westerly, northerly and easterly route to its Hotchkiss Substation in Delta County, Colorado.

The Application was set for hearing after due notice to all interested parties by the Commission on April 5, 1967, at 2:00 o'clock P.M. in the Commission's hearing room in Denver, Colorado. The Applicant therein appeared and presented evidence on behalf of its application. No protest was filed and no evidence was offered except that produced by the applicant.

The evidence at the hearing disclosed that Applicant is in need of an additional transmission line from its Jim Bullock plant in Montrose, Colorado to its Hotchkiss Substation in Delta, Colorado. Applicant pro-

poses to construct a transmission line that will operate eventually at 115,000 volts but which initially will operate at 46,000 volts. Applicant introduced Exhibit "B" at the hearing, showing the tentative proposed route of said transmission line, and Exhibit "A", an estimate as to its cost and feasibility.

Based on the estimated potential increase in load in the Hotchkiss Area, this new transmission line is necessary if Applicant is to continue to serve its present and future customers in said area. Applicant has made some preliminary surveys for the route of a line and will start acquiring rights-of-way as soon as the permission is granted for construction. Applicant would like to have the line constructed and in operation by the Fall of 1967. It was apparent from the testimony herein that said transmission line was needed and that the application herein should be granted.

F I N D I N G S

THE COMMISSION FINDS:

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

That the Commission is fully advised in the premises.

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

That the instant Application should be granted.

O R D E R

THE COMMISSION ORDERS:

That The Western Colorado Power Company, a Colorado corporation, be, and hereby is, granted authority to construct a transmission line from its Jim Bullock Steam Generating Plant in Section 33, Township 49 North, Range 9 West, New Mexico Principal Meridian in Montrose County, Colorado, in a westerly, northerly and easterly direction to its Hotchkiss Substation in Section 31, Township 14 South, Range 92 West, 6th Principal Meridian in Delta County, Colorado; and that this ORDER shall be taken, deemed, and held to be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Galloway
Harold S. Billings

Edna R. Lundberg
Commissioners

Dated at Denver, Colorado,
this 11th day of April, 1967.
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JACK N. MURPHY AND DARLENE MURPHY, 686)
WESTCLIFFE DRIVE, GRAND JUNCTION,)
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER PERMIT NO. B-6370)
AND PERMIT NO. B-6370-I.)

APPLICATION NO. 22489-PP-Extension

April 11, 1967

Appearances: Darlene Murphy, Grand Junction,
Colorado, for Applicants.

STATEMENT AND FINDINGS OF FACT

Jack N. Murphy and Darlene Murphy, Grand Junction, Colorado, are presently the owners and operators of Permit No. B-6370 and Permit No. B-6370-I, being the right to operate as a Class "B" private carrier by motor vehicle for hire for the:

- 1) Transportation of air freight, in interstate and intrastate commerce, from the airport at Grand Junction, Colorado, to points within Grand Junction and within a radius of 15 miles of Grand Junction, Colorado;
- 2) Transportation of packages, not exceeding 15 pounds, from point to point within the City of Grand Junction and a 15-mile radius thereof, for the following firms only: Mesa Drug, Hammer Drug, Gavin Drug, and Western Union;
- 3) Transportation of packages, not exceeding 20 pounds, from point to point within the City of Grand Junction and a 15-mile radius thereof, for the following firms only: Lende Super Drug, Watson Floral & Gift Shop, Gardner-Denver Company, and S. H. Kress Co.;
- 4) Transportation of lost, overdue or mishandled luggage in interstate and intrastate commerce, from the airport at Grand Junction, Colorado, to points within the city of Grand Junction and to points within a 15-mile radius thereof, for Frontier Airlines and United Airlines.

Interstate operating rights herein authorized are subject to the Federal Motor Carrier Act of 1935, as amended.

By the above-styled application, said permit-holders seek authority to extend operations under Permit No. B-6370 and Permit No. B-6370-I to include the transportation of packages not to exceed 25 pounds from point to

point within the City of Grand Junction and a 15-mile radius thereof, for Lower Valley Hospital and The American Gilsonite Corporation.

Said application was regularly set by the Commission for hearing and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement, and said Examiner transmitted to the Commission the record of said proceeding together with a written statement of his findings of fact and conclusions.

Mrs. Murphy presented the letters, one from the Lower Valley Hospital and the other from the American Gilsonite Corporation supporting the instant application.

Mrs. Murphy testified in support of the granting of the authority herein sought that if the application is granted, they will enter into special carriage contracts to provide the transportation service herein sought; that there is a need for the proposed transportation services; that they have ample and suitable equipment, sufficient net worth and operating experiences to render the special service herein sought; that as far as she knew, the granting of such authority would not impair the efficient public service of any other authorized motor vehicle common carrier having the same territory over the same general highway route or routes; that if this authority is granted, they agree to operate in accordance with all the present and future rules, regulations and safety requirements of the Public Utilities Commission and all laws of the State of Colorado; and that they have made provisions for insurance as required by the Commission.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Commission herein, states and finds that no one protests the granting of the instant application; that there is a need for applicants' proposed extended services; that applicants will have sufficient equipment and experience to properly carry on the proposed operation; that

applicants' financial standing and qualifications are established to the satisfaction of the Commission; that it does not appear to the Commission that the proposed extended operation will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general highway route or routes; that the granting of the authority as provided in the Order following will be in the public interest and such authority should be granted.

O R D E R

THE COMMISSION ORDERS:

That Jack N. Murphy and Darlene Murphy, Grand Junction, Colorado, be, and hereby are, authorized to extend operations under Permit No. B-6370 and Permit No. B-6370-I to include the transportation of packages not to exceed 25 pounds from point to point within the City of Grand Junction and a 15-mile radius thereof, for Lower Valley Hospital and The American Gilsonite Corporation.

That henceforth the full and complete authority under said Permit No. B-6370 and Permit No. B-6370-I shall be as follows, to-wit:

"(1) Transportation of air freight in interstate and intrastate commerce, from the airport at Grand Junction, Colorado, to points within Grand Junction and within a radius of 15 miles of Grand Junction, Colorado;

"(2) Transportation of packages, not exceeding 15 pounds, from point to point within the City of Grand Junction and a 15-mile radius thereof, for the following firms only: Mesa Drug, Hammer Drug, Gavin Drug, and Western Union;

"(3) Transportation of packages, not exceeding 20 pounds, from point to point within the City of Grand Junction and a 15-mile radius thereof, for the following firms only: Lende Super Drug, Watson Floral & Gift Shop, Gardner-Denver Company, and S. H. Kress Co.;


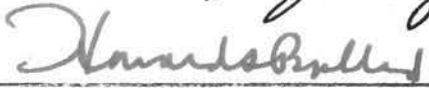

"(4) Transportation of lost, overdue or mishandled luggage in interstate and intrastate commerce, from the airport at Grand Junction, Colorado, to points within the City of Grand Junction and to points within a 15-mile radius thereof, for Frontier Airlines and United Airlines;

"(5) Transportation of packages, not exceeding 25 pounds, from point to point within the City of Grand Junction and a 15-mile radius thereof, for Lower Valley Hospital and The American Gilsonite Corporation.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 11th day of April, 1967.
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RALPH CORDERO, 1942 DARWIN, MONTE)
VISTA, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22367-PP

April 11, 1967

Appearances: Ralph Cordero, Monte Vista,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of hay and potatoes, from point to point within a 25 mile radius of Monte Vista, Colorado. Applicant requests, in the event the authority herein sought is granted that said operating rights be known as "Permit No. B-5647," being the number of a permit formerly held by him.

Said application was regularly set for hearing by the Commission and was heard by an Examiner duly designated and to whom the hearing was assigned by the Commission. At the conclusion of the hearing, the matter was taken under advisement and said Examiner transmitted to the Commission the record and exhibits of said proceeding, together with a written statement of his findings of fact and conclusions.

The Applicant testified in support of the granting of the authority herein applied for that if his application is granted, he will enter into special carriage contracts for the transportation of hay and potatoes; that he has ample and suitable equipment, sufficient net worth and operating experience to render the special service herein sought; that, as far as he knew, the granting of such authority would not impair the efficient public service of any other authorized motor vehicle common carrier having the

same territory over the same general highway route or routes; that if this authority is granted, he agrees to operate in accordance with all the present and future rules, regulations and safety requirements of the Public Utilities Commission and all laws of the State of Colorado, and that he has made provisions for insurance as required by the Commission.

All motions granted, or denied, by the Examiner, if any, are hereby confirmed.

The Commission, having considered the record and files and the written statement of the Examiner herein, states and finds that no one protests the granting of the instant application; that there is a need for applicant's proposed transportation services; that applicant will have sufficient equipment and experience to properly carry on the proposed operation; that applicant's financial standing and qualifications are established to the satisfaction of the Commission; that it does not appear to the Commission that the proposed operation will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general highway route or routes; that the granting of the authority, as provided in the following Order, will be in the public interest, and such authority should be granted.

O R D E R

THE COMMISSION ORDERS:

That Ralph Cordero, Monte Vista, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of hay and potatoes, from point to point within a 25-mile radius of Monte Vista, Colorado; and this ORDER shall be deemed to be, and be, a PERMIT therefor.

That said operating rights be known as "Permit No. B-5647."


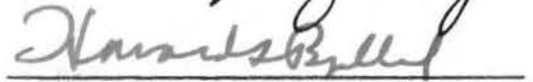

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 11th day of April, 1967.
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARDING COMPANIES, INC., BOX 1306,)
TOPEKA, KANSAS, FOR AUTHORITY TO)
TRANSFER INTERSTATE OPERATING RIGHTS)
TO HARDING GLASS OF KANSAS, INC.,)
921 EAST 6TH STREET, P. O. BOX 1306,)
TOPEKA, KANSAS.)

PUC NO. 5172-I-Transfer

April 11, 1967

STATEMENT AND FINDINGS OF FACT

Heretofore, Harding Companies, Inc., Topeka, Kansas, was granted a certificate of public convenience and necessity, PUC No. 5172-I, authorizing transportation:

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

Said certificate-holder now seeks authority to transfer said PUC No. 5172-I to Harding Glass of Kansas, Inc., Topeka, Kansas.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

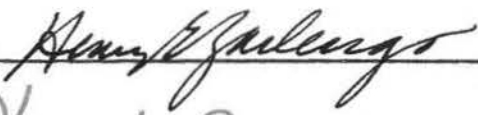
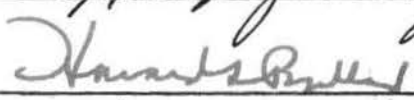

THE COMMISSION ORDERS:

That Harding Companies, Inc., Topeka, Kansas, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 5172-I-- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Harding Glass of Kansas, Inc., Topeka, Kansas, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended,

and subject to encumbrances, if any, against said certificate approved by this Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 11th day of April, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
JAMES E. JACKS, 5500 SOUTH WINDEMERE }
STREET, LITTLETON, COLORADO, FOR AUTH- }
ORITY TO TRANSFER INTERSTATE OPERATING }
RIGHTS TO ORRIN G. HAMPTON, 6581 }
QUEBEC STREET, COMMERCE CITY, COLO- }
RADO. }

PERMIT NO. B-4436-I-Transfer

April 11, 1967

STATEMENT AND FINDINGS OF FACT

Heretofore, James E. Jacks, Littleton, Colorado, was granted
a Permit No. B-4436-I, authorizing transportation:

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

Said permit-holder now seeks authority to transfer said Permit No.
B-4436-I to Orrin G. Hampton, Commerce City, Colorado.

Inasmuch as the records and files of the Commission fail to dis-
close any reason why said transfer should not be authorized, the Commission
states and finds that the proposed transfer is compatible with the public
interest, and should be authorized, as set forth in the Order following.

O R D E R

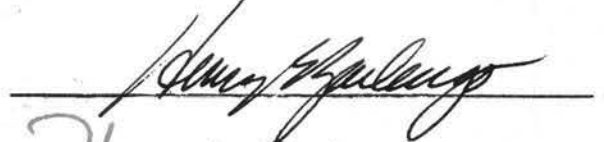
THE COMMISSION ORDERS:

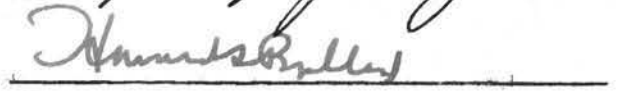
That James E. Jacks, Littleton, Colorado, be, and hereby is, auth-
orized to transfer all right, title and interest in and to Permit No. B-4436-I
-- with authority as set forth in the Statement preceding, which is made a
part hereof, by reference -- to Orrin G. Hampton, Commerce City, Colorado, sub-
ject to the provisions of the Federal Motor Carrier Act of 1935, as amended,

and subject to encumbrances, if any, against said permit approved by this Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado
this 11th day of April, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARLAN H. MITTON, 550 NOME STREET,)
AURORA, COLORADO, FOR AUTHORITY TO)
TRANSFER ALL OF HIS OUTSTANDING)
CAPITAL STOCK IN AND TO AIR CHARTERS)
OF DENVER, INC., RECORD OWNER OF PUC)
NO. AC-10, TO C. B. SIMONS, BOX 126,)
ASPEN, COLORADO, AND GARY IVEY, 1990)
BEELER, APARTMENT NO. 8, AURORA,)
COLORADO.)

APPLICATION NO. 22490-Stock Transfer

April 10, 1967

STATEMENT AND FINDINGS OF FACT

The above-styled application is presently set for hearing at 2:00 P.M., on April 14, 1967, at Denver, Colorado.

The Commission has been requested by the Applicants herein that the application be dismissed and the hearing thereon vacated.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

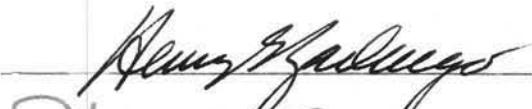
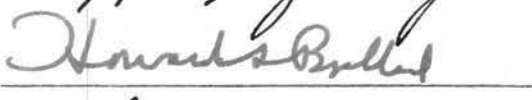
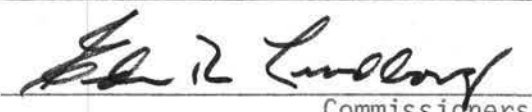
O R D E R

THE COMMISSION ORDERS:

That the hearing on Application No. 22490-Stock Transfer, presently set for 2:00 P.M., on April 14, 1967, at Denver, Colorado, be, and the same hereby is, vacated.

That Application No. 22490-Stock Transfer be, and the same hereby is, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 10th day of April, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE LARD, NOI, AND VEGETABLE OIL)
SHORTENING, LIQUID; MINIMUM CHARGE,)
SPECIAL TRIPS; STOPPING-IN-TRANSIT;)
CLASS RATES; AND BOXES, FIBREBOARD.)

CASE No. 1585

April 12, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 10, 1967, The Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, filed various revised pages to its Local and Joint Freight Tariff No. 12-A, Colorado PUC No. 11*(*The Motor Truck Common Carriers' Association, Agent, Series) naming changes resulting in increases and reductions as set forth in Appendix "A" attached hereto, and which are scheduled to become effective April 17, 1967.

In support of the proposed changes, justification has been submitted to the Commission by the carriers involved.

Item No. 470 is a description of food preparations and is used in conjunction with commodity rates named in Section No. 2 of the tariff. The change therein is the addition of the commodities of "lard, NOI, and vegetable oil shortening, liquid" and the elimination of the restriction "applies on Interstate Traffic Only."

Mr. Bert Hanson, General Traffic Manager, Red Ball Motor Freight, Inc., states in his letter dated January 31, 1967, that, --

"This does not serve the purpose necessary for the amendment requested and in further handling with the shipper it is found that this need be for intrastate application in that the company consigns the merchandise to themselves c/o a warehouse with movements both from Houston, Texas and Chicago, Illinois - ultimate destination, Denver, Colorado. At a later date this commodity then moves from the warehouse to Colorado destinations, which would make the traffic intrastate in nature.

"Publication was made in Item 470, however, it was made applicable only on interstate traffic."

Elden G. Wille, doing business as Lake City Truck Line, Certificate No. PUC 1293, and Glenn Blank, doing business as G & E Truck Line, Certificate No. 414, under Special Permission No. 15048, dated February 21, 1967, canceled their participation in the Colorado Motor Carriers' Association tariffs and, as a consequence, became participants in Motor Tariff Service Tariff 1-A, Colorado PUC No. 3.

The class rates applicable via Lake City Truck Line have been canceled as set forth herein; class rates applicable via G & E Truck Line have not been canceled. This carrier should cancel these class rates and routings between Denver, Colorado, on the one hand, and Cope, Joes and Kirk, Colorado, on the other hand.

Item No. 1070 for account of Howard J. Lafferty, doing business as Lafferty Moving & Storage, was amended at the carrier's direction to remove the minimum of four hours, for exclusive use of the vehicle, when transporting small shipments short distances. It is stated the minimum charge for four hours produces revenue which, in many instances, exceeds the value of the commodity being transported. The driver to be used on this equipment is already on duty and the minimum charge, so the carrier states, for this service is not proper. Lafferty operates under Certificate No. 560, providing for an irregular call and demand service in Weld and other surrounding counties.

Item No. 1090, a rule governing stopping-in-transit, is being amended under paragraph (E) by the addition of the wording shown in quotation marks:

(E) "All charges on shipments moving under this rule must be prepaid or be paid by a single consignee, which must be plainly specified on the shipping order."

Mr. Wally Fletchinger, Assistant General Traffic Manager, states in a letter dated February 21, 1967, that: --

"We have had occasion to handle shipments which involved stop-in-transit requirements but whereby the shipper did not choose to pay the freight charges and wanted such charges collected from one of the consignees involved. Also, we have had requests from construction companies and various contractors to handle part loads to different destinations, on a stop-in-transit basis, and to collect from the company's home office, which often is a town other than the shipping point."

By this additional wording, the carrier will now be in a position to collect freight charges from either the consignor or consignee, providing proper notation is made on the shipping order.

The publishing agent by his notes dated March 17, 1967, accompanying these changes, states that Items Nos. 1357 and 1375, relative to boxes, fibreboard, by the addition of the following provision thereto, -

"subject to loading by consignor and unloading by consignee."

is merely establishing a provision which has been observed by the shipper and carriers alike but was not heretofore published. Because of the nature of the shipments, the pallets cannot be loaded or unloaded by the driver of the vehicle alone, and, when these rates were published, they were not at a level which would include loading and/or unloading expense.

Since the proposed changes as set forth herein appear to represent just, fair and reasonable rates and charges/^{and}governing provisions, an order should be entered prescribing the same, under the provisions of Rule 18-C (1) (a) of the Commission's Rules.

O R D E R

THE COMMISSION ORDERS, that: --

1. The Statement, Findings and Appendix "A" herein be, and they are hereby, made a part hereof.

2. The rates and charges as set forth in the Appendix "A" of this order, subject to the rules and regulations as provided in the aforesaid tariff shall be the prescribed rates, rules, regulations and provisions of the Commission.

3. All motor vehicle common carriers who are affected by the changes prescribed herein shall publish or cause to be published tariffs reflecting the changes prescribed herein.

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

5. On and after April 17, 1967, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collect-

ing rates and charges greater or less than those herein prescribed provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) per cent.

6. On and after April 17, 1967, all private carriers by motor vehicle operating in competition with any motor vehicle common carrier affected by this order shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent.

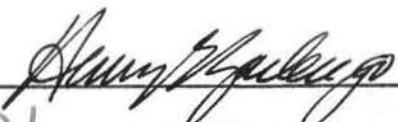
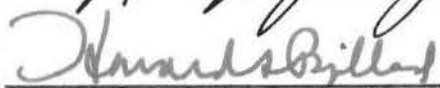
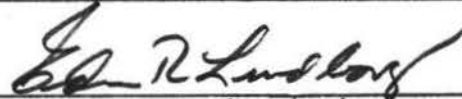
7. This order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

8. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

9. This order shall become effective forthwith.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
12th day of April, 1967. av

APPENDIX "A"
 COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT
 LOCAL AND JOINT FREIGHT TARIFF No. 12-A
 COLORADO PUC No. 11*

*(THE MOTOR TRUCK COMMON CARRIERS' ASSOCIATION, AGENT, SERIES)
 EFFECTIVE APRIL 17, 1967

EXCEPTIONS TO RATINGS OF THE GOVERNING CLASSIFICATION

ITEM	CLASS
No.	RATING

13TH REVISED PAGE No. 72

PACKING HOUSE PRODUCTS AND OTHER ARTICLES, VIZ.: (SUBJECT TO
 PACKING REQUIREMENTS OF GOVERNING CLASSIFICATION.)

DAIRY PRODUCTS:

BUTTER, NOI, BUTTER GREASE OR OLEOMARGARINE.
 CHEESE, INCLUDING CHEESE FOOD.
 EGGS, CHICKEN, FOR HUMAN CONSUMPTION.
 EGGS, SHELLLED, EGG ALBUMEN (WHITES) OR YOLKS,
 DESICCATED (DRY).

MEATS, COOKED, CURED, FRESH OR PRESERVED; LARD; LARD
 SUBSTITUTES; RENDERED PORK FATS:

(R) LARD, NOI; VEGETABLE OIL SHORTENING, LIQUID, SEMI-
 SOLID OR PLASTIC; OR SHORTENING, NOI.

LEAF LARD, NOT RENDERED.

MEAT BONES.

MEATS, COOKED, NOI, WRAPPED OR IN CONTAINERS OTHER
 THAN GLASS, EARTHENWARE OR METAL CANS.

SAUSAGE, COOKED, CURED OR PRESERVED, NOI, IN BARRELS
 WITH CLOTH TOPS, OR IN PAPER LINED CRATES.

OILS, OTHER THAN PETROLEUM:

CORN, LIQUID OR SULPHURIZED.

COTTONSEED, LIQUID.

COOKING OR SALAD, LIQUID, NOI.

LARD OR INEDIBLE GREASE.

OLEO.

TALLOW.

SAUSAGE CASINGS.

SEE
 NOTE
 IN
 BODY
 OF
 ITEM

NOTE: THE CLASS RATING FORMERLY PROVIDED IN THIS ITEM IS HEREBY
 CANCELED. THE ITEM WILL REMAIN IN EFFECT, HOWEVER, WHERE
 REFERENCE IS MADE HERETO FOR COMMODITY DESCRIPTIONS.

(1) (R) RESTRICTION TO INTERSTATE TRAFFIC ONLY IS HEREBY REMOVED.

RULES AND REGULATIONS

ITEM	APPLICATION
No.	

38TH REVISED PAGE No. 93

MINIMUM CHARGE: (CONTINUED)

(q) EXCEPT AS PROVIDED IN NOTES 1 AND 2, THE MINIMUM CHARGE FOR A SINGLE
 SHIPMENT FROM ONE CONSIGNOR TO ONE CONSIGNEE ON ONE BILL OF LADING IN ONE
 DAY VIA OR IN CONNECTION WITH THE CARRIERS NAMED BELOW WILL BE:

SINGLE LINE TRAFFIC	\$3.00
JOINT LINE TRAFFIC	4.00

THE PROVISIONS OF THIS PARAGRAPH APPLY ONLY VIA OR IN CONNECTION WITH
 THE FOLLOWING CARRIERS:

XXXX

(E) (A) ELDEN G. WILLE, D/B/A
 LAKE CITY TRUCK LINE

RULES AND REGULATIONS

ITEM

APPLICATION

No.

4TH REVISED PAGE No. 98-A

SPECIAL TRIPS:

(WILL NOT APPLY VIA LARSON TRANSPORTATION COMPANY; NORTH EASTERN MOTOR FREIGHT, INC.; RINGSBY TRUCK LINES, INC., OR RIO GRANDE MOTOR WAY, INC.)

IN THE EVENT CONSIGNOR OR CONSIGNEE REQUESTS THAT CARRIER TRANSPORT SHIPMENTS ON OTHER THAN REGULARLY SCHEDULED TRIPS, OR REQUESTS EXCLUSIVE USE OF THE VEHICLE, SUCH SERVICE WILL BE PERFORMED AND WILL BE CHARGED FOR AT THE APPLICABLE RATE PER 100 POUNDS OR THE FOLLOWING HOURLY CHARGES, WHICHEVER RESULTS IN THE GREATER TOTAL CHARGE:

USE OF EQUIPMENT AND ONE MAN	HOURLY CHARGES	
	STRAIGHT TIME	OVERTIME
TRUCK WITH RATED CAPACITY OF ½ TON	\$ 6.18	\$ 8.18
TRUCK WITH RATED CAPACITY EXCEEDING ½ TON	7.73	9.73
TRACTOR WITH SINGLE OR TANDEM AXLE		
SEMI-TRAILER	15.45	17.45

1070 EXCEPT AS OTHERWISE PROVIDED IN CONNECTION WITH CHARGES APPLICABLE ON SATURDAYS, SUNDAYS OR LEGAL HOLIDAYS, RATES ARE SUBJECT TO A MINIMUM CHARGE OF FOUR HOURS AT THE RATE APPLICABLE TO THE TYPE OF EQUIPMENT FURNISHED. (THE PROVISIONS OF THIS PARAGRAPH WILL NOT APPLY VIA DENVER-LOVELAND TRANSPORTATION, INC., / (R) OR HOWARD J. LAFFERTY, D/B/A LAFFERTY MOVING & STORAGE.

OVERTIME SHALL BE CHARGED FOR ALL TIME WORKED ON ORDER OF THE CUSTOMER IN EXCESS OF 8 HOURS PER DAY, FOR ALL TIME WORKED BEFORE 8:00 A.M., AND/OR AFTER 5:00 P.M., ON WEEK DAYS AND FOR ALL TIME WORKED ON SATURDAYS, SUNDAYS OR LEGAL HOLIDAYS, SUBJECT TO A MINIMUM OF 8 HOURS ON SATURDAYS, SUNDAYS OR LEGAL HOLIDAYS.

TIME CHARGES SHALL INCLUDE DRIVING TIME TO AND FROM THE CARRIER'S DOCK. SPECIAL TRIPS BETWEEN DENVER AND ROCKY FLATS, COLORADO, ON SATURDAYS, SUNDAYS OR HOLIDAYS, WILL BE CHARGED FOR AT THE WEIGHT TIMES THE APPLICABLE RATE OR RATES, BUT NOT LESS THAN \$25.00 PER TRIP.

9TH REVISED PAGE No. 99

STOPPING IN TRANSIT:

(APPLIES ONLY VIA FREDERIC A. BETHKE, D/B/A BETHKE TRUCK LINES; OVERLAND MOTOR EXPRESS, INC., D/B/A BOULDER-DENVER TRUCK LINE; DENVER-LOVELAND TRANSPORTATION, INC.; LARSON TRANSPORTATION COMPANY; NORTH EASTERN MOTOR FREIGHT, INC.; RED BALL MOTOR FREIGHT, INC.; RINGSBY TRUCK LINES, INC.; RIO GRANDE MOTOR WAY, INC.; WESTWAY MOTOR FREIGHT, INC., AND WRIGHT MOTOR LINES, INC.)

EXCEPT AS OTHERWISE PROVIDED HEREIN, SHIPMENTS UPON WHICH CHARGES ARE BASED UPON A WEIGHT OF 10,000 POUNDS OR MORE, MAY BE STOPPED IN TRANSIT AT A POINT, OR POINTS, BETWEEN THE POINT OF ORIGIN AND THE POINT OF FINAL DESTINATION FOR THE PURPOSE OF EITHER PARTIAL LOADING OR UNLOADING (BUT NOT BOTH AT THE SAME POINT), PROVIDING THAT THE STOP-OFF OR POINTS ARE DIRECTLY INTERMEDIATE TO THE POINT OF FINAL DESTINATION VIA THE ROUTE OVER WHICH THE RATE TO SUCH FINAL DESTINATION APPLIES, SUBJECT TO THE PROVISIONS OF PARAGRAPHS (A), (B), (C), (D) AND (E), BELOW.

(A) THE BILL OF LADING SHALL SHOW AT WHAT POINT, OR POINTS, THE SHIPMENT IS TO BE STOPPED OFF FOR PARTIAL LOADING OR PARTIAL UNLOADING, THE NAME AND ADDRESS OF THE PARTY TO RECEIVE, OR TO LOAD, THE FREIGHT AT SUCH STOP-OFF POINT, AND A DESCRIPTION OF THAT PART OF THE SHIPMENT TO BE LOADED OR UNLOADED AT THE STOP-OFF POINT.

(B) THE CHARGE FOR EACH STOP-OFF IN TRANSIT FOR PARTIAL LOADING OR PARTIAL UNLOADING SHALL BE \$10.30 PER STOP, IN ADDITION TO ALL OTHER APPLICABLE CHARGES.

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RULES AND REGULATIONS

ITEM
No.

APPLICATION

(C) UPON SHIPMENTS STOPPED OFF FOR PARTIAL LOADING, THE CHARGES SHALL BE DETERMINED ON THE BASIS OF THE MINIMUM WEIGHT, OR ACTUAL WEIGHT WHEN GREATER, OF THE ENTIRE SHIPMENT, AND AT THE RATE APPLICABLE TO THE FINAL DESTINATION POINT FROM THAT POINT WHERE ANY PORTION OF THE SHIPMENT WAS LOADED FROM WHICH THE HIGHEST CHARGES ARE APPLICABLE. UPON SHIPMENT STOPPED OFF FOR PARTIAL UNLOADING, THE CHARGES SHALL BE DETERMINED ON THE BASIS OF THE MINIMUM WEIGHT, OR ACTUAL WEIGHT WHEN GREATER, OF THE ENTIRE SHIPMENT, AND AT THE RATE APPLICABLE FROM THE ORIGINAL POINT OF ORIGIN TO THAT POINT WHERE ANY PORTION OF THE SHIPMENT IS DELIVERED TO WHICH THE HIGHEST CHARGES ARE APPLICABLE.

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(D) THE PROVISIONS OF THIS ITEM WILL NOT APPLY ON C.O.D. OR ORDER NOTIFY SHIPMENTS.

(E) ALL CHARGES ON SHIPMENTS MOVING UNDER THIS RULE MUST BE PREPAID / (R) OR BE PAID BY A SINGLE CONSIGNEE WHICH MUST BE PLAINLY SPECIFIED ON THE SHIPPING ORDER.

(F) THIS ITEM SUBJECT TO A MAXIMUM OF THREE STOPS AND DESTINATION. SUCH STOPS WILL BE ALLOWED AT FINAL DESTINATION POINTS.

SECTION No. 1

CLASS RATE BASES

FOR APPLICATION, SEE ITEM No. 927

FOR CLASS RATESM SEE PAGES 101 TO 124

INDEX No.	BETWEEN:	AND	CORTEZ, COLORADO				Route No.
			LESS-THAN- MILES	TRUCKLOAD	5,000	10,000	
6TH REVISED PAGE No. 137							
5210	LAKE CITY (E) (A)	279	353	300	247	67	
5TH REVISED PAGE No. 138							
5540	POWDERHORN (E) (A)	251	342	291	239	67, 87	
14TH REVISED PAGE No. 147-A							
DENVER, COLORADO							
10033	LAKE CITY (E) (A)	258	342	291	239	67	
10TH REVISED PAGE No. 150-A							
11255	POWDERHORN (E) (A)	229	324	275	227	67	
14TH REVISED PAGE No. 161							
GRAND JUNCTION, COLORADO							
16050	LAKE CITY (E) (A)	185	300	255	210	67	
12TH REVISED PAGE No. 162							
16450	POWDERHORN (E) (A)	157	280	238	196	67	
22ND REVISED PAGE No. 174							
PUEBLO, COLORADO							
23190	LAKE CITY (E) (A)	217	310	264	217	67	
13TH REVISED PAGE No. 175							
23900	POWDERHORN (E) (A)	189	295	251	207	67	

SECTION NO. 2
COMMODITY RATES

(FOR APPLICATION, SEE PAGE NO. 190 OF TARIFF)

RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)

ITEM No.	COMMODITY	FROM	TO	RATE	ROUTE
	COMMODITIES IN THE SAME				
	ITEM MAY BE SHIPPED IN	(EXCEPT AS NOTED			
	STRAIGHT OR MIXED TRUCK	IN INDIVIDUAL			
	LOADS	ITEMS)			

1ST REVISED PAGE NO. 193-B

BOXES, FIBREBOARD OR PULPBOARD, CORRUGATED OR NOT CORRUGATED, KNOCKED DOWN FLAT. SUBJECT TO NOTES 1, 2, 3, 4, 5 AND 6 BELOW.	THE SITE OF THE BOISE CASCADE CONTAINER CORP. PLANT NEAR GOLDEN, COLO. DENVER, COLO.	POINTS IN THE STATE OF COLORADO	SEE -- BELOW
---	---	------------------------------------	-----------------

DISTANCE - MILES	RATES			DISTANCE - MILES	RATES	
	MINIMUM	WEIGHT			MINIMUM	WEIGHT
	10,000	24,000			10,000	24,000
	POUNDS	POUNDS			POUNDS	POUNDS
110 OR LESS	61	41	11	260 AND OVER 250	117	85
120 AND OVER 110	61	44	11	270 AND OVER 260	120	87
130 AND OVER 120	65	47	11	280 AND OVER 270	124	90
140 AND OVER 130	69	50	11	290 AND OVER 280	128	93
150 AND OVER 140	74	54	11	300 AND OVER 290	132	96
160 AND OVER 150	78	57	11	310 AND OVER 300	136	99
170 AND OVER 160	82	60	11	320 AND OVER 310	140	102
180 AND OVER 170	85	62	11	330 AND OVER 320	144	105
190 AND OVER 180	91	66	11	340 AND OVER 330	148	108
200 AND OVER 190	95	69	11	350 AND OVER 340	152	111
210 AND OVER 200	99	72	11	360 AND OVER 350	156	114
220 AND OVER 210	103	75	11	370 AND OVER 360	160	117
230 AND OVER 220	106	77	11	380 AND OVER 370	165	120
240 AND OVER 230	110	80	11	390 AND OVER 380	169	123
250 AND OVER 240	113	82	11	400 AND OVER 390	171	125

NOTE 1: RATES APPLY ON PALLETIZED SHIPMENTS ONLY. NON-PALLETIZED SHIPMENTS WILL BE CHARGED FOR AT 140% OF THE ABOVE RATES.

NOTE 2: ALL MILEAGES WILL BE DETERMINED FROM DENVER, COLORADO, AS SHOWN IN SECTION NO. 1 OF THIS TARIFF.

NOTE 3: WHENEVER SHIPPER REQUESTS EXPEDITED SERVICE OR EXCLUSIVE USE OF THE VEHICLE, RATES WILL BE CHARGED ON THE BASIS OF NO LESS THAN 24,000 POUNDS.

NOTE 4: RATES ARE SUBJECT TO ITEM 925 (LOADING AND UNLOADING DELAYS).

NOTE 5: SHIPMENTS SUBJECT TO A MINIMUM WEIGHT OF 24,000 POUNDS MUST BE LOADED IN OR ON ONE VEHICLE OF NOT LESS THAN 1800 CUBIC FEET CAPACITY. THE CHARGE FOR SUCH VEHICLE WILL BE THE RATE APPLICABLE AT ITS MINIMUM WEIGHT, OR ACTUAL WEIGHT IF GREATER. IN THE EVENT THE SHIPPER TENDERS MORE FREIGHT THAN CAN BE LOADED IN OR ON ONE VEHICLE, THAT PORTION OF THE FREIGHT WHICH CANNOT BE LOADED IN OR ON ONE VEHICLE WILL BE CHARGED FOR AS A SEPARATE SHIPMENT.

NOTE 6: RATES PROVIDED IN THIS ITEM WILL NOT APPLY ON SHIPMENTS ORIGINATING AT DENVER, COLORADO WHEN TRANSPORTATION SERVICE IS PERFORMED BY FREDERIC A. BETHKE, D/B/A BETHKE TRUCK LINES.

✓ (A) SUBJECT TO LOADING BY CONSIGNOR AND UNLOADING BY CONSIGNEE.

SECTION NO. 2

COMMODITY RATES

(FOR APPLICATION, SEE PAGE NO. 190 OF TARIFF)

RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)

ITEM No.	COMMODITY	FROM	TO	RATES	ROUTE
	COMMODITIES IN THE SAME				
	ITEM MAY BE SHIPPED IN	(EXCEPT AS NOTED			
	STRAIGHT OR MIXED TRUCK	IN INDIVIDUAL			
	LOADS	ITEMS)			

19TH REVISED PAGE NO. 195

BOXES, FIBREBOARD OR PULPBOARD, CORRUGATED OR NOT CORRUGATED, KNOCKED DOWN, FLAT.	THE SITE OF THE BOISE CASCADE CONTAINER CORP. PLANT NEAR GOLDEN, COLO. DENVER, COLO.	SEE BELOW	SEE BELOW	--
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RATES

TO

MINIMUM WEIGHT

	5,000 POUNDS	10,000 POUNDS	15,000 POUNDS	20,000 POUNDS	24,000 POUNDS
1375 ARVADA	24	18	14	--	10
AURORA	31	23	19	--	15
DENVER	--	--	14	13	12
ENGLEWOOD	56	43	36	--	30
GOLDEN	--	--	--	13	--
LITTLETON	56	43	36	--	30
LOUVIERS	--	--	--	40*	--

NOTE: SHIPMENTS TRANSPORTED UNDER PROVISIONS OF THIS ITEM MUST BE PALLETIZED.

*RATE WILL NOT APPLY FROM DENVER, COLORADO.

(SUBJECT TO ITEM 770)

/ (A) SUBJECT TO LOADING BY CONSIGNOR AND UNLOADING BY CONSIGNEE.

SECTION NO. 6

ROUTING

ROUTING ARRANGEMENT IS FOR HEAD LINE TO SIDE LINE POINT MOVEMENT.

FOR SIDE LINE TO HEAD LINE POINTS, USE REVERSE ROUTING.

ROUTE No.	ROUTE
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24TH REVISED PAGE NO. 338

- 67 (E) (A) RIO GRANDE MOTOR WAY, INC., GUNNISON, COLORADO, LAKE CITY TRUCK LINE
 72 (E) (A) G & E TRUCK LINE - DIRECT
 87 RIO GRANDE MOTOR WAY, INC., - DIRECT. (9TH REVISED PAGE NO. 339)

(R) DENOTES - REDUCTION.

(E) DENOTES - ELIMINATION

(A) DENOTES - INCREASE

/ DENOTES - ADDITION

XXXX OTHER CARRIERS PARTICIPATING IN THIS ITEM OMITTED HEREIN AS NOT PERTINENT TO THIS ORDER. ALSO, NOTES 1 AND 2 PERTAINING THERETO.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DON E. NICHOLS, GENERAL DELIVERY,)
EAGLE, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22324-PP
SUPPLEMENTAL ORDER

April 12, 1967

Appearances: Don E. Nichols, Eagle, Colo-
rado, pro se.

STATEMENT AND FINDINGS OF FACT

On April 5, 1967, the Commission entered Decision No. 69321 in the above-styled application revoking operating rights granted to the above-styled applicant by Decision No. 68917, dated February 8, 1967, for failure of said applicant to comply with requirements set forth in said Decision No. 68917.

It now appears that applicant has complied with all requirements of said Decision No. 68917 and requests reinstatement of operating rights granted thereby.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 69321, dated April 5, 1967, be, and the same hereby is, vacated, set aside, and held for naught as of said 5th day of April, 1967, and that operating rights heretofore granted to the above-styled applicant by Decision No. 68917, dated February 8, 1967, be, and

the same hereby are, restored to active status, as of said date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Paul H. Gadsden
Donald B. Miller

Ed. J. Lundberg
Commissioners

Dated at Denver, Colorado,
this 12th day of April, 1967.
et