

(Decision No. 70070)

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

September 12, 1967

Appearances: John R. Barry, Esq., Denver,
Colorado, for Respondents,
Walter and Celeste W. Rumney;
John J. Conway, Esq., Denver,
Colorado, for the Contract
Carriers Conference;
Robert L. Pyle, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On February 27, 1967, in Decision No. 69092, the Commission entered an "Order to Show Cause and Notice of Hearing" concerning the motor vehicle operations under Permit No. B-729 and Permit No. B-729-I.

On March 27, 1967, the Contract Carriers Conference of the Colorado Motor Carriers Association, by and through its Attorney, John J. Conway, filed a Petition to Intervene in said proceeding which was denied by the Commission on March 28, 1967, by Decision No. 69261. Subsequently, on April 5, 1967, the aforesaid Association filed a Petition for Rehearing or Reconsideration of Decision No. 69261 which the Commission denied by Decision No. 69333. At the hearing, however, John J. Conway, Attorney, was allowed to appear on behalf of the Contract Carriers Conference in the position of amicus curiae.

After due and proper notice to all interested parties, the herein matter was heard by Chairman Henry E. Zarlengo on April 6, 1967 at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. Upon conclusion of the case in chief by the Staff of the Commission

on that date, a continuance was granted to the Respondents until May 4, 1967 to present their case in chief. At that date, said presentation was made.

By the Order to Show Cause, the Respondent was ordered to show cause why the Commission should not take such action and enter such order as may be appropriate including, but not limited to, a cease and desist order, or, if warranted, an order cancelling and revoking Permit No. B-729 and Permit No. B-729-I for violations of the Public Utilities Law and the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle for Hire in the following respects:

- 1) By appointing and using persons throughout the State of Colorado to develop business for them not in an authorized manner.
- 2) By permitting or allowing persons not authorized to do so to engage in transportation through means of Emergency Letters and Leases issued to them.
- 3) By permitting or allowing unauthorized persons to share the proceeds of the aforesaid transportation upon a percentage basis.
- 4) By engaging in operations and practices contrary to Rule 14 of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle.
- 5) By disrupting through said operations the transportation balance previously established in certain areas throughout the State.

Preliminary hereto, it should be noted that Rule No. Seven (7) of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle (Decision No. 54133, Case No. 5177) provides that a permit may be revoked, suspended, altered, or amended by the Commission upon at least ten (10) days notice to the private carrier by motor vehicle and an opportunity to be heard, for any of the following reasons:

- A) Violation of or a failure to comply with any statutory enactments concerning Private Carriers by Motor Vehicle.
- B) Violation of or failure to comply with the terms and conditions of his or its permit.
- C) Exceeding the authority granted in his or its permit.
- D) Violation of or failure to observe and comply with any lawful order, rule or regulation of the Commission.

All the evidence presented at the hearing clearly established the existence of a number of reasons for the revocation of the Permits as herein involved.

By way of background, the records of the Commission disclose that Walter Rumney and Celeste W. Rumney are the owners of record of Private Carrier Permit No. B-729 and Permit No. B-729-I, which authorize operations as a Private Carrier by Motor Vehicle for Hire for the following:

"The transportation of freight from point to point within the State of Colorado in both intrastate and interstate Commerce. All interstate authority is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

The authority as described above was owned and held in joint tenancy, and not as tenants in common, by Walter Rumney and Celeste W. Rumney. However, it should be noted that Walter Rumney is now deceased and that the sole owner of the authority - by virtue of operation of law - is now Celeste W. Rumney, his widow, although appropriate Commission proceedings have not to-date been instituted to reflect such ownership.

The Staff, in presenting its case, offered nine (9) exhibits, all of which were admitted into evidence, and adduced testimony through five (5) witnesses including the Respondent.

With regard to the alleged violations, as previously set forth above, and which constitute the basis for the Commission Show Cause Order, Staff Exhibit No. 1, and other related evidence adduced through the testimony of both Respondent and Staff Witnesses, established that Celeste W. Rumney

entered into an "Agency Contract" with Vernon H. Jorgensen. The terms of the Agency Contract between Celeste W. Rumney, as Carrier, and Vernon H. Jorgensen, as Agent, were such that said Vernon H. Jorgensen, for all practical purposes, operated the Rumney Permits from a Denver Terminal located at 8920 Federal Boulevard and set up all accounting records thereto in the name of Rumney Truck Service.

The evidence further established that Mr. Jorgensen owned all the equipment operated out of Denver on the Rumney Permits and that he had full and complete control of all personnel. The extent of the control exercised by Vernon Jorgensen over the Rumney Permits was brought out by Staff Exhibit No. 5 wherein it was shown that Vernon H. Jorgensen made truck payments in the amount of \$8,000 and interest payments in the amount of \$567.17 without the consent or knowledge of Celeste W. Rumney. (Continued Hearing Transcript Page 44) The truck and interest payments were made for equipment owned by Vernon H. Jorgensen. In this connection, it should be noted that Mrs. Rumney testified that she has not owned any equipment since 1962, and that her sole and only investment in the Permits, as herein involved, consisted of a desk and chair. Permit No. B-729 and Permit No. B-729-I are held in the name of Walter Rumney and Celeste W. Rumney. Celeste W. Rumney testified that she was unable to operate the authority, nor were any members of her family able to do so, and further testified that the revenue to be derived did not justify the purchase of equipment on her part.

Staff Exhibit No. 4 consisted of copies of "Leases of Motor Vehicle Equipment" as made and entered into by and between Vernon H. Jorgensen and Celeste W. Rumney wherein said Jorgensen, as Lessor, leased equipment to Celeste W. Rumney, as Lessee. The terms and conditions of these Leases were such that Celeste W. Rumney, as Lessee, agreed to assume complete control over the equipment and to pay Vernon H. Jorgensen 25¢ per running mile for the lease of the equipment. Testimony of Staff Witnesses and Respondent clearly established that the terms and conditions of the Leases were not followed. Mr. Jorgensen retained control of the equipment and the 25¢ per running mile that was to have been paid to said Jorgensen, for the use of his equip-

ment, was not in fact made by Celeste W. Rumney. Instead, Jorgensen assumed full and complete control over the operations of the Rumney Permits by using his equipment -- all contrary to Rule 14 of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle.

The Commission finds that the Respondent, Celeste W. Rumney, has allowed persons to operate her Permit without the prior consent of the Commission, and, in addition, has entered into illusory equipment leases with Vernon H. Jorgensen.

Staff Exhibit No. 2 consisted of copies of Emergency Letters issued by Celeste W. Rumney to the Gunnison Transportation Company of Gunnison, Colorado, for the transportation of logs and forest products from the Glenwood Springs area to the Denver area for two periods of time, that is, for the summers of 1965 and 1966. Gunnison Transportation does not hold authority from this Commission to perform this transportation service. The testimony established that when Mr. Sid Whitemore, Accountant for Gunnison Transportation Company, received a call to transport logs and poles from the Glenwood Springs area into the Denver area, he would contact Mrs. Rumney who would issue Emergency Letters to said Gunnison Transportation Company, who would then render and perform the transportation service for which it had no operating authority to so render. Testimony of the Staff and Witness Whitemore further established that Mr. Whitemore established a bank account in the Gunnison Bank and Trust Company of Gunnison, Colorado in the name of Rumney Truck Service and that he was the only one authorized to draw checks against this account. Again, it is to be noted that Permit No. B-729 and Permit No. B-729-I is held in the name of Walter Rumney and Celeste W. Rumney and not Rumney Truck Service.

The Commission finds that for the two periods of time as involved - the summers of 1965 and 1966 - the Emergency Letters as issued to Gunnison Transportation Company by Celeste W. Rumney for the transportation of logs from Glenwood Springs area into the Denver area produced revenues in the amount of \$14,575 which was deposited in the name of Rumney Truck Service Account in the Gunnison Bank and Trust Company, at Gunnison, Colorado; that of

this amount Mrs. Rumney received only \$154.25 - the balance going to Gunnison Transportation Company with the exception of a few minor payments which were made for incidental charges (bank charges, printing, etc.)

It is clear from the evidence of record that Mrs. Rumney permitted the Gunnison Transportation Company to engage in and to render transportation services which it was not authorized to so do by the misuse of Emergency Letters. Staff Exhibit 6 consisted of a copy of "Lease of Motor Vehicle Equipment" between Lenard H. Kahre, as Lessor, and Celeste W. Rumney, as Lessee, wherein Lessor agreed to lease certain equipment to Lessee for a consideration of 25¢ per running mile. Staff Exhibits No. 7 and 8 and testimony by Staff Witnesses established that, instead of paying the 25¢ per running mile to the Lessor for the use of his equipment, said Lessor was in fact compensated by receiving a percentage of the revenue that was derived from the operation. Respondent did not offer any exhibits or testimony to refute the allegation of leasing of equipment on a percentage basis. Compensation paid to the Lessor on a percentage-of-the-revenue basis is a clear violation of Rule 12 (b) of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle which, in part, provides as follows:

"The Leasing of equipment or employing of drivers, with compensation on a percentage basis dependent on gross receipts per trip, or for any period of time, is prohibited."

A motion was made to dismiss by Attorney for the Respondents. The Commission has considered said motion and finds that the same should be denied.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. That the above and foregoing Statement is incorporated in these Findings by reference.
2. That the motion to dismiss be, and hereby is, denied.
3. That, by virtue of operation of law, Celeste W. Rumney, upon the death of her husband, Walter Rumney, became and is now the sole owner and operator of Permit No. B-729 and Permit No. B-729-I.

4. That Celeste W. Rumney has permitted the authority as authorized under Permit No. B-729 and Permit No. B-729-I to be operated, managed and used in a manner by others contrary to Law and the Rules and Regulations of the Commission Governing Private Carrier by Motor Vehicle.

5. That Celeste W. Rumney has, in fact, relinquished all control and authority with regard to the operations of Permit No. B-729 and Permit No. B-729-I.

6. That Celeste W. Rumney, in attempting to disguise and hide the unauthorized and illegal operations, as conducted under Permit No. B-729 and Permit No. B-729-I, entered into illusory Leasing and Agency contracts with Vernon H. Jorgensen and the Gunnison Transportation Company.

7. That the actual operations of Permit No. B-729 and Permit No. B-729-I by the Gunnison Transportation Company, Sidney W. Whitemore, and Vernon H. Jorgensen were not in accordance with the terms and conditions of the Leasing Agreement as entered into by them with Celeste W. Rumney.

8. That Celeste W. Rumney has allowed persons, particularly in the Gunnison and Denver areas, to engage in transportation services through the means of Emergency Letters where, in fact, no emergency or unusual demands for transportation existed, all contrary to Rule 13 of the Commission Rules and Regulations Governing Private Carriers by Motor Vehicle.

9. That Celeste W. Rumney, as Lessee, entered into a certain Lease Arrangement with Lenard H. Kahre, as Lessor, wherein certain equipment was leased and paid for on a percentage-of-the-revenue basis contrary to the terms of the actual Lease as entered into and contrary to Rule 12 (b) of the Commission Rules and Regulations Governing Private Carriers by Motor Vehicle.

10. That Celeste W. Rumney has engaged in operations and practices in the Gunnison and Denver areas, all contrary to Rule 14 of the Commission Rules and Regulations Governing Private Carriers by Motor Vehicle, by allowing unauthorized persons to operate and render transportation services

under Permit No. B-729 and Permit No. B-729-I, without first having obtained consent of the Commission.


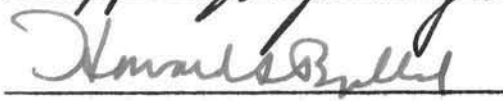

11. That it will be in the public interest to revoke and cancel Permit No. B-729 and Permit No. B-729-I, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

1. That Permit No. B-729 and Permit No. B-729-I, be, and the same is hereby, revoked and cancelled.
2. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of September, 1967
et

(Decision No. 70071)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SAN ISABEL ELECTRIC ASSOCIATION, INC.,)
FOR AN ORDER AUTHORIZING CHANGES IN)
ITS RATE SCHEDULES TO BE CHARGED FOR)
THE SALE OF ELECTRICAL ENERGY.)

APPLICATION NO. 22691

September 12, 1967

Appearances: Leo S. Altman, Esq., Pueblo,
Colorado, Attorney for Applicant;
M. R. Garrison and
Paul M. Brown, Denver, Colorado, of
the Staff of the Commission;
Robert L. Moore,
1121 W. Abriendo Avenue,
Pueblo, Colorado 81005;
Lester Barrington,
1305 University, Wichita, Kansas,
for Cucharas Chapel Congregation;
John Johnson, representing
Town Council, Cokedale, Colorado 81032;
Elmer F. Hard
1908 Esperanza, Houston, Texas 77023;
M. M. Laing,
2214 Bowie, Amarillo, Texas 79109;
Mrs. A. L. Ormansk, i,
Route 4, Box 512, Pueblo, Colorado 81001;
V. C. McLean,
1909 S. 25th, Lincoln, Nebraska 68502,
representing Cucharas Association of
Cabin Owners;
J. H. Pollard, Weston, Colorado 81091;
David S. Torbett,
36 River Tarres Court, Minneapolis,
Minnesota 55414, representing residents
of Cucharas;
Walter E. Niles,
General Delivery, Rye, Colorado 81069;
Mrs. Mike Mimovich,
Walsenburg, Colorado 81089;
E. S. Purefoy,
Box 2065, Vernon, Texas;
Mrs. August Musso,
Walsenburg, Colorado 81089;
J. W. Jones,
2761 Dena Drive, San Angelo, Texas 67901;
J. C. Phipps,
121 W. Cedar, Walsenburg, Colorado 81089.

STATEMENT AND FINDINGS

BY THE COMMISSION:

This is an Application by San Isabel Electric Association, Inc. (San Isabel, Association, Applicant) for an authorization from this Commission for Applicant to change Rates Nos. 2, 2A, 7 and 7A. The effect of the change will be an increase to most consumers served under these rates. The rates cover designations known as rural non-farm and seasonal customers.

Pursuant to a notice of July 26, 1967 sent by the Commission to all known affected users, the matter was set for hearing on August 22, 1967, at 11:00 a.m. in the District Courtroom, County Courthouse, Walsenburg, Colorado. The matter was heard at that time and place. San Isabel also notified the affected customers by mail on August 15, 1967 at their addresses as taken from the records of the Company.

One written protest was received by the Commission prior to the hearing, and at the hearing written protests to the increase in rates were received. One protest, signed by forty-six (46) residents of Cokedale, Colorado, alleged the proposed rates were extremely high and not justified. A letter of protest was also presented at the hearing from a Cokedale resident. A petition signed by persons representing themselves as property owners of Cuchara, Pine Haven and Spanish Peaks District of Cucharas Valley was presented to the Commission at the hearing. The basis of their protest was:

- (1) they had placed \$15 deposits with the Association on which no interest was paid,
- (2) an advance payment demand in the amount of the minimum bill on seasonal users was made in October for the energy that would not be used until the following summer season, and
- (3) that many users were unable to consume the amount of energy furnished under the minimum bill.

This petition was signed by 110 property owners, but not necessarily 110 separate customers, since in many instances both husband and wife signed.

San Isabel is a Colorado corporation duly authorized to conduct the business of supplying electrical energy for light, heat, power and all other purposes in parts or all of the counties of Pueblo, Huerfano, Las Animas, Otero, Fremont and Custer. Its Articles of Incorporation, as amended to date, are on file with this Commission. San Isabel holds a certificate of public convenience and necessity issued by this Commission, Decision No. 49302 of August 25, 1957, to serve on an exclusive and a non-exclusive basis in the territory as designated in said Decision. San Isabel is a public utility subject to the jurisdiction of this Commission, as is the subject matter of the hearing.

San Isabel, as of December 31, 1966, served 4,707 customers in ten general categories of service, specifically: farm, non-farm rural (with two distinct rates), villages, seasonal, irrigation, small commercial, large commercial, public buildings, and street lights. The number of customers affected by this application in the rural non-farm classification served under Rates 2 and 2A is 724, and the number of customers served under the seasonal classification under Rates 7 and 7A is 920. The A designation with the rate number merely indicates the consumer has an automatic electric water heater, and there is added in the rate a block of energy of 300 kilowatt hours at a cost of $1\frac{1}{2}\text{¢}$ per kilowatt hour for water heating use.

The principal witness for San Isabel, Mr. Edward Gaither, manager for the past fourteen years, identified Exhibits 1 to 9 as follows:

1. Notices to affected customers advising of proposed change of rates and time and place of Hearing.
2. Income statement and balance sheet as of 12-31-66.
3. Income statement and balance sheet - 12 months ended 6-30-67.
4. Spread of revenue, expense and margins by rate classes.

5. Rate Base and Rate of Return, Actual and pro forma as of 12-31-66.
6. Existing and proposed rates 2, 2A, 7 and 7A.
7. Revenue increase under proposed rates.
8. Financial forecast through 1975.
9. Distribution of Plant Costs.

Exhibit No. 4 discloses a deficit operating margin of \$6,898.

After giving credit for other electric revenues and non-operating revenues in the amount of \$28,233, total margins and patronage capital for the year 1966 was \$21,335. The operating margin after the allocation of expenses for Rates 2 and 2A, rural non-farm, is a deficit \$12,084. After pro-rated credits are added for other electrical revenues and non-operating revenues, total margins and patronage capital is a deficit \$7,742. On the same basis, the operating margins for Rates 7 and 7A, seasonal, is a deficit of \$39,929. After pro-rated credits are added for other electric and non-operating revenues, the deficit is \$34,406. Deficits also occurred in the margins and patronage capital of villages, Rates 4 and 4A, and irrigation, Rate No. 11. No adjustment is sought for these latter two rates at this time because, in the opinion of management, the villages are developing with more housing units and an increasing use of energy per customer; and with regard to Rate 11, irrigation, 1966 was a wet year and Kwh sales for irrigation pumping was substantially reduced over sales for a year of normal rainfall. It is anticipated in future years that revenues from these two classifications will more than cover their operating costs and make a pro rata contribution to operating margins.

San Isabel has distributed its total operating costs across the various classes of service on the basis of its own studies, which studies include an analysis of the plant investment dedicated to the various classes of service, the evaluation of the expense requirements allocated to each class of service, a consideration of the total number of customers served in each class of service, and appropriate consideration of the total

energy requirements of each class. A study of cost allocation in greater depth would be very expensive, and it might not produce cost allocations that are materially different from those used herein.

As indicated above, a substantial lack of recovery of the cost of service exists for the classes rural non-farm (Rate 2, 2A) and seasonal users (Rate 7, 7A). The greater part of the cost lack is in the seasonal category.

The proposed change of rates is as follows:

<u>Residential Service</u> <u>Present Rate 2</u>		<u>Farm and Home Service</u> <u>Proposed Rate 2</u> <u>(Same as present Rate 1)</u>	
1st 25 Kwh per mo., per Kwh	10.0¢	1st 50 Kwh per mo., per Kwh	10.0¢
Next 25 Kwh per mo., per Kwh	7.0¢	Next 50 Kwh per mo., per Kwh	6.5¢
Next 50 Kwh per mo., per Kwh	5.5¢	Next 150 Kwh per mo., per Kwh	3.0¢
Over 100 Kwh per mo., per Kwh	2.0¢	Over 250 Kwh per mo., per Kwh	2.0¢
Minimum Monthly Bill	\$2.50		\$5.00

Rate 2A is available for customers with electric water heaters and inserts a block of 300 Kwh after the first 200 Kwh used at 1½¢ and the use in excess of 500 Kwh is at 2¢.

<u>Present Rate 7</u>	<u>Seasonal Use</u>	<u>Proposed Rate 7</u>
1st 300 Kwh per year, per Kwh	10.0¢	) Same
Next 300 Kwh per year, per Kwh	6.5¢	
Over 600 Kwh per year, per Kwh	3.0¢	
Minimum Annual Charge	\$30.00	Minimum Annual Charge \$45.00

Rate 7A is similar to rate 7 and is available to customers with an electric water heater. A block of 1800 Kwh @ 1½¢ is inserted after the first 600 Kwh used and after 2400 Kwh the rate reverts to 3¢ per Kwh. The minimum annual bill increases from \$42.00 to \$45.00.

It is very apparent from the testimony and exhibits that an increase in rates is required for rural non-farm class (Rates 2 and 2A) and seasonal user class (Rates 7 and 7A). Discrimination appears to exist between rural non-farm users served under Rates 1 and 1A and rural non-farm users served under Rates 2 and 2A. in these two groups the investment and expense should, for all practical purposes, be equal and the rate for service should be the same.

As to seasonal users, the proposed increase still would not recover the total cost of service and to this extent the permanent users do help to support the cost of service to the seasonal user.

The Association estimates proposed rates will provide additional revenues of \$27,835, all of which would carry through to net profit, or margins and patronage capital. San Isabel, after all its years of existence, still has a deficit equity position. It now owes more than the net value of its total plant.

By its Exhibit 8, if an increase of revenue in the amount requested herein is granted, San Isabel predicts the present deficit margin will be eliminated and a positive margin of \$80,000 will occur at the end of 1969. Thereafter, a steady yearly increase is predicted.

The Staff, in its Exhibit A, restated much of the information contained in Applicant's Exhibits 4 and 9 to establish a Rate Base and Rate of Return for the total operation and for the the individual classes of service. The Rate of Return for the total operation is 2.61%; for rates 2 and 2A 0.74%; and for rates 7 and 7A (4.09%) - a loss. Staff Exhibit B made further adjustments to the Rate Base to include items properly belonging therein and to exclude an item of transmission plant to be transferred to San Isabel's wholesale supplier, Arkansas Valley Generating and Transmission Coop. Also eliminated was an item designated Contributions in Aid of Construction, for the reason that these monies are contributed by the customer--not furnished by San Isabel. An adjustment to operating expense of \$17,022, for late billed power purchase cost for power and energy supplied during 1966, changed operating expense and consequently utility operating income to \$114,094. Relating this amount to the Revised Rate Base of \$4,909,407 produced a Rate of Return of 2.32%. This rate is insufficient to pay interest and accumulate a reasonable consumer equity in the Association.

Staff made an independent analysis of additional Revenue which would be received under the proposed rates and determined the increase to be \$25,296. This amount will carry through to utility operating income to provide utility operating income of \$156,412 and a return of 3.19%, which will allow a more reasonable annual accumulation of customer equity.

Viewing the results of a rate change in the two classes of service, either from Staff or Association exhibits and testimony, an increase in these rates is warranted in the amount sought and will not discriminate against other classes of service, since service cost recovery and margins will be improved and will be more equitably distributed over all classes of service.

Public witnesses, generally seasonal users, testified the cost of service is high and will be higher under the proposed rates; that seasonal users do not occupy their summer homes for a sufficient period of time to use the present Kwh allowance in their minimum bill, let alone an increase of Kwh allowed with the proposed higher minimum. It is a fact, supported by Exhibit 9, that plant investment per customer to serve seasonal users is nearly as high as year around users--that is \$871 vs. \$980. Fixed costs assessed against these amounts are such items as depreciation, taxes, insurance, operation and maintenance; and they accrue on an annual basis whether the customer uses one Kwh or many hundreds of Kwh. The investment and its associated fixed charges required to serve are a large portion of cost, whereas the actual cost of production of power is a smaller amount, and this cost accrues only when energy is used.

We find that the existing rates 2, 2A, 7 and 7A do not fully recover the costs of service, and because of this are a burden on the other classes of customers; that the rates are unjust, unreasonable and discriminatory against the other classes of users and should be revised; and that the rates as proposed by Applicant herein are just, reasonable and non-discriminatory against the other classes of service and should be permitted to become effective upon proper notice.

Another complaint was to the effect that the Company is proposing to raise the rates in order to pay for the relocation of its transmission and distribution lines in the area that will be flooded out by the proposed dam to be placed across the Picketwire River, and further that the rates are being increased to pay for new line extensions to provide electric service to proposed new customers. This argument is fallacious, because the Applicant is required to keep its books and accounts in accordance with the Uniform System of Accounts adopted by this Commission, which very carefully details the methods to be used in accounting for line relocations and new construction. As long as Applicant follows the Commission prescribed system of uniform accounts, such charges cannot immediately be collected from the consumers by an increase of rates.

One witness was specific about the proposed increase as applicable to the Cucharas Chapel Congregation. Applicant should refer to its Rate No. 9, Tariff Sheet No. 17, which provides for services to Schools, Churches and Community Halls. If the service as furnished to the Cucharas Chapel Congregation conforms to the applicability clause of Rate No. 9, this rate should forthwith be applied to the Chapel.

Another complaint was that no street lighting was furnished in the Cuchara Area, but was furnished without charge to the Town of La Veta. Colorado statutes require that no free service (except as exempted therein) will be furnished by any public utility, and if San Isabel is providing free service, this matter should be corrected. Should the Cuchara residents desire street lighting within their area, Applicant's Rate No. 3, Tariff Sheet No. 6, provides for such service; and no doubt appropriate arrangements can be made to provide this service should a sufficient number of residents of the area request it.

Another item of complaint appeared to be that no interest was paid on customer deposits. Rule No. 11 of the Commission's Rules Regulating the Service of Electric Utilities provides for the method of handling customer deposits and for the interest payments thereon. This Rule should be reviewed

by the Association, and if it is not now conforming therewith, immediate steps should be taken to comply.

Another complaint was the demand of the Association on the seasonal users to prepay the minimum bill in October. This prepayment is essentially for service that will not be consumed until the following summer season. It does not appear to us to be reasonable to demand the minimum payment so far in advance of the rendering of service. The advance payment is required by Association Rate No. 7, Tariff Sheet No. 12. The Tariff Sheet does not state what dates the seasonal service covers. The Revised Tariff to be ordered to be filed herein should be specific in this regard and the advance payment of the seasonal user should not be demanded of the user more than sixty (60) days in advance of the normal seasonal use period.

O R D E R

THE COMMISSION ORDERS:

That San Isabel Electric Association be, and hereby is, permitted to file revised tariff sheets covering Rates 2, 2A, 7 and 7A as set forth in its Exhibit No. 6.

That existing Rates 2 and 2A shall be incorporated into Rates 1 and 1A by revising the availability clause of Tariff Sheets Original Sheet No. 2 and Original Sheet No. 3 to appropriately include present users on Rates No. 2 and 2A. That Applicant shall file this change on not less than five (5) days notice to the Commission and the public to become effective for service furnished on and after October 1, 1967.

That Applicant shall file First Revised Sheet No. 12 and First Revised Sheet No. 14 covering Rates 7 and 7A in accordance with the proposed rates as set forth in Exhibit No. 6, and shall clarify on those tariff sheets the normal beginning seasonal period date and include a provision for advance payment requirement not to exceed sixty (60) days prior to the beginning of the normal season. That the effective date for

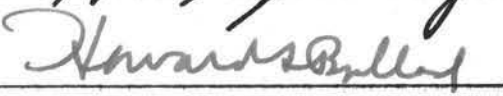
Rates 7 and 7A, as provided herein, shall be with the beginning of the 1968 seasonal use.

That the Commission retains jurisdiction herein to make such further Order or Orders as may be needed in the premises.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






_____ Commissioner

Dated at Denver, Colorado,
this 12th day of September, 1967.
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(Decision No. 70072)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM R. MOORE, 3853 WALNUT STREET,))
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 3432 TO FERNSTROM)
STORAGE AND VAN COMPANY, AN ILLINOIS)
CORPORATION, 4301 BRIGHTON BOULEVARD,))
DENVER, COLORADO.)

APPLICATION NO. 22563-Transfer

September 12, 1967

Appearances: John H. Lewis, Esq., Denver, Colorado,
for William R. Moore, the Transferor,
and Fernstrom Storage and Van Company,
the Transferee;
Joseph F. Nigro, Esq., Denver, Colorado,
for Amick Transfer & Storage Co.,
Bekins Van & Storage Co., Buehler Transfer
Co., Denver Moving & Storage, Hoffman
Transfer, Johnson Storage & Moving Co.,
Morgan Transfer Co., Weicker Transfer
& Storage Co., United States Transfer
& Storage Co., and Kamp Moving & Storage
Co., Protestants.

PROCEDURE AND RECORD

On April 27, 1967, William R. Moore, 3853 Walnut Street, Denver, Colorado, and Fernstrom Storage and Van Company, an Illinois corporation, 4301 Brighton Boulevard, Denver, Colorado, filed the instant joint application (No. 22563-Transfer), seeking authority from the Commission to transfer Certificate of Public Convenience and Necessity No. 3432 from William R. Moore to Fernstrom Storage and Van Company. On June 28, the Commission entered Decision No. 69734 in the above-styled application. On July 10, 1967, "Petition for Rehearing" was filed with the Commission by the Applicants herein by Stockton and Lewis, their attorneys. On July 17, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the rehearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado,

at 10 a.m. on August 18, 1967. On September 7, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner to the Commission establishes that at the hearing protests were withdrawn with the stipulation that in the event the authority granted in Decision No. 69734, dated June 28, 1967, be reworded as it previously existed (Decision No. 57729, dated December 19, 1961), there would be no protest involved.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Under Decision No. 69734 dated June 28, 1967, the transferred authority granted to Fernstrom Storage and Van Company under PUC No. 3432 was described as follows:

"Transportation of musical instruments and equipment, theatrical props and equipment, household goods, new and used office furniture and supplies, between points in the City and County of Denver, State of Colorado; restricted, however, to the use of 1 truck no greater in size or capacity than 3/4 ton."

However, in an attempt to re-describe the authority, error was committed and the Commission granted the subject rehearing.
2. To restrict the authority to the use of one 3/4 ton vehicle would be hazardous and unsafe.
3. To restrict the authority to the use of one 3/4 ton vehicle would be extremely uneconomical.
4. The authority, as presently described, would in fact be restricted to hauling things that would not exceed the amount that can be transported in a 3/4 ton vehicle; however, it would be in the best interests of all concerned if Applicant were able to transport that particular commodity or load in a larger truck.

5. There is no need whatsoever to require Applicant to limit his equipment to a 3/4 ton vehicle.
6. Transferee is an Illinois corporation, duly authorized and qualified to do business in the State of Colorado, by Certificate of the Secretary of State dated April 28, 1967, a copy of which will be furnished to the Commission by Applicant's Counsel.
7. Transferor, William R. Moore, is not physically able to continue the operations and is, therefore, selling this authority.
8. Transferee presently has interstate authority to conduct moving van operations in the State of Colorado.
9. Transferor will retain no authority.
10. The Transferor herein, William R. Moore, is the present owner and operator of PUC No. 3432 which he has in the past continuously operated and which presently is in good standing before the Commission. Said Certificate, by Decision No. 57729, is described as follows:

"Transportation of musical instruments and equipment, theatrical props and equipment, small amounts of household goods, new and used office furniture and supplies, not to exceed the amount that can be transported conveniently in a three-quarters-ton truck, between points in the City and County of Denver, Colorado."
11. The parties have entered into an Agreement for the transfer of Certificate PUC No. 3432 and, pursuant to said Agreement, the consideration for the Transfer is \$1,000 and the Certificate is free and clear of any debts, encumbrances or obligations.
12. Applicants have duly and properly applied for the transfer.
13. Transferees have 1 small step van type truck, and are acquiring the equipment of William R. Moore, as listed in Exhibit No. 2. They have a net worth of \$808,256; Fernstrom Storage and Van Company was incorporated in 1929 and its directors and officers have ample and suitable experience; all of which are sufficient for operation of the authority applied for herein.
14. Directors and officers of Applicant corporation are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission and have or will make adequate provision for insurance.
15. The transfer is compatible with the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing William R. Moore to transfer all of his rights, title and interest

in and to Certificate PUC No. 3432 to Fernstrom Storage and Van Company, and further, that as a condition of said transfer, said authority shall hereinafter be described as follows:

"Transportation of musical instruments and equipment, theatrical props and equipment, small amounts of household goods, new and used office furniture and supplies, not to exceed the amount that can be transported conveniently in a three-quarters-ton-truck, between points in the City and County of Denver, Colorado."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That William R. Moore, 3853 Walnut Street, Denver, Colorado, be, and hereby is, authorized to transfer all rights, title, and interest in and to PUC No. 3432 to Fernstrom Storage and Van Company, an Illinois corporation, 4301 Brighton Boulevard, Denver, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 3432 shall be as follows, to-wit:

"Transportation of musical instruments and equipment, theatrical props and equipment, small amounts of household goods, new and used office furniture and supplies, not to exceed the amount that can be transported conveniently in a three-quarters-ton-truck, between points in the City and County of Denver, 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 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

Alvin H. Gailings
Howard Butler
Ed R. Lindsay
Commissioners

Dated at Denver, Colorado,
this 12th day of September, 1967.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF SATURNINO R. FLORES, 250 NORTH)
10TH AVENUE, BRIGHTON, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC)
NO. 3971 TO COMMERCE REFUSE DIS-)
POSAL, INC., A COLORADO CORPORATION,)
7091 QUEBEC STREET, COMMERCE CITY,)
COLORADO.)

APPLICATION NO. 22764-Transfer

September 12, 1967

Appearances: John D. Ward, Esq., Denver, Colorado,
for Saturnino R. Flores, The Transferor;
William Andrew Wilson, Esq., Denver,
Colorado, for Commerce Refuse
Disposal, Inc., the Transferee;
Edward A. Jersin, Esq., Denver,
Colorado by George E. DeRoos, Esq.,
Denver, Colorado, for Donald
Greenfield, Protestant;
Robert L. Kessler, Esq., Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

On August 23, 1967, Saturnino R. Flores, 250 North 10th Avenue, Brighton, Colorado, and Commerce Refuse Disposal, Inc., 7091 Quebec Street, Commerce City, Colorado, filed the instant joint application (No. 22764-Transfer) seeking authority from the Commission to transfer Certificate of Public Convenience and Necessity No. 3971 from Saturnino R. Flores to Commerce Refuse Disposal, Inc. On August 31, 1967, Donald Greenfield filed his protest to the instant application.

On August 25, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, at 10 a.m. on September 5, 1967.

On September 7, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record

of the proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Hearing Examiner establishes that upon Motion for Continuance and good cause shown by Robert L. Kessler, Esq., of the Staff of the Commission, the matter was continued to such time as it may be reset by the Commission.

The Commission has subsequently been advised, in writing, that the Transferor does not wish to complete the transfer heretofore applied for and therefore this application should be dismissed.

CONCLUSIONS

That the Commission make and enter its Order dismissing the instant application.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

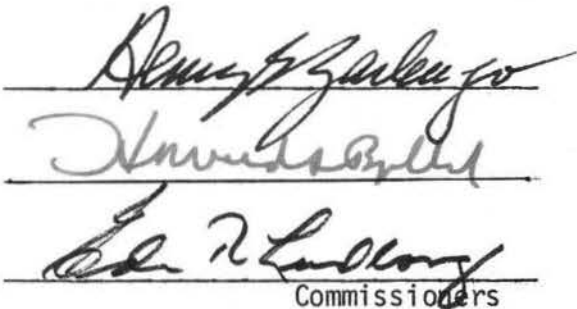
O R D E R

THE COMMISSION ORDERS:

That Application No. 22764-Transfer be, and the same hereby is, dismissed.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of September, 1967.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

DENVER-CLIMAX TRUCK LINE, INC. AND
OVERLAND MOTOR EXPRESS, INC., DOING
BUSINESS AS BOULDER-DENVER TRUCK
LINE,

Complainants,

vs.

KINGERY TRANSPORTATION CO., A COR-
PORATION; E. J. TRENBERTH; GWENDOLYN
D. TRENBERTH; KENNETH CROWLEY;
WALTER A. SMITH; DENVER-FORT COLLINS
FREIGHT SERVICE, INC.; ROBERT J.
DAVIS; VERNON H. JORGENSEN; LAURA
BETH COOK; BERNICE JARMAN; AND CLARA
LOUISE MORRISON,

Respondents.

CASE NO. 5343

September 12, 1967

Appearances: John P. Thompson, Esq., Denver,
Colorado, for the Complainants;
T. Peter Craven, Esq., Denver,
Colorado, for Intervenor Red Ball
Motor Freight, Inc., and Westway
Motor Freight, Inc.;
Herbert M. Boyle, Esq., Denver,
Colorado, for Defendants Kingery
Transportation Co., E. J. Trenberth,
Gwendolyn D. Trenberth, Walter A.
Smith, Vernon H. Jorgensen, Laura
Beth Cook, Bernice Jarman, and Clara
Louise Morrison;
John H. Lewis and Truman A. Stockton, Jr.,
Esqs., Denver, Colorado, for Defendant
Kenneth Crowley.

STATEMENT AND FINDINGS OF FACT

Pursuant to notice, this Formal Complaint case was called for
hearing at the hearing room of the Commission in Denver, Colorado, on
September 7, 1967, Commissioner Bjelland presiding.

The matter being called for hearing, the attorney for the com-
plainants moved the Commission for leave to file an amended Formal Complaint

in this cause, so as to add to the document hereinbefore filed, paragraphs to be numbered as paragraph 8(k) and 8(l); to change the statutory reference in paragraph 11; in paragraph 8(g), at the beginning of the sixth last line, to change the word "defendants" to "complainants"; and to add a sentence to paragraph 8(d), alleging that during the entire period, the defendants Trenberth gave no instructions concerning how the defendant Kingery Transportation Co. should be operated.

There being no objection, leave was granted so to amend, complainants being instructed that the amended Formal Complaint should be complete in itself and serve as a substitute or replacement of the document hereinbefore filed as a Formal Complaint; that copies thereof should be served upon the attorneys for those defendants who appeared, and should be mailed to the defendants who did not appear, all as provided in the following Order. There being no objection, it was ordered that such amended Formal Complaint be filed with the Commission and served upon the parties as hereinbelow provided, on or before September 18, 1967, and that the defendants file such answers thereto as they might desire, on or before October 9, 1967, the matter thereafter to be set for hearing at a time and place to be determined by the Commission.

The defendants Kingery, Trenberth, Smith, Jorgensen, Cook, Jarman, and Morrison, by their attorney, requested that their Motion to Dismiss be noted, but in view of the proposed amendments, indicated they did not wish to pursue it at this time.

Nothing further appearing, the matter was recessed to be set for hearing at a future time and place to be determined by the Commission.

O R D E R

THE COMMISSION ORDERS:

That leave to amend the Complaint hereinbefore filed be and hereby is granted, to authorize amendments as generally hereinabove described.


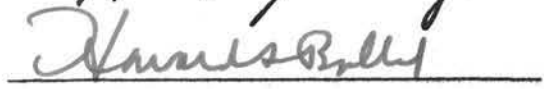
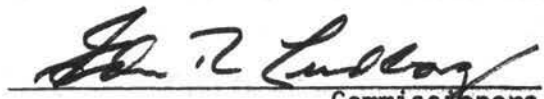
That such amended Complaint shall be filed with the Commission and served upon the defendants, on or before September 18, 1967. Service

upon the defendants who appeared in this proceeding, as noted above, shall be made by serving a copy thereof upon the attorneys for the respective devendants. Complainants shall mail a copy of such amended Formal Complaint to Denver-Fort Collins Freight Service, Inc. and Robert J. Davis, at P. O. Box 8157 Westwood Station, Denver, Colorado. Appropriate certificate confirming all of such service shall be filed at the time of filing the amended Formal Complaint. All defendants shall then have until the including October 9, 1967, within which to file answer to the said amended Formal Complaint.

This cause shall be set for hearing upon its merits at a time and place to be determined by the Commission, notice thereof to be given to all parties who shall file answers to the amended Formal Complaint hereinabove described.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of September, 1967.
gh

(Decision No. 70075)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE FAILURE OF CERTAIN CORPORATIONS,)
PARTNERSHIPS, AND/OR PERSONS TO COMPLETE)
ACTIONS INSTITUTED BEFORE THE COMMISSION)
FOR AUTHORITY TO OPERATE AS COMMON OR)
PRIVATE CARRIERS BY MOTOR VEHICLE FOR HIRE)
IN INTERSTATE COMMERCE ONLY OVER THE PUBLIC)
HIGHWAYS OF THE STATE OF COLORADO.)

September 12, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the hereinafter stated corporations, partnerships, and/or persons as specifically set forth in the Order part of this Decision have paid to the Commission the required filing fee for authority to operate as a Common or Private Carrier by Motor Vehicle for hire in interstate commerce only over the public highways of the State of Colorado but have either (1) failed to file an application requesting such authority or (2) have failed, after filing an application for such authority, to file either a request for identification cards, the required certificate of insurance or a written designation for service of notices, orders or process -- all of which is required by law and the Commission's Rules and Regulations Governing Common or Private Carriers by Motor Vehicle.

The files and records of the Commission -- in addition to the above -- further disclose that all of said corporations, partnerships, and/or persons have previously been duly notified by the Commission of their failure to comply with one or more of the above specifically stated items.

The Commission states and finds that all actions heretofore instituted before the Commission by the corporations, partnerships, and/or persons as listed in the Order part of this Decision should be dismissed.

O R D E R

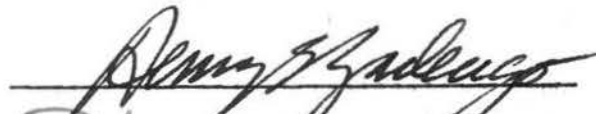

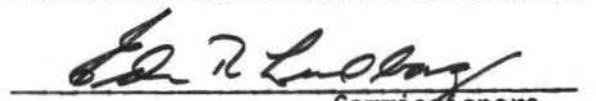
THE COMMISSION ORDERS:

That all actions heretofore instituted by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as Common or Private Carriers by Motor Vehicle for hire in interstate commerce only over the public highways of the State of Colorado, be, and the same hereby are, dismissed:

Buren J. Beck	307 Hayden Blvd.	Elk City, Oklahoma
James F. Bowen	Box 483, 5th & Main	Arapahoe, Nebraska
Raymond L. Boyle	Route 2 (Rose's Ct)	Las Animas, Colo.
W. A. Brown	321 Drain	Corsicana, Texas
Caddo Co. Farm Supply	Box 223	Carnegie, Okla.
Code Trailer, Incorp.	Box 657	Dodge City, Kansas
Fanetti Milk Transport, Inc.		Jim Falls, Wisconsin
George A. Fetzer, Inc.		Agusta, New Jersey
Garrett Feed Co.	2316 Main St.	Miles City, Mont.
Gordy Lunch	Box 1055	Bowie, Texas
W. D. Hardegree	115 E. 14th	Colo. City, Texas
Ballard Hill		Altus, Oklahoma
Joe Holladay	7791 Hollywood	Commerce City, Colo.
Elmer E. Hudson	Box 427	Sunset, Texas
Independent Tank Co.	Box 1354	Seminole, Okla.
Robert A. Johnson	Box 632	Tulia, Texas
M & M Foster	Box 717	Sterling City, Texas
Ray A. Norton d/b/a		
Norton Livestock Express	923 Elm St.	Texarkana, Texas
Adam Nusz		Conway, Kansas
Betty Phillips d/b/a		
Phillips Grain & Produce Co.	Route 4	Ft. Payne, Alabama
Phillips Produce & Grain Co.	Route 4	Ft. Payne, Alabama
Arlyn Rowan	Route 1	Fleming, Colo.
Wallace F. Taylor	621 S. Main St.	Rocky Ford, Colo.
Gerald Van Tubergen	RR 1	Hospers, Iowa
A. R. Welch, Jr.		Duke, Oklahoma
Whitson Food Products	Ft. Worth Hiway, Box 1139	Denton, Texas
Kenneth Wiseman	5525 W. Glendale Ave.	Glendale, Arizona

This Order shall become effective ten days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of September, 1967.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Walter Bud, Inc.)
P. O. Box 1)
Farmington, New Mexico 87101)
-----)

AUTHORITY NO. M-1713

CASE NO. 1998-M-Ins.

September 12, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 29, 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.


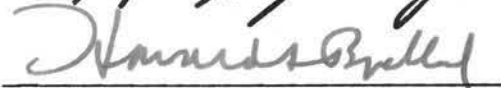

O R D E R

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
12th day of September 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

FLOYD J. LINVILLE)
1002 GROVE STREET)
DENVER, COLORADO 80204)
-----)

PERMIT NO. B-4918

September 12, 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.

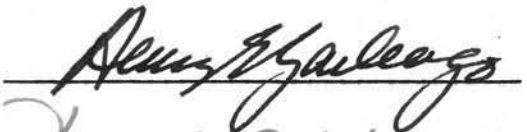
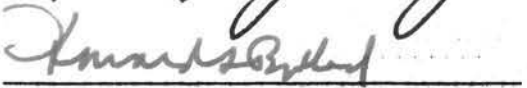

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of September 8, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
)
M. L. CARTWRIGHT)
406 EAST JACINTO)
GROESBECK, TEXAS 76642) PUC NO. 6263-I
-----)

September 12, 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.

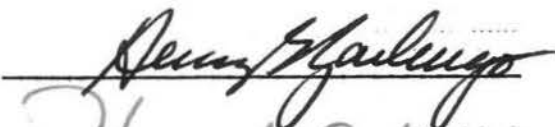
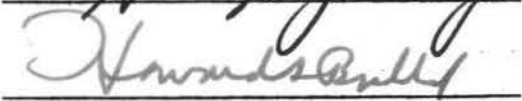

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 3, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	*)	
	*)	
GAITHER ENTERPRISES	*)	
BOX 141	*)	
BEULAH, COLORADO 81023	*)	

PERMIT NO. M-15976

September 12, 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.

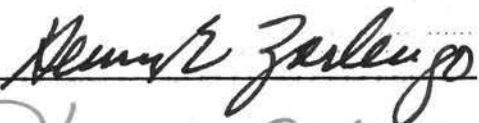
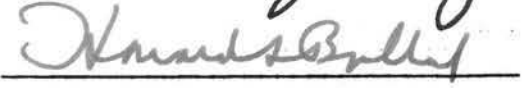

O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	*	*	*)	
JERRY DITOLLA)	
DENARGO MARKET)	
DENVER, COLORADO 80205				)	<u>PERMIT NO. M-9149</u>

September 12, 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.

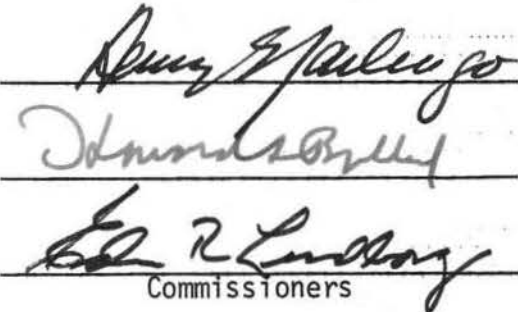
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF

FRED NELSON TOOL COMPANY

196 GLORY VIEW

GRAND JUNCTION, COLORADO 81501

PERMIT NO.M-10371

September 12, 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 September 4, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 12th day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
JUAN R. TAFOYA
R. F. D. BOX 90
ANTONITO, COLORADO 81120

PERMIT NO. M-1327

September 12, 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.


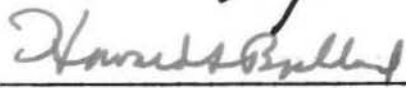

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 10, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF

E. W. PUGH dba
BUILDING SPECIALTIES
1313 NO. YAMPA
CRAIG, COLORADO 81626

PERMIT NO. M-4820

September 12, 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.

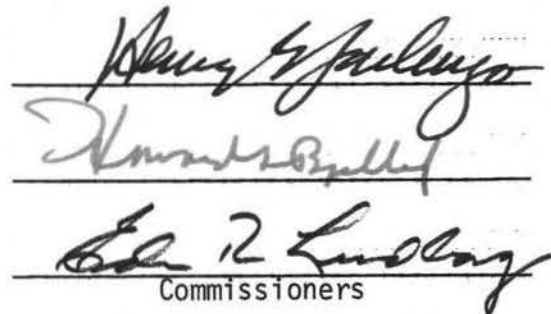
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective August 30, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF

JAMES & NICK VITULLO DBA

VITULLO BROTHERS

1024 ASH STREET

PUEBLO, COLORADO 81001

PERMIT NO. B-3760

September 12, 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.


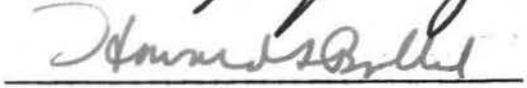
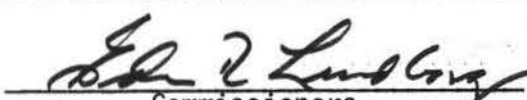
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASED RATES APPLICABLE
TO PACKAGE DELIVERY SERVICE CO.

} Investigation & Suspension
Docket No. 593

September 13, 1967

STATEMENT AND FINDINGS

BY THE COMMISSION:

On August 15, 1967, Package Delivery Service Co., Tim K. Evenson, President, filed with the Commission Local Tariff No. 50, Colorado PUC No. 50, naming increased rates on packages and merchandise based on the number of units tendered per month, and time and mileage charges applicable to equipment and labor scheduled to become effective September 18, 1967, as set forth in Appendix "A" attached hereto.

Upon consideration of the said schedule, the proposed rates may, if permitted to become effective, result in rates that may be in violation of the Public Utilities Law. It is the opinion of the Commission that said schedule should be suspended and an investigation entered into and concerning the lawfulness of the rates and charges contained therein.

O R D E R

THE COMMISSION ORDERS, that: --

1. The Statement and Findings be, and they are hereby, made a part hereof.
2. It shall enter upon a hearing concerning the lawfulness of the rates as proposed in the tariff referred to in the statement hereof.
3. The operation of said schedule be, and it is hereby, suspended and the use thereof deferred to and including January 17, 1968, unless

otherwise ordered by the Commission.

4. The investigation in this proceeding shall not be limited 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 schedules under the Public Utilities Law.

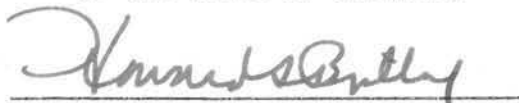
5. Neither the schedule hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.

6. A copy of this order shall be filed with the schedule in the office of the Commission and that a copy hereof be served upon Package Delivery Service Co., Tim K. Evenson, President, 2127 Arapahoe Street, Denver, Colorado 80205, and that said carrier be made a respondent in this proceeding. The necessary suspension supplement shall be issued, filed and posted to the schedule referred to in the Statement and Findings 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 it intends to introduce in evidence in support of its case.

8. This Investigation and Suspension Docket No. 593 be, and the same is hereby, set for hearing before the Commission on the 6th day of November, 1967, at 10:00 o'clock a.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

Commissioner Henry E. Zarlengo
necessarily absent and not
participating.

Dated at Denver, Colorado, this
13th day of September, 1967 av

APPENDIX "A"

Colo. PUC No. 50
Cancels
Colo. PUC No. 48

Title Page

PACKAGE DELIVERY SERVICE CO.

P.U.C. 572

LOCAL TARIFF NO. 50

(Cancels Local Tariff No. 48)

naming rates

also

rules and regulations

for

Transportation and delivery of Packages and Merchandise to and from all points and places within a thirty-mile radius of Denver and including the Cities of Denver and Boulder and naming the rates to and from the above area and the Cities of Greeley, Fort Collins and Colorado Springs, and Transportation of Commodities from Retail and Department Stores in Denver to all other cities and incorporated towns in Larimer, Weld, Logan and Morgan Counties.

ISSUED: August 15, 1967

EFFECTIVE: September 18, 1967

ISSUED BY:
Tim K. Evenson, President
2127 Arapahoe Street
Denver, Colorado 80205

RULES AND REGULATIONS	ITEM NO.
A charge will be made of 25¢ per mile (measured from and to Package Delivery Service Co.) except (1) where pick-up can be made on regular pick-up routes, (2) where pick-up can be made on the return of the regular delivery routes, (3) where the shipper tenders 500 or more units per month.	1
All packages or articles tendered to Package Delivery Service Co. for transportation and delivery must be securely packed so as to protect the contents and to protect other packages against any damage therefrom. All packages are to be plainly marked with the forwarder's name and address, together with the name and street address of the receiver.	2
<u>C.O.D. (Collect-on-delivery) PACKAGES:</u> Preparation and Listing of:	3
The shipper will prepare and attach to each C.O.D. package a C.O.D. tag showing the amount to be collected and will enter such amount on the pickup record of the carrier in the space provided for that purpose.	▲
<u>C.O.D. (Collect-on-delivery) Packages:</u> Responsibility for:	
The carrier will collect for C.O.D. merchandise the sum of money shown on the C.O.D. tag attached to the package and be responsible for and promptly transmit to the shipper the money so collected. If collection cannot be made, the carrier will return the merchandise to the shipper. The shipper should notify the carrier within 45 days from date of shipment of C.O.D. shipments if the shipper has not received the C.O.D. collections therefor.	
<u>C.O.D. (Collect-on-delivery) Packages:</u> Customer's checks in payment thereof:	
Unless instructions to collect cash only are written on the C.O.D. tags, the carrier will accept checks from consignees in payment of C.O.D. charges. Such checks, accepted at the risk of the shipper, will be transmitted to the shipper together with the carrier's own check for amounts collected in cash.	
Deliveries are made daily in Metropolitan Denver and at least three times a week on established routes in the suburban areas.	4

▲ - Change in wording, resulting in neither an increase nor a reduction.

RULES AND REGULATIONS	ITEM No.
<p>Package Delivery Service Co. reserves the right to refuse to accept or transport perishable commodities requiring protection from heat or cold; and will not accept for transportation and delivery, articles which, on account of their size, cannot be placed in Package Delivery equipment, nor articles of a dangerous or offensive nature which might cause damage to other property or to delivery equipment. One additional unit may be charged for merchandise especially susceptible to damage, such as, but not limited to, furniture, carpets, linoleum, mirrors, KD cabinets and unwrapped articles.</p>	5
<p>Package Delivery Service Co., shall be liable for loss by fire, explosion, providential means or theft of merchandise between the time of pick-up and delivery, and for any breakage or damage caused by its handling. All claims for loss or damage shall be made in writing within 60 days. Package Delivery Service Co. will not be liable for damage in handling of merchandise if delivered in factory packed containers, or to any merchandise if improperly or insecurely packed, or for loss or damage arising from measures or operations incident to war, whether before or after declaration thereof. The liability of Package Delivery Service Co. for loss or damage shall not exceed \$100.00 per single item tendered for delivery, or for more than 75% (or such other percentage as may be expressly agreed on) of the selling price of the item, or the actual cost of repair (if repair can be satisfactorily made), whichever is the smallest, except that for a greater liability the valuation must be declared by the shipper and an additional charge of one unit will be made for each \$100.00 or fraction thereof of declared value in excess of \$100.00. Package Delivery Service Co. will be entitled to salvage on all claims in the case of repairs.</p>	6

SECTION NO. 1

RETAIL DIVISION

AREA SERVED

Transportation of packages within the City of Denver and between Denver and points and places within a thirty mile radius of the City limits of Denver with a limit of 100 pounds per shipment except that no weight limitation shall apply in the area defined as: Beginning at the NE cor of SEC 5 T 5 S R 67 W; thence south 3 miles; thence west 4 1/2 miles; thence south 3 miles; thence west 6 1/2 miles; thence north 18 miles; thence east 15 miles; thence south 9 miles; thence west 4 miles; thence south 3 miles; or to furniture and house furnishings sold by retail stores in Denver within a triangle formed by Denver, Morrison and Golden, to the top of Lookout Mountain and up Mount Vernon Canyon where the Mount Vernon Country Club is situated, and within and between the above area and Greeley, Fort Collins and Colorado Springs with a limit of 70 pounds for each consignor to each consignee each day, and the transportation of commodities sold by retail and department stores, except perishable goods and articles which might cause damage to other property or to delivery equipment, in units, packages or parcels weighing not in excess of 70 pounds each, from department and retail stores only, located within the city limits of the City and County of Denver, for their customers, to all other cities and incorporated towns in the Counties of Larimer, Weld, Morgan, and Logan, State of Colorado, over all highways, shipments to be restricted to 70 pounds for each consignor to each consignee, each day. The weight limitation of 25 pounds shall continue in the counties of Morgan and Logan.

CLASSIFICATION OF PACKAGES

A package shall be considered one, two or three units, according to the following weight and measurements, whichever is greater.

One Unit..... Meaning wrapped packages and sealed or tied cartons measuring not more than seventy (70) inches length and girth, or weighing not over twenty-five (25) pounds.

Two Units..... Meaning wrapped packages and sealed or tied cartons measuring over seventy (70) inches but not exceeding one hundred (100) inches, length and girth, or weighing over twenty-five (25) pounds but not exceeding fifty (50) pounds.

Three Units..... Meaning wrapped packages and sealed or tied cartons measuring over one hundred (100) inches but not exceeding one hundred thirty (130) inches, length and girth, or weighing over fifty (50) pounds but not exceeding one hundred (100) pounds.

For each additional thirty (30) inches or fraction thereof in excess of one hundred thirty (130) inches, length and girth, or for each additional one hundred (100) pounds or fraction thereof in excess of one hundred (100) pounds, in weight, three additional units rate shall be charged.

SECTION NO. 1
(Concluded)

RETAIL DIVISION
RATES FOR ESTABLISHED ROUTES

Rates are based on the actual number of units, both city and suburban combined, which the carrier delivers for the shipper per month, minimum charge ♦ \$2.00 per month.

<u>Concerns tendering less than 5000 units per month</u>	<u>Per Unit</u>
From 1 to 100 units	♦ \$.6700
From 101 to 300 units	♦ \$.6000
From 301 to 500 units	♦ \$.5400
From 501 to 1000 units	♦ \$.4900
From 1001 to 2000 units	♦ \$.4450
From 2001 to 3000 units	♦ \$.4050
From 3001 to 5000 units	♦ \$.3750
Collecting and remitting C.O.D. shipments, each	♦ \$.4000

<u>Concerns tendering over 5000 units per month</u>	
First 30,000 units	♦ \$.3450
Next 30,000 units	♦ \$.3350
Next 30,000 units	♦ \$.3250
Next 30,000 units	♦ \$.3150
Next 30,000 units	♦ \$.3050
Collecting and remitting C.O.D. shipments, each	♦ \$.2000
Concerns tendering over 20,000 unlabelled catalogs at one time, each	♦ \$.1900

Shoe shops tendering over 100 units per month, each ♦ \$.3450

Fur coat and hanger deliveries, each 1 1/2
units

Above rates include two delivery attempts

Shipments beyond a thirty mile radius of the City Limits of Denver shall be at the rates as set forth above plus one-half unit for each whole unit count. Fur coats and garments on hangers shall be two units each.

♦ - INCREASE

Δ - CHANGE, RESULTING IN NEITHER AN INCREASE NOR REDUCTION.

SECTION NO. 2

WHOLESALE DIVISION
FOR MANUFACTURERS AND WHOLESALERS
RATES FOR ESTABLISHED ROUTES

AREA SERVED

Transportation of packages within the City of Denver and between Denver and points and places within a thirty-mile radius of the city limits of Denver with a limit of 100 pounds per shipment except that no weight limitation shall apply in the area defined as: Beginning at the NE cor of SEC 5 T 5 S R 67-W; thence south 3 miles; thence west 4 1/2 miles; thence south 3 miles; thence west 6 1/2 miles; thence north 18 miles; thence east 15 miles; thence south 9 miles; thence west 4 miles; thence south 3 miles, and within and between the above area and Greeley, Fort Collins and Colorado Springs with a limit of 70 pounds for each consignor to each consignee each day.

ZONES

Local Zone includes all points within a ten (10) mile airline radius either from the corporate limits of point of origin, or from place where shipment is tendered to the carrier when the point of origin is not an incorporated community:

Zone Two shall be beyond the above-described ten mile radius of the point of origin.

RATES:

Local Zone each package	\$.24
plus per each pound or fraction thereof	.02
Zone Two per each package	\$.24
plus per each pound or fraction thereof	.045

SERVICE CHARGE

Per each customer per week \$ 2.00

or

§ 1 Per customer per day \$.50

C.O.D. FEE

Per each shipment \$.32

DELIVERY ATTEMPTS

Two attempts at delivery will be made on each shipment for the above rates before merchandise is returned to the consignor.

SECTION NO. 3

SPECIAL SERVICE DIVISION

TIME AND MILEAGE RATES

MILEAGE RATESPer Mile

Truck One Ton and under	◆	\$.1050
Truck 1 1/2 and 2 ton	◆	\$.12
Power Lift Gate		\$.01
Tractor.....	◆	\$.15

Time Rates
Hourly and/or
Overtime Rate
 (Per Hour)

Weekly
Rate
 (Per Week)

Truck One Ton and under	◆\$.97	◆ \$ 29.25
Truck 1 1/2 and 2 ton	◆\$ 1.15	◆ \$ 34.50
Power Lift Gate	◆\$.19	◆ \$ 5.75
Tractor	◆\$ 1.32	◆ \$ 39.75
Trailer	◆\$ 1.00	◆ \$ 24.00
Driver (Truck)	◆\$ 5.16	◆ \$ 154.77 *
Helper (Truck)	◆\$ 4.88	◆ \$ 146.37 *
Driver (Tractor)	◆\$ 5.23	◆ \$ 156.98 *

* - Week consists of five eight hour days. In a week which includes: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day, these rates shall be \$123.82 for a truck driver, \$117.10 for a helper and \$125.58 for a tractor driver. Drivers or helpers worked over 8 hours per day (or 32 hours in four days in a holiday week) shall be charged at the rate shown in the overtime column.

◆ - INCREASE

↓ - REDUCTION

▲ - CHANGE, RESULTING IN NEITHER INCREASE NOR REDUCTION

§ - ADDITION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE DRUMS OR BARRELS, IRON)
OR STEEL, EMPTY, FROM)
GRAND JUNCTION, COLORADO)
TO DENVER, COLORADO)
-----)

Investigation and Suspension
Docket No. 594

September 13, 1967

STATEMENT AND FINDINGS

BY THE COMMISSION:

On August 16, 1967, The Rio Grande Motor Way, Inc., by W. Fletchinger, General Traffic Manager, filed Supplement No. 39 to its Freight Tariff No. 10-I, Colorado PUC No. 56, naming increased and reduced rates applicable to minimums of 20 barrels per shipment A # 75, and 10 barrels per shipment, R # 100, scheduled to become effective September 18, 1967. The rates are set forth in Item No. 467-A.

There presently are in effect two separate rates applicable thereto designated as follows:

Item 467 - appearing in Tariff 10-I, Colorado PUC No. 56, amendment No. 15, issued by Rio Grande Motor Way, Inc., #50 (20-barrel minimum per shipment) and Item 1587 appearing in Tariff 12-A, Colorado PUC No. 11, issued by Colorado Motor Carriers' Association, Agent, * 57 (20-barrel minimum per shipment). Item 467-A proposes to cancel Item 467.

Upon consideration of said schedules, the proposed 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 schedule should be suspended and an investigation instituted into and concerning the lawfulness thereof.

- A - denotes increase
R - denotes reduction
- denotes rates in cents per barrel
* - denotes rates in cents per barrel or drum

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 upon a hearing concerning the lawfulness of the rates and charges as proposed in the schedule referred to in the Statement hereof.

3. The operation of said schedule be, and it is hereby, suspended and the use thereof deferred to and including January 16, 1968, 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 posted with the schedule in the office of the Commission and a copy served upon Rio Grande Motor Way, Inc., W. Fletchinger, General Traffic Manager, 1400 W 52nd Avenue, Denver, Colorado, 80221, and said carrier be, and it is hereby, made a respondent 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 respondent intends to introduce in evidence in support of its case.

8. This Investigation and Suspension Docket No. 594 be, and the same hereby is, set for hearing before the Commission on the 6th day of November, 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

Commissioner Henry E. Zarlengo
necessarily absent and not
participating.

Dated at Denver, Colorado, this
13th day of September, 1967. av

(Decision No. 70087)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SAN ISABEL ELECTRIC ASSOCIATION, INC.)
316 WEST 15TH STREET, PUEBLO, COLO-)
RADO, AND ARKANSAS VALLEY G. & T.,)
INC., P. O. BOX 892, PUEBLO, COLO-)
RADO, COLORADO CORPORATIONS, FOR AN)
ORDER AUTHORIZING THE TRANSFER OF A)
TRANSMISSION LINE KNOWN AS PUEBLO)
BY-PASS TOGETHER WITH SUBSTATION)
AND OTHER FACILITIES.)

APPLICATION NO. 22661

September 13, 1967

Appearances: Leo Altman, Esq., for San
Isabel Electric Assn., Inc.,
Pueblo, Colorado;
T. T. Farley, Esq., for
Arkansas Valley G. & T., Inc.,
Pueblo, Colorado;
M. R. Garrison, Denver, Colorado,
and
Paul M. Brown, Denver, Colorado,
of the Staff of the Commission.

STATEMENT AND FINDINGS

BY THE COMMISSION:

This is a joint application by San Isabel Electric Association, Inc., (San Isabel) and Arkansas Valley G. & T., Inc. (Ark-Valley) to transfer to Ark-Valley ownership of a 115 KV transmission line, 115 KV - 69 KV substation and related facilities now owned and operated by San Isabel. This matter was heard on joint record with Application No. 22750 - SECURITIES by Ark-Valley. The latter application is for approval to issue securities by Ark-Valley to acquire the transmission line, substation and related facilities. Both applications were set for hearing in Hearing Room A of the Commission, Room 534 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10:00 A.M., Thursday, September 7, 1967, at which time and place the matters were heard and taken under advisement. No protests were received by the Commission prior to or at the time and place of hearing.

San Isabel and Ark-Valley are both public utilities, subject to the jurisdiction of this Commission as is the subject matter of both hearings. San Isabel is a rural electric cooperative primarily engaged in the transmission and distribution of electric power and energy to its members and consumers. It holds a certificate of public convenience and necessity issued by the Commission to distribute power and energy in the Counties of Custer, Huerfano, Fremont, Las Animas, Otero and Pueblo in the State of Colorado. Its principal office is located at 316 West 15th Street in Pueblo.

Ark-Valley is a corporation engaged in the business of wholesale sale and delivery of electric power and energy to its member cooperatives. Its principal office is also located at 316 West 15th Street, Pueblo, Colorado. Ark-Valley has three member distribution cooperatives which, in addition to San Isabel, include Southeast Colorado Power Association, Inc., La Junta, Colorado and Sangre De Cristo Electric Association, Inc., Buena Vista, Colorado. In addition to ownership of generating facilities, it purchases power from the Colorado-Ute Electric Association, Inc. which generates and transmits electric power and energy to its member cooperatives one of which is Ark-Valley.

The articles of incorporation of San Isabel, as amended to date, have heretofore been filed with this Commission. The articles of incorporation of Ark-Valley, amended to date, have been filed in this Hearing as Exhibit No. 9. San Isabel, in Application No. 21225-Securities, Decision No. 65065, was authorized to borrow \$256,000 and in Application No. 21777-Securities, Decision No. 66762, was authorized to borrow an additional \$85,000 for the construction of a "by-pass" transmission line, substation and related facilities.

The "by-pass" taps the 115 Kv transmission line of Southern Colorado Power Company near the northwest corner of Pueblo, Colorado, proceeds southerly on the west side of Pueblo and then easterly to a 115 Kv - 69 Kv substation located in the vicinity of Stem Beach, 8 miles south of Pueblo on U. S. Highways 85-87. At this point power and energy is delivered to a 69 Kv transmission line owned by San Isabel. (Exhibit 6).

At the time of the hearing in these matters, it was emphasized by San Isabel that at such time as Ark-Valley installs enough additional facilities to assume full time operation of transmission facilities, ownership of the "by-pass" transmission line, substation and related facilities would be transferred to Ark-Valley. It was mutually agreed between Ark-Valley and its member distribution cooperatives that Ark-Valley would at all times own and operate transmission and substation facilities operating at voltages above 69 KV. The transmission line here involved operates at 115 KV, and the substation reduces this voltage through a substation transformer to 69 KV. Appropriate resolutions authorizing the transfer and assumption of ownership by Ark-Valley were introduced as Exhibits Nos. 1 and 2. The transmission line was originally estimated to be approximately 9 miles in length but, upon completion, measures 13 miles. The total cost of the facility is \$500,516.86. Ark-Valley purchased and paid for the substation transformer at a cost of \$105,000, and San Isabel has expended \$395,516.86. The primary purpose of the construction of the transmission line and substation was to effect savings in the wheeling charges paid to others. Through contractual arrangements, Ark-Valley purchases power and energy from Colorado-Ute Electric Association, Inc. which is transmitted in part by others from the generating plant of Colorado-Ute located at Hayden, Colorado and delivered to the subject substation located at Stem Beach. A wheeling charge is made to Ark-Valley for wheeling the power and energy over the lines of the other utilities and the elimination of a part of the wheeling charges will be effected by this facility. The savings to Ark-Valley through ownership of this transmission line, and ultimately to its members, are estimated to be one-quarter million dollars in the first ten years of its operation. The line and substation were actually placed in operation in January 1967. It is now proposed, in 1971, to extend the 115 KV transmission line to a point near La Junta, Colorado, to deliver power and energy to Southeast Colorado Power Association to effect further savings in wheeling charges.

We find that the proposed transfer of ownership and its continued operation by Ark-Valley is consistent with the original plan presented in

in Application No. 21125, and that Ark-Valley is now ready to assume ownership and operation.

We further find that the transfer is in the public interest and should be authorized and approved.

O R D E R

THE COMMISSION ORDERS:

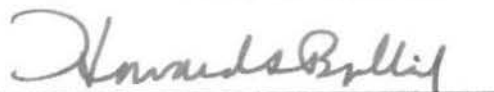
That subject to the issuance by this Commission of an Order approving the issuance of securities in the amount of \$395,516.86, the proceeds of which are to be used for the acquisition of the "by-pass" transmission line, substation and related facilities, located near Stem Beach, south of Pueblo, Colorado, the transfer of ownership and operation of said facilities from San Isabel to Ark-Valley be, and hereby is, authorized and approved.

That the closing entries on the books of San Isabel retiring the property and the opening entries on the books of Ark-Valley recording the acquisition be submitted to the Commission Staff for review within ninety (90) days of the transfer of the facilities herein.

That the Commission retains jurisdiction in this matter to make such further Order or Orders as deemed appropriate.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

COMMISSIONER HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING

Dated at Denver, Colorado,
this 13th day of September, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ARKANSAS VALLEY G. & T., INC., 316)	
W. 15TH STREET, PUEBLO, COLORADO,)	<u>APPLICATION NO. 22758-Securities</u>
FOR AN ORDER AUTHORIZING IT TO)	
EXECUTE NOTES IN FAVOR OF THE UNITED)	
STATES OF AMERICA.)	

September 13, 1967

Appearances: Leo Altman, Esq., Pueblo,
Colorado, for San Isabel
Electric Assn., Inc.;
Thomas T. Farley, Esq., Pueblo,
Colorado, for Arkansas
Valley G. & T., Inc.;
Paul M. Brown, Denver, Colorado,
and
M. R. Garrison, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On August 22, 1967, Arkansas Valley G. & T., Inc. (later referred to as Arkansas Valley) filed with this Commission an application to authorize the issue of a mortgage note for principal amount of \$395,516.86, maturing over a period of thirty-five (35) years, and bearing interest at two percent (2%) per annum; to approve a proposed amendment to the amending loan contract dated April 25, 1957, between Arkansas Valley G. & T., Inc. and the United States of America; to authorize a supplemental mortgage securing payment of said note; and to use the proceeds from the borrowing for the purchase of certain transmission lines, substation and related equipment from San Isabel Electric Association, Inc., in accordance with a Transfer Agreement executed with San Isabel Electric Association, Inc.

By Commission Decision No. 69984, the herein matter was set for hearing on September 7, 1967 at 10:00 A.M., Hearing Room A, State Services Building, Denver, Colorado. After due and proper notice to all interested parties, the Application was consolidated for hearing and heard by the

Commission on a joint record with the application of San Isabel Electric Association, Inc., being Application No. 22661, at the aforesaid time and place. Upon the conclusion of the hearing, the herein matter was taken under advisement.

No protests were filed with the Commission with regard to the Application, and no one appeared at the hearing in opposition to the granting of the authority sought.

Arkansas Valley G. & T., Inc. is a rural electric cooperative association engaged in the purchase, transmission and sale at wholesale of electric energy to its member customers; namely, San Isabel Electric Association, Inc., Pueblo, Colorado, Sangre de Cristo Electric Association, Inc., Buena Vista, Colorado and Southeast Colorado Power Association, La Junta, Colorado.

Statement of the Applicant's witness and exhibits introduced into evidence at the hearing revealed that Arkansas Valley proposes to borrow \$395,516.86 from the Rural Electrification Administration for the purchase of certain transmission lines, substation and related equipment from San Isabel Electric Association, Inc. The proceeds from this borrowing are to be expended, in the reimbursement of San Isabel Electric Association, Inc., for the transfer of transmission lines, substation and related equipment to Arkansas Valley in the following manner, to-wit:

San Isabel Electric Assn., Inc. electric facilities authorized by Decision No. 65056	\$256,000.00
San Isabel Electric Assn., Inc. electric facilities authorized by Decision No. 66762	85,000.00
Previously capitalized property of San Isabel Electric Association, Inc.	27,635.01
Additional engineering fees	6,961.03
Right of way and substation site	10,139.66
Pole inspection fees	2,093.07
State sales tax on transformer	1,169.15
Interest during construction	1,835.98
Additional metering	6,146.04
Less: Reduction of contract	<u>(1,463.08)</u>
Total	\$395,516.86

In addition to the foregoing properties, a transformer and related equipment valued at \$105,000, originally purchased and owned by Applicant, but operated by San Isabel Electric Association, Inc., will be transferred for operation to Arkansas Valley as an integral part of the facility.

The amount of debt of San Isabel Electric Association, Inc. applicable to the transfer will be cancelled by the United States Government.

The transfer of these properties to Arkansas Valley was anticipated when funds for construction of the major portion of the properties were authorized by Commission Decision No. 65065, in Application No. 21125-Securities, dated May 24, 1965. In support of the original intended use of the facilities, two exhibits were received in evidence: (1) Exhibit No. 1, a motion adopted on January 18, 1965 by the board of directors of San Isabel Electric Association, Inc., agreeing to transfer ownership of certain facilities to Arkansas Valley and (2) Exhibit No. 2, a resolution of the board of directors of Arkansas Valley, dated May 1, 1964, agreeing to reimburse San Isabel Electric Association, Inc. for the same facilities.

The eventual savings in transmission costs to Arkansas Valley and its members is estimated to be \$250,000 annually ten years hence.

As to evidence of Arkansas Valley's financial position, there was introduced in evidence (Exhibit No. 3) its balance sheet as of July 31, 1967 and its statement of income for the six months ending July 31, 1967. The balance sheet disclosed that the Applicant had a total capitalization of \$2,610,217, composed of \$2,604,473 debt and \$5,744 margins and equities. There is approximately \$23,000 in Cash that could be made available in case of an emergency. Arkansas Valley is current in its payment of interest and repayment of its loans. Its income statement for the six months ending July 31, 1967 showed operating revenues of \$546,034 which, after all expenses, resulted in net patronage capital and margins of (\$747). This does not include the rental income for the facilities at Canon City which has since been received from Southern Colorado Power Company. This additional revenue would increase the margins to about the

same level as the previous year. For the year ending December 31, 1966, operating revenues were \$959,572 which resulted in net margins and patronage capital of \$32,599.

The loan has been approved by the Rural Electrification Administration subject, however, to approval by this Commission.

Applicant's witness testified that it would have no difficulty in meeting the repayment of principal and interest on the additional debt sought in this application and that, in his opinion, this new financing was necessary in order to permit the orderly transfer of the facilities from San Isabel to meet the demands of its member companies.

F I N D I N G S

THE COMMISSION FINDS:

That the Applicant, Arkansas Valley G. & T., Inc., a Colorado corporation, is a public utility as defined by Chapter 115-1-3, Colorado Revised Statutes, 1963.

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

That this Commission is fully advised in the premises.

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

That the issuance by Arkansas Valley G. & T., Inc. of a mortgage note in the principal amount of \$395,516.86, Exhibit No. 8, should be authorized and approved.

That the entering into by Applicant of an Amendment, to amending loan contract, dated as of April 25, 1957, Exhibit No. 11, should be authorized and approved.

That the issuance by Arkansas Valley G. & T., Inc. of a supplemental mortgage, Exhibit No. 10, should be authorized and approved.

That the use of borrowed funds by Arkansas G. & T., Inc., for the purposes set forth in the foregoing Statement are not inconsistent with the public interest, nor with the provisions of the law governing such transactions and should be approved.

That within one hundred twenty (120) days of the final execution of the instruments authorized herein, Applicant should file with the Commission one conformed, executed copy of each of such instruments. That the Order sought herein should be issued and made effective forthwith.

O R D E R

THE COMMISSION ORDERS:

That the issuance by Arkansas Valley G. & T., Inc. of the mortgage note, principal amount of \$395,516.86, in essentially the same form as Exhibit No. 8 introduced in this proceeding, be, and the same is hereby, authorized and approved.

That the entering into by Applicant of an Amendment, to amending loan contract, dated as of April 25, 1957, between Arkansas Valley G. & T. and the United States of America, Exhibit No. 11, be, and the same hereby is, authorized and approved.

That the supplemental mortgage, in essentially the same form as Exhibit No. 10, necessary for securing this note to be issued by Applicant, be, and the same is hereby, authorized and approved.

That the entries recording the transfer of property on the books of both Arkansas Valley G. & T., Inc. and San Isabel Electric Association, Inc., be submitted to the Commission for review within ninety (90) days of the effective date of the transfer.

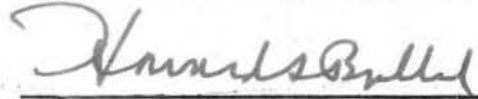
That nothing herein contained shall be construed to imply any recommendations or guaranty of, or any obligation with respect to, said securities, on the part of the State of Colorado.


That within one hundred twenty (120) days of the final execution of the instruments authorized herein, Applicant shall file with the Commission one conformed copy of each of said instruments.

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 proper and desirable.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

COMMISSIONER HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING

Dated at Denver, Colorado,
this 13th day of September, 1967.
et

(Decision No. 70089)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PETITION OF)
THE TOWN OF FOUNTAIN, A MUNICIPAL)
CORPORATION, FOR AN ORDER AUTHORIZING)
ISSUANCE OF A REVENUE BOND FOR)
\$100,000 TO THE CENTRAL COLORADO)
BANK, COLORADO SPRINGS, COLORADO.)

APPLICATION NO. 22773-Securities

September 13, 1967

Appearances: Paul J. Gerdes, Esq., Colorado
Springs, Colorado, for the
Town of Fountain;
M. R. Garrison, Denver, Colorado,
and
J. M. McNulty, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On August 30, 1967, the Town of Fountain, Colorado filed with this Commission an application to authorize the issuance of a revenue bond for a period of more than one year, in the principal amount of \$100,000 bearing interest at four and one-tenth percent (4.1%) per annum.

By Commission Decision No. 70023, the herein matter was set for hearing on September 12, 1967, at 2:00 p.m., Room 532 State Services Building, 1525 Sherman Street, Denver, Colorado. After due and proper notice to all interested parties, the matter was heard by the Commission at the aforesaid time and place. Upon conclusion of the hearing, the herein matter was taken under advisement.

No protests were filed with the Commission with regard to the application, and no one appeared at the hearing in opposition to the granting of the authority sought.

The Town of Fountain is a municipal corporation duly organized and existing under the laws of the State of Colorado and operates as a public utility supplying electricity to residents of the Town of Fountain

as a municipal service and to residents of surrounding areas pursuant to certificate of public convenience and necessity issued by the Commission in Decision No. 17913.

Applicant's witness testified summarily as follows:

The Town of Fountain proposes to borrow \$100,000 from the Central Colorado Bank of Colorado Springs for the purpose of providing funds to construct additional facilities to service existing and new customers in and outside the Town of Fountain, Colorado. It proposes to issue a revenue bond for said \$100,000 bearing four and one-tenth percent (4.1%) interest payable in monthly installments of \$750 or more, including principal and interest, on the first day of each month beginning October 1, 1967, and continuing until unpaid balance of principal and interest have been fully paid.

The number of customers serviced by the Town of Fountain has grown consistently in the last three years, from 2,206 in 1964 to 2,872 in 1967. The construction of facilities with funds requested in the application will result in the addition of approximately 274 residential customers in the Southmore and Widefield subdivisions. Several commercial and at least one industrial customer also will be serviced by the new facilities.

As to evidence regarding the Town of Fountain's financial position, there was introduced into evidence as Exhibit E its 1966 Annual Report to the Public Utilities Commission of the State of Colorado showing the balance sheet as of December 31, 1966 and income statement for the year ending December 31, 1966 and Balance Sheet as of August 31, 1967 and Statement of Revenue and Expenses for eight months ended August 31, 1967, being Exhibit F. The income statement for the year ending December 31, 1966 showed that the operating revenues for the Electric Department of the Town of Fountain exceeded expenses by \$18,110 after debt service. For eight months ending August 31, 1967, the operating revenues exceeded expenses by \$12,944.

Applicant's witness stated that, in his opinion, the Town of Fountain would have no difficulty in meeting the additional payments required under the proposed revenue bond.

F I N D I N G S

THE COMMISSION FINDS:

That Applicant, The Town of Fountain, Colorado, is a municipal corporation operating an electrical distribution system within the Town of Fountain, and as a public utility serves electric consumers outside the boundaries of the Town of Fountain, and is a public utility as defined by Chapter 115-1-3, Colorado Revised Statutes, 1963.

That this Commission has jurisdiction of said Applicant as to its electrical distribution operations outside the boundaries of the Town of Fountain.

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 of a revenue bond in the principal amount of \$100,000 is reasonably required and should be authorized and approved.

That the use of the borrowed funds by the Town of Fountain, Colorado for the purposes set forth in the foregoing Statement are not inconsistent with the public interest, nor with the provisions of the law governing such transactions and should be approved.

That within one hundred twenty (120) days of the final execution of the instrument authorized herein, Applicant should file with the Commission one conformed, executed copy of such instrument.

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

O R D E R

THE COMMISSION ORDERS:

That the issuance of a revenue bond for \$100,000, approved and authorized by the Town Council of the Town of Fountain, be, and the same is hereby, authorized and approved.

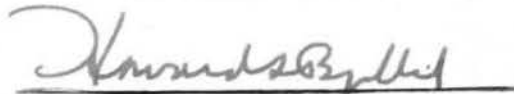
That within one hundred twenty (120) days after the execution of the instrument authorized herein, Applicant shall file with the Commission one conformed copy of such instrument.

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

That the Commission retains jurisdiction of this proceeding 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.

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

COMMISSIONER HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING

Dated at Denver, Colorado,
this 13th day of September, 1967.
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASED RATES AND CHARGES)
SHIPMENTS WEIGHING 10,000 POUNDS)
OR MORE)
-----)

CASE No. 1585

September 15, 1967

STATEMENT AND FINDINGS

BY THE COMMISSION:

On September 5, 1967, a joint application was filed with the Commission by Colorado Motor Carriers' Association, as Agent, J. R. Smith, Chief of Tariff Bureau (No. 351) and Motor Tariff Service, Dewey W. Beach, Manager (No. 77) for and on behalf of their participating motor vehicle carriers, requesting permission to amend their respective tariffs, viz., - No. 12-A, Colorado PUC No. 11* (*The Motor Truck Common Carriers' Association, Agent, Series) and Colorado Motor Freight Tariff No. 1-A, Colorado PUC No. 3*(*John Beck, Agent, Series) upon less than statutory notice. It is proposed to change the Commission's order in Decision No. 69935, dated August 11, 1967, to the extent that follows:

Wherever the words "weighing less than 10,000 pounds" appear, substitute - "subject to a minimum weight of less than 10,000 pounds, and all less-than-truckload and any quantity rates."

Wherever the words "weighing 10,000 pounds or over" appear, substitute - "subject to a minimum weight of 10,000 pounds or over."

The publishing agents, respectively, state that the conditions relied upon as justification for this request are as follow:

"The present supplements are worded in conformity with the Order of the Commission in Decision No. 69935. However, in transferring the provisions of the supplements to the tariffs, it was noticed that there were LTL* and AQ* commodity rates, and those subject to stated minimum weights of less than 10,000 pounds, in items which provided no 10,000 pound break on commodity rates. It is the

- * - LTL - less-than truckload
- * - AQ - any quantity

feeling of the petitioners that it was not the intent of the order to provide for two different increases on the same existing rate, necessitating the addition of 10,000 pound rates in every commodity item which names rates on a lesser basis."

Since the proposed request appears to be just and reasonable and will result in rates and charges that are just and reasonable and otherwise lawful, an order should be entered prescribing the same, under the provisions of Rule 18 C (1) (i) of the Commission's Rules of Practice and Procedure.

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. The rates and/or charges, rules and provisions set forth in the Statement and Findings herein shall be the prescribed rates and/or charges, rules and provisions of the Commission. Tariff publications made in conformity with this order shall be published and filed with the Commission to become effective on or before October 1, 1967, upon not less than 10 days' notice to the Commission and the general public.
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 in paragraph 2 of this order.
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 and/or charges, rules and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.
5. All affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and/or charges greater or less than those prescribed, provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) per cent.
6. 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
15th day of September, 1967. av

Commissioner Henry E. Zarlengo
necessarily absent and not
participating.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ANGELO J. GIVIGLIANO & SONS)
205 WAVERLY AVENUE)
TRINIDAD, COLORADO 81082)
-----)

PUC NO. 1401 & I

September 15, 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.


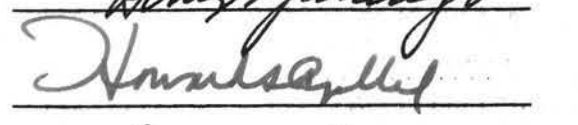

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of August 3, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 15th day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

GORDON MARTIN)

115 BROADWAY)

DENVER, COLORADO 80203)

PERMIT NO. B-1776

September 15, 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 September 4, 1967 and including March 4, 1968.

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 15th day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE RULE APPLICABLE TO LIVESTOCK WHEREIN)
TWO ROUTES ARE AVAILABLE AND ONE IS)
TEMPORARILY IMPASSABLE)
-----)

CASE No. 1585

September 15, 1967

STATEMENT AND FINDINGS

BY THE COMMISSION:

On September 8, 1967, The Colorado Motor Carriers' Association, as Agent, by J. R. Smith, Chief of Tariff Bureau, for and on behalf of carriers parties to Tariff No. 14, Colorado PUC No. 13, filed application No. 354 requesting permission to publish on less than statutory notice, the following:

LIVESTOCK RULE NO. 19:

In instances where a shipment can be transported from origin to destination by way of two routes, one of which is temporarily impassable under certain weather conditions, rate to apply will be based on the distance over the two routes added together and divided by two.

The rate arrived at in this manner will apply regardless of the route over which the shipment is actually transported.

(applies only on shipments to and from points in Garfield, Gunnison, Montrose, Mesa and Delta Counties, and only in arriving at rates from and to points not provided with specific zone rates.)

In support and justification for this request, Mr. Smith states:

"Your petitioner is advised now, however, that the carriers in Western Colorado are again experiencing difficulty in charging for the transportation of livestock to and from certain points in the counties named above because in many instances there are two routes, one of which may be temporarily impassable, over which the shipment can be moved, and two different distances which can be used in computing rates and charges.

"Your petitioner is advised further that some carriers are again assessing the rates based on the short route miles regardless of which route is actually traveled. This gives them a competitive advantage over the carrier who transports the shipment over the longer route because the short route is impassable on that particular day, and who bases his rate on the mileage over the route of movement.

"An example of the difference in mileage by way of different routes is set forth in this Commission's Informal opinion No. 2-62 dated August 31, 1962. In this informal opinion the Commission stated that the distance between Collbran and Denver is 232 miles by one route (which, by the way, is often made impassable by rain or snow) and 264 miles by the other all-weather route.

"Those mileages produce the following rates in cents per 100 pounds to apply on shipments of cattle between Denver and Collbran:

<u>Miles</u>	<u>LTL</u>	<u>8,000</u>	<u>16,000</u>	<u>20,000</u>	<u>25,000</u>
232	127	110	86	78	75
264	141	123	98	87	83

"Application of the rule proposed above to this movement would produce the following distance and rates to apply, regardless of the route of actual travel.

<u>Miles</u>	<u>LTL</u>	<u>8,000</u>	<u>16,000</u>	<u>20,000</u>	<u>25,000</u>
248	131	114	89	81	78

"The same situation exists on traffic moving between Denver, on the one hand, and, on the other, Mesa, Molina, Plateau City, Skyway, Grand Mesa, Rogers Mesa, Lazear, Hotchkiss, Paonia, Bowie, Somerset, Oliver, Rawford, Maher and numerous other unnamed shipping points in the counties named."

Since the proposed request as set forth above appears 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, paragraph C (1) (c) of the Commission's Rules of Practice and Procedure.

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. The rule set forth in statement hereof shall be the prescribed rule for the transportation of livestock where two routes are available and one is temporarily impassable under certain weather conditions, to and from points in Garfield, Gunnison, Montrose, Mesa and Delta Counties, and only in arriving at rates from and to points not provided with specific zone rates.
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, effective on or before

October 1, 1967 upon not less than 10 days' notice to the Commission and the public.

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, and shall observe, as minimum, the changes herein prescribed for motor vehicle common carriers.



5. The 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.

6. 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.

7. This order shall become effective forthwith.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner

Commissioner Henry E. Zarlengo
necessarily absent and not
participating.

Dated at Denver, Colorado, this
15th day of September, 1967. av

(Decision No. 70094)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INVESTIGATION AND SUSPENSION OF)
FIRST REVISED SHEET NO. 6 OF)
COLORADO PUC NO. 5 OF MOUNTAIN)
STATES TELEPHONE AND TELEGRAPH)
COMPANY CHANNEL SERVICE FOR USE)
IN COMMUNITY ANTENNA TELEVISION)
(CATV) SYSTEMS.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 595

September 15, 1967

S T A T E M E N T

BY THE COMMISSION:

On September 1, 1967, R. J. Pringle, Vice President and General Manager of The Mountain States Telephone and Telegraph Company, 930 Fifteenth Street, Denver, Colorado, filed with the Public Utilities Commission of the State of Colorado a proposed change in its Colorado P.U.C. Tariff No. 5, Channel Service for Use in Community Antenna Television Systems (CATV) Tariff. By this proposed filing Mountain States would delete from its existing tariff the "F. Obligation of Customer" which reads as follows:

"F. Obligation of Customer

The customer shall be responsible for obtaining any authority to provide CATV service to its patrons that may be required by law or local ordinance."

The proposed change in this tariff would become effective on October 1, 1967, unless otherwise ordered.

By letter dated September 6, 1967, Pueblo T.V. Power, Inc., by its attorney, Thomas T. Farley, protested the proposed tariff change by the Mountain States Telephone and Telegraph Company and requested a public hearing on the proposal.

On September 12, 1967, the Colorado Municipal League, by its general counsel, Charles B. Howe, filed a complaint with this Commission

objecting to the deletion from the Mountain States Telephone and Telegraph Company Tariff the section "F. Obligation of Customer." The complaint alleges interalia:

"8. That the long-range effect of the removal of said paragraph F from the regulations contained in the existing tariff would be to vest the Mountain States Telephone and Telegraph Company with virtual monopolistic control over the cable television field, thereby divesting municipal residents through their local governing bodies of the right and privilege of establishing their own standards of performance and program service, and enjoying the advantages of competitive bidding from private CATV suppliers."

Also, on September 13, 1967, the City of Colorado Springs, by its attorney F. T. Henry, filed a complaint objecting to the removal from the Mountain States Telephone and Telegraph Company Tariff the section entitled "Obligation of Customer."

The City alleges that to delete this section from the Mountain States Tariff would in effect circumvent the authority of the City to grant franchises for the operation of CATV.

In view of the above mentioned complaints the Commission will suspend the effective date of the proposed change in the tariff and hold a hearing in regard to this change.

F I N D I N G S

THE COMMISSION FINDS:

That the effective date of the First Revised Sheet No. 6 pertaining to Channel Service for Use in Community Antenna Television Systems Tariff, Colorado PUC No. 5, of the Mountain States Telephone and Telegraph Company to become effective October 1, 1967 should be suspended and an investigation and hearing held in the matter.

O R D E R

THE COMMISSION ORDERS:

That the effective date of the proposed change in Mountain States Telephone and Telegraph Company Colorado PUC Tariff No. 5, as set forth on First Revised Revised Sheet No. 6, Channel Service for Use in Community Antenna Television (CATV) Systems Tariff, be, and it hereby is, suspended

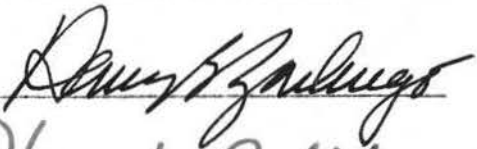
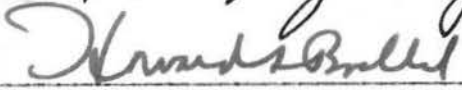

for a period of one hundred twenty (120) days from October 1, 1967, or until January 28, 1968, unless otherwise ordered.

That the proposed change in said Tariff as set forth being a part of Mountain States Telephone and Telegraph Company PUC Tariff No. 5, First Revised Sheet No. 6, be, and it hereby is, set for hearing before the Commission at 10:00 a.m. on November 28, 1967, in the Commission's Hearing Room, 532 State Services Building, 1525 Sherman Street, Denver, Colorado.

That a copy of the complaints filed by Pueblo T.V. Power, Inc., Colorado Municipal League and the City of Colorado Springs be forthwith served on the Mountain States Telephone and Telegraph Company, 930 Fifteenth Street, Denver, Colorado 80202, and that a copy of this Suspension Order be sent to Mountain States Telephone and Telegraph Company and Thomas T. Farley, counsel for Pueblo T.V. Power, Inc., Bon Durant Building, Pueblo, Colorado 81001; Charles B. Howe, General Counsel, 2040 - 14th Street, Boulder, Colorado 80301, representing the Colorado Municipal League; and to F. T. Henry, City Attorney, Suite 501 Mining Exchange Building, Colorado Springs, Colorado 80902, representing City of Colorado Springs.

That a copy of this Order be filed with First Revised Sheet No. 6 of Mountain States Telephone and Telegraph Company Colorado PUC Tariff No. 5, Channel Service for Use in Community Television Systems.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 15th day of September, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CAT-A-LOG, INC., BOX 63, CORTEZ,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22665-PP

September 15, 1967

PROCEDURE AND RECORD

On June 22, 1967, Cat-A-Log, Inc., Box 63, Cortez, Colorado, filed the instant application (No. 22665-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce. After due and proper notice, the application was called for hearing by Robert L. Pyle, Examiner for the Commission, at 10 a.m. on Wednesday, September 6, 1967, in the District Court Room, Court House, Pagosa Springs, Colorado. The Applicant did not appear at the time and place.

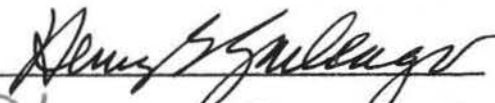
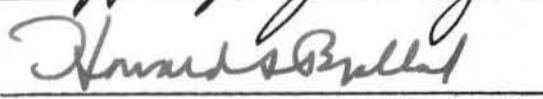

The Examiner has now filed a report with the Commission recommending that the application be re-set for hearing at a future date.

ORDER

THE COMMISSION ORDERS:

That Application NO. 22665-PP be re-set by the Secretary of the Commission for hearing at a later date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 15th day of September, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GERALD E. HANSEN, R.R. 1, BOX 100,)
DOLORES, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22732-PP

September 15, 1967

PROCEDURE AND RECORD

On July 17, 1967, Gerald E. Hansen, R.R. 1, Box 100, Dolores, Colorado, filed the instant application (No. 22732-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intra-state commerce. After due and proper notice, the application was called for hearing by Robert L. Pyle, Examiner for the Commission, at 10 a.m. on Wednesday, September 6, 1967, in the District Court Room, Court House, Pagosa Springs, Colorado. The Applicant did not appear at the time and place.


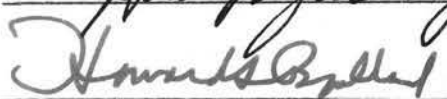

The Examiner has now filed a report with the Commission recommending that the application be re-set for hearing at a future date.

O R D E R

THE COMMISSION ORDERS:

That Application No. 22732-PP be re-set by the Secretary of the Commission for hearing at a later date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 15th day of September, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM P. WRIGHT, ROUTE 2, BOX 179,)
BRIGHTON, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22757-PP

September 18, 1967

Appearances: William P. Wright, Brighton,
Colorado, pro se.

PROCEDURE AND RECORD

On August 18, 1967, William P. Wright, Route 2, Box 179, Brighton, Colorado, filed the instant application (No. 22757-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intra-state commerce for the transportation of sand, gravel and related commodities as set forth in the application. On September 1, 1967, the Staff of the Commission issued temporary authority to so operate to William P. Wright.

On August 24, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on September 11, 1967. On September 12, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This Applicant does not hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for transportation of sand, gravel, and related commodities, as listed in this application.
3. Applicant has a 1960 International Dump Truck, 2 years of experience in related fields and a net worth of \$80,000, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, William P. Wright, to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"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 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 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 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 50 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."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That William P. Wright, Route 2, Box 179, Brighton, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, 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 50 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 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 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 50 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

Samuel G. Williams
Howard B. Butler
Ed R. Lunsbury
Commissioners

Dated at Denver, Colorado,
this 18th day of September, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
POUDRE VALLEY RURAL ELECTRIC)
ASSOCIATION, INC., A CORPORATION,)
FORT COLLINS, COLORADO, FOR AN ORDER)
AUTHORIZING THE ISSUANCE OF)
SECURITIES, AND THE APPLICATION OF)
THE PROCEEDS THEREFROM TO CERTAIN)
LAWFUL PURPOSES.)

APPLICATION NO. 22782-Securities

September 18, 1967

Appearances: John A. Cross, Esq., Loveland,
Colorado, and
Warren H. Price, Esq., Loveland,
Colorado, for Applicant;
M. R. Garrison, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

By this Application filed September 1, 1967, Poudre Valley Rural Electric Association, Inc. (Poudre Valley), seeks authority from this Commission to issue a mortgage note in the principal amount of \$1,635,000, payable to The United States of America, bearing interest at the rate of two percent (2%) per annum, payable within thirty-five (35) years after date thereof; a Supplemental Mortgage to secure such note; and approval of an amendment, dated June 9, 1967, to amending loan contract dated as of May 26, 1952, amended, between Poudre Valley Rural Electric Association, Inc., and The United States of America.

By Commission Decision No. 70024, the herein matter was set for hearing on September 13, 1967, at 10:00 a.m., Room 532 State Services Building, Denver, Colorado. After due and proper notice to all interested parties, the matter was heard by the Commission at the aforesaid time and place. Upon conclusion of the hearing, the herein matter was taken under advisement.

No protests were filed with the Commission with regard to this application, and no one appeared at the hearing in opposition to the granting of the authority sought.

Applicant is engaged in the business of purchasing, acquiring, accumulating, transmitting, distributing, furnishing and selling electricity to its consumers in the Counties of Larimer, Boulder and Weld in the State of Colorado, and owns and operates certain electric distribution and transmission lines and related facilities in said counties. The average number of consumers at December 31, 1966 totalled 5,645.

Applicant is a corporation organized under the laws of the State of Colorado, and its Articles of Incorporation and all amendments thereto, properly certified, are on file with this Commission in Application No. 19561, Decision No. 59995; also, rates to consumers, rules and regulations of Poudre Valley are on file with this Commission. Applicant is not affiliated with other companies, but is a member of Tri-State Generation and Transmission Cooperative, Inc., from which Poudre Valley purchases its electrical energy.

By the Commission's Decision No. 62653 on April 22, 1964, Application No. 19574, Poudre Valley was granted an area certificate of public convenience and necessity.

Applicant's witness, James E. Campbell, General Manager of Poudre Valley, testified summarily as follows: Poudre Valley needs additional funds for the construction, extension and improvements of its properties in order to provide electrical facilities to serve its present and future consumers in its growing service area. To obtain these additional funds, Poudre Valley has entered into an amending loan contract with The United States of America, attached to its application herein. In compliance with this amending loan contract the United States Government proposes to loan Poudre Valley \$1,635,000 to be evidenced by a mortgage note in essentially the same form as attached to the application in such principal amount secured by a supplemental mortgage, also filed with the application.

Poudre Valley proposes to use the \$1,635,000 for the construction and installation of the following electric facilities:

Construction of 157.50 miles of single phase 2-wire and 23.25 miles of three phase 4-wire distribution lines	\$506,964
New tie lines	59,238
Conversion and line changes	231,673
New substations, switching, etc. at Red Feather, Flatiron and Black Hollow	255,000
Transformers, meters, service wires, sectionalizing equipment, regulators, security lights, engineer- ing fees and reimbursement of general funds for completed construction	<u>582,125</u>
	<u>\$1,635,000</u>
	=====

It is expected that the funds for the construction of the above proposed facilities will be drawn down over the next two years. It is expected that approximately 700 new customers will be added during this period through normal growth.

There was introduced into evidence by Applicant cost estimates and loan budget, Exhibit G, prepared by C. H. Guernsey & Company, Consulting Engineers in cooperation with the Applicant and the Rural Electrification Administration, which supports the proposed use of this loan. A ten-year financial forecast, Exhibit H, introduced into evidence by Applicant shows continued improvement of margins for the next ten years. The basis of this forecast was a power requirement study made by the Rural Electrification Administration in 1966. Estimated revenues in 1971 are \$2,386,469 resulting in margins of \$521,263 after debt service.

As evidence of Poudre Valley's financial position, there was introduced into evidence an audit report as of June 30, 1967, prepared by Applicant's Certified Public Accountant, Exhibit E, and a copy of a Statement of Operations for the seven months period ending July 31, 1967 and Balance Sheet as of July 31, 1967 prepared for the Rural Electrification Administration, Exhibit F.

Exhibit F shows that Poudre Valley has a total capitalization of \$6,000,155 composed of \$4,728,552 debt and \$1,271,603 margins and equities, an equity ratio of approximately 21%. Contingency funds are available from restricted funds of \$439,000, temporary investments of \$100,000, and general cash funds of \$58,000. In addition there is approximately \$519,000 available in advance payments to the Rural Electrification Administration.

Poudre Valley is current in the repayment of principal and interest on its present loans. Applicant's witness testified that in his opinion it would have no difficulty in meeting the additional payments on the debt sought in this application, and that the new financing is necessary to meet the increasing demands of its consumers.

F I N D I N G S

THE COMMISSION FINDS:

That the Applicant, Poudre Valley Rural Electric Association, Inc., a Colorado corporation, is a public utility as defined by Chapter 115-1-3, Colorado Revised Statutes, 1963.

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

That this Commission is fully advised in the premises.

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

That the issuance by Poudre Valley Rural Electric Association, Inc., of the mortgage note in the principal amount of \$1,635,000, Exhibit C, should be authorized and approved.

That the entering into by Applicant of an Amendment, dated as of June 9, 1967, to amending loan contract, dated as of May 26, 1952, Exhibit B, should be authorized and approved.

That the issuance by Poudre Valley Rural Electric Association, Inc., of a supplemental mortgage, Exhibit D, should be authorized and approved.

That the use of the borrowed funds by the Poudre Valley Rural Electric Association, Inc., for the purposes set forth in the foregoing Statement are not inconsistent with the public interest, nor with the provisions of the law governing such transactions and should be approved.

That within one hundred twenty (120) days of the final execution of the instruments authorized herein, Applicant should file with the Commission one conformed, executed copy of each of such instruments.

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

O R D E R

THE COMMISSION ORDERS:

That the issuance by Poudre Valley Rural Electric Association, Inc., of the mortgage note, principal amount of \$1,635,000, in essentially the same form as Exhibit C introduced in this proceeding, be, and the same is hereby, authorized and approved.

That the entering into by Applicant of an Amendment, dated as of June 9, 1967, to amending loan contract, dated as of May 26, 1952, between Poudre Valley Rural Electric Association, Inc., and The United States of America, Exhibit B, be, and the same is hereby, authorized and approved.

That the supplemental mortgage, in essentially the same form as Exhibit D, necessary for securing this note to be issued by Applicant, be, and the same is hereby, authorized and approved.


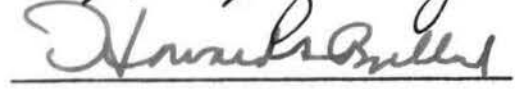

That nothing herein contained shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, said securities, on the part of the State of Colorado.

That within one hundred twenty (120) days of the final execution of the instruments authorized herein, Applicant shall file with the Commission one conformed copy of each of said instruments.

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 proper and desirable.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of September, 1967

et

(Decision No. 70099)

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 CERTIFICATES OF PUBLIC)
CONVENIENCE AND NECESSITY TO EXERCISE)
THE RIGHTS AND PRIVILEGES AND PER-)
FORM THE OBLIGATIONS GRANTED AND)
IMPOSED BY ORDINANCE NO. 36 PASSED)
AND ADOPTED BY THE TOWN OF GENOA,)
COLORADO.)

APPLICATION NO. 22726

September 18, 1967

Appearances: Robert T. James, Esq., Colorado
Springs, Colorado, for Applicant;
J. M. McNulty, Denver, Colorado,
and
M. R. Garrison, 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 August 1, 1967, and, after due notice to all interested parties, was set for hearing on September 12, 1967, at 2:00 o'clock P.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 on a consolidated record with Application No. 22725 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 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 July 5, 1967, the Board of Trustees of the Town of Genoa, Lincoln County, Colorado, duly passed and adopted Ordinance No. 36 of the Town of Genoa, entitled as follows:

"AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF GENOA, 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 GENOA, 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 GENOA, 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 GENOA AND FIXING THE TERMS AND CONDITIONS THEREOF."

The above-entitled Ordinance No. 36 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 of Genoa 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 of Genoa 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. 36 was introduced at the hearing as Exhibit "B".

There is no other public utility engaged in the business of distributing and selling electricity in the Town of Genoa, Colorado.

Mountain View has adequate power now and for the foreseeable future to supply the requirements of the Town of Genoa.

Mr. A. C. Payne, General Manager of Mountain View testified at the hearing in regard to the instant application and Exhibits "A" through "L", inclusive, which exhibits included, in addition to the franchise ordinance, proof 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 Genoa has an estimated population of 170 and an estimated 61 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 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. 36 of the Town of Genoa, State of Colorado, as set forth in Exhibit "B", 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


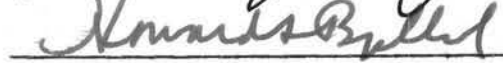

THE COMMISSION ORDERS:

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. 36 of the Town of Genoa, State of Colorado, pursuant to the terms and conditions of said Ordinance No. 36.

That Mountain View Electric Association, Inc., shall install, operate and maintain its electrical distribution system and supply service within the corporate limits of the Town of Genoa, Colorado, in accordance with rate schedules, rules and regulations, and service connection and line extension policy as are now or hereafter in effect and on file with the Commission; it shall maintain its books of account in accordance with the Uniform System of Accounts prescribed by the Commission; its operating practices shall at all times be in compliance with the Rules of the Public Utilities Commission of the State of Colorado Regulating the Service of Electric Utilities within the State of Colorado.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of September, 1967
et

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 CERTIFICATES OF PUBLIC)
CONVENIENCE AND NECESSITY TO EXERCISE)
THE RIGHTS AND PRIVILEGES AND PER-)
FORM THE OBLIGATIONS GRANTED AND)
IMPOSED BY ORDINANCE NO. 46 PASSED)
AND ADOPTED BY THE TOWN OF CALHAN,)
COLORADO.)

APPLICATION NO. 22725

September 18, 1967

Appearances: Robert T. James, Esq., Colorado
Springs, Colorado, for Applicant;
J. M. McNulty, Denver, Colorado,
and
M. R. Garrison, 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 August 1, 1967, and, after due notice to all interested parties, was set for hearing on September 12, 1967, at 2:00 o'clock P.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 on a consolidated record with Application No. 22726 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 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 July 3, 1967, the Board of Trustees of the Town of Calhan, El Paso County, Colorado, duly passed and adopted Ordinance No. 46 of the Town of Calhan, entitled as follows:

"AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF CALHAN, EL PASO 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 CALHAN, 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 CALHAN, 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 CALHAN AND FIXING THE TERMS AND CONDITIONS THEREOF."

The above-entitled Ordinance No. 46 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 of Calhan 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 of Calhan 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. 46 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 Calhan, Colorado.

Mountain View has adequate power now and for the foreseeable future to supply the requirements of the Town of Calhan.

Mr. A. C. Payne, General Manager of Mountain View testified at the hearing in regard to the instant application and Exhibits "A" through "L", inclusive, which exhibits included, in addition to the franchise ordinance, proof 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 Calhan has an estimated population of 395 and an estimated 152 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. 46 of the Town of Calhan, 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. 46 of the Town of Calhan, State of Colorado, pursuant to the terms and conditions of said Ordinance No. 46.

That Mountain View Electric Association, Inc. shall install, operate and maintain its electrical distribution system and supply service within the corporate limits of the Town of Calhan, Colorado, in accordance with rate schedules, rules and regulations, and service connection and line extension policy as are now or hereafter in effect and on file with the Commission; it shall maintain its books of account in accordance with the Uniform System of Accounts prescribed by the Commission; its operating practices shall at all times be in compliance with the Rules of the Public Utilities Commission of the State of Colorado Regulating the Service of Electric Utilities within the State of Colorado.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 18th day of September, 1967
et

(Decision No. 70101)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DOYLE HOUSE MOVING & WRECKING CO.,)
INC., 1295 SOUTH OGDEN STREET,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22340-PP
SUPPLEMENTAL ORDER

September 19, 1967

Appearances: R. L. McDougal, Esq., Denver,
Colorado, for Applicant.

STATEMENT AND FINDINGS OF FACT

On September 6, 1967, the Commission entered Decision No. 70029 in the above-styled application, revoking operating rights granted to the above-styled applicant by Decision No. 69067, dated February 23, 1967, for failure of said applicant to comply with requirements set forth in said Decision No. 69067.

It now appears that applicant has complied with all requirements of Decision No. 69067 and requests reinstatement of operating rights granted thereby.

The Commission states and finds that said request should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 70029, dated September 6, 1967, be, and the same hereby is, vacated, set aside, and held for naught, as of said 6th day of September, 1967, and operating rights heretofore granted to the above-styled applicant by Decision No. 69067, dated February 23, 1967, be, and

the same hereby are, restored to active status as of said date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry J. Gault
Donald B. Bell
Ed. R. Loring
Commissioners

Dated at Denver, Colorado,
this 19th day of September, 1967
et

(Decision No. 70102)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE MOTOR VEHICLE OPERATIONS OF)
LAS ANIMAS TRANSFER CO. (HARRIS,)
ROBERT L., DBA), 242 BENT AVENUE,)
LAS ANIMAS, COLORADO, UNDER CERTIFI-)
CATE PUC NO. 254 AND PUC NO. 254-I.)

CASE NO. 5352
SUPPLEMENTAL ORDER

September 19, 1967

STATEMENT AND FINDINGS OF FACT

On September 6, 1967, the Commission entered Order to Show Cause and Notice of Hearing, Decision No. 70043, in the above-entitled matter, which, among other things, set said matter for hearing at 10:00 a.m. on October 9, 1967, at Denver, Colorado.

The Commission, on its own motion, at the request of the Staff of the Commission to permit further investigation and preparation, states and finds that the hearing should not be held on October 9, 1967, as specified in Decision No. 70043, and that said hearing should be held on November 29, 1967, as set forth in the Order following.

O R D E R

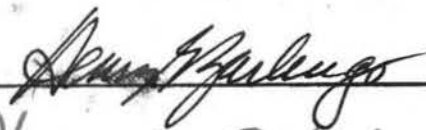
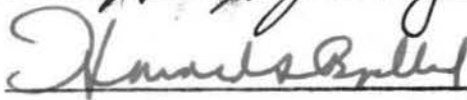
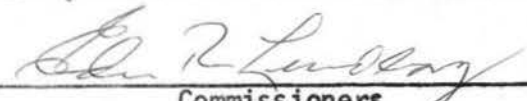
THE COMMISSION ORDERS:

That hearing on the above-styled matter presently set for 10:00 a.m., on October 9, 1967, at Denver, Colorado, be, and the same hereby is, vacated.

That said matter be, and the same hereby is, reset for hearing at 10:00 a.m., on November 29, 1967, at 532 State Services Building, 1525 Sherman Street, Denver, Colorado.

This Order Shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 19th day of September, 1967.

(Decision No. 70103)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RIO GRANDE MOTOR WAY, INC., DENVER,)
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
AUTHORIZING EXTENSION OF OPERATIONS)
UNDER PUC NO. 149.)

APPLICATION NO. 22461-Extension

Order Providing For Partial
Cancellation of Certificate
Issued in Decision No. 69838

September 19, 1967

Appearances: Warren D. Braucher, Esq., Denver,
Colorado, for Rio Grande Motor
Way, Inc., the Applicant;
Peter J. Crouse, Esq., Denver,
Colorado, for Estes Trucking
Company and Don Ward, Inc.,
Protestants.

PROCEDURE AND RECORD

On July 20, 1967, the Commission entered Decision No. 69838 in
Application No. 22461-Extension. The ordering provisions of such decision
read as follows:

"THE COMMISSION ORDERS:

That Rio Grande Motor Way, Inc., be, and it hereby is,
authorized to extend operations under Certificate of Public
Convenience and Necessity No. 149 to include:

- 'a. The transportation of freight as a regular route
motor vehicle common carrier in Colorado intra-
state commerce over Colorado Highway No. 82 between
the municipality of Aspen, State of Colorado, and the
junction of Colorado Highway No. 82 and United States
Highway No. 24, which point is located approximately
16 miles south of Leadville, serving all intermediate
points,
- 'b. The establishment of an extended pick-up and delivery
service area within that portion of Pitkin County
located within a 25-mile radius of the municipality of
Aspen, and within that portion of Lake County located
within a ten-mile radius of the municipality of
Leadville, and

'c. The tacking or combination of such extended regular route authority, as well as the extended pick-up and delivery service, with all authority contained in its present certificate so as to authorize the rendition of transportation services to and from any point authorized to be served under the extended authority and any point presently served by Motor Way,'

and this ORDER shall be deemed to be, and shall be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor, provided however that the portion of said certificate set forth in (b) above dealing with the establishment of extended pick-up and delivery areas shall terminate and expire automatically 18 months after the effective date of this Order.

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

That applicant shall operate its carrier system 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."

No petition for rehearing was filed and the decision became final pursuant to its terms.

On September 1, 1967, Rio Grande Motor Way, Inc. filed a supplemental pleading in this proceeding alleging, inter alia:

"3. The use of Colorado Highway No. 82 between Aspen, Colorado and the junction of Colorado Highway No. 82 and U. S. Highway 24 provided for in part (a) of the Commission's Order requires, among other things, traversal of Independence Pass. Subsequent investigation by Rio Grande of that portion of Colorado Highway No. 82 involved in its application reveals that such highway is not practical for a regular scheduled operation because of its generally poor and unsafe condition and the fact that it is only passable during several months of the year. Due to the condition of the road, Rio Grande will be unable to institute operations within 30 days after issuance of its certificate as provided for in Rule 9 of the Commission's Rules and Regulations Governing Common Carriers by motor vehicle, and further that even if operations could be instituted they could not be continued because said highway is not maintained on a year-round basis and is impassable for a major portion of the year. For the reasons herein stated and pursuant to the aforementioned Rule 9, Rio Grande respectfully requests that the authority granted by the Commission in its Decision and Order No. 69838 under part "a" be cancelled and that a new Order be issued granting Rio Grande the following described authority:

- (1) The establishment of an extended pick-up and delivery service area within that portion of Pitkin County located within a 25-mile radius of Aspen, and within that portion of Lake County located within a ten-mile radius of the municipality of Leadville, and
- (2) The tacking or combination of such extended pick-up and delivery service, with all authority contained in its present certificate so as to authorize the rendition of transportation services to and from any point authorized to be served under the extended authority and any point presently served by Motor Way.

Rio Grande further requests that notice and hearing be waived in the handling of this matter."

Rule 9 of the Rules and Regulations Governing Common Carriers promulgated and issued by this Commission provides:

"Failure on the part of any Common Carrier to commence operations over any route or routes specified in any certificate of convenience and necessity within thirty (30) days after the issuance of the certificate, unless otherwise provided in said certificate, shall be deemed sufficient cause for the Commission to cancel such certificate after reasonable notice and hearing thereon."

In view of the waiver of notice and hearing of Rio Grande Motor Way, Inc., the instant supplemental application of Rio Grande Motor Way, Inc., seeking partial cancellation of the certificate authority granted to it by the Commission in Decision No. 69838 is now before the Commission for determination.

FINDINGS OF FACT

From the record in this proceeding, the Commission finds as fact that:

1. Rio Grande Motor Way, Inc. has not now commenced operations under that portion of Decision No. 69838 authorizing:

"The transportation of freight as a regular route motor vehicle common carrier in Colorado intrastate commerce over Colorado Highway No. 82 between the municipality of Aspen, State of Colorado, and the junction of Colorado Highway No. 82 and United States Highway No. 24, which point is located approximately 16 miles south of Leadville, serving all intermediate points,"

and under existing circumstances will not be able to so do in the immediate future.

2. Rio Grande Motor Way, Inc. has been unable to comply with the provisions of said Rule 9, in that it has not commenced operations as a regular route motor vehicle common carrier over Colorado Highway No. 82 between the municipality of Aspen and the junction of Colorado Highway No. 82 and United States Highway No. 24, which junction is located approximately 16 miles south of Leadville, within the requisite thirty (30) days.

3. Under such circumstances, such portion of the authority granted to Rio Grande Motor Way, Inc. in Decision No. 69838 should be cancelled and Order provisions to follow will so provide.

O R D E R

THE COMMISSION ORDERS:

1. That portion of Decision No. 69838 referred to in Findings of Fact No. 1 hereinabove, be, and the same hereby is, cancelled.

2. That such cancelled authority shall be deleted from the certificate of public convenience and necessity issued to Rio Grande Motor Way, Inc. in Decision No. 69838, and after such deletion shall read:

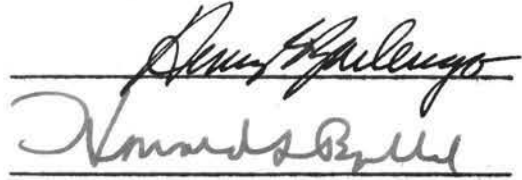
"That Rio Grande Motor Way, Inc. be, and it hereby is, authorized to extend operations under Certificate of Public Convenience and Necessity No. 149 to include:

- a. The establishment of an extended pick-up and delivery service area within that portion of Pitkin County located within a 25-mile radius of the municipality of Aspen, and within that portion of Lake County located within a ten-mile radius of the municipality of Leadville, and
- b. The tacking or combination of such extended pick-up and delivery service, with all authority contained in its present certificate so as to authorize the rendition of transportation services to and from any point authorized to be served under the extended authority and any point presently served by Motor Way,

and this ORDER shall be deemed to be, and shall be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor, provided however that this certificate shall terminate and expire automatically 18 months after the effective date of this Order."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Donald B. Smith



Commissioners

Dated at Denver, Colorado,
this 19th day of September, 1967.
et

(Decision No. 70104)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DEPARTMENT OF HIGHWAYS OF THE)
STATE OF COLORADO FOR AUTHORITY TO)
CONSTRUCT A RAILROAD BRIDGE OVER-)
PASSING STATE HIGHWAY NO. 227 (JOPLIN)
STREET) REPLACING BRIDGE NO. 617.0,)
MILEPOST 617 PLUS 144 FEET ON THE)
MAINLINE TRACK OF THE ATCHISON,)
TOPEKA AND SANTA FE RAILWAY COMPANY,)
IN THE CITY AND COUNTY OF PUEBLO,)
STATE OF COLORADO.)

APPLICATION NO. 22495

September 18, 1967

S T A T E M E N T

BY THE COMMISSION:

On March 28, 1967, the Department of Highways of the State of Colorado (Department), filed its application in accordance with the rules of this Commission, seeking approval for improvement of an existing railroad overpass structure at the highway-railroad grade crossing as noted above. Proposed improvement is to replace existing wooden bridge with a new and longer steel railroad bridge to overpass State Highway No. 227.

Other explanatory material as submitted with the instant application includes:

Exhibit A: Copy of combination layout, location and profile sheet to show dimensions and elevations at new railroad bridge to overcross Joplin Street as widened to four lanes.

Exhibit B: Alinement Plan sheet to show easement over rail line and ownership of adjacent property.

Subsequently received by the Commission is a copy of the fully executed Agreement, dated May 8, 1967, between the Department of Highways and The Atchison, Topeka and Santa Fe Railway Company pertaining to proposed overpass replacement.

With reference to the instant application and other investigation data of the Commission, it appears there is now a make-shift separation structure at the above location. The single main line track of Santa Fe Railway now passes above the highway by means of a wooden railroad bridge, 84 feet long and supported on timber piling.

Over the years, local traffic on Joplin Street utilized the openings under railroad bridge as a local traffic-way. More recently, new Arkansas River bridge construction and roadway improvements have been made to serve an industrial area located to the south from Santa Fe mainline. To north of the rail line there has been extensive residential development, resulting in additional use of the route as a southward by-pass around the central business area of Pueblo.

Present north-south roadway under the railroad bridge consists of one lane in each direction separated by the vertical timber posts supporting center of the railroad bridge. Each lane is 12 feet wide between the adjacent supporting posts; the vertical opening is 12.5 feet from roadway surface to the overhead bridge timbers. Increased traffic flow now requires a four-lane highway with two lanes in each direction. There is also considerable collision hazard at the bridge, which has been struck by large loads and vehicles moving through the small roadway openings.

Movement of traffic and local needs have established Joplin Street as a convenient and necessary traffic artery. Instant application proposes removal of the 84-foot wooden bridge, to be replaced with a new steel bridge 136 feet long. New openings between supporting columns will provide minimum vertical clearance of 16.12 feet. The two double-lane roadways will be 28 feet wide with a curbed median 12 feet wide to protect the middle support columns for the bridge.

New bridge will provide roadbed area for the track with sidewalk and handrails having horizontal clearance of 9'-4" on each side of the track center line. As a part of the new railway bridge construction, it is necessary to also maintain the rail service when the present bridge is removed.

An alternate or "shoofly track" 1155 feet long will be built along north side of the rail line and away from the bridge site. Vehicle traffic will also be detoured during the construction time, estimated at six months. Temporary re-location for other switch tracks to the north will also be required. Upon completion of the new railroad bridge, the affected rail trackage will be restored to former locations for normal service.

Design plans for the bridge have been prepared by Santa Fe Railway to meet current specifications of the American Railway Engineers Association. Foundation plans were prepared by a consultant firm under supervision of Department of Highways Bridge Engineer.

Comparison of proposal and Commission dimensions is as follows:

	Proposed		P. U. C.	
	<u>Horizontal</u>	<u>Vertical</u>	<u>Horizontal</u>	<u>Vertical</u>
Railroad Bridge	9'-4"	--	8'-6"	--
State Highway Opening	34.0'	16.12'	30.0'	16.0'

New work will exceed Commission minimum specifications.

The Agreement as completed with Santa Fe Railway relates to the various items of work to be accomplished and provisions for payment at sole expense of Department in accordance with the controlling State and Federal regulations. After construction is completed the Department of Highways, at its expense, will maintain its own bridge, piers, abutments, drainage ways, roadway embankments and surface. Maintenance of track, railroad roadbed and facilities shall continue as the sole responsibility of Santa Fe Railway.

Estimated costs are as follows:

\$ 68,005	Railroad Bridge
130,243	Roadway and Shoofly grading
31,050	Railroad Force Account Work
8,077	Utility changes
23,500	Right of Way
3,000	Railroad Flagging
<u>25,750</u>	Engineering
\$289,625	Total Estimated Cost

It is to be noted the instant bridge replacement and related roadway changes are being handled as a project unit 0.380 miles in length.

Other approvals for proposed Highway and bridge improvements have been granted by U. S. Bureau of Public Roads relating to plans and specifications; also by Chief Engineer, Colorado Department of Highways, and Chief Engineer for Santa Fe Railway. Plans have also been developed in cooperation with City of Pueblo for detouring of Joplin Street traffic. Public utilities affected by new work are provided for in separate agreements with the respective owners.

Meanwhile, the Commission forwarded a copy of the instant application, together with a Notice, to interested parties, to the Board of Pueblo County Commissioners, to the Mayor - City of Pueblo, and to owners of adjacent property at the overpass location. Said Notice was to ascertain if any other action was to be considered within the period of twenty (20) days as designated in said Notice. No adverse reply has been received by the Commission.

After consideration of the instant proposal, it is the belief of the Commission that the old railroad bridge is no longer suitable or adequate as a makeshift separation structure; that the new bridge is designed to meet current loading criteria and provide adequate separation area for the vehicular traffic.

It is therefore the belief of the Commission that the proposed new construction is compatible with the public interest, and the Commission determined to hear, and has heard, said matter forthwith, without further notice, upon the records and files herein.

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 public safety, convenience and necessity require the improvement, construction and maintenance of the grade separation structure as proposed herein, being replacement of Bridge No. 617.0 of Santa Fe Railway overpassing State Highway No. 227 (Joplin Street) in the City and County of Pueblo, Colorado.

That horizontal and vertical clearances for the proposed structure exceed the clearance requirements established by the Commission, and are therefore acceptable.

O R D E R

THE COMMISSION ORDERS:

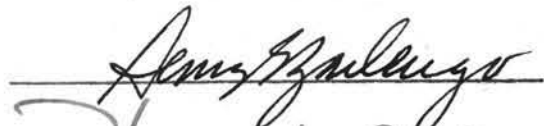
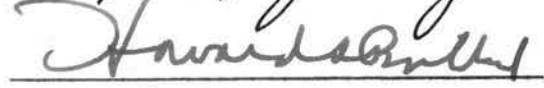

That Applicant, the Department of Highways, State of Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to authorize and approve the improvement, construction and maintenance of the railroad bridge structure over State Highway No. 227 (Joplin Street), City and County of Pueblo, Colorado, as follows:

Replacement of existing wooden pile trestle Bridge No. 617.0 at Santa Fe Railway Mile Post 617 plus 144 feet with a new steel railroad bridge.

That the new work to be done, costs, installation, maintenance, and other work, shall be as indicated in the preceding Statement, Agreement, and Exhibits "A" and "B", all of which, by reference are made a part hereof.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of September, 1967
et

(Decision No. 70105)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
INTER-STATE DETECTIVE BUREAU, INC.,)
2237 EAST COLFAX AVENUE, DENVER,)
COLORADO, UNDER PERMIT NO. B-6192)
AND PERMIT NO. B-6192-I.)

CASE NO. 5351

September 18, 1967

Appearances: Robert L. Pyle, Esq., Denver,
Colorado, for the Staff of
the Commission.

PROCEDURE AND RECORD

On August 21, 1967, the Commission entered Decision No. 69973 instituting Case No. 5351 by ordering Inter-State Detective Bureau, Inc., 2237 East Colfax Avenue, Denver, Colorado, to show cause why the Commission should not take such action as may be appropriate or as warranted to cancel and revoke Permit No. B-6192 and Permit No. B-6192-I, which permits authorized the following:

"Transportation intrastate and interstate of automobiles and trucks repossessed by banks, finance companies and individuals with or without court order and delivered between points within a radius of 15 miles of Colfax and Broadway in Denver, Colorado and from and to points within said radius to and from points within the State of Colorado and between all points in Colorado and the Colorado State Boundary Lines where all highways cross the same in interstate commerce. Interstate operating rights authorized herein subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

After due and proper notice to all interested parties, the matter was heard by Commissioner Howard S. Bjelland at 2 p.m. in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, on September 13, 1967.

A letter from Inter-State Detective Bureau, Inc. was read into the record directed to the Transportation Department of The Public Utilities Commission dated September 2, 1967 making reference to this matter and

advising that no one would appear at this hearing for or in behalf of Inter-State Detective Bureau, Inc. and further that Inter-State Detective Bureau, Inc. does not wish to contest the findings and actions of the Public Utilities Commission in this regard.

The Staff of the Commission presented as Staff Exhibit No. 1 its Findings and Report to the Commission with respect to this matter. There was no other evidence.

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. Staff Exhibit No. 1 as well as the foregoing Statement be made a part hereof.

2. That any transportation involved in repossession is incidental to the business of repossession.

3. That the type of carriage as performed by Inter-State Detective Bureau, Inc. does not fall within the three statutory descriptions of motor vehicle carriers.

4. That Inter-State Detective Bureau, Inc., present holders of Permit No. B-6192 and Permit No. B-6192-I, is engaged in the business of repossession of trucks and automobiles for various banks, individuals and finance companies and that such transportation as is performed in its acts of repossession is incidental and does not fall under the jurisdiction of nor does it require authority from this Commission.

5. That the Commission cancel and revoke Permit No. B-6192 and Permit No. B-6192-I.


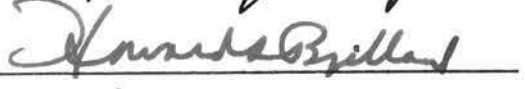

O R D E R

THE COMMISSION ORDERS:

That the authority held by Respondent, Inter-State Detective Bureau, Inc. under Permits No. B-6192 and No. B-6192-I be, and the same hereby is, cancelled and revoked.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of September, 1967.
gh

(Decision No. 70106)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
IVAN SELF, DOING BUSINESS AS "IVAN)
SELF CONSTRUCTION CO.," BOX 252,)
PAGOSA SPRINGS, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 22649-PP

September 18, 1967

Appearances: Ivan Self, Pagosa Springs,
Colorado, pro se.

PROCEDURE AND RECORD

On June 15, 1967, Ivan Self, doing business as "Ivan Self Construction Co.," Box 252, Pagosa Springs, Colorado, filed the instant application (No. 22649-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of logs and poles and related commodities as set forth in the application.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court Room, Court House, Pagosa Springs, Colorado, at 10 a.m. on September 6, 1967. On September 12, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application. The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This Applicant does not hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for transportation of logs, poles and related commodities, as listed in this Application.
3. Applicant has a 1951 Ford 3-ton Truck, Bulldozer and Loader, 10 years of experience in related fields, and a net worth of \$30,000, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Ivan Self, doing business as "Ivan Self Construction Co.," to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 40 miles of said forests; rough lumber, from sawmills in said 40-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Ivan Self, doing business as "Ivan Self Construction Co.,"
Box 252, Pagosa Springs, Colorado, be, and hereby is, authorized to
operate as a Class "B" private carrier by motor vehicle for hire, for

"Transportation of logs, poles and timber products,
from forests to sawmills, places of storage and loading
points within a radius of 40 miles of said forests;
rough lumber, from sawmills in said 40-mile radius to
markets in the State of Colorado; provided, however,
that no town-to-town service shall be rendered;"

and this ORDER shall be deemed to be, and be a PERMIT therefor.

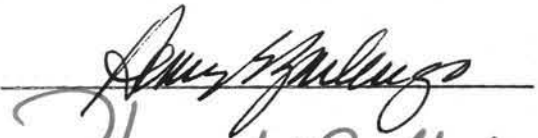


That all operations hereunder shall be strictly contract operations,
the Commission retaining jurisdiction to make such amendments to this permit
deemed advisable.

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 18th day of September, 1967.
gh

(Decision No. 70107)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE REDUCED RATES, SODIUM SILICATE,)
LIQUID, IN BULK IN TANK VEHICLES,)
BETWEEN CLIMAX, COLORADO ANDURAD)
MINE SITE NEAR EMPIRE, COLORADO.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 591
SUPPLEMENTAL ORDER

September 18, 1967

Appearances: Alvin J. Meiklejohn, Jr., Esq.,
Denver, Colorado, for Eveready
Freight Service, Inc., Respondent;
John P. Thompson, Esq., Denver,
Colorado, for Denver Climax
Truck Line, Inc., Protestant;
Daniel R. Hale, Climax, Colorado,
for Climax American Metals, Inc.;
Harry Eastlund and Ralph Knull,
Denver, Colorado, for the Staff
of the Commission.

STATEMENT AND FINDINGS OF FACT

On August 22, 1967, the Commission entered Decision No. 69974,
in the above-entitled matter.

On September 11, 1967, "Petition for Rehearing," was filed with
the Commission by Respondent, Eveready Freight Service, Inc., by its
attorneys.

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 Respondent,
Eveready Freight Service, Inc., 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 18th day of September, 1967.
gh

(Decision No. 70108)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FLOYD M. CROSS, BOX 274, DURANGO,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 22719-PP

September 19, 1967

Appearances: Floyd M. Cross, Durango,
Colorado, pro se.

PROCEDURE AND RECORD

On July 26, 1967, Floyd M. Cross, Box 274, Durango, Colorado, filed the instant application (No. 22719-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of logs and poles and related commodities as set forth in the application. On August 28, 1967, the Staff of the Commission issued temporary authority to so operate to Floyd M. Cross.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court Room, Court House, Pagosa Springs, Colorado, at 10 a.m. on September 6, 1967. On September 12, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This Applicant does not hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for transportation of logs, poles and related commodities, as listed in this application.
3. Applicant has a 1956 Mack B73 5-ton Logging Truck, three months' experience in related fields, and a net worth of \$10,000, all of which are ample and suitable for operation of the authority requested herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Floyd M. Cross, to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests; rough lumber, from sawmills in said 100-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Floyd M. Cross, Box 274, Durango, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests; rough lumber, from sawmills in said 100-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered;"

and this ORDER shall be deemed to be, and be a PERMIT therefor.

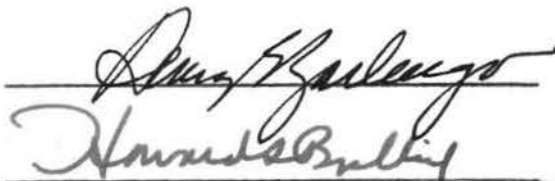
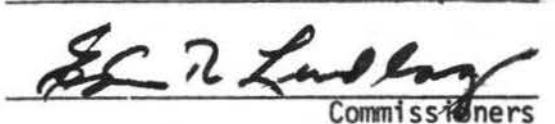
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 19th day of September, 1967.
gh

(Decision No. 70109)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JIM B. STOLWORTHY, 243 WEST 21ST)
STREET, DURANGO, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 22708-PP

September 19, 1967

Appearances: Jim B. Stolworthy, Durango,
Colorado, pro se.

PROCEDURE AND RECORD

On August 8, 1967, Jim B. Stolworthy, 243 West 21st Street, Durango, Colorado, filed the instant application (No. 22708-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of logs and poles and related commodities as set forth in the application.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court Room, Court House, Pagosa Springs, Colorado at 10 a.m. on September 6, 1967. On September 12, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This Applicant does not hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for transportation of logs, poles and related commodities, as listed in this application.
3. Applicant has a 1951 GMC 2-ton Logging Truck, 5 years of experience in related fields, and a net worth of \$5,000, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Jim B. Stolworthy, to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests; rough lumber, from sawmills in said 100-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Jim B. Stolworthy, 243 West 21st Street, Durango, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests; rough lumber, from sawmills in said 100-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered."

and this ORDER shall be deemed to be, and be a PERMIT therefor.

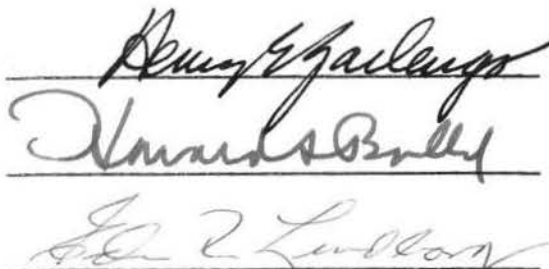
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 19th day of September, 1967.
gh

(Decision No. 70110)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE H. MURRAY, ROUTE 1, BOX 500B,)
DURANGO, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22709-PP

September 19, 1967

Appearances: Joe H. Murray, Durango,
Colorado, pro se.

PROCEDURE AND RECORD

On July 17, 1967, Joe H. Murray, Route 1, Box 500B, Durango, Colorado, filed the instant application (No. 22709-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of logs and poles and related commodities as set forth in the application.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court Room, Court House, Pagosa Springs, Colorado, at 10 a.m. on September 6, 1967. On September 12, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This Applicant does not hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for transportation of logs, poles and related commodities, as listed in this application.
3. Applicant has a 1957 Mack 5-ton Logging Truck, 17 years of experience in related fields, and a net worth of \$11,500, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Joe H. Murray, to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests; rough lumber, from sawmills in said 100-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Joe H. Murray, Route 1, Box 500B, Durango, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests; rough lumber, from sawmills in said 100-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered;"

and this ORDER shall be deemed to be, and be a PERMIT therefor.


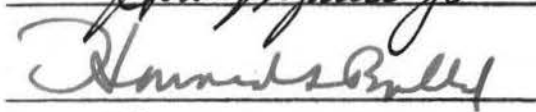
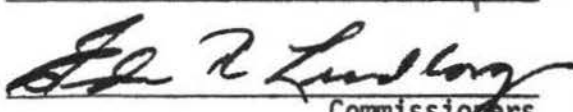
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 19th day of September, 1967.
gh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF GLENN G. MEADOR, 9000 WEST 68TH)	
AVENUE, ARVADA, COLORADO, FOR A)	APPLICATION NO. 22740-PP
CLASS "B" PERMIT TO OPERATE AS A)	
PRIVATE CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	

September 19, 1967

Appearances: Glenn G. Meador, Arvada,
Colorado, pro se.

PROCEDURE AND RECORD

On August 8, 1967, Glenn G. Meador, 9000 West 68th Avenue, 9000 West 68th Avenue, Arvada, Colorado, filed the instant application (No. 22740-PP) 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 related commodities as set forth in the application. On August 16, 1967, the Staff of the Commission issued temporary authority to so operate to Glenn G. Meador.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on September 11, 1967. On September 12, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the

record of the proceedings as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This Applicant does not hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for transportation of sand, gravel and related commodities, as listed in this application.
3. Applicant has two single-axle small dump trucks, 20 years of experience in related fields, and a net worth of \$20,000, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Glenn G. Meador, to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"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."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Glenn G. Meador, 9000 West 68th Avenue, Arvada, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, 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 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 home 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;"

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 F. Galleago
Howard B. Byler
John R. Lunscomb
Commissioners

Dated at Denver, Colorado,
this 19th day of September, 1967.
1s

(Decision No. 70112)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ELDON F. GILBREATH, DOING BUSINESS)
AS "GILBREATH TRUCK LINES," SOUTH)
STAR ROUTE, KING MOUNTAIN ROCK CO.,) APPLICATION NO. 22756-PP
LYONS, COLORADO FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

September 19, 1967

Appearances: Eldon F. Gilbreath, Lyons,
Colorado, pro se.

PROCEDURE AND RECORD

On August 17, 1967, Eldon F. Gilbreath, doing business as "Gilbreath Truck Lines," South Star Route, King Mountain Rock Co., Lyons, Colorado, filed the instant application (No. 22756-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intra-state commerce for the transportation of sand, gravel and related commodities as set forth in the application.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado at 10 a.m. on September 5, 1967. On September 12, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the

record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This Applicant does not hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for transportation of sand, gravel and related commodities, as listed in this application.
3. Applicant has 2 Tractors and 2 Trailers, has had seven years of experience as manager for a trucking firm, and a net worth of \$30,000, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Eldon F. Gilbreath, doing business as "Gilbreath Truck Lines," to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"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 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 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 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 50 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."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Eldon F. Gilbreath, doing business as "Gilbreath Truck Lines," South Star Route, King Mountain Rock Co., Lyons, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, 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 50 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 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 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 50 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.


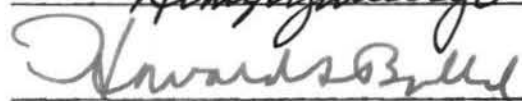
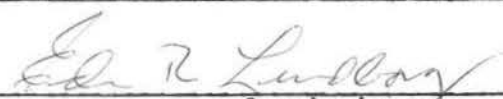
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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




Commissioners

Dated at Denver, Colorado,
this 19th day of September, 1967.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE REDUCED RATES ON CEMENT,
IN BAGS, FROM PORTLAND AND
PUEBLO TO LAS ANIMAS, COLORADO

)
) Investigation and Suspension
) Docket No. 592

September 18, 1967

Appearances: Robert L. Harris
for Las Animas Transfer Co.,
Respondent

Hubert Work
for Weicker Transfer & Storage Co.,
Protestant

Ralph Knoll and Irven Burke
for the Staff of the Commission

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By 7th Revised Page No. 46 to Motor Freight Tariff No. 14, Colorado PUC No. 13*(*The Motor Truck Common Carriers Association, Agent, Series) rates were filed on July 10, 1967, on cement, in bags, minimum weight 33,000 pounds from Portland to Las Animas, Colorado at 21 cents per cwt., and from Pueblo, Colorado to Las Animas, Colorado at 20 cents per cwt., scheduled to become effective August 11, 1967. The Commission, having received a protest and request for suspension from an interested party, suspended the matter by Decision No. 69881, dated August 2, 1967, with the use thereof being deferred to and including December 9, 1967.

The herein subject matter was set for hearing before the Commission on the 6th day of September, 1967, at 10:00 o'clock a.m., in the Commission hearing room at Denver, Colorado. Hearing was held on that date and the matter taken under advisement.

The Las Animas Transfer Co., hereinafter designated as respondent, caused the above filing for its account. The owner of the

respondent appeared and testified in support of the proposed tariff filing. His testimony disclosed that he is the owner of The Las Animas Transfer Company; that he operates under authority of Certificate No. 254 issued by the Commission; that he had been in the trucking business for 21 years; and that he felt he was qualified to state his operating costs based on this experience. He furnished revenue and cost figures on a typical load of cement transported from Portland to Las Animas, as follows:

33,440 lbs., at 21¢ per cwt., Revenue \$70.22

Expense based on 220-mile Round Trip

Ton Mile Tax	\$5.65	
Tires	4.40	
Fuel	10.35	
Labor	20.00	
Depreciation & Repair	22.00	(Based on 10¢ per mile)
Total	<u>\$62.40</u>	

Based upon the above figures, respondent claims a net profit of \$7.82 per load or over 10 percent.

Respondent testified further as to the cost per barrel of cement moving via truck and via rail. The figures which he furnished indicated that via truck the delivered price (including the proposed 21¢ rate) would be \$5.448 per bbl., via rail the delivered price (including the existing rail rate of 18½¢) would be \$5.13 per bbl.

Concluding his direct testimony, the respondent stated that he could make a profit on the proposed rate and that he could not go more than 3 cents above the rail rate and still retain the business.

In response to cross examination by the protestant, the respondent stated that his overhead costs were included in the figure of 10 cents per mile; that using a single axle tractor and van-type trailer he was within the legal weight limits for the Colorado State Highways; that he had about \$9,000.00 invested in the tractor and trailer being used on this haul and that his depreciation rate was based on this figure; that he had applied the 21 cent rate "for 7 or 8 years"; and that he had discussed the filing of this rate with Ray Smith of Colorado Motor Carriers a couple of years ago but had never proceeded with the

publication until the instant case.

In response to questions from the Staff, the respondent testified that he did not know what his average operating cost per mile might be; that he thought it might be around 20 cents per mile (excluding labor); and that he was not aware that his annual report indicated that his operating costs per mile were 37.49 cents in 1966, but that he felt it was much less expensive to transport loads of cement because of no damage claims, etc. He admitted that the existing rate from Portland to Las Animas was 27 cents and that this was the legal rate, but that he had applied the 21 cent rate because it was the maximum rate which he could charge and still retain the business.

In addition, the respondent testified that he had hauled one load out of Pueblo; that this load was palletized and was not compatible with his equipment or operation; and that the tariff filing of 20 cents from Pueblo to Las Animas was a mistake and that he would like to have this rate withdrawn or canceled.

The Manager of the Tom J. Gardner Lumber Co., of Las Animas, Colorado, appeared and testified on behalf of the respondent and identified Exhibit No. 1 which consisted of 5 pages as follows:

Page 1 - Las Animas estimate of revenue and expense for typical load of cement transported from Portland to Las Animas, Colorado.

Page 2 - Invoice No.99 from Ideal Cement for 88 bbls. of cement.

Page 3 - Santa Fe RR freight bill for load of cement to T. J. Gardner Lumber Co., showing rail rate of 18½ cents cwt.

Page 4 - Invoice No. 1643 from Ideal Cement for 158 bbls. of cement to T. J. Gardner Lumber Co., Las Animas, Colorado.

Page 5 - Loading order from Ideal Cement Co., covering 158 bbls. of cement to T. J. Gardner Lumber Co., Las Animas, showing rail rate of 18½ cents cwt.

This witness further testified that he controlled the routing on the cement he purchased and that he has been specifying Las Animas Transfer Co., because of the 21 cent rate; and that his Company is not located on rail siding and that his cost of transfer from rail car to his yard is 3 cents per sack.

The Executive Vice President of Weicker Transfer & Storage, the protestant herein, testified that, as pertinent to this hearing, his Company operates under Certificate No. 480 issued by this Commission; that the proposed rates were brought to his attention by Rocky Mountain Cement Co., and that said rates discriminate against that Company; that the proposed rate and minimum produces around 32 cents per mile round trip which is not compensatory; that said proposed rates and minimum are drastic reductions over the existing rates and minimum; that depreciation on a tractor-trailer combination valued at \$25,000 should be around 10 cents per mile; that the management of Weicker feels that they require 50 cents per mile as the "break-even" point in their operation; and that railroads have certain definite advantages over truck lines which makes it impossible for them to meet the rail rates.

The Commission in attempting to arrive at a decision in this matter is severely handicapped by the wide variance in the cost figures as submitted by the respondent in this hearing and those as contained in his annual report as on file with the Commission. The figures furnished in the annual report for 1966 indicate an operating cost per mile of 37.49 cents, whereas the cost figures offered in support of the proposed rates result in costs of 28.36 cents per mile, a decrease of 9.13 cents per mile. Conceding that the cost of transporting loads of sacked cement might be less than that of other merchandise transported by this respondent, the record is silent as to how much less these operating costs might be. Respondent stated that the figure of 10 cents per mile furnished by him as the cost of depreciation and repair included all of his overhead costs. The Protestant, on the other hand, maintained (at least on the type of equipment he operates) that depreciation alone would be in the vicinity of 10 cents per mile. The record offers no clue as to the specific amounts to be attributed to such items as terminal expense; sales and advertising expense; insurance and safety expense; administration and general expense; and taxes and license expense.

(other than ton-mile tax). In the respondent's annual report, however, these specific items comprise 18 per cent of the total operating and maintenance costs. In light of this contradiction, and the fact that the cost figures furnished by respondent were unsupported by any documentary evidence, the Commission must conclude, and so finds, that the proposed rate of 21 cents, minimum 33,000 pounds -- which produces round trip earnings of 31.78 cents per mile -- is non-compensatory and that the suspended schedules (including the 20-cent rate from Pueblo which the respondent asked to have withdrawn) should be canceled and that this proceeding be discontinued.

The Commission is of the opinion that one other matter involved herein is of a serious nature and should be discussed. The respondent has applied a rate of 21 cents to the movement of cement from Portland to Las Animas for, in his own words, "7 or 8 years", despite the fact that the rate published in the applicable tariff is 27 cents on 35,000 pound minimum. Chapter 115, Article 3, Paragraph 3, CRS 1963, provides "Under such rules and regulations as the Commission may prescribe, every public utility shall file with the Commission within such time and in such form as the Commission may designate, and shall print and keep open to public inspection schedules showing all rates, tolls, rentals, charges and classifications collected or enforced, or to be collected and enforced --"

Also, Rule 31 of the Commission's Rules and Regulations Governing Common Carriers provides, "(a) No motor vehicle carrier shall charge, demand, collect, or receive a greater, or less, or different, compensation for the transportation of any commodity or shipment than the rates, charges, classifications, exceptions, rules and regulations, prescribed by the Commission for the transportation of any such commodity or shipment, which said rates, charges, classification, exceptions, rules and regulations shall be published in the manner and form prescribed by law and the Orders of the Commission."

"(b) No motor vehicle carrier shall charge, demand, collect, or receive a greater, or less, or different, compensation for any service

rendered, or to be rendered, than the rates and charges applicable to such transportation service as specified in its schedules on file and in effect at the time. - -"

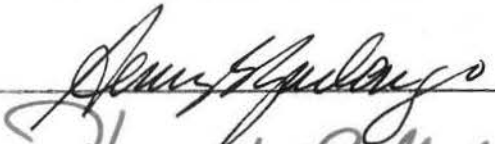
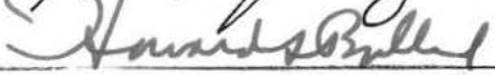

Thus, in view of the above and foregoing, the Commission has clearly and concisely set forth specific rules covering the filing and observances of rates and charges for the transportation services as provided in this proceeding. The respondent should be admonished that these rules and regulations are not to be ignored, and that willful violations will not be condoned. The published rates are the legal rates of the carrier and must be observed without deviation.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings herein be, and they are hereby, made a part hereof.
2. That the respondent herein be, and it is hereby, notified and required to cancel item 420 of Motor Freight Tariff No. 14, Colorado PUC No. 13*(*The Motor Truck Common Carriers Association, Agent, Series) referred to in decision No. 69881, dated August 2, 1967, on or before October 10, 1967, upon notice to the Commission and the general public by not less than (1) day's filing and posting in the manner prescribed by law and the rules and regulations of the Commission.
3. That this proceeding be, and it is hereby, discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
18th day of September, 1967. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASED RATES AND)
CHARGES ON PETROLEUM AND)
PETROLEUM PRODUCTS)
-----)

Investigation and Suspension
Docket No. 596

September 19, 1967

STATEMENT AND FINDINGS

BY THE COMMISSION:

On August 31, 1967, Ward Transport, Inc., D. S. Smith, Sales and Traffic Manager, filed 2nd Revised Page No. 22 to its Motor Freight Tariff No. C-4, Colorado PUC No. 4, naming increased rates and charges applicable on Petroleum and Petroleum Products, as described in the Item No. 15, from Denver, Colorado to Buckley Field, Column * A .466 cents and Column *B .522 cents, minimum shipment 8,000 and 7,000 gallons respectively, scheduled to become effective October 1, 1967. The rates are also applicable from the following refineries and terminals located in the Denver area, - Continental Oil Refinery, Denver Products Terminal, Empire Petroleum Company, Oriental Oil Refinery, Phillips Pipe Line Terminal, Shamrock Oil and Gas Corporation Terminal, Tenneco Oil Company Refinery, Wyco Pipe Line Terminal (Dupont), and if the terminal or refinery is within 15 miles (airline) of the Colorado State Capitol Building.

The Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, also filed, on August 31, 1967, identical rates and charges as appearing on 7th Revised Page No. 21 to Motor Freight Tariff No. 7-A, Colorado PUC No. 12, scheduled to become effective October 1, 1967.

Upon consideration of the said schedules, the proposed rates and charges may, if permitted to become effective, result in rates and charges that may be in violation of the Public Utilities Law. It is the opinion of the Commission that the said schedules

* .466 - increased from .299 (Rates in cents per gallon)

* .522 - increased from .335 (Rates in cents per gallon)

should be suspended and an investigation entered into and concerning the lawfulness of the rates and charges contained therein.

O R D E R


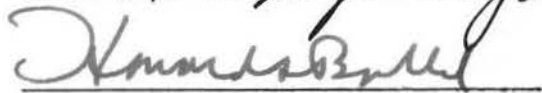
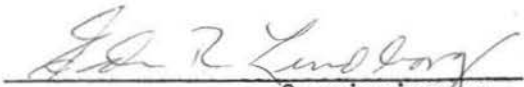
THE COMMISSION ORDERS, that: --

1. The Statement and Findings herein be, and they are hereby, made a part hereof.
2. It shall enter upon a hearing concerning the lawfulness of the rates as proposed in the tariffs referred to in the statement hereof.
3. The operation of said schedules be, and they are hereby, suspended and the use thereof deferred to and including January 29, 1967, unless otherwise ordered by the Commission.
4. The investigation in this proceeding shall not be limited 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 schedules under the Public Utilities Law.
5. Neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period 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 that a copy hereof be served upon Ward Transport, Inc., D. S. Smith, Sales & Traffic Manager, P.O. Box 100, Commerce City, Colorado 80022, and Colorado Motor Carriers' Association, Agent, 4060 Elati Street, Denver, Colorado 80216, and that Ward Transport, Inc., and carriers participating in the Association tariff be and they are hereby, made respondents in this proceeding. The necessary suspension supplements shall be issued to the respective tariffs.

7. Seven days prior to the hearing date herein, respondents shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case.

8. This Investigation and Suspension Docket No. 596 be, and the same is hereby, set for hearing before the Commission on the 5th day of December, 1967, at 10:00 o'clock a.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
19th day of September, 1967. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE RATES AND CHARGES ON
PETROLEUM AND PETROLEUM
PRODUCTS

CASE No. 1585

September 19, 1967

STATEMENT AND FINDINGS

BY THE COMMISSION:

On July 13, 1967, Ruan Transport Corporation, William Hogarth, Traffic Manager, filed 7th Revised Page No. 16, to Local Commodity Tariff Colorado PUC No. 5, naming increased rates applicable on petroleum and petroleum products, as described in Item No. 10, from Denver, Colorado to Buckley Field, Column *A .466 and Column *B .522, minimum shipment 8,000 and 7,000 gallons respectively. The rates are also applicable from the following refineries and terminals located in the Denver Area: Continental Oil Refinery, Denver Products Terminal, Empire Petroleum Company, Oriental Oil Refinery, Phillips Pipe Line Terminal, Shamrock Oil & Gas Corp., Terminal, Tenneco Oil Company Refinery, Wyco Pipe Line Terminal (Dupont) and if the terminal or refinery is within 15 miles (airline) of the Colorado State Capitol Building. The rates became effective August 14, 1967.

Upon consideration of the said schedule, there is reason to institute an investigation to determine whether the rates are just and reasonable and not otherwise in violation of the Public Utilities Law. It is the opinion of the Commission that the said schedules should be investigated and the matter set for hearing.

O R D E R

THE COMMISSION ORDERS, that: --

1. The Statement and Findings herein be, and they are hereby made a part hereof.


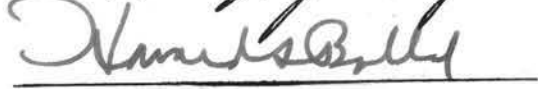
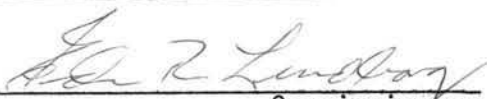
- * .466 increased from .299 (Rates in cents per gallon)
- * .522 increased from .335 (Rates in cents per gallon)

2. It shall enter upon a hearing concerning the lawfulness of the rates as filed and posted with the Commission as referred to in the statement hereof.

3. The investigation in this proceeding shall not be limited 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.

4. A copy of this order shall be filed with the schedule in the office of the Commission and a copy be served upon Ruan Transport Corporation, William Hogarth, Traffic Manager, Keosauqua at Third, Des Moines, Iowa, 50309, and that said carrier be, and it is hereby, made respondent in this proceeding. The matter shall be assigned for hearing on the 5th day of December, 1967 at 10:00 o'clock a.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
19th day of September, 1967. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

PROJECT VI, LTD.,
VILLA ITALIA SHOPPING CENTER
S. WADSWORTH BLVD., AND W. ALAMEDA
DENVER, COLORADO,

Complainant,

vs.

PUBLIC SERVICE COMPANY OF COLORADO
550 - 15TH STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5344

September 19, 1967

STATEMENT AND FINDINGS OF FACT

On May 29, 1967, formal complaint was filed with the Commission by Project VI, Ltd. against the Public Service Company of Colorado.

On May 31, 1967, an Order to Satisfy or Answer was issued by the Commission, directed to the Respondent. Subsequently, on June 21, 1967, an Answer to said complaint was filed by Respondent, Public Service Company of Colorado by Lee, Bryans, Kelly & Stansfield, Attorneys.

On September 12, 1967, the Complainant, Project VI, Ltd., by its attorneys Fairfield and Woods, filed a Motion for an order of the Commission setting for oral argument the first defense of the Public Service Company, said first defense being:

"Respondent moves to dismiss the Complaint herein for its failure to state a claim for relief upon which relief can be granted and for failure of said Complaint to state any claim or request any relief over which this Commission has jurisdiction."


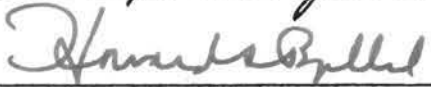
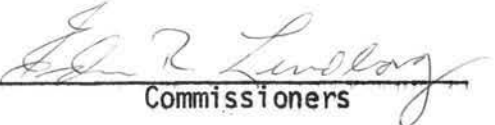
The Commission states and finds that said Motion should be set for oral argument as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Motion filed with the Commission on September 12, 1967, by Complainant, Project VI, Ltd., be, and the same hereby is, set for oral argument before the Commission at 10:00 a.m., on September 28, 1967, at 532 State Services Building, 1525 Sherman Street, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 19th day of September, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Boulder Block Inc.)
P. O. Box 583)
Boulder, Colorado 80301)
-----)

AUTHORITY NO. M 6981

CASE NO. 2144-M-Ins.

September 19, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 19, 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
19th day of September 1967 .

(Decision No. 70118)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE FAILURE OF CERTAIN CORPORATIONS,)
PARTNERSHIPS, AND/OR PERSONS TO COMPLETE)
ACTIONS INSTITUTED BEFORE THE COMMISSION)
FOR AUTHORITY TO OPERATE AS COMMERCIAL)
CARRIERS BY MOTOR VEHICLE (NOT FOR HIRE))
OVER THE PUBLIC HIGHWAYS OF THE STATE OF)
COLORADO.)

September 19, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the hereinafter stated corporations, partnerships, and/or persons as specifically set forth in the Order part of this Decision have paid to the Commission the required filing fee for authority to operate as a Commercial Carrier by Motor Vehicle (not for hire) over the public highways of the State of Colorado but have either (1) failed to file an application requesting such authority or (2) have failed, after filing an application for such authority, to file either a request for identification cards or the required certificate of insurance -- all of which is required by law and the Commission's Rules and Regulations Governing Commercial Carriers by Motor Vehicle.

The files and records of the Commission -- in addition to the above -- further disclose that all of said corporations, partnerships, and/or persons have previously been duly notified by the Commission of their failure to comply with one or more of the above specifically stated items.

The Commission states and finds that all actions heretofore instituted before the Commission by the corporations, partnerships, and/or persons as listed in the Order part of this Decision should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That all actions heretofore instituted by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as a Commercial Carrier by Motor Vehicle (not for hire) over the public highways of the State of Colorado, be, and the same hereby are, dismissed:

A. A. Mercantile Company	602 Broadway Larned, Kansas
American Tent & Canvas Co.	125 - 1st Street Lafollette, Tennessee 37766
Anderson Seismograph Bit Service	Box 313 Casper, Wyoming 82601
Banks Mud Sales	Box 124 Vernal, Utah 84078
Bargain Barn Furniture	Box 864 Gallup, New Mexico 87301
Bertsch Trucking, Inc.	Hillsboro, North Dakota 58045
Bowen, James F.	5th and Main, Box 483 Arapahoe, Nebraska
Burlington Champlin Service	2180 Rose Avenue Burlington, Colorado 80807
Bustam, Frank M.	1627 East 14th Street Pueblo, Colorado 81001
Winslow, Clarence L. dba C & L Nursery	404 Genessee Burlington, Colorado 80807
Calhoun Farms	Montrose, Missouri 64770
McInturff Harold, Nichol, Clara & Dean dba Claras 2nd Hand Store	Box 744 Rifle, Colorado 81650
Clark Engineering Co.	1335 South State Orem, Utah 84057
Colorado Demolition Co. Inc.	1544 Elmira, Suite 201 Aurora, Colorado 80010
Control System Inc.	3840 N W 37 Court Miami, Florida 33142
Crofford, W. B.	1417 - 26th Street Wichita Falls, Texas 76301
Nix, Robert L. dba Curtis Hardware	Box 127 Silverton, Colorado 81433

Dempster, Jim	#50 North Trenton Tulsa, Oklahoma 74115
Enyeart, Wolf and Keeney	Box 16 Idledale, Colorado 80453
Falcon Coach Company	West Port Addistion Great Bend, Kansas
Brown, Lawrence E. dba Floor Maintenance Service	1860 Gaylord Street Denver, Colorado 80218
Gordunio, Ralph	Box 125 Alamosa, Colorado 81101
Graham, Robert R.	Box 113 Breckenridge, Colorado 80424
Aigaki, T. dba Green Acre Turf Farm	Route 2, Box 298 Loveland, Colorado 80537
Hall, John F.	Meeker, Colorado 81641
Hatcher Lumber & Building Materials	1595 Carr Street Lakewood, Colorado 80215
Huckleberry, Clarence dba Huckleberry, Clarence Trucking	Box 335 Cyril Oklahoma 73029
J & P Petroleum Products Inc.	2715 South Westmoreland Dallas, Texas
Johns, Ralph dba Johns, Ralph Trailer Sales	Box 184 Duncan, Oklahoma 73533
Kenco, Inc.	Box 310 Farmington, New Mexico 87401
Trunkenbolz, F. A. dba Kool-on Company	P. O. Box 77 Henderson, Colorado 80640
Leyba, Salvador Sam	Box 135 Fraser, Colorado 80442
Midgett, Merle dba M & A Distributing	5910 Garrison Arvada, Colorado 80002
Wiseman, John R. dba M. J. O. Trailer Pulling	P. O. Box 153 Empire, Colorado 80438
Manhattan Wholesale Meat Co., Inc.	209 Yuma Manhattan, Kansas 66502
Mesa View Welding dba John, Gillis	Box 583 Olathe, Colorado 81425
Metal Industries, Inc.	P. O. Box 2827, 1714 South Johnson Amarillo, Texas 79105
Muskogee Floral Wholesalers	P. O. Box 1601 Muskogee, Oklahoma 74401

Laura Industries, Inc. dba N/A	#1 Bell Road Selma, Alabama 36701
Nauta, Lee Henry	Box 105 Livermore, Colorado
Newcomer, W. G.	P. O. Box 472 Bastrop Louisiana 71220
Porter, Tony A. dba Porter Forest Products	Route 4, Box 146-L Fort Collins, Colorado 80521
Ramirez, H. Guadalupe	Juarez, Chihuahua, Mexico
Read Ready Mix Company	P. O. Box 347 Cheyenne, Wyoming 82001
Ward, Edward O., Sr., Ward, Edward O., Jr. dba Roofing W W	318 North Chestnut Cortez, Colorado 81321
Kindt, Eugene and Stella dba S and E Sno Cones	914 East 2nd Street Florence, Colorado 81226
Glassman, M. B. dba Safelite Auto Glass & General Glass Corp.	P. O. Box 2880 Denver, Colorado 80201
Schonlaw, R. G. dba Schonlaw, Dick Supply	Box 327 Satanta, Kansas 67870
Schultz, Kenneth	Gypsum, Colorado 81637
Silver C W Co. Inc.	229 Vallejo Street Denver, Colorado 80223
Spiral Pipe Mfg. Co. Inc.	Box 248 Castaic, California 91310
Springer, William Cajeton	129 Maryland Street El Paso, Texas 79905
Starr, A. L.	1403 East Walnut Street Rich Hill, Missouri
Story, Donald E. dba Story's Equipment	Route 1, Box 116 Cortez, Colorado 81321
Thompson, Glenn R.	Box 594 Wylie, Texas 75098
United Glass and Paint, Inc.	1707 East Yellowstone Casper, Wyoming 82601
Wise Iron & Wire Works Inc.	Ebenezer Road Knoxville, Tennessee 37901

This Order shall become effective ten days from the date hereof

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin E. Zulauf
Donald B. Bell

Ed R. Lindberg
Commissioners

Dated at Denver, Colorado,
this 19th day of September, 1967.
gh

(Decision No. 70119)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MR. TED CARVER, MRS. NINA KIRK AND)
MRS. PATRICIA CALLAHAN ON BEHALF OF)
THEMSELVES AND OTHERS SIMILARLY)
SITUATED FOR AN ORDER AUTHORIZING)
PUBLIC SERVICE COMPANY OF COLORADO)
TO RENDER STREET LIGHTING SERVICE IN)
AN UNINCORPORATED AREA IN JEFFERSON)
COUNTY.)

APPLICATION NO. 22760

September 20, 1967

Appearances: D. D. Cawelti, Esq., Denver,
Colorado, for Public Service
Company of Colorado;
P. M. Brown, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

This is an application by Mr. Ted Carver and others, representing themselves and all other customers similarly situated, for an order authorizing Public Service Company of Colorado (Public Service) to install, operate and maintain street lighting service in an unincorporated area in Jefferson County, as shown on the map identified as Exhibit A attached to the application, and as hereinafter more fully described.

The matter was set for hearing, after due notice to interested parties, on September 13, 1967, at 10:00 o'clock A.M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, and was heard on a consolidated hearing with Application No. 22761.

No petitions of intervention were filed prior to the hearing and no one appeared at the hearing in opposition to the application.

A petition for street lighting service addressed to Public Service was circulated among the residents of an area in which 105 customers now receive electric service. Of the 105 customers, signatures were obtained

of 93, or a percentage of 88.6% of the total number of customers. Said petitions were submitted as Exhibit Nos. B-1 and B-2. The tariff of Public Service, providing for street lighting in unincorporated areas, states, among other things, that street lighting in an established area otherwise qualifying will be provided upon receipt by Public Service of a petition from all electric customers within the area or upon an order or decision of this Commission directing street lighting service to be established in the area. Since 12 customers did not sign, Public Service could not install street lights without an order of the Commission.

Principal spokesman for Applicants was Mr. Ted Carver. Mr. Carver testified no street lighting now exists in the area contemplated in this application. He stated that police protection was inadequate and that there had been incidents of thefts and vandalism which might have been prevented by adequate lighting. He also testified that adequate street lighting was essential from the standpoint of traffic safety.

Also present in support of the application, though not testifying were Janice E. Mosteller and Patricia A. Callahan who are residents of the area.

Mr. D. E. Lichtenwalter, Senior Engineer of Public Service Company, testified the area met all requirements of the tariff conditions, except the number of signers. Upon an Order of this Commission, Public Service is ready, willing and able to install street lighting in the area. No construction contributions are required of electric customers and, as provided in the tariff, a charge of \$0.45 per month per customer will be made. The engineering of the street lighting for the area has already been undertaken. It will require approximately 30 days to make the initial system operational. 7,000 lumen mercury vapor vertically operated, non-ornamental lights will be provided. Service will be furnished in accordance with tariff sheets, Colorado P.U.C. No. 4, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and Original Sheet No. 262B.

The proposed street lighting system was estimated to cost \$2886.00 which will be provided from internal funds of Public Service.

F I N D I N G S

THE COMMISSION FINDS:

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

That it has jurisdiction of the subject matter of this application, and of the Public Service Company of Colorado.

That the preservation of the public peace, health and safety requires the installation of a street lighting system in the area described in the Order to follow.

O R D E R

THE COMMISSION ORDERS:

That Public Service Company of Colorado is hereby authorized and directed to install, operate and maintain a non-ornamental, mercury vapor street light system in accordance with the provisions of its Tariff, Colorado PUC No. 4 - Electric, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and Original Sheet No. 262B, now existing or as it may be changed under the rules of this Commission, or according to law.

That street lights, approximately 16 in number, shall be installed as required in the area described as follows:

"Beginning at the NW corner of the intersection of W. 38th Avenue and Miller Street; thence west along the north line of said W. 38th Avenue to the SW corner of the tract presently occupied by a school and numbered as 10401 W. 38th Avenue; thence north along the west line of said tract to the SE corner of the lot (presently vacant) immediately west of said tract and south of W. 38th Place; thence west along the south lot line of said lot and the lot numbered as 10490 W. 38th Place to the SW corner thereof; thence north to the SE corner of the lot numbered as 10560 W. 38th Place; thence west along the south lot line of said last-named lot and the lot numbered as 10570 W. 38th Place to the NE corner of the lot numbered as 3840 Nelson Street; thence south along the east line of said lot to the SE corner thereof; thence west along the south lot line of said last-named lot, across Nelson Street, and continuing west along the south lot line of the lot numbered as 10640-50-60-70 W. 38th Place and the lots numbered as 10680-82-84-90 and 10710-12 W. 38th Place to the SW corner thereof; thence north along the west lot line of said last-named lot extended to the intersection with the center line of W. 38th Place; thence

west along said center line to the intersection with the west lot lines extended of the lots west of Newman Street; thence north along said last-named lot lines to the NW corner of the lot numbered as 3945 Newman Street; thence east along the north lot line of said last-named lot extended to the center line of Newman Street; thence north along said center line to the north line of W. 41st Avenue; thence east along said street line to the SW corner of the lot numbered as 10751 W. 41st Avenue; thence north along the west line of said last-named lot to the NW corner thereof; thence east along the north lot lines of said last-named lot and the lots numbered as 10551 and 10501 W. 41st Avenue to the NE corner of said last-named lot; thence south along the east lot line of said last-named lot to the north line of W. 41st Avenue; thence east along said street line, across Miller Court, and continuing along the north lot line of the lot (presently vacant) east of Miller Court; thence south along the east lot lines of the lots east of Miller Court to the intersection with the north lot line of the lot numbered as 3975 Miller Street; thence east along the north lot line of said last-named lot to the NE corner thereof; thence south along the west line of Miller Street to the point of beginning.

That this Order shall become effective as of the day and date

hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin H. Hargrove
Harold B. Bull
Ed R. Lindberg
Commissioners

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

(Decision No. 70120)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ESTELLA G. CARPENTER, ESAW HAMMONS)
AND JOE NICK ORTEGA ON BEHALF OF)
THEMSELVES AND OTHERS SIMILARLY SITU-)
ATED FOR AN ORDER AUTHORIZING PUBLIC)
SERVICE COMPANY OF COLORADO TO RENDER)
STREET LIGHTING SERVICE IN AN UNIN-)
CORPORATED AREA IN ADAMS COUNTY.)

APPLICATION NO. 22761

September 20, 1967

Appearances: D. D. Cawelti, Esq., Denver,
Colorado, for Public Service
Company of Colorado;
P. M. Brown, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

This is an application by Estella G. Carpenter and others, representing themselves and all other customers similarly situated, for an order authorizing Public Service Company of Colorado (Public Service) to install, operate and maintain street lighting service in an unincorporated area in Adams County, as shown on the map identified as Exhibit A attached to the application, and as hereinafter more fully described.

The matter was set for hearing, after due notice to interested parties, on September 13, 1967, at 10:00 o'clock A.M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, and was heard on a consolidated hearing with Application No. 22760.

No petitions of intervention were filed prior to the hearing and no one appeared at the hearing in opposition to the application.

A petition for street lighting service addressed to Public Service was circulated among the residents of an area in which 51 customers now receive electric service. Of the 51 customers, signatures were obtained of 43, or a percentage of 84.3% of the total number of customers.

Said petitions were submitted as Exhibit Nos. B-1 and B-2. The tariff of Public Service, providing for street lighting in unincorporated areas, states, among other things, that street lighting in an established area otherwise qualifying will be provided upon receipt by Public Service of a petition from all electric customers within the area or upon an order or decision of this Commission directing street lighting service to be established in the area. Since 8 customers did not sign, Public Service could not install street lights without an order of the Commission.

Principal spokesman for Applicants was Mrs. Carpenter. Mrs. Carpenter testified no street lighting now exists in the area contemplated in this application. She stated that police protection was inadequate and that there had been incidents of thefts and vandalism which might have been prevented by adequate lighting. She also testified that adequate street lighting was essential from the standpoint of traffic safety.

Also present in support of the application, though not testifying were Esaw Hammond, J. W. Ortega, LaVonne Gilbert and Dianne Ochoa who are residents of the area.

Mr. D. E. Lichtenwalter, a Senior Engineer of Public Service Company, testified the area met all requirements of the tariff conditions, except the number of signers. Upon an Order of this Commission, Public Service is ready, willing and able to install street lighting in the area. No construction contributions are required of electric customers and, as provided in the tariff, a charge of \$0.45 per month per customer will be made. The engineering of the street lighting for the area has already been undertaken. It will require approximately 30 days to make the initial system operational. 7,000 lumen mercury vapor vertically operated, non-ornamental lights will be provided. Service will be furnished in accordance with tariff sheets, Colorado P.U.C. No. 4, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and Original Sheet No. 262B.

The proposed street lighting system was estimated to cost \$1248.00 which will be provided from internal funds of Public Service.

F I N D I N G S

THE COMMISSION FINDS:

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

That it has jurisdiction of the subject matter of this application, and of the Public Service Company of Colorado.

That the preservation of the public peace, health and safety requires the installation of a street lighting system in the area described in the Order to follow.

O R D E R

THE COMMISSION ORDERS:

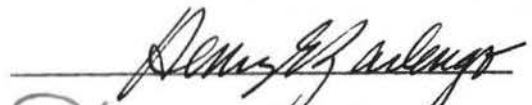
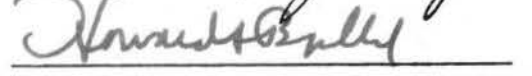

That Public Service Company of Colorado is hereby authorized and directed to install, operate and maintain a non-ornamental, mercury vapor street light system in accordance with the provisions of its Tariff, Colorado PUC No. 4 - Electric, Eighth Revised Sheet No. 262, Third Revised Sheet No. 262A and Original Sheet No. 262B, now existing or as it may be changed under the rules of this Commission, or according to law.

That street lights, approximately nine in number, shall be installed as required in the area described as follows:

"Commencing at the intersection of the center line of East 54th Avenue with the east lot lines extended southerly of the lots east of Marion Street; thence west along said center line to the intersection with the center line of Horton Court; thence northeasterly to the said last named center line to the intersection with the north line extended of East 56th Avenue; thence east along said north line to the intersection with the east lot lines extended northerly of the lots east of Marion Street; thence south along said lots east of Marion Street to the point of beginning."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

R. E. Stephenson dba)
Stephenson Electric Company)
1640 Broadway)
Boulder, Colorado 80301)

AUTHORITY NO. M-12046

CASE NO. 2068-M-Ins.

September 20, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 12, 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.

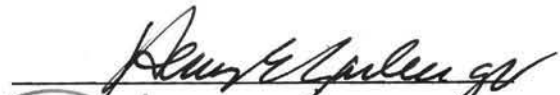


O R D E R

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
20th day of September 1967 .

(Decision No. 70122)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT R. REICHERT, DOING BUSINESS)
AS "DERBY WASTE DISPOSAL," 7091)
QUEBEC STREET, COMMERCE CITY, COLO-)
RADO, TO TRANSFER PUC NO. 2212 TO)
COMMERCE REFUSE DISPOSAL, INC.,)
7091 QUEBEC STREET, COMMERCE CITY,)
COLORADO.)

APPLICATION NO. 22710-Transfer

IN THE MATTER OF THE APPLICATION OF)
ROBERT R. REICHERT DOING BUSINESS)
AS "DERBY WASTE DISPOSAL," 7091)
QUEBEC STREET, COMMERCE CITY, COLO-)
RADO, TO TRANSFER PUC NO. 3706 TO)
COMMERCE REFUSE DISPOSAL, INC.,)
7091 QUEBEC STREET, COMMERCE CITY,)
COLORADO.)

APPLICATION NO. 22711-Transfer

September 20, 1967

Appearances: William A. Wilson, Esq., Denver,
Colorado, for Robert R. Reichert,
the Transferor, and Commerce
Refuse Disposal, Inc., the Transferee;
Edward A. Jersin, Esq., Denver,
Colorado by George E. DeRoose, Esq.,
Denver, Colorado, for Donald
Greenfield, Protestant;
Robert Lee Kessler, Esq., Denver,
Colorado, of the Staff of the
Commission, Intervenor.

PROCEDURE AND RECORD

On July 20, 1967, Robert R. Reichert, doing business as "Derby Waste Disposal," 7091 Quebec Street, Commerce City, Colorado, and Commerce Refuse Disposal, Inc., 7091 Quebec Street, Commerce City, Colorado, filed the instant joint applications (No. 22710-Transfer and No. 22711-Transfer) seeking authority from the Commission to transfer Certificates of Public Convenience and Necessity No. 2212 and No. 3706 from Robert R. Reichert to Commerce Refuse Disposal, Inc.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on

the instant applications. After due and proper notice, the applications were heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, at 10 a.m. on September 5, 1967.

On September 13, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions.


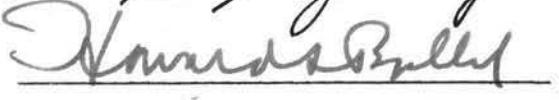
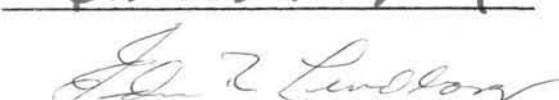
The record transmitted by the Hearing Examiner establishes that upon Motion for Continuance and good cause shown by Robert Lee Kessler, Esq., of the Staff of the Commission, the matters were continued to such time as may be reset by the Commission, such time for re-setting of hearing of these matters be no sooner than October 15, 1967.

O R D E R

THE COMMISSION ORDERS:

That Applications No. 22710-Transfer and No. 22711-Transfer be continued and re-set for hearing at such time and place as may be convenient to all parties and no sooner than October 15, 1967.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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

(Decision No. 70123)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. H. STRAHAN, DOING BUSINESS AS)
"MESA TRANSFER COMPANY," 740 7TH)
AVENUE, DURANGO, COLORADO, FOR AU-)
THORITY TO EXTEND OPERATIONS UNDER)
PUC NO. 1794.)

APPLICATION NO. 22749-Extension

September 20, 1967

Appearances: LaVerne H. McKelvey, Esq., Durango,
Colorado, for Applicant;
Warren D. Braucher, Esq., Denver,
Colorado, for Rio Grande Motor
Way, Inc., Protestant;
Leslie R. Kehl, Esq., Denver,
Colorado, for Williams Transfer
and Storage Co., Protestant.

PROCEDURE AND RECORD

On August 4, 1967, J. H. Strahan, doing business as "Mesa Transfer Company," 740 7th Avenue, Durango, Colorado, filed the instant application (No. 22749-Extension) seeking an extension of authority under Certificate of Public Convenience and Necessity No. 1794 issued by this Commission. On August 25, 1967, Williams Transfer and Storage Co. filed a protest to the instant application. On August 29, 1967, Rio Grande Motor Way, Inc., filed an Appearance and Request for Oral Examination in the above-captioned application.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the application was called for hearing by the Examiner in the District Court Room, Court House, Pagosa Springs, Colorado, at 10 a.m. on September 6, 1967.

The record transmitted by the Examiner to the Commission establishes that by agreement of all parties concerned in the instant application, that

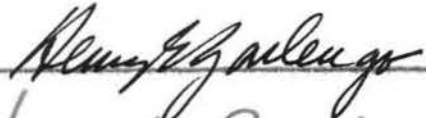
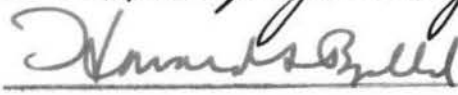
the above-styled application should be continued, and re-set for hearing at a later date,

ORDER

THE COMMISSION ORDERS:

That Application No, 22749-Extension be, and the same hereby is, continued, to be re-set for hearing before the Commission at a later date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

(Decision No. 70124)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE COUNTY OF JEFFERSON FOR AUTHORITY)
TO ESTABLISH A PUBLIC CROSSING AT)
GRADE AND TO INSTALL GRADE CROSSING)
PROTECTION DEVICES AT MILE POST 22)
PLUS 2165 FEET OF THE TRACKS OF THE)
DENVER AND RIO GRANDE WESTERN RAILROAD)
COMPANY NEAR COAL CREEK, JEFFERSON)
COUNTY, COLORADO.)

APPLICATION NO. 22768

September 21, 1967

Appearances: Joseph E. Maker, County Attorney,
Golden, Colorado, for Applicant,
County of Jefferson, Colorado;
Royce D. Sickler, Esq., Denver,
Colorado, for The Denver & Rio
Grande Western Railroad Company;
J. L. McNeill, 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 the Commission on August 28, 1967. Thereafter, the matter was set for a hearing before the Commission on September 14, 1967, at 532 State Services Building, Denver, Colorado. Appropriate notice was forwarded to interested parties, to Blue Mountain Development Company and to owners of adjacent property. The matter was heard as scheduled and taken under advisement by the Commission.

Purpose of the instant application is to secure Commission approval for the converting of an existing private grade crossing to a public highway-railroad grade crossing; also, to therewith provide and install the protection of automatic flashing lights and audible signal devices, all as designated at Mile Post 22 plus 2165 feet on the Moffat Tunnel Route of the Rio Grande Railroad, near Coal Creek, Jefferson County, Colorado. At the hearing the following exhibits were received, after explanation as given by Mr. Jack L. Trezise, who is Jefferson County Commissioner for District No. 3 where the crossing is located:

Exhibit A: Copy of fully executed Agreement, dated August 25, 1967, between Rio Grande Railroad and Board of Jefferson County Commissioners to set forth understanding of the parties pertaining to establishing the public crossing and installation of automatic signals.

Exhibit B: Copy of Resolution by Board of County Commissioners dated August 14, 1967, approve crossing agreement.

Mr. Trezise explained that instant road and crossing serves a mountain home development area known as Blue Mountain Estates; that in the last few years, the private access route over Rio Grande mainline has been gradually improved to status of a well-graded County Road, extending in a southward direction from the Coal Creek Road (Colorado Highway No. 72), and into the Blue Mountain subdivision; that the private crossing at the railroad had been widened and crossbuck signs now provide insufficient protection. Hence, County Manager was instructed by the Commissioners to make a study of the crossing use and protection needs.

Mr. Ira Hardin testified that previous to becoming County Manager on January 19, 1967, he had been County Engineer for Jefferson County and knows the crossing. In his testimony he explained that study of the crossing involved a meeting and conferences with officials of Rio Grande Railroad, officers of Blue Mountain Development Corporation and Staff of the Public Utilities Commission. Summarized as follows, this study included investigation to determine:

- (a) Public need.
- (b) Search for location to eliminate the grade crossing.
- (c) Protection needs.

(a) Public need: Crossing provides only access to sixteen families in the area; vehicular traffic is variable, but will average 145 vehicular movements daily; school bus travel over the non-protected grade crossing to handle 25 school children has been prohibited by Jefferson County school authorities.

Plats have also been submitted to Jefferson County for development of additional area and a further westward extension of the County road on the

south side of the rail line; hence, increased future need and use of the crossing is anticipated.

(b) Alternate crossing: Separation of grades by construction of a railroad bridge at some 800 feet to the east near a natural drainage-way appeared to involve flooding hazards and excessive cost due to curved track location. An alternate road westward to utilize a grade separation of Colorado Highway No. 72 required heavy rock excavation, costly culvert installation at the channel of Coal Creek, with problems of curvature and limited sight distance for a safe intersection with the State Highway.

(c) Protection needs were finalized in a proposed understanding for installation of automatic flashing light signals and bell. Work to be done on basis that cost for materials and installation by Rio Grande would be shared equally by Jefferson County and Blue Mountain Development Corporation, with continuing maintenance expense thereafter to be paid by the railroad.

In conclusion Mr. Hardin stated, that on basis of \$11,000 as estimated cost, the developer had advanced a payment of \$5,500 to the County and expenditure of equal amount is approved by Jefferson County. School bus movement over the protected crossing is also assured.

Mr. Leavitt A. Booth also described location and use of the existing private crossing. As a developer and land owner in the area south of the crossing, he explained the current development is planned for 100 single-family residence sites, which now involves 60 land owners and 21 houses. He stated westward continuation of the County Road into the foot-hill region offered potential development for 5000 acres of primitive land in the neighboring area.

Mr. Karl L. Rathgeber, Locating Engineer, Rio Grande Railroad, further identified Exhibit "A" as the Agreement signed and accepted by Rio Grande pertaining to the instant crossing. He testified the crossing has been classified as "Private" -- serving ranches in the area and for access to range or mountain grazing land as allowed in the early acquisition

of the railroad right of way. Dedication as a public crossing is now acceptable to Rio Grande on the basis that public safety be also insured through installation of automatic signal protection.

According to Mr. Rathgeber, rail traffic consists of both freight and passenger trains for an average of 16 movements daily over the crossing. In this rolling, foot-hill mountain area, maximum speed is 25 miles per hour due to track grades and curvature. Visibility of approaching trains is also limited by the irregular terrain and fog or snow of bad weather.

Proposed signals will consist of two vertical masts -- one on each side of the single track -- provided with standard double flashing light signals and a bell on one mast. Warning time of 25 seconds will be provided in accordance with maximum permissible speeds and for train movements in either direction over the crossing. Continuing railroad maintenance by routine inspection forces to assure dependable signal operation is estimated to cost \$50 per month as a Rio Grande expense. As explained by Mr. Rathgeber, some signal materials are kept on hand, that necessary items would be placed on order; and completion within 60 to 90 days is estimated in accordance with signal forces completing other work now in progress.

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 of these Findings.

That increasing vehicular traffic and change in land use from agricultural to public residential development require that an existing private grade crossing designated at Mile Post 22 plus 2165 feet of the Rio Grande Railroad be dedicated to public use as a part of the Jefferson County public road system.

That public safety, convenience and necessity will require continued use of the grade crossing with improved protection devices.

That automatic signal devices consisting of standard flashing signals and a bell be installed at the crossing herein designated at

Railroad Mile Post 22 plus 2165 feet and situated in the SE¼ Section 13, Township 2 South, Range 71 West, Jefferson County, Colorado.

O R D E R

THE COMMISSION ORDERS:

That Applicant, County of Jefferson, Board of County Commissioners, Golden, Colorado, be, and is hereby granted a certificate of public convenience and necessity for the following:

1. To authorize and approve the change in classification of an existing private grade crossing designated at Mile Post 22 plus 2165 feet, and to therewith establish same in its present location as a public highway-railroad grade crossing of the Jefferson County road system over the main line track of The Denver & Rio Grande Western Railroad Moffat Tunnel Route near Coal Creek, Jefferson County, Colorado.
2. To authorize and approve the installation, operation and maintenance of standard automatic flashing light crossing signals at the above public road grade crossing.

That the work to be done, costs, installation and maintenance of the signal devices shall be as indicated in the preceding Statement and the Agreement Exhibit "A"; all of which, by reference are made a part hereof.

That the proposed automatic signal devices and installation shall all be in conformance with the current Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

That standard Advance Warning signs of a railroad crossing be placed on the County Road by Jefferson County at each approach to the crossing.

That jurisdiction is retained by the Commission to make such additional Order or Orders herein as may be required in the future.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Gailen
Harold B. Butler
Ed Z. Lindsay
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
PERMIT NO. B-6656)	CASE NO. 111-T
)	
BY: MR. CHARLES HESSE)	NOTICE OF HEARING
1107 EAST 18TH STREET)	AND
GREELEY, COLORADO 80630)	ORDER TO SHOW CAUSE
)	
Respondent.)	
- - - - -)	

- - - - -
September 19, 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 necessary tariff 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 October 10, 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 19th day of September,
1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT WICHMANN, DAVID LEWIS, AND)
ROBERT M. ARNOLD, DOING BUSINESS AS)
"BUENA VISTA JEEP TOURS," P. O. BOX)
158, BUENA VISTA, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22715

September 20, 1967

Appearances: David L. Lewis, Buena Vista,
Colorado, for Robert Wichmann,
David Lewis and Robert M.
Arnold, doing business as
"Buena Vista Jeep Tours," the
Applicants.

PROCEDURE AND RECORD

On July 25, 1967, Robert Wichmann, David Lewis and Robert M. Arnold, doing business as "Buena Vista Jeep Tours," P. O. Box 158, Buena Vista, Colorado, filed the instant application (No. 22715) for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of passengers as set forth in the application.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, at 10 a.m. on September 11, 1967. On September 18, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicants do not hold previously granted authority from this Commission.
2. Applicants have duly and properly applied for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire as listed in this application and propose to do business in the name and style of "Buena Vista Jeep Tours."
3. Applicants have two jeeps and a net worth of \$10,000, both of which are ample and suitable for operation of the authority applied for herein.
4. Applicants have not had any previous experience in this field.
5. Applicants are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicants have or will make adequate provision for insurance.
6. There is a present and special need for the service and the granting of the authority as applied for will be in the public interest.
7. There is no other such service available in the area and the present and future public convenience and necessity requires or will require the proposed authority.
8. The authority should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicants, Robert Wichmann, David Lewis and Robert M. Arnold, doing business as "Buena Vista Jeep Tours," to operate as a common carrier by motor vehicle for hire with authority to be designated as follows:

"Transportation of passengers in sightseeing service (by the use of four-wheel drive motor vehicles, only) between points within a fifty (50) mile radius of the Town of Buena Vista, Colorado. All trips to originate and terminate in the Town of Buena Vista, Colorado."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Robert Wichmann, David Lewis and Robert M. Arnold, doing business as "Buena Vista Jeep Tours," P. O. Box 158, Buena Vista, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for

"Transportation of passengers in sightseeing service (by the use of four-wheel drive motor vehicles, only) between points within a fifty (50) mile radius of the Town of Buena Vista, Colorado. All trips to originate and terminate in the Town of Buena Vista, Colorado;"

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

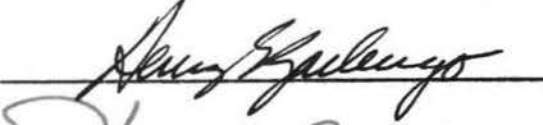
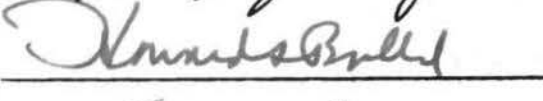

That applicant shall file tariffs of rates, rules and regulations and time and distance schedules, as required by the rules and regulations of this Commission within twenty days from date.

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

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

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 September, 1967
et

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

RE INCREASED RATES AND)
CHARGES ON PETROLEUM AND)
PETROLEUM PRODUCTS)
-----)

Investigation and Suspension
Docket No. 596

September 20, 1967

CORRECTION

BY THE COMMISSION:

By Decision No. 70114, dated September 19, 1967, increased rates for the transportation of certain petroleum products, transported from Denver, Colorado to Buckley Field, Colorado, as provided on 2nd Revised Page No. 22 to Ward Transport, Inc., Tariff No. C-4, Colorado PUC No. 4, and 7th Revised Page No. 21 to Colorado Motor Carriers' Association, Tariff No. 7-A, Colorado PUC No. 12, were suspended and investigation entered into to determine the lawfulness of said increased rates.

Through inadvertence, the proposed rates were suspended and the use thereof deferred to and including January 29, 1967, unless otherwise ordered. Said rates should have been suspended and the use thereof deferred to and including January 29, 1968.

The Commission finds that the error made should be corrected.

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. That paragraph 3 of the order in Decision No. 70114, dated September 19, 1967, be corrected to read, -- The operation of said schedules be, and they are hereby, suspended and the use thereof deferred to and including January 29, 1968, unless otherwise ordered by the Commission.

3. The order in Decision No. 70114, dated September 19, 1967, except as amended by paragraph 2, 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 September, 1967. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ANDERSON WAREHOUSE CO., A COLORADO)
CORPORATION, 1716 BLAKE STREET,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22750-PP

September 21, 1967

Appearances: Joseph G. Studholme, Esq., Denver,
Colorado, for Anderson Warehouse
Co., the Applicant;
Joseph F. Nigro, Esq., Denver,
Colorado, for Weicker Transfer
& Storage Company, United States
Transfer & Storage Co., Rocky
Mountain Warehouse Corp., Acme
Delivery Service, Inc. and
Hoffman Transfer, Protestants.

PROCEDURE AND RECORD

On August 2, 1967, Anderson Warehouse Co., a Colorado corporation,
1716 Blake Street, Denver, Colorado, filed the instant application (No.22750-PP)
for a Class "B" permit to operate as a private carrier by motor vehicle for
hire in intrastate commerce for the transportation of merchandise for only
those firms or businesses to whom he sells merchandise in the course of his
business as a manufacturers' representative as set forth in the application.

On August 29, 1967, Weicker Transfer & Storage Company, United States Transfer
& Storage Co., Rocky Mountain Warehouse Corp., Acme Delivery Service, Inc.,
and Hoffman Transfer filed a joint protest to the instant application.

On August 21, 1967, the Commission pursuant to law, designated
Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the
instant application. After due and proper notice, the Application was heard
by said Examiner in the Hearing Room of the Commission, 532 State Services
Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on September 5,
1967. On September 18, 1967, the said Examiner, pursuant to the provisions
of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the

proceeding together with a written statement of his Findings of Fact and Conclusions.

Mr. Virgil M. Anderson, President of Applicant corporation, testified in support of the application.. Protestants, by and through their counsel, protested the granting of the application.

The record transmitted by the Examiner to the Commission establishes that at the hearing the Applicant moved to amend the application so that it would be "from point to point in the City and County of Denver and a ten (10) mile radius of 1716 Blake Street, Denver, Colorado....", which amendment, being restrictive in nature was granted. Motion to take notice of the various authorities contained in Protestants' Certificates of Public Convenience and Necessity was made, which Motion was granted. The ruling of the Hearing Examiner granting and approving the amendment and motion is hereby specifically approved and confirmed by the Commission.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant, Anderson Warehouse Co., is a Colorado corporation, duly organized and existing under and by virtue of the laws of the State of Colorado. Copies of their Certificate and Articles of Incorporation are on file with the Commission.
2. Applicant corporation warehouses and will transport merchandise for only those firms or businesses to whom he sells merchandise in the course of his business as a manufacturers' representative. Applicant's customers are enticed to use Applicant's warehouse facilities and Applicant, therefore, needs personal service for these customers which personal service the Protestant carriers could not render.
3. In the event this application is granted, Applicant would not deliver from other warehouses even though said deliveries were to or in behalf of his own customers and, further, Applicant would not make deliveries to persons other than his own customers.
4. Protestants would not be able to adequately serve the customers proposed to be served by this application.

5. Applicant has duly and properly applied for a Class "B" Permit to transfer merchandise in storage to customers and stores, as listed in this application.
6. Applicant has 1 Ford Econoline Van, a net worth of \$20,000, and President Virgil M. Anderson has had 8 years of experience in related fields, all of which are ample and suitable for operation of the authority applied for herein.
7. Applicant corporation President, Mr. Virgil M. Anderson, is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
8. There is a present and special need for the service and, if this application is granted, Applicant corporation will enter into special carriage contracts with customers to perform services thereunder.
9. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
10. The evidence presented in opposition to the application is too general, indefinite and uncertain, so as to cause a denial of the application and, in fact, there was no substantial evidence presented by Protestants in opposition to said application.
11. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant corporation, Anderson Warehouse Co., to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"Transportation of merchandise from point to point in the City and County of Denver and a ten (10) mile radius of 1716 Blake Street, Denver, Colorado, for customers of Anderson Warehouse Company, whose merchandise has been stored in Anderson Warehouse Company's warehouse at 1716 Blake Street, Denver, Colorado."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

ORDER

THE COMMISSION ORDERS:

That Anderson Warehouse Co., a Colorado corporation, 1716 Blake Street, Denver, Colorado, be, and hereby is, authorized to operate as a Class

"B" private carrier by motor vehicle for hire, for

"Transportation of merchandise from point to point in the City and County of Denver and a ten (10) mile radius of 1716 Blake Street, Denver, Colorado, for customers of Anderson Warehouse Company, whose merchandise has been stored in Anderson Warehouse Company's Warehouse at 1716 Blake Street, Denver, 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 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 21st day of September, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Gale J. Doggett dba)
Doggett Trucking Company)
Box 193)
Sidney, Nebraska 69162)
-----)

AUTHORITY NO. M-10233
CASE NO. 2148-M-Ins.

September 21, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 12, 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.

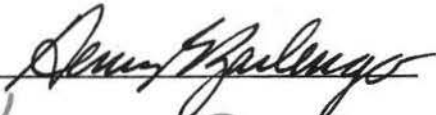
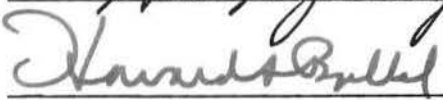

O R D E R

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 September 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RANGEVIEW, INC., GARFIELD, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 22647

September 21, 1967

PROCEDURE AND RECORD

On June 8, 1967, Rangeview, Inc., Garfield, Colorado, filed the instant application (No. 22647) for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of persons upon sightseeing tours in Chaffee, Gunnison, and Saguache Counties, Colorado, as set forth in the application.

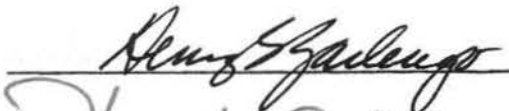
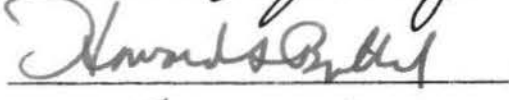
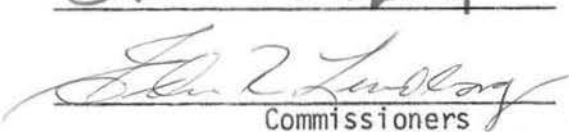
On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was called for hearing in the Commissioners Room, County Court House, 10th and Main Streets, Pueblo, Colorado, on September 15, 1967 at 10 a.m. The Applicant did not appear at the time and place. The Examiner has now filed a report with the Commission recommending that the application be re-set for hearing at a future date.

O R D E R

THE COMMISSION ORDERS:

That Application No. 22647 be re-set by the Secretary of the Commission for hearing at a later date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of September, 1967

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
AIRPORT DEVELOPMENT CORP., A COLO-)	
RADO CORPORATION, 6700 SOUTH)	
KIPLING, LITTLETON, COLORADO, FOR)	
AUTHORITY TO TRANSFER PUC AC-39 TO)	APPLICATION NO. 22637-Transfer
COLE'S AVIATION, INC., A COLORADO)	
CORPORATION, 6700 SOUTH KIPLING,)	
LITTLETON, COLORADO.)	

September 22, 1967

Appearances: William K. Malone, Esq., Denver,
Colorado, for Airport Development
Corp., the Transferor, and
Cole's Aviation, Inc., the
Transferee;
R. M. Wilson, Denver, Colorado, of
the Staff of the Commission.

PROCEDURE AND RECORD

On June 12, 1967, Airport Development Corp., a Colorado corporation, 6700 South Kipling, Littleton, Colorado, and Cole's Aviation, Inc., a Colorado corporation, 6700 South Kipling, Littleton, Colorado, filed the instant joint application (No. 22637-Transfer), seeking authority from the Commission to transfer Certificate of Public Convenience and Necessity PUC No. AC-39 from Airport Development Corp. to Cole's Aviation, Inc.

On June 16, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 9 a.m. on August 16, 1967.

On September 15, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferor herein, Airport Development Corp., is the present owner and operator of PUC AC-39, which they have in the past continually operated and which presently is in good condition before the Commission. Said Certificate is described as follows:

"Transportation, by airplane, of passengers and property, not on schedule, but on call and demand, from, to, and between all points in the State of Colorado; provided, however, that Applicant shall not establish an office or branch for the purpose of developing business at any other points than Columbine Air Park, 6700 South Kipling Street, Littleton, Colorado, and points located within a ten-mile radius thereof.

Tariffs and rates for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per-passenger effective rates of said fixed-route carriers by air so operating on schedule between said points to be non-competitive therewith."
2. Transferee herein, Cole's Aviation, Inc., does not hold previously granted authority from this Commission.
3. Cole's Aviation, Inc. is a Colorado corporation, duly organized and existing by virtue of the laws of the State of Colorado.
4. The parties have entered into an Agreement for the transfer of Certificate PUC AC-39, and pursuant to said Agreement, the consideration for the transfer is \$1,000, and the Certificate is free and clear of any debts, encumbrances or obligations.
5. The Applicants have duly and properly applied for the transfer.
6. Transferee has ample and suitable equipment and net worth (see Exhibit No. 4) and Mr. Vaughn L. Cole has a personal net worth of \$327,410 (see Exhibit No. 2), all of which is sufficient for operation of the authority applied for herein.
7. It has been satisfactorily established that the Transferee has ample and suitable experience for operation of the authority applied for herein.

8. Transferee's officers and directors are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission and have or will make adequate provision for insurance.
9. The transfer is compatible with the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing Airport Development Corp., a Colorado corporation, to transfer all of their rights, title and interest in and to Certificate PUC AC-39 to Cole's Aviation, Inc., a Colorado corporation, the description of said Certificate to remain in its present form.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Airport Development Corp., a Colorado corporation, 6700 South Kipling, Littleton, Colorado, be, and hereby is, authorized to transfer all rights, title, and interest in and to PUC No. AC-39 to Cole's Aviation, Inc., a Colorado corporation, 6700 South Kipling, Littleton, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. AC-39 shall be as follows, to-wit:

"Transportation, by airplane, of passengers and property, not on schedule, but on call and demand, from, to, and between all points in the State of Colorado; provided, however, that Applicant shall not establish an office or branch for the purpose of developing business at any other points than Columbine Air Park, 6700 South Kipling Street, Littleton, Colorado, and points located within a ten-mile radius thereof.

Tariffs and rates for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per-passenger effective rates of said fixed-route carriers by air so operating on schedule between said points to be non-competitive therewith."


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

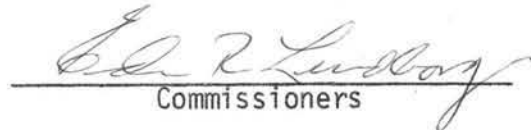
The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of the Commission.

The right of transferee to operate under this Order shall depend upon the prior filing 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 22nd day of September, 1967
et

(Decision No. 70132)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LOUIS A. PHILLIPS AND SYBILEE)
PHILLIPS, BOX 126, BAYFIELD, COLO-)
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22688-PP

September 22, 1967

Appearances: Louis A. Phillips and Sybilee
Phillips, Bayfield, Colo-
rado, pro se.

PROCEDURE AND RECORD

On July 6, 1967, Louis A. Phillips and Sybilee Phillips, Box 126, Bayfield, Colorado, filed the instant application (No. 22688) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intra-state commerce for the transportation of logs, poles and related commodities as set forth in the application. Applicants also requested that in the event the authority sought herein is granted that Permit No. B-6968 be reassigned to them, this being the number of a permit formerly held by Applicants.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court Room, Court House, Pagosa Springs, Colorado at 10 a.m. on September 6, 1967. On September 19, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted

by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. These Applicants formerly held authority from this Commission under Permit No. B-6968, which was revoked for failure to file Customer List. In the event this application is granted, Applicants would like to have this same number reassigned to them.
2. Applicants do not presently hold previously granted authority from this Commission.
3. Applicants have duly and properly applied for a Class "B" Permit for transportation of logs, poles and related commodities, as listed in this application.
4. Applicants have a 1952 International Logging Truck and D-4 Caterpillar, 15 years of experience in related fields, and a net worth of \$10,000, all of which are ample and suitable for operation of the authority applied for herein.
5. Applicants are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
6. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
7. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
8. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicants, Louis A. Phillips and Sybilee Phillips, to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 50 miles of said forests; rough lumber, from sawmills in said 50-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered."

and that the authority granted herein shall be known as "Permit No. B-6968", being the number of a permit formerly held by Applicants.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Louis A. Phillips and Sybilee Phillips, Box 126, Bayfield, Colorado, be, and hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire for

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 50 miles of said forests; rough lumber, from sawmills in said 50-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered;"

and this ORDER shall be deemed to be, and be a PERMIT therefor.

That the authority herein granted shall be known as Permit No. B-6968.

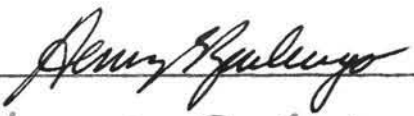
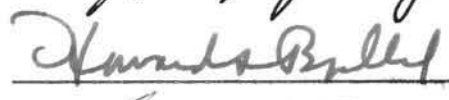

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT B. HALL, JR., DOING BUSINESS)
AS "ROCKY MOUNTAIN JEEP RENTAL,")
BOX 216, LAKE CITY, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22707-AMENDED

September 22, 1967

Appearances: Albert B. Hall, Jr., doing business
as "Rocky Mountain Jeep Rental,"
Lake City, Colorado, pro se.

PROCEDURE AND RECORD

On July 20, 1967, Albert B. Hall, Jr., doing business as "Rocky Mountain Jeep Rental," Box 216, Lake City, Colorado, filed the instant application (No. 22707-Amended) for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of passengers, in sightseeing service, in vehicles of not to exceed seven-passenger capacity, within a 50-mile radius of Lake City, Colorado, each originating and terminating at Lake City, Colorado. On August 8, 1967, the Staff of the Commission issued temporary authority to so operate to Albert B. Hall, Jr.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court Room, Court House, Pagosa Springs, Colorado, at 10 a.m. on September 6, 1967. On September 13, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one

appeared to protest the granting of the application.

Prior to the hearing, Applicant called attention to the fact that under date of June 27, 1967 and apparently intended as being submitted in conjunction with his application, he sent a letter to the Commission which letter is in the Commission file setting forth a description of the authority as follows: "Transportation of passengers, in sightseeing service, in vehicles of not to exceed seven-passenger capacity, each originating and terminating at Lake City, Colorado, or points within a 4-mile radius thereof, to all points or a combination of points within a radius of 50 miles of the Town of Lake City, Colorado." Applicant moved that the 4-mile radius of Lake City be included in the description of the authority sought, which motion was taken under advisement. The said Examiner so ruled that said motion should be granted. The ruling of the Hearing Examiner granting and approving said motion is hereby specifically approved and confirmed by the Commission.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant holds no previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire as listed in this application.
3. Applicant has 5 1956 CJ5 Jeeps which are ample and suitable for operation of the authority applied for herein and a net worth of \$100,000.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

5. There is a present and special need for the service and the granting of the authority as applied for will be in the public interest.
6. There is presently no such operation in Lake City.
7. Applicant operates the Pleasant View Resort just outside of, but within a 4-mile radius of, Lake City and it is the intent of Applicant to operate this authority in conjunction with said resort.
8. Considering the Town of Lake City and its immediate surroundings, the phrase "or points within a 4-mile radius thereof" (Lake City) would not, in fact, be an extension of the authority as described in the Notice of Hearings for Motor Carrier Applications.
9. The authority should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Albert B. Hall, Jr., doing business as "Rocky Mountain Jeep Rental," to operate as a common carrier by motor vehicle for hire with authority to be designated as follows:

"Transportation of passengers, in sightseeing service, to all points or combination of points within a radius of 50 miles of Lake City, restricted however to vehicles not to exceed seven-passenger capacity, and further restricted in that said service is to originate and terminate at Lake City, Colorado, or points within a 4-mile radius thereof."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Albert B. Hall, Jr., doing business as "Rocky Mountain Jeep Rental," Box 216, Lake City, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for

"Transportation of passengers, in sightseeing service, to all points or combination of points within a radius of 50 miles of Lake City, restricted however to vehicles not to exceed seven-passenger capacity, and further restricted in that said service is to originate and terminate at Lake City, Colorado, or points within a 4-mile radius thereof;"

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


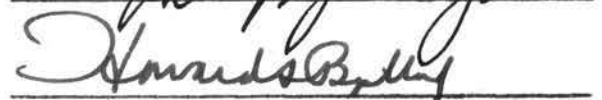
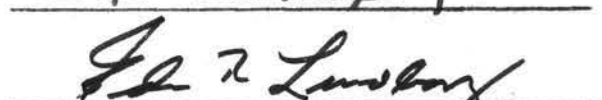
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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 22nd day of September, 1967.
ls

(Decision No. 70134)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GERALD C. MEERS, 5420 VANCE)
STREET, ARVADA, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 22739-PP

September 22, 1967

Appearances: Gerald C. Meers, Arvada,
Colorado, pro se.

PROCEDURE AND RECORD

On August 8, 1967, Gerald C. Meers, 5420 Vance Street, Arvada, Colorado, filed the instant application (No. 22739-PP) 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 related commodities as set forth in the application, and requesting that if the authority sought herein is granted, that Applicant requests operating rights to be known as Permit No. B-4302, being the number of a Permit formerly held by him.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on September 11, 1967. On September 18, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant previously held this authority; however, his permit was later revoked. If this application is granted, the same number should be reassigned to the new permit. This number is B-4302.
2. This Applicant does not presently hold previously granted authority from this Commission.
3. Applicant has duly and properly applied for a Class "B" Permit for transportation of sand, gravel and related commodities as listed in this application.
4. Applicant has one 1962 Ford Dump truck, 30 years of experience in related fields, and a net worth of \$12,000, all of which are ample and suitable for operation of the authority applied for herein.
5. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
6. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
7. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
8. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Gerald C. Meers, to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"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 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 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 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 50 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."

It is also recommended that the Commission reassign the same number, B-4302, to this Applicant.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Gerald C. Meers, 5420 Vance Street, Arvada, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, 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 50 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 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 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 50 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 the permit herein granted shall be known as Permit No. B-4302.

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

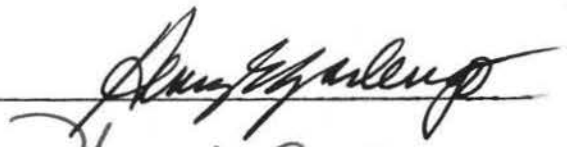
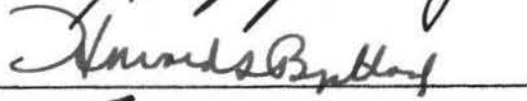
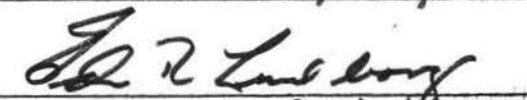
That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his

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 22nd day of September, 1967.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

BRIGHTON-NORTHGLENN CAB)

151 S. 16TH AVENUE)

BRIGHTON, COLORADO 80601)

PUC NO. 1791

September 22, 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

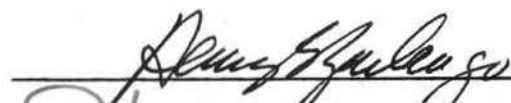
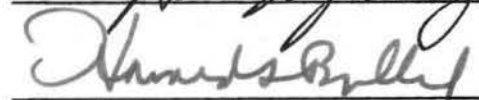
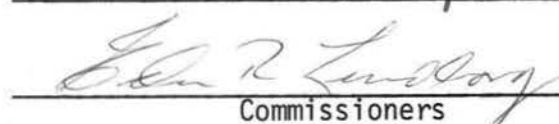
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from September 18, 1967 to and including March 18, 1968.

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 22nd day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
)	
MRS. ROSE KERRIGAN	)	<u>PERMIT NO. B-4960</u>
BOX 203)	
PENROSE, COLORADO 81240)	

September 22, 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


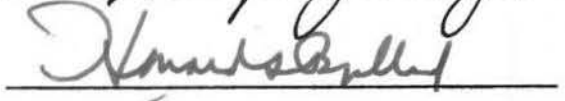

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from September 23, 1967^{to} and including March 23, 1968.

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 22nd day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
PAUL'S EXPRESS)
1813 WEST 39TH AVENUE)
DENVER, COLORADO 80211)
-----)

PERMIT NO. B-5075

September 22, 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


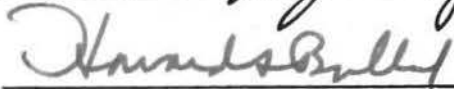

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from November 7, 1967 to and including May 7, 1968.

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 22nd day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF

VIRGIL SOMER
2232 ELEVENTH STREET
GREELEY, COLORADO 80631

PUC NO. 4430-I

September 22, 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.

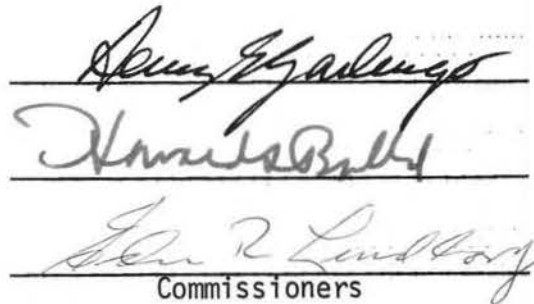
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
MELVIN LEE BROCK dba)
MELVIN'S TAXI)
BOX 22)
BRUSH, COLORADO 80723)
-----)

PUC NO. 5385

September 22, 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.


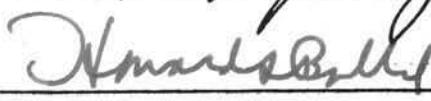
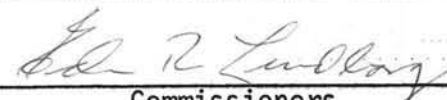
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of September 20, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 22nd day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
VIRGIL SOMER
2232 ELEVENTH STREET
GREELEY, COLORADO 80631

PERMIT NO. M-5000

September 22, 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.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 18, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
OK AUTO RADIATOR & ELECTRICAL SERVICE)
1013 - 11TH STREET)
DENVER, COLORADO 80204)

PERMIT NO. M-13070

September 22, 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.


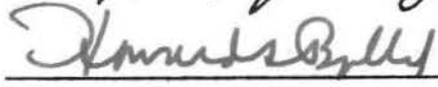

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 18, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 22nd day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
TEMP-CONTROL
136 DENVER STREET
HOLYOKE, COLORADO 80734

PERMIT NO. M-6506

September 22, 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.




ORDER

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




 Commissioners

Dated at Denver, Colorado,
this 22nd day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	*	*	*)	
EVERETT & JUNE AYERS)	
ROUTE 1)	
CEDAREGE, COLORADO 81413				)	<u>PERMIT NO. M-9067</u>

September 22, 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.

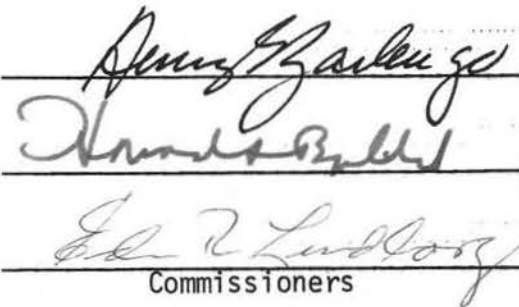
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective August 18, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	*	*	*)	
)	
TIMOTHY J. MARCOVICH)	
103 ELMWOOD CIRCLE)	
COLORADO SPRINGS, COLORADO 80907				)	<u>PERMIT NO. M-8792</u>

September 22, 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.

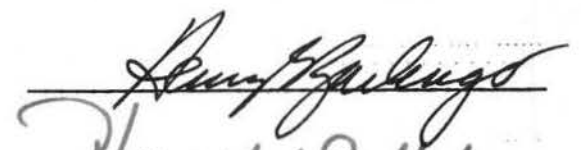
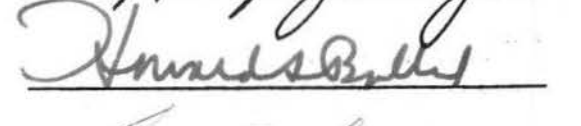
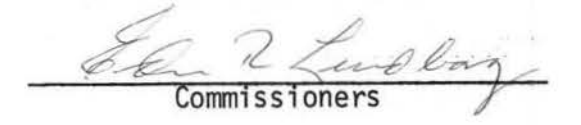
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 22nd day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE REDUCED RATES, BEER IN CONTAINERS,)
INCLUDING PALLETS, DUNNAGE AND SHIPPER'S)
ADVERTISING MATERIAL, BETWEEN GOLDEN AND)
DENVER, COLORADO, AND OTHER NEARBY POINTS)
-----)

Investigation and Suspension
Docket No. 597

September 22, 1967

STATEMENT AND FINDINGS

BY THE COMMISSION:

On August 31, 1967, Acme Delivery Service, Inc., Walter E. Rumpf, Vice President, filed with the Commission Local Motor Freight Tariff No. 11, Colorado PUC No. 11, naming reduced rates and charges for the transportation of beer, in containers, including pallets, dunnage and shipper's advertising material as set forth in Appendix "A" attached hereto, scheduled to become effective September 30, 1967.

The Commission is in receipt of a protest filed for and on behalf of Westway Motor Freight, Inc., by Leslie R. Kehl, Attorney for Protestant, requesting the suspension of said schedule.

Upon consideration of the said schedule and protest thereto, the proposed schedule may, if permitted to become effective, result in rates that may be in violation of the Public Utilities Law. It is the opinion of the Commission that said schedule should be suspended and an investigation entered into and concerning the lawfulness of the rates and charges contained therein.

O R D E R

THE COMMISSION ORDERS, that, --

1. The Statement and Findings, and Appendix A attached hereto be, and they are hereby, made a part hereof.

2. It shall enter upon a hearing concerning the lawfulness of the rates as proposed in the tariff referred to in the Statement hereof.

3. The operation of said schedule be, and it is hereby, suspended and the use thereof deferred to and including January 28, 1968, unless otherwise ordered by the Commission.

4. The investigation in this proceeding shall not be limited 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 schedules under the Public Utilities Law.

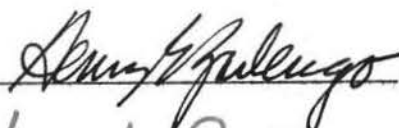
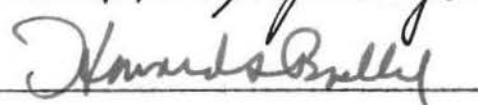
5. Neither the schedule hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.

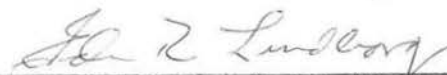
6. A copy of this order shall be filed with the schedule in the office of the Commission and that a copy hereof be served upon Acme Delivery Service, Inc., Walter E. Rumpf, Vice President, 842 Walnut Street, Denver, Colorado 80204, and said Carrier be, and it is hereby, made respondent in this proceeding. The necessary suspension supplement shall be issued, filed and posted to the schedule referred to in the statement and findings 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 it intends to introduce in evidence in support of its case,

8. This Investigation and Suspension Docket No. 597 be, and the same is hereby, set for hearing before the Commission on the 5th day of December, 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
22nd day of September, 1967. av

APPENDIX "A"

I&S No. 597, Decision No. 70145

Colo. PUC No. 11
cancels
Colo. PUC No. 10

ACME DELIVERY SERVICE, INC.

COLO. PUC NO. 2479

LOCAL MOTOR FREIGHT TARIFF NO. 11

naming

COMMODITY RATES

For the Transportation of

ADVERTISING MATERIAL

BEER

CONTAINERS, DUNNAGE OR PALLETS

Between

Golden, Colorado

and

Aurora, Denver, Englewood and Lakewood, Colorado

over irregular routes

For reference to governing publication, see Item 10.

Issued August 30, 1967

Effective September 30, 1967

Issued by:
Walter E. Rumpf, Vice President
842 Walnut Street
Denver, Colorado 80204

Item No.	GOVERNING PUBLICATION
10	This tariff is subject to the Rules and Regulations published in the Colorado Motor Carriers' Association, Agent, Local and Joint Freight Tariff No. 12-A, Colo. PUC No. 11 (The Motor Truck Common Carriers' Association, Agent, Series), supplements thereto and reissues thereof.

COMMODITY RATES

Item No.	Commodity	From	To	Rate
20	Beer, in containers, including pallets, dunnage and shipper's advertising material	Golden, Colo.	Aurora, Colo. Denver, Colo. Englewood, Colo. Lakewood, Colo.	See Below
	Containers, Dunnage or pallets, empty, returned	Aurora, Colo. Denver, Colo. Englewood, Colo. Lakewood, Colo.	Golden, Colo.	

RATES

Aurora: \$ (R) 40.00 per round trip
 Denver: 35.00 per round trip
 Englewood: (R) 40.00 per round trip
 Lakewood: (R) 26.00 per round trip

Charges apply to all commodities no matter in which manner they are handled.

Minimum cubic feet per trailer shall be 1800.

Rates and charges include the privilege of the shipper placing its advertising on carrier's equipment.

Maximum load shall be that permitted under the Colorado Law governing vehicle sizes and weights.

(R) Reduction

(Finis)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION 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)
TRANSPORTATION CO. TO LAURA BETH)
COOK, 2970 WEST 92ND AVENUE, DENVER,)
COLORADO 80221, BERNICE JARMAN,)
2800 WEST 92ND AVENUE, DENVER, COLO-)
RADO 80221, AND CLARA LOUISE)
MORRISON, 3806 SOMMERSET DRIVE,)
COLORADO SPRINGS, COLORADO.)

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

September 22, 1967

Appearances: Herbert M. Boyle, Esq., Denver,
Colorado, for Applicants;
John P. Thompson, Esq., Denver,
Colorado, for Boulder-Denver
Truck Line;
T. Peter Craven, Esq., Denver,
Colorado, for Denver-Climax
Truck Line, Inc., Westway Motor
Freight, Inc. and Red Ball
Motor Freight, Inc.

STATEMENT AND FINDINGS OF FACT

This matter came before the Commission on the Protestants' Petition to Dismiss filed with this Commission, upon which, pursuant to notice and an Order of the Commission, an oral hearing was conducted on September 21, 1967.

Having been duly advised of the premises, and having heard the statements of counsel, the Commission finds that on January 9, 1967, a Temporary Restraining Order was issued by the Clerk of the District Court in and for the City and County of Denver, which, in part, restrained Kenneth Crowley from selling, assigning, delivering, or transferring in any manner to any third persons or parties, other than Denver-Climax Truck Line, Inc., any or all of the certificates of stock, or rights therein, in his possession or control issued by Kingery Transportation Co., Inc. On January 30, 1967, there was filed in the instant proceedings an application to transfer all of the capital stock issued by Kingery Transportation Co. In said Application

Laura Beth Cook, Bernice Jarman, and Clara Louise Morrison were named as parties transferees. Kenneth Crowley was named as a party transferor in said application, and Kenneth Crowley signed said application as a party transferor.

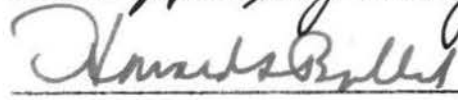
By virtue of his status as a party transferor in the instant proceedings, Kenneth Crowley is an indispensable party herein. Kenneth Crowley cannot be properly joined as a party herein and cannot lawfully participate in these proceedings because he is restrained from doing so by the terms of the aforementioned Temporary Restraining Order.

O R D E R

THE COMMISSION ORDERS:

1. The Statement and Findings herein become and they are hereby made a part hereof.
2. The Protestants' Petition to Dismiss Application No. 22412-PP-Stock Transfer, and Application No. 22413-PP-Stock Transfer be, and the same hereby is, granted.
3. Application No. 22412-PP-Stock Transfer and Application No. 22413-PP-Stock Transfer be, and the same hereby are, dismissed.
4. The effective date of the dismissal of said proceedings shall be sixty days after the date of entry as set forth below and incorporated herein.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 22nd day of September, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHESTER C. WALKER, DILLON, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 22643-PP

September 22, 1967

PROCEDURE AND RECORD

On June 8, 1967, Chester C. Walker, Dillon, Colorado, filed the instant application (No. 22643-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce. After due and proper notice, the application was called for hearing by Robert L. Pyle, Examiner for the Commission, at 9 a.m. on Wednesday, August 16, 1967, in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. The Applicant did not appear at the time and place.


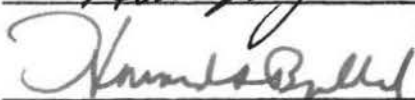
The Examiner has now filed a report with the Commission recommending that the application be re-set for hearing at a future date.

O R D E R

THE COMMISSION ORDERS:

That Application No. 22643-PP be re-set by the Secretary of the Commission for hearing at a later date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 22nd day of September, 1967

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
CERTIFIED DITCH LINERS INC.
ASH & DAYTON
PUEBLO, COLORADO 81001

PERMIT NO. M-12899

September 22, 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.

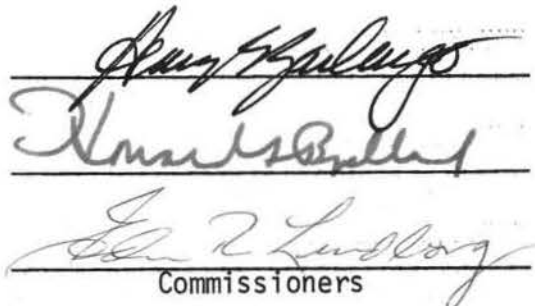
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective May 3, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
T. C. STEEN (MRS.))
2395 FULTON STREET)
AURORA, COLORADO 80010)
-----)

PERMIT NO. B-5802

September 25, 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.

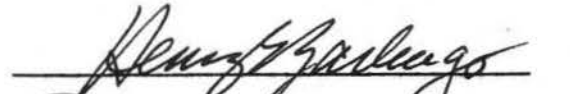
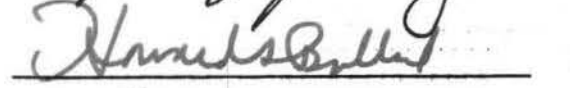
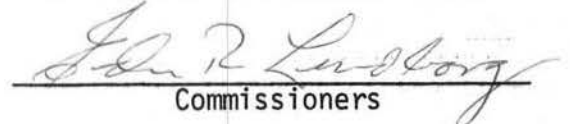
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of September 22, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 25th day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE NATIONAL MOTOR FREIGHT)
CLASSIFICATION A-9, COLORADO)
PUC NO. 6, SUPPLEMENT NO. 15)
-----)

CASE No. 1585

September 27, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 25, 1967, the National Motor Freight Traffic Association, Inc., Agent, H. J. Sonnenberg, Issuing Officer, 1616 P Street, N.W., Washington, D.C. 20036, filed Supplement No. 15 to its NMFC A-9, Colorado PUC No. 6, scheduled to become effective October 27, 1967, except as otherwise provided. In Decision No. 68180, dated September 14, 1966, the Commission instituted a continuing procedure for prescribing the changes as they occur, unless suspended. The National Motor Freight Traffic Association, Inc., Agent, has furnished justification for the changes and revisions made in Supplement No. 15, which appear as Appendix "A" hereto. The changes as shown by Supplement No. 15 are set forth in Appendix "B" hereto.

Since the changes, as proposed in Supplement No. 15, appear to represent just, fair and reasonable classes and rules, an order should be entered prescribing the same, under the provisions of Rule 18-C (1) of the Commission's Rules of Practice and Procedure.

O R D E R

THE COMMISSION ORDERS, that, --

1. The Statement and Findings, and appendixes "A" and "B" herein be, and they are hereby, made a part hereof.
2. The classes and rules as set forth in Supplement No. 15, amending NMFC A-9, Colorado PUC No. 6, shall be the prescribed classes and rules of the Commission.

3. All motor vehicle common and private carriers having tariffs on file with the Commission which are governed by the National Motor Freight Classification A-9, Colorado PUC No. 6, as amended, shall comply with the changes provided herein on October 27, 1967, except as otherwise provided.

4. On and after October 27, 1967, except as otherwise provided, all motor vehicle common and private carriers having rates and/or charges on file which are governed by the National Motor Freight Classification No. A-9, Colorado PUC No. 6, as amended, shall cease and desist from publishing, demanding or applying classes and rules which shall differ from the classes and rules published in National Motor Freight Classification A-9, as amended, except call and demand common and Class B private carriers shall be subject to the penalty rule of twenty (20) percent.


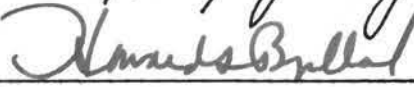

5. This rule shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

6. The orders entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

7. This order shall become effective forthwith.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
27th day of September, 1967. av

Title Page to Appendixes

National Motor Freight Traffic Association, Inc., Agent
NMFC, A-9, Colorado PUC No. 6
Supplement No. 15

Effective October 27, 1967

Except as otherwise provided

APPENDIX A - Justification

APPENDIX B - Supplement No. 15
amending NMFC A-9

CLASSES AND RULES

applying on:

Freight Traffic covered by tariffs governed by this
classification as such tariffs may provide.

Decision No. 70150
Case No. 1585
September 27, 1967

APPENDIX "A"

Page 1a, Appendix A, Supplement No. 15, NMFC A-9, Colorado PUC No. 6

Preface: Below is a summary list of changes being proposed in this supplement. "*" indicates new item number. (Provisions appearing in this "pick-up" supplement, and not appearing on this list, will be found to be prefixed with a reissued symbol indicating they have been previously changed in a prior supplement which prior supplement is being cancelled by this supplement). Following this summary list will be found a detailed explanation of the reasons for the proposed change ("D?S?" means Docket number and Subject number under which the National Classification Board handled this proposal.)

Rule 535	45976-A	58770-A	79275-A	80900-A	96820-A	171880-A
4080-A	49150-A	58772-A	79277-A	80902-A	99020-A	171882-A
11760-A	*49152	58774-A	79602-A	80904-A	*108050	171884-A
18130-A	49413-A	*61530	80060-A	81250-A	*108052	200030-A
45970-B	49414-A	*61532	80120-A	81740-A	121870-A	Pkg. 2052
45972-B	49490-A	*62530	80830-A	81742-A	*121875	Pkg. 2053
45974-B	53220-A	64880-A	80832-A	86180-A	138900-A	
Rule 535 (Memo)	When this supplement becomes effective as indicated on its title page, provisions of Note 4 of Rule 310 will have already expired by its own terms. Therefore, Rule 535 is being updated to show the then current application, and this change, merely reflecting this current application, results in neither increases nor reductions.					
4080-A (D128-S5)	Acid, Chromic, in bulk in barrels. Removal of the word "steel" at shipper's request from Sub 2 will allow the use of any drum or barrel meeting the requirements of the Dangerous Articles Tariff. This broadened application results in a reduction.					
11760-A (D128-S48)	Aircraft Parts. Item being amended to eliminate reference to "body". This change is for clarification as it is unclear as to what would constitute an aircraft body. Removal of restrictive qualification results in a reduction.					
18130-A (D124-S60)	Automobile Bodies or Body Sections. Item provisions amended to include plastic automobile body sections which have characteristics similar to automobile bodies. Item further amended to provide different classes for plastic bodies or body sections shipped KD or nested. Density of KD bodies or body sections ranges from 4 to 6 pounds per cubic foot. This change results in a reduction.					
45970-B 45972-B 45974-B 45976-A (D128-S99)	Propriety Anti-Freeze or Engine Coolant Preparations. This is a shipper proposal to provide a new type of package (Pkg. 2053) and one which has been tested in accordance with the rules of the classification. This is a broadening of the provisions of item 45970 covering Propriety Anti-Freeze, and therefore results in a reduction. Other items brought forward without change in application.					
49150-A *49152 (D127-S12)	Cloth or Fabric, cotton or synthetic fibre. Item description is amended to include material made from synthetic fibre which has characteristics similar to cotton cloth or fabric and warrants the same classes as are applicable to cloth fabric, which results in both increases and reductions. Density ranges from 21 to 28 pounds per cubic foot and value ranges from 89 cents to \$1.35. New Note added in connection with item 49150 to more clearly indicate the application of the item provisions.					

49413-A	Fabric, quilted. Item description amended to provide classes based on density to more adequately reflect the transportation characteristics of this commodity, which results in an increase.
49414-A	
(D125-S-216)	Density breaks established reflect the densities of these products. Note item 49414 brought forward without change in application.
49490-A	Lining, Pads or Padding. Item description amended to provide classes based on density to more adequately reflect the transportation characteristics of this commodity, which results in an increase. Density breaks established reflect the densities of these products.
(D125-S216)	
53220-A	Water Coolers and Cooling or Freezing Apparatus. Item being amended at shipper's request to reflect drinking water coolers having an average density of 14.45 pounds per cubic foot and an average value of \$1.52 per pound. Changing LTL Class 92½ to LTL Class 85 results in a reduction.
(D125-S219)	
58770-A	Drugs or Medicines, NOI. Reference to Note, item 58774, cancelled for tariff clarification and simplification, which restriction results in an increase. Note item 58772 brought forward without change in application. Item 58774, Note, cancellation is for tariff clarification since Note provisions no longer have application which cancellation results in an increase.
58772-A	
58774-A	
*61530	Covers, Cans, Cases, Frames, Housings, Shells or Shields. New item added to the classification to specifically provide for these articles. Classes established are reflective of the transportation characteristics of this commodity. Density ranges from 13 to 23 pounds with an average value of 22 cents per pound. New note added in connection with new item 61530, to more clearly indicate the application of the entry.
*61532	
(D126-S8)	
*62530	Mats, heating, plant propagation. New item being added to shipper's request to provide specifically for plant propagation mats having an average density of 18.9 and an average value of \$1.48.
(D125-S6)	
64880-A	Caps or Covers, stack, grain or hay. Item being cancelled because of obsolescence. Investigation revealed no known manufacturers, nor were any objections received. As the classification is being restricted to no longer cover this commodity per se, this cancellation results in an increase.
(D128-S1)	
79275-A	Chests, etc., fibreboard wallboard and wood combined. Item 79275 brought forward without change. Note being amended to make reference to the new exclusion (which thus results in an increase) for drawer bottoms and dust stops being added at shipper's request. See also item 79602.
79277-A	
(D128-S-93)	
79602-A	Note being amended at shipper's request to permit wooden or metallic furniture to have drawer bottoms or dust stops of fibreboard or fibreboard wallboard, which broadened application results in a reduction.
(D128-S93)	

80060-A (D128-S27)	Buffetts or Buffet servers, KD, in the white. Item description amended to clearly indicate that articles must be KD when shipped "in the white", which restriction results in an increase.
80120-A (D128-S28)	Bureaus, Chest-desks, KD flat, in the white. Item description amended to clearly indicate that articles must be KD when shipped in the white, which restriction results in an increase.
80830-A 80832-A (D128-S29)	Chairs or Stools and stepladders combined. Item description amended to clearly indicate that articles must be KD or collapsed when shipped "in the white", which restriction results in an increase. Note item brought forward without change in application.
80900-A 80902-A 80904-A (D128-S30)	Chests, wooden, or Clothing Boxes. Item description amended to clearly indicate articles must be KD when shipped in the white, which restriction results in an increase. Note items brought forward without change in application.
81250-A (D128-S31)	Desks, NOI. Item description amended to clearly indicate items must be KD when shipped in the white, which restriction results in increase.
81740-A 81742-A (D128-S34)	Stands, NOI, KD, in the white. Item description amended to clearly indicate that articles must be KD when shipped in the white, which restriction results in an increase.
86180-A (D128-S44)	Vinyl Chloride. Item description amended to remove reference to "inhibited" at shipper's request. Uninhibited vinyl chloride has similar transportation characteristics to the inhibited vinyl chloride and warrant same treatment. Broadened application results in a reduction.
96820-A (D125-S12)	Sprinklers, garden, lawn or irrigation. This is a shipper proposal to provide for a new type of package (pkg. 2052). It has been tested by actual shipments by motor carrier and has proved satisfactory. This is a broadening of the packaging provisions of item 96820 covering sprinklers, which broadened application results in a reduction insofar as item 96820 is concerned.
99020-A (D128-S36)	Hides, Pelts or Skins, Buffalo, green. Investigation reveals no known movements of green or green salted buffalo hides. No objections were received to the proposed cancellation. Restricting the classification to no longer apply on this commodity per se results in an increase.
*108050 *108052 (D123-S30) (D124-S113)	Kits, classroom or school laboratory demonstration. New description being added at shipper's request to provide for kits of materials used to demonstrate scientific principles in the classroom. Average density is 11.36 pounds per cubic foot and value ranges from 64 cents to \$2.09 per pound. Note being added to clearly indicate the nature of the materials covered by new item being added above for classroom or school laboratory demonstration kits.

121870-A *121875 (D125-S13)	Machines, Gear or Speed Increasing or Reducing. Item description amended to apply only on machines weighing less than 5 pounds for tariff clarification to avoid conflict with new item 121875 being added. The changes in item 121870 result in both increases and reductions. New item added to the classification at shippers request to specifically provide for machines weighing each over five pounds at classes more reflective of their transportation characteristics. Density of such machines averages 50 pounds per cubic foot with an average value of \$1.40 per pound.
138900-A (D128-S35)	Guitar Zithers. Investigation reveals item description is obsolete and no longer manufactured. Restricting the classification to no longer cover this commodity per se results in an increase.
171880-A 171882-A 171884-A (D126-S16)	Rubber, Scrap, NOI. Item 171880 brought forward without change in application. Note item 171882 brought forward without change in application. Note item 171884 description amended for tariff clarification and simplification to reflect modern trade practices and to more clearly indicate the application of item 171880, which results in an increase.
200030-A (D128-S7)	Wooden Benches, wash, in mixed TL. Wash benches, KD flat or folded flat, are obsolete and the description is no longer required or necessary in the mixed TL entry. Restricting the application of this item to no longer include this commodity results in an increase.
Pkg. 2052 (D125-S12)	New package 2052 being added at shipper's request after being proved adequate under a test shipping program for the transportation of sprinklers (item 96820). Addition of this new package, not heretofore permitted, broadens the application of the classification, thereby resulting in a reduction.
Pkg. 2053 (D128-S99)	New package 2053 being added at shipper's request after test program, to insure its adequacy for the transportation of anti-freeze (item 45970). Additional packing, not heretofore permitted, broadens application of classification, thus resulting in a reduction.

-Finis-

APPENDIX "B"

PAGE 1B, APPENDIX B, SUPPLEMENT No. 15, NMFC A-9, COLORADO PUC No. 6

RULES

RULE 535 (CANCELS RULE 535, PAGE 13 OF SUPPLEMENT 13.)

EXPIRATION DATES

RULES, ITEMS, OR OTHER PROVISIONS, MAKING REFERENCE HERETO, EXPIRE WITH THE DATE INDICATED BELOW, UNLESS SOONER CANCELLED, CHANGED OR EXTENDED.

RULE, ITEM OR PACKAGE	PROVISIONS WHICH EXPIRE	DATE EXPIRING
RULE 260	PROVISIONS OF NOTE 2	NOVEMBER 22, 1968
RULE 310	PROVISIONS OF NOTE 4	(Δ) PROVISIONS OF NOTE 4 (OF RULE 10 HAVE NO (APPLICATION, HAVING (EXPIRED WITH OCTOBER (18, 1967, AS SCHEDULED.
RULE 360	PROVISIONS OF SEC. 1 (c) AND NOTE THERETO	DECEMBER 31, 1967
ITEM 134215	) ( THE PROVISIONS OF THESE ITEMS, PAGE 481 OF CLASSIFICATION	
ITEM 134216	) ( HAVE NO APPLICATION, HAVING EXPIRED WITH DECEMBER 18,	
ITEM 134217	) ( 1966, AS SCHEDULED.	
PACKAGE 500	ALL PROVISIONS OF PACKAGE	JULY 31, 1969.

ITEM	ARTICLES	CLASSES		(MW)
		LTL	TL	
4080-A	CHROMIC, SEE NOTE, ITEM 2082:			
SUB 1	IN GLASS OR IN METAL CANS IN BARRELS OR BOXES	85	45	30.2
SUB 2	IN BULK IN ΔBARRELS	70	37½	36.2

AIRCRAFT GROUP, SUBJECT TO ITEM 11750:

11760-A	AIRCRAFT, OR Δ AIRCRAFT PARTS, VIZ.:	PANELS, WING; RUDDERS; SECTIONS, NACELLE; SECTIONS, WING; STABILIZERS; TIPS, WING; WINGS;			
	AILERONS, WING; COWLS; EDGES, LEADING, WING; ELEVATORS; FLAPS, WING; FUSELAGE, WITH POWER INSTALLED; NACELLES;				
SUB 1	IN BOXES OR CRATES	200	100	10.2	
SUB 2	BRACED OR RACKED IN VEHICLE		125	10.1	

AUTOMOBILE PARTS GROUP, SUBJECT TO ITEM 17800:

18130-A	BODIES; ΔOR BODY SECTIONS CONSISTING OF HOODS, COWLS OR REAR DECKS COMBINED WITH FENDERS, FENDER SECTIONS OR ROOFS, WITH OR WITHOUT OTHER PARTS; PLASTIC, IN BOXES OR CRATES:				
SUB 1	SU, NOT NESTED	300	300	AQ	
SUB 2	ΔKD OR NESTED	150	150	AQ	

45970-B	PROPRIETARY ANTI-FREEZE OR ENGINE COOLANT PREPARATIONS, SEE NOTE, ITEM 45972; HEAT TRANSFER AGENTS OR MEDIA, NOI, SEE NOTE, ITEM 45976; OR PROPRIETARY DE-ICING PREPARATIONS, SEE NOTE, ITEM 45974:				
SUB 1	IN CONTAINERS IN BARRELS OR BOXES, ΔOR IN PACKAGE 2053	65	35	30.2	
SUB 2	IN BULK IN BARRELS; ALSO TL, IN TANK TRUCKS, SEE RULE 370	60	35	30.2	
Δ45972-B	NOTE--APPLIES ONLY ON PROPRIETARY ANTI-FREEZE OR ENGINE COOLANT PREPARATIONS MADE FROM DENATURED ETHYL ALCOHOL, METHANOL, ETHYLENE GLYCOL, PROPYLENE GLYCOL, DISROPYLENE GLYCOL, DIETHYLENE GLYCOL OR HEXYLENE GLYCOL, WITH OR WITHOUT INHIBITOR.				
Δ45974-B	NOTE--APPLIES ONLY ON PREPARATIONS CONTAINING ALCOHOLS OR GLYCOLS, WITH OR WITHOUT WATER OR INHIBITORS, IN PRESSURIZED DISPENSING CONTAINERS.				
Δ45976-A	NOTE--APPLIES ONLY ON PROPRIETARY HEAT TRANSFER AGENTS OR MEDIA CON- SISTING OF GLYCOL ETHER, ETHYLENE GLYCOL, PROPYLENE GLYCOL, DIPHENYL AND DIPHENYL OXIDE MIXTURES, OR O-DICHLOROBENZENE, WITH OR WITHOUT INHIBITOR.				

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS SEE LAST PAGE OF THIS

ITEM	ARTICLES	CLASSES		(MW)
		LTL	TL	
♦49150-A	CLOTH OR FABRIC, COTTON OR SYNTHETIC FIBRE, RUBBER SEPARATING OR INTERLEAVING, SEE NOTE, ITEM 49152, IN BOXES, CRATES OR WRAPPED ROLLS	70	45	30.2
★49152	NOTE--APPLIES ONLY ON CLOTH OR FABRIC COATED, IMPREGNATED OR OTHERWISE TREATED TO RESIST THE ADHERENCE OF UNCURED RUBBER.			
49413-A	FABRIC, QUILTED, SEE NOTE, ITEM 49414, IN BALES, BOXES OR WRAPPED ROLLS, HAVING A DENSITY OF:			
♦SUB 1	LESS THAN 4 POUNDS PER CUBIC FOOT	300	300	AQ
SUB 2	4 POUNDS PER CUBIC FOOT OR GREATER	150	100	10.2
Δ49414-A	NOTE--APPLIES ONLY ON UNWOVEN FIBRE BATTING, PADDING OR WADDING, STITCHED OR QUILTED BETWEEN FACINGS OF KNITTED OR WOVEN CLOTH, OTHER THAN QUILTED BLANKET, BED COVER OR GARMENT LINING, PADS OR PADDING.			
49490-A	LINING, PADS OR PADDING, BLANKET, BED COVER OR GARMENT, IN BALES, BOXES OR WRAPPED ROLLS:			
SUB 1	WOVEN SHODDY, COMBINED OR NOT COMBINED WITH BURLAP	70	70	AQ
SUB 2	UNWOVEN FIBRES, QUILTED OR STITCHED, WITH OR WITHOUT PAPER REINFORCEMENT, WITH OR WITHOUT FACING OR BACKING OF MATERIALS OTHER THAN PLASTIC FILM OR SHEETING:			
♦ SUB 3	LESS THAN 4 POUNDS PER CUBIC FOOT	300	300	AQ
SUB 4	4 POUNDS PER CUBIC FOOT OR GREATER	150	100	10.2
53220-A	COOLERS GROUP, SUBJECT TO ITEM 53000: WATER COOLERS AND COOLING OR FREEZING APPARATUS COMBINED, IN BOXES OR CRATES; ALSO ON SKIDS FOR PIECES WEIGHING 3,000 POUNDS OR OVER	85	55	18.2
58770-A	DRUGS, MEDICINES OR TOILET PREPARATIONS, SUBJECT TO ITEM 58500: ♦DRUGS OR MEDICINES, NO!, SEE NOTES, ITEMS 58502, 58692 AND 58772:			
SUB 1	IN CARBOYS	100	70	24.2
SUB 2	IN BARRELS, BOXES OR PAILS, IN CARTONS, IN BAGS, OR IN PACKAGES 454 OR 850	85	50	24.2
Δ 58772-A	NOTE--WILL NOT APPLY ON COCAINE, CODEINE, HEROIN, MORPHINE NOR OPIUM, WHICH WILL NOT BE ACCEPTED.			
58774-A	NOTE-- ♦CANCEL. NO FURTHER APPLICATION			
★ 61530	COVERS, CANS, CASES, FRAMES, HOUSINGS, SHELLS OR SHIELDS, TRANSFORMER, SHEET STEEL, SEE NOTE, ITEM 61532, IN BOXES	70	40	30.2
★ 61532	NOTE--APPLIES ONLY WHEN FORMED FROM A SINGLE PIECE OF STEEL			
★ 62530	MATS, HEATING, PLANT PROPAGATION, WITH OR WITHOUT THERMOSTATS, IN BOXES	85	55	24.2
64880-A	FARM EQUIPMENT GROUP, SUBJECT TO ITEM 64600: CAPS OR COVERS, STACK, GRAIN OR HAY. ♦CANCEL. OBSOLETE.			
Δ79275-A	FURNITURE GROUP, SUBJECT TO ITEM 79000: CHESTS OF DRAWERS, DRESSERS, DESKS, BOOKCASES, BUFFETS, ROOM DIVIDERS, STANDS, TABLES OR PHONOGRAPH RECORD CABINETS, FIBREBOARD WALL- BOARD AND WOOD COMBINED, WITH OR WITHOUT ASSEMBLY HARDWARE, SEE NOTE, ITEM 79277:			
SUB 1	SU, IN PACKAGES 1F, 2F, 3F, 5F, 19F, 21F, 28F OR 84F	150	SEE ITEM 82700	
SUB 2	COMPLETELY UNASSEMBLED, IN PACKAGES 1F, 3F, 5F, 19F, 21F, 25F OR 30F	70	SEE ITEM 82700	

(CONTINUED ON PAGE 3B.)

ITEM	FURNITURE GROUP (CONTINUED)	CLASSES	
		LTL	TL (M)
79277-A	NOTE--APPLIES ONLY WHEN THE FIBREBOARD WALLBOARD COMPRISES OTHER THAN ONLY BACKS OR BACK PANELS, ♦DRAWER BOTTOMS OR DUST STOPS.		
79602-A	METALLIC OR WOODEN, SUBJECT TO ITEM 79600: NOTE--METALLIC OR WOODEN FURNITURE MAY HAVE INSERTS OF BAMBOO, CANE, FABRIC, FIBRE, GRASS, LEATHER, RATTAN, REED OR WILLOW IN BACKS, PANELS OR SEATS, OR MAY HAVE BACKS OR BACK PANELS, ♦DRAWER BOTTOMS OR DUST STOPS CONSISTING OF FIBREBOARD OR FIBREBOARD WALLBOARD.		
80060-A	BUFFETS OR BUFFET SERVERS, KD, IN PACKAGES 1F, 2F, 3F, 5F, 19F, 21F, 28F, 30F OR 37F; ♦ALSO KD, IN THE WHITE, IN PACKAGE 25F	85	SEE ITEM 82700
80120-A	BUREAUS, CHEST-DESKS, CHESTS OF DRAWERS, CHIFFOS, DRESSERS, HIGHBOYS, LOWBOYS, NIGHT STANDS, SANITARY COMMODES, SOMNOES, WASHSTANDS OR WASHSTAND COMMODES, WOODEN, SEE NOTE, ITEM 80082:		
SUB 1	SU, IN PACKAGES 1F, 2F, 3F, 5F, 21F, 28F, 30F, 37F, 68F, 71F, 77F OR 84F; ALSO NIGHT STANDS OR SANITARY COMMODES IN PACKAGE 26F	100	SEE ITEM 82700
SUB 2	KD FLAT (DRAWERS MAY BE SU), IN PACKAGES 1F, 2F, 3F, 5F, 19F, 30F, OR 71F; ♦ALSO KD FLAT (DRAWERS MAY BE SU), IN THE WHITE, IN PACKAGE 25F	85	SEE ITEM 82700
FURNITURE GROUP, SUBJECT TO ITEM 79000:			
80830-A	METALLIC OR WOODEN, SUBJECT TO ITEM 79600: CHAIRS OR STOOLS AND STEPLADDERS COMBINED, OR STEP STOOLS, SEE NOTE, ITEM 80832:		
SUB 1	SU, IN PACKAGES 1F, 2F, 3F, 5F, 26F, 28F, 30F OR 37F	125	SEE ITEM 82700
SUB 2	KD OR COLLAPSED, IN PACKAGES 1F, 2F, 3F, 5F, 19F, 26F OR 30F; ♦ALSO KD OR COLLAPSED IN THE WHITE, IN PACKAGE 25F	85	SEE ITEM 82700
Δ 80832-A	NOTE-- APPLIES ONLY ON THE NAMED ARTICLES WHICH HAVE HINGED OR PIVOTED RETRACTABLE STEPS FOR USE AS A LADDER.		
80900-A	CHESTS, WOODEN, OR CLOTHING BOXES, WITH OR WITHOUT COVERING OF CLOTH, CANE, FIBRE, GRASS OR MATTING, SEE NOTES, ITEMS 80902 AND 80904:		
SUB 1	SU, IN PACKAGES 1F, 2F, 3F, 5F, 20F, 21F, 28F, 30F, OR 37F	125	SEE ITEM 82700
SUB 2	KD, IN PACKAGES 1F, 3F, 5F OR 30F; ♦ALSO KD, IN THE WHITE, IN PACKAGES 19F OR 25F	85	SEE ITEM 82700
Δ 80902-A	NOTE--CEDAR SHAVINGS IN BAGS MAY BE INCLUDED IN TL SHIPMENTS AT RATE APPLICABLE ON CEDAR CHESTS.		
Δ 80904-A	NOTE--MINIATURE CEDAR CHESTS MAY BE SHIPPED IN PACKAGE 25F.		
81250-A	DESKS, NOI, WOODEN:		
SUB 1	SU, IN PACKAGES 1F, 2F, 3F, 5F, 21F, 28F, 30F, OR 37F	150	SEE ITEM 82700
SUB 2	KD, IN PACKAGES 1F, 3F, 5F, 19F OR 30F; ♦ALSO KD, IN THE WHITE, IN PACKAGES 19F OR 25F	100	SEE ITEM 82700
81740-A	STANDS, NOI:		
SUB 1	WIRE OR METAL ROD, SEE NOTE, ITEM 81742, IN PACKAGES 1F, 3F, 28F, 30F OR 37F	300	SEE ITEM 82700
SUB 2	OTHER THAN WIRE OR METAL ROD:		
SUB 3	SU, IN PACKAGES 1F, 3F, 5F, 28F, 30F OR 37F	125	SEE ITEM 82700
SUB 4	KD, IN PACKAGES 1F, 3F, 5F, 19F OR 30F; ALSO ♦KD, IN THE WHITE, IN PACKAGE 25F	85	SEE ITEM 82700
Δ 81742-A	NOTE--APPLIES ONLY WHEN WIRE OR ROD DOES NOT EXCEED 3/16 -INCH IN THICKNESS.		
TABLES, NOI, SEE NOTES, ITEMS 80082 AND 82138, SUBJECT TO ITEM 82100.			

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS SUPPLEMENT.

ITEM	ARTICLES	CLASSES		
		LTL	TL	(MW)
	GASES, COMPRESSED, SUBJECT TO ITEM 85500:			
86180-A	♦VINYL CHLORIDE, IN STEEL SYLINDERS OR IN STEEL TANKS; ALSO TL, IN TANK TRUCKS, SEE RULE 370	85	50	30.2
	HARDWARE GROUP, SUBJECT TO ITEM 92900:			
96820-A	SPRINKLERS, GARDEN, LAWN OR IRRIGATION, METAL, OTHER THAN SPRINKLING CANS, IN BARRELS, BOXES OR CRATES ♦OR PACKAGE 2052:			
SUB 1	WITH BASES, FEET, LEGS, WHEELS OR ROLLERS	85	55	30.2
SUB 2	WITHOUT BASES, FEET, LEGS, WHEELS OR ROLLERS; OR SPRINKLER HEADS	77½	50	30.2
	HIDES GROUP, SUBJECT TO ITEM 98800:			
	HIDES, PELTS OR SKINS, SUBJECT TO ITEM 98950:			
99020-A	BUFFALO, GREEN OR GREEN SALTED. ♦CANCEL, OBSOLETE.			
★108050	KITS, CLASSROOM OR SCHOOL LABORATORY DEMONSTRATION, NOI, SEE NOTE, ITEM 108052, IN BOXES	92½	60	20.2
★108052	NOTE--APPLIES ON ASSORTMENTS OF ARTICLES, OTHER THAN OPTICAL INSTRUMENTS, TO DEMONSTRATE PRINCIPLES IN MATHEMATICS OR THE NATURAL OR PHYSICAL SCIENCES.			
♦121870-A	GEAR OR SPEED INCREASING OR REDUCING MACHINES, WEIGHING EACH LESS THAN FIVE POUNDS, OTHER THAN GEAR-MOTORS, OR GEAR OR SPEED INCREASING OR REDUCING MACHINE PARTS, NOI, IN BOXES OR CRATES; OR HYDROMATIC BRAKING MACHINES, IN BOXES OR CRATES, OR ON SKITS, OR LOOSE IF WEIGHING EACH 100 POUNDS OR MORE	77½	45	30.2
★121875	GEAR OR SPEED INCREASING OR REDUCING MACHINES, WEIGHING EACH FIVE POUNDS OR MORE, OTHER THAN GEAR-MOTORS, IN BOXES OR CRATES, OR ON SKIDS, OR LOOSE IF WEIGHING EACH 100 POUNDS OR MORE	70	45	30.2
	MUSICAL INSTRUMENTS, OR PARTS NAMED, SUBJECT TO ITEM 138800:			
138900-A	GUITAR ZITHERS. ♦CANCEL. OBSOLETE.			
	RUBBER MATERIALS GROUP, SUBJECT TO ITEM 171600:			
Δ171880-A	RUBBER, SCRAP, NOI, SEE NOTE, ITEM 171884; IN PACKAGES; ALSO TL, LOOSE	50	35	30.2
Δ171882-A	NOTE--TIRES, LTL, NEED NOT BE IN PACKAGES.			
♦171884-A	NOTE--APPLIES ONLY ON: SCRAPS, PIECES OR TRIMMINGS OF RUBBER IMPREGNATED CLOTH; RECLAIMERS' TAILINGS OR RESIDUE; OLD WORN-OUT RUBBER BOOTS, SHOES, BELTING, CLOTHING, ROLLS OR ROLLERS, HOSE, MATS, MATTING OR PACKING; TIRES, WITH OR WITHOUT STEEL RIMS, SEE NOTE, ITEM 171882; OR SIMILAR WORN-OUT ARTICLES; HAVING VALUE ONLY FOR RECLAMATION OF RAW MATERIALS. SUCH ARTICLES MUST BE DESCRIBED ON BILLS OF LADING AND SHIPPING ORDER AT TIME OF SHIPMENT AS "SCRAP RUBBER."			
	WOODENWARE GROUP, SUBJECT TO ITEM 198340:			
200030-A	♦MIXED TL OF:			
	BOARDS, BREAD;			
	BOARDS, KNIFE CLEANING;			
	BOARDS, IRONING, FLAT, WITHOUT LEGS OR STANDARDS;			
	BOARDS, IRONING, SLEEVE, WOOD OR WOOD AND METAL COMBINED;			
	BOARDS, LAP;			
	BOARDS, MEAT;			
	BOARDS, NOODLE OR PASTRY;			
	BOWLS;			
	BOXES, SALT;			
	CABINETS, SPICE;			
	CHAIRS OR STOOLS AND STEPLADDERS COMBINED;			
	CHAIRS OR STOOLS, WOODEN, FOLDING, NOI;			
	(CONTINUED ON PAGE 5B.)			
	LADDERS, WOODEN;			
	LADLES, MOLDS OR SPADES, BUTTER;			
	MASHERS, POTATO;			
	MEASURES;			
	PEELS, BAKERS'			
	PINS, CLOTHES;			
	PINS, ROLLING;			
	PLANKS, EXTENSION, PAPER HANGERS';			
	PLATES;			
	POUNDERS, CLOTHES OR STEAK;			
	PROPS OR SUPPORTS, CLOTHES LINE;			
	ROLLERS, TOWEL;			
	SCAFFOLDS, NOI, WOODEN;			
	SETTEES, WOODEN, OTHER THAN RUSTIC, KD;			
	SCOOPS;			
	SPOONS;			

ITEM	WOODENWARE GROUP (CONTINUED)	CLASSES		(MW)
		LTL	TL	
	CHURNS, HAND, WOODEN; COVERS, BARREL, BOX, DRUM, FIRKIN, KIT, PAIL OR TUB, WITH RIMS OR HANDLES; DASHERS, CHURN; DISHES, PLATES OR TRAYS, PULPBOARD OR WOODPULP; DISHES; FAUCETS; GATES, PORCH, COLLAPSIBLE; HORSES, BUILDERS' NO1, WOODEN; HORSES, CLOTHES; KEGS, WOODEN; KITS OR PAILS (BUCKETS);	SQUEEZERS, LEMON; STARTERS, BUNG; STRETCHERS, CURTAIN; TABLES, IRONING, (STANDS, IRONING), METAL OR WOOD, OR METAL AND WOOD COMBINED WITH OR WITHOUT CLOTH COVERING. KD OR FOLDED FLAT; TOOTHPICKS, WOODEN; TRAYS, CHOPPING; TUBS, NO1; WASHBOARDS; WOODENWARE, NO1;		
	LOOSE OR IN PACKAGES AS AUTHORIZED IN INDIVIDUAL ITEMS		65	15.2

SPECIFICATIONS FOR NUMBERED PACKAGES

MISCELLANEOUS

(ADD "PACKAGE 2052" TO PAGE 608 OF CLASSIFICATION.)

§PACKAGE 2052

NOT MORE THAN SIX (6) SPRINKLERS, EACH IN A BOX COMPLYING WITH RULE 220 MAY BE SHIPPED IN A MASTER BOX CONSTRUCTED AS FOLLOWS:

BOX MUST BE CONSTRUCTED OF CORRUGATED FIBREBOARD TESTING NOT LESS THAN 150 POUNDS AND MAY HAVE A 6-INCH GAP ON EACH END.

GROSS WEIGHT MUST NOT EXCEED 65 POUNDS.

(ADD "PACKAGE 2053" TO PAGE 608 OF CLASSIFICATION.)

§PACKAGE 2053

NOT MORE THAN 2 GALLONS OF COMMODITY MAY BE CONTAINED IN A PLASTIC FILM BAG OF NOT LESS THAN 4 MIL THICKNESS, WHICH IN TURN MUST BE ENCLOSED IN A FULL OVERLAP SLOTTED CORRUGATED FIBREBOARD BOX TESTING NOT LESS THAN 200 POUNDS, PROVIDING THREE THICKNESSES OF BOARD ON ENDS. NOT MORE THAN THREE SUCH CONTAINERS MUST THEN BE ENCLOSED IN A PLASTIC FILM BAG OF NOT LESS THAN 2 MIL THICKNESS AND THEN PLACED IN A REGULAR SLOTTED CORRUGATED FIBREBOARD BOX TESTING NOT LESS THAN 200 POUNDS. CLOSURE OF PLASTIC BAGS MUST CONFORM TO RULE 293. GROSS WEIGHT MUST NOT EXCEED 65 POUNDS.

EXPLANATION OF REFERENCE MARKS

(FOR EXPLANATION OF ABBREVIATIONS, SEE PAGE 632 OF CLASSIFICATION)

REFER- ENCE MARK	EXPLANATION	REFER- ENCE MARK	EXPLANATION
§	INDICATES REDUCTION	Ⓔ	SUBJECT TO EXPIRATION DATE SHOWN IN RULE 535.
◆	INDICATES INCREASE	Ⓜ	MINIMUM WEIGHT FACTOR, SEE RULE 997.
▲	INDICATES CHANGE IN WORDING WHICH RESULTS IN NEITHER INCREASES NOR REDUCTIONS.	!	
△	MATTER IN THIS ITEM IS BROUGHT FORWARD WITHOUT CHANGE IN APPLICATION FROM ITEM BEING CANCELLED.	!	
★	INDICATES NEW ITEM.	!	
○	DEGREE	!	

- FINIS -

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
ROUND & ABOUT SCENIC TOURS
1706 EMPIRE STREET
SILVERTON, COLORADO 81433

PUC NO. 6099

September 26, 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.


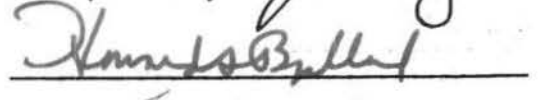
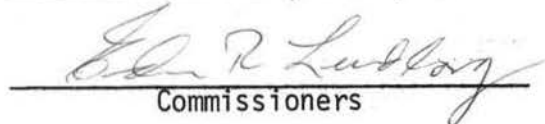
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 26th day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

ARTHUR M. JONAS)
3185 W. EVANS)
DENVER, COLORADO 80219)
-----)

PERMIT NO. B-6910

September 26, 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

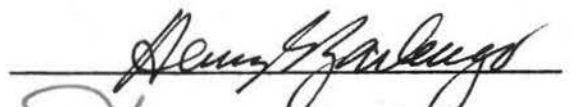
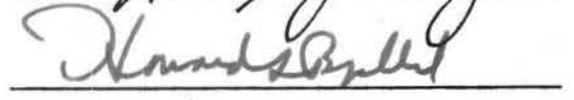

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from September 19, 1967 to and including March 19, 1968.

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 26th day of September 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES KENNEDY, DOING BUSINESS AS)
"KENNEDY TIMBER AND LOGGING," 2913)
RHODE ISLAND, N.E., ALBUQUERQUE, NEW)
MEXICO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 22618-PP

September 29, 1967

PROCEDURE AND RECORD

On June 5, 1967, James Kernedy, doing business as "Kennedy Timber and Logging," 2913 Rhode Island, N. E., Albuquerque, New Mexico, filed the instant application (No. 22618-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of logs, poles, and related commodities as set forth in the application.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was set for hearing in the Jury Room, District Court, Court House, Alamosa, Colorado, at 9 a.m. on September 14, 1967. The Report of the Examiner states that Applicant failed to appear at the scheduled hearing and further that this is the second instance that Applicant has failed to appear at the time and place set for hearing and recommends that the application should therefore be dismissed.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the recommendation of such Examiner as hereinabove set forth, and pursuant thereto,


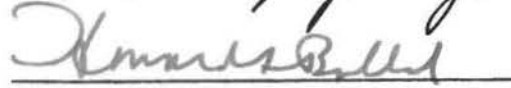
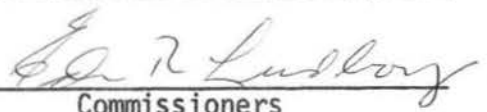
O R D E R

THE COMMISSION ORDERS:

That Application No. 22618-PP, be, and the same hereby is, dismissed.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 29th day of September, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELIAS S. ARCHULETA, 1809 SEMINOLE)
LANE, PUEBLO, COLORADO, FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22411

September 29, 1967

Appearances: R. J. O'Callaghan, Esq., Pueblo,
Colorado, for Elias S. Archuleta,
the Applicant;
W. C. KETTELKAMP, Jr., Esq., Pueblo,
Colorado, for Joe Zupan, Tom Velasquez,
Liberty Southerland, Fred Hegler,
Johnnie Thomason, Ernest Blagg and
Rita Blagg, Dale Rector, Alice Drake
and Lee Gonzales, Protestants.

PROCEDURE AND RECORD

On January 18, 1967, Elias S. Archuleta, 1809 Seminole Lane, Pueblo, Colorado, filed the instant application (No. 22411) for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of trash and refuse within the County of Pueblo, State of Colorado, to regularly designated and approved dumps and disposal places within said County of Pueblo, State of Colorado.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Commissioners Room, County Court House, 10th and Main Streets, Pueblo, Colorado at 10 a.m. on September 15, 1967. On September 27, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that the Commission would take notice of and incorporate into the record

the authorities of those Protestants who appeared and gave testimony.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant presently holds no authority granted from this Commission.
2. Applicant has duly and properly applied for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire for the transportation of trash and refuse within the County of Pueblo, State of Colorado, to regularly designated and approved dumps and disposal places within said County of Pueblo, State of Colorado.
3. Applicant proposes to use a 1961 Chevrolet 3/4 ton Pickup and and is unable to acquire other equipment and is, therefore, not suitably equipped to operate the authority applied for herein.
4. Applicant has no net worth.
5. Applicant is not a suitable and desirable person to be granted authority from this Commission for the reason that, among other things, he has been operating as a common carrier without authority from this Commission and admittedly has no liability insurance whatsoever, and there was insufficient evidence to show that Applicant would abide by the rules and regulations of this Commission although he stated that he had full knowledge of the rules and regulations of this Commission.
6. There was no showing of any need for the service proposed by the Applicant and the granting of the authority as applied for would not be in the public interest.
7. The present service is adequate and other holders of certificates presently have idle equipment because of lack of customers or business.
8. Protestant Fred W. Hegler, doing business as "Fred's Trash Barrel," holds certificate of authority identified as PUC No. 2438, which is duplicate in nature to that applied for herein.
9. Margaret Velasquez, who with her husband, Tom Velasquez, doing business as "Tom's Trash Barrels," holds certificate of authority identified as PUC No. 4359, which is duplicate in nature to that applied for herein.

10. Alice Drake holds certificate of authority identified as PUC No. 3930, which is duplicate in nature to that applied for herein.
11. The present and future public convenience and necessity do not require and will not require the proposed authority.
12. The application should be denied.

CONCLUSIONS

That the Commission make and enter its Order denying the application.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

ORDER

THE COMMISSION ORDERS:

That Application No. 22411 be, and the same hereby is, denied.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Benjamin Franklin
Humboldt

Ed R Ludwig
Commissioners

Dated at Denver, Colorado,
this 29th day of September, 1967

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ROBERT L. JONES AND SHIRLEY H.)
JONES, MUNICIPAL AIRPORT, BOULDER,)
COLORADO, TO TRANSFER ALL OF THE)
OUTSTANDING SHARES OF CAPITAL)
STOCK IN AND TO LAZY-8 AVIATION,)
INC., RECORD OWNER OF PUC NO. AC-23,)
TO VAUGHN L. COLE, 6700 SOUTH)
KIPLING, LITTLETON, COLORADO.)

APPLICATION NO. 22728-STOCK TRANSFER

September 29, 1967

Appearances: William K. Malone, Esq., Englewood,
Colorado, for Robert L. Jones
and Shirley H. Jones, the Sellers,
and Vaughn L. Cole, the Purchaser.

PROCEDURE AND RECORD

On August 1, 1967, Robert L. Jones and Shirley H. Jones,
Municipal Airport, Boulder, Colorado, the Sellers, and Vaughn L. Cole, 6700
South Kipling, Littleton, Colorado, the Purchaser, filed the instant joint
application (No. 22728-Stock Transfer), seeking authority from the Com-
mission for the transfer of all of the outstanding stock of Lazy-8
Aviation, Inc., from Robert L. Jones and Shirley H. Jones to Vaughn L. Cole.

On August 3, 1967, the Commission, pursuant to law, designated
Robert L. Pyle as an Examiner for the purpose of conducting the hearing
on the instant application. After due and proper notice, the application
was heard by said Examiner in the Hearing Room of the Commission, 532
State Services Building, 1525 Sherman Street, Denver, Colorado, at 9 a.m.
on August 16, 1967. On September 21, 1967, the said Examiner, pursuant
to the provisions of 1963 CRS 115-6-9 (2) transmitted to the Commission
the record of the proceeding together with a written statement of his
Findings of Fact and Conclusions. The record transmitted by the Hearing
Examiner establishes that no one appeared to protest the granting of the
application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Lazy-8 Aviation, Inc. is a Colorado corporation, duly organized under the laws of the State of Colorado, and is the record owner of PUC No. AC-23, which is a Certificate of Public Convenience and Necessity described as follows:

"Transportation by airplane, of passengers and property, not on schedule, but on call and demand, from, to and between all points in the State of Colorado, using Boulder, Colorado, as the base of operations.

Applicant shall not establish an office or branch for the purpose of developing business at any town other than Boulder, Colorado, and airports located within ten miles of said town.

Tariffs and rates for the transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per-passenger effective rates of said fixed-route carriers by air so operating on schedule between said points to be non-competitive therewith."

2. Robert L. Jones and Shirley H. Jones are the owners of all the outstanding capital stock of Lazy-8 Aviation, Inc. and have in the past continually operated the authority, which is presently in good standing before the Commission.
3. Mr. Vaughn L. Cole, the Transferee herein, does not hold previously granted authority from this Commission; however, he is also the sole stockholder of Cole's Aviation, Inc., a Colorado corporation, to which corporation by Decision No. 70131 PUC AC-39 was transferred from Airport Development Corp. The authority contained in AC-23, however, is restricted to an office or branch for the purpose of developing business at Boulder, Colorado, and airports located within ten miles of said town, whereas AC-39 has the same restriction but to Columbine Air Park, 6700 South Kipling Street, Littleton, Colorado, and points located within a ten-mile radius thereof.
4. The parties have entered into an Agreement for the transfer of all the stock in Lazy-8 Aviation, Inc. as above indicated, and the consideration to be paid for the stock is \$75,000. The book value of the corporation is \$48,000 approximately; however, there is no book value or value placed on PUC AC-23. Likewise, in the Agreement

for the purchase and sale of the stock, there was no value placed as consideration for said certificate. There is no lien or encumbrance upon the Certificate, as such, however, the stock certificates are subject to a Collateral Security Agreement, pending full payment of the purchase price.

5. The Applicants have duly and properly applied for the transfer.
6. Transferee has ample equipment (see Exhibit No. 1), and Vaughn L. Cole is experienced generally in the conduct of for-hire vehicle and airplane transportation, having heretofore conducted operations at private airport facilities at Boulder Municipal Airport, Boulder, Colorado, and Columbine Airport, Littleton, Colorado; he has a net worth of \$327,410, all of which are ample and suitable for operation of the authority applied for herein.
7. Transferee is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission and has or will make adequate provision for insurance.
8. The transfer is compatible with the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing Robert L. Jones and Shirley H. Jones to transfer all of the outstanding capital stock of Lazy-8 Aviation, Inc., record owner of PUC No. AC-23, to Vaughn L. Cole.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Robert L. Jones and Shirley H. Jones, Municipal Airport, Boulder, Colorado, be, and they hereby are, authorized to transfer all of the outstanding capital stock of Lazy-8 Aviation, Inc., record owner of AC-23, to Vaughn L. Cole, 6700 South Kipling, Littleton, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Zuckerman
Donald B. Miller
Ed R. Ludlow
Commissioners

Dated at Denver, Colorado,
this 29th day of September, 1967.
1s

(Decision No. 70156)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHESTER C. WALKER, DILLON, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 22643-PP
SUPPLEMENTAL ORDER

September 29, 1967

STATEMENT AND FINDINGS OF FACT

By the above-styled application, Applicant herein sought authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of ash and trash from point to point in Arapahoe National Forest for one customer only, viz., the National Forest Service, Department of Agriculture, to designated and approved dumps and disposal sites in Jefferson, Gilpin, Clear Creek, Summit, Grand and Park Counties, State of Colorado.

Said application was regularly called for hearing by Robert L. Pyle, Examiner for the Commission, at 9 a.m. on August 16, 1967, at Denver, Colorado, at which time Applicant did not appear. Thereafter, on September 22, 1967, the Commission entered Decision No. 70147, continuing said application to be reset by the Secretary of the Commission for hearing at a later date.

The Commission has received a communication for Applicant herein stating that he no longer desires to prosecute said application and requesting dismissal 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.

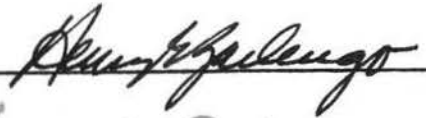
O R D E R

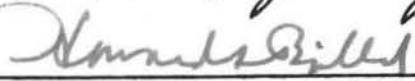
THE COMMISSION ORDERS:

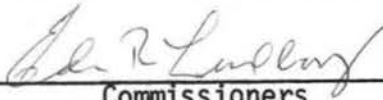
That Application No. 22643-PP be, and the same hereby is, dismissed upon request of Applicant herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 29th day of September, 1967.

et

(Decision No. 70157)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDWARD G. FIX, 3002 WEST PIMLICO)
DRIVE, ENGLEWOOD, COLORADO, TO)
TRANSFER ALL THE OUTSTANDING CAPITAL)
STOCK IN AND TO QUEEN CITY TRANSFER,) APPLICATION NO.22730-Stock Transfer
INC., A COLORADO CORPORATION, RECORD)
OWNER OF PUC NO. 1998 AND PUC NO.)
1998-I, TO LOEL L. RESLER, 7080)
WEST 64TH AVENUE, ARVADA, COLORADO.)

IN THE MATTER OF THE APPLICATION OF)
EDWARD G. FIX, 3002 WEST PIMLICO)
DRIVE, ENGLEWOOD, COLORADO, TO)
TRANSFER ALL THE OUTSTANDING CAPITAL)
STOCK IN AND TO QUEEN CITY TRANSFER,) APPLICATION NO. 22731-Stock Transfer
INC., A COLORADO CORPORATION, RECORD)
OWNER OF PUC NO.3367 AND PUC NO.)
3367-I, TO LOEL L. RESLER, 7080)
WEST 64TH AVENUE, ARVADA, COLORADO.)

September 29, 1967

Appearances: William F. Dwyer, Esq., Denver,
Colorado, for Edward G. Fix,
the Seller and Loel L. Resler,
the Purchaser.

PROCEDURE AND RECORD

On July 28, 1967, Edward G. Fix, 3002 West Pimlico Drive, Englewood, Colorado, the Seller, and Loel L. Resler, 7080 West 64th Avenue, Arvada, Colorado, the Purchaser, filed the instant applications (No. 22730-Stock Transfer and No. 22731-Stock Transfer), seeking authority from the Commission for the transfer of all of the outstanding stock of Queen City Transfer, Inc., a Colorado corporation, from Edward G. Fix to Loel L. Resler.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant applications. After due and proper notice, the applications were heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado at 10 a.m. on

September 11, 1967. On September 20, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2) transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the applications.

Upon motion by the Applicants, these applications were consolidated for hearing.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Queen City Transfer, Inc., is a Colorado corporation, duly organized under the laws of the State of Colorado, and is the record owner and operator of PUC No. 1998, No. 1998-I, No. 3367 and No. 3367-I, which are Certificates of Public Convenience and Necessity, described as follows:

PUC No. 1998 & I:

"Dec. #54802 - A package delivery service for the merchants of Englewood, Colorado, from their stores in Englewood to all points within the City of Englewood, and to points within a radius of five miles of Englewood, Colorado, no single package to exceed one hundred fifty (150) pounds in weight.

Transferred from PUC 1831 and consolidated herewith, by Decision No. 34760:

Transportation of merchandise, drugs and groceries for merchants and business establishments in the area consisting of:

All that part of the County of Arapahoe, State of Colorado, lying west of the center line of Colorado Boulevard, extending in a southerly direction of the south boundary line of Arapahoe County.

Delivery and/or pickup of appliances (including stoves, refrigerators, television sets, etc.) and furniture weighing in excess of 150 lbs., for delivery to or from mercantile establishments or their warehouses in Englewood, Colorado, only, to and from points and places within a 15-mile radius of Englewood.

It is the intent of this order that all shipments authorized under this extension shall originate or terminate within the city limits of Englewood, Colorado,

Equipment restriction is hereby deleted, permitting applicant to add panel trucks to his equipment, as necessity demands.

Dec. #57012 extended to include delivery of packages, not weighing in excess of 150 pounds, for customers in Arapahoe County west of Colorado Boulevard as extended and for customers in Denver south of Evans Avenue;

the pickup and delivery of such packages to be between points within the above areas or between points in said areas and points within a fifteen-mile radius of Englewood;

no office is to be maintained or any equipment stationed at any point other than in Englewood or Littleton, Colorado.

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

PUC No. 336 & I:

"Dec. #65530 - Conduct of a light moving and express business, including movement of furniture, household items, appliances, baggage, and packages and other like items, specifically excluding therefrom:

1. Transportation of commodities which because of size and weight, require special equipment;
2. Transportation of furniture and household goods when requiring van-type equipment: and
3. Package delivery service, as such between points within the City and County of Denver, State of Colorado.

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

2. Transferor herein presently holds all of the outstanding stock of Queen City Transfer, Inc.
3. Transferee, by these applications, seeks to acquire all of the outstanding stock of Queen City Transfer Inc., a Colorado corporation.
4. Transferee does not presently hold authority from this Commission.
5. The parties have entered into an Agreement for the transfer of all the stock in Queen City Transfer, Inc., a Colorado corporation, as above indicated, as more fully described in Exhibit No. 1, wherein the consideration to be paid is \$35,000, which includes not only the authority owned by Queen City Transfer, Inc., but also their equipment.

6. The authority pursuant to the Agreement is to be encumbered, pending payment of the balance of the purchase price. This lien is in the form of a Chattel Mortgage, as more fully described in the Agreement (Exhibit No. 1).
7. The Applicants have duly and properly applied for the transfer.
8. Transferee has the following equipment:
 - 1 Econoline Van - 1962 Ford
 - 1 - 1-ton Van
 - 1½ ton Van
 - 1 - Pickup

He has had 11 years of experience in related fields and a net worth of \$20,000, all of which are ample and suitable for operation of the authority applied for herein.
9. Transferee is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission and has or will make adequate provision for insurance.
10. The transfers are compatible with the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing Edward G. Fix to transfer all of the outstanding capital stock in and to Queen City Transfer, Inc., a Colorado corporation, to Loel L. Resler and that the authority shall henceforth read as follows:

"PUC No. 1998 & I:

- (1) Transportation of merchandise, drugs and groceries for merchants and business establishments in the area consisting of: All that part of the County of Arapahoe, State of Colorado, lying west of the center line of Colorado Boulevard (Colorado Highway No. 153) extending in a southerly direction to the south boundary line of Arapahoe County.
- (2) Transportation of appliances (including stoves, refrigerators, television sets, etc.) and furniture weighing in excess of 150 pounds, for delivery to or from mercantile establishments or their warehouses in Englewood, Colorado, only to and from points and places within a fifteen (15) mile radius of Englewood; all service to originate or terminate within the City Limits of Englewood, Colorado.
- (3) Transportation of packages not weighing in excess of 150 pounds for customers in that part of Arapahoe County, lying west of Colorado Boulevard (Colorado Highway No. 153) as extended south to said County Line and for customers in the City and County of Denver lying south of Evans Avenue. The pick-up and delivery of packages for customers in the above described area to be within a radius of fifteen (15) miles of Englewood, Colorado.

No office is to be maintained or any equipment to be stationed at any other point than Englewood or Littleton, 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."

PUC No. 3367 & I:

Conduct of a light moving and express business, including movement of furniture, household items, appliances, baggage, and packages and other like items, restricted against the:

- (1) Transportation of commodities which because of size and weight, require special equipment;
- (2) Transportation of furniture and household goods when requiring van-type equipment; and
- (3) Package delivery service, as such.

Between points in the City and County of Denver.

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."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Edward G. Fix, 3002 West Pimlico Drive, Englewood, Colorado, be, and hereby is, authorized to transfer all of the outstanding capital stock of Queen City Transfer, Inc., a Colorado corporation, record owner of PUC No. 1998, PUC No. 1998-I, PUC No. 3367 and PUC No. 3367-I, to Loel L. Resler, 7030 West 64th Avenue, Arvada, Colorado.

That henceforth the full and complete authority under PUC No. 1998, PUC No. 1998-I, PUC No. 3367 and PUC No. 3367-I shall be as follows, to-wit:

PUC NO. 1998 & I:

- "(1) Transportation of merchandise, drugs and groceries for merchants and business establishments in the area consisting of: All that part of the County of Arapahoe, State of Colorado, lying west of the center line of Colorado Boulevard (Colorado Highway No. 153) extending in a southerly direction to the south boundary line of Arapahoe County.
- (2) Transportation of appliances (including stoves, refrigerators, television sets, etc.) and furniture weighing in excess of 150 pounds, for delivery to or from mercantile establishments or other warehouses in Englewood, Colorado, only to and from points and places within a fifteen (15) mile radius of Englewood; all service to originate or terminate within the City Limits of Englewood, Colorado.
- (3) Transportation of packages not weighing in excess of 150 pounds for customers in that part of Arapahoe County, lying west of Colorado Boulevard (Colorado Highway No. 153) as extended south to said County Line and for customers in the City and County of Denver lying south of Evans Avenue. The Pick-up and delivery of packages for customers in the above described area to be within a radius of fifteen (15) miles of Englewood, Colorado.

No office is to be maintained or any equipment to be stationed at any other point than Englewood or Littleton, 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."

PUC NO. 3367 & I:

"Conduct of a light moving and express business, including movement of furniture, household items, appliances, baggage, and packages and other like items, restricted against the:

- (1) Transportation of commodities which because of size and weight, require special equipment;
- (2) Transportation of furniture and household goods when requiring van-type equipment; and
- (3) Package delivery service, as such.

Between points in the City and County of Denver.

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."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Zaidberg
Norman S. Butler
Ed. R. Ludlow
Commissioners

Dated at Denver, Colorado,
this 29th day of September, 1967
et

(Decision No. 70158)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VEST AIRCRAFT AND FINANCE COMPANY,)
P. O. BOX 624, AURORA, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. AC-17)
TO ATLAS AVIATION, INC., 8505)
MONTVIEW BOULEVARD, DENVER, COLORADO.)

APPLICATION NO. 22421-Transfer
SUPPLEMENTAL ORDER

September 28, 1967

Appearances: Joseph F. Nigro, Esq., Denver,
Colorado, for Transferor and
Transferee;
Robert Wham, Esq., Denver,
Colorado, for Vail Airways,
Inc., Protestant;
Alvin J. Meiklejohn, Jr., Esq.,
Denver, Colorado, for Aspen
Airways Inc., Protestant
(Original Counsel);
John F. Mueller, Esq., Denver,
Colorado, for Aspen Airways,
Inc., Protestant (Successor
Counsel);
Ray M. Wilson, Denver, Colorado,
for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

On August 30, 1967, the Commission entered Decision No. 70013 in
the above-entitled matter.

On September 19, 1967, "Application for Rehearing," was filed
with the Commission by Vail Airways, Inc., Protestant, by its attorneys.

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

O R D E R

THE COMMISSION ORDERS:

That "Application for Rehearing," filed with the Commission by
Vail Airways, Inc., Protestant, 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

Henry Gailings

Donald B. Bell

Ed. R. Ludwig
Commissioners

Dated at Denver, Colorado,
this 28th day of September, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE REDUCED RATES, SODIUM SILICATE,
LIQUID, IN BULK IN TANK VEHICLES,
BETWEEN CLIMAX, COLORADO AND URAD
MINE SITE NEAR EMPIRE, COLORADO

Investigation and Suspension
Docket No. 591

ORDER DENYING STAY OR SUSPENSION
OF DECISION NO. 69974

September 29, 1967

Appearances: Alvin J. Meiklejohn, Jr., Esq., Denver,
Colorado, for Eveready Freight Service,
Inc., Respondent, and
John P. Thompson, Esq., Denver, Colorado,
for Denver Climax Truck Line, Inc.,
Protestant, and
Daniel R. Hale, Esq., Climax, Colorado,
for Climax American Metals, Inc., and
Harry Eastlond and Ralph Knull, Denver,
Colorado, of the Staff of the Commission.

PROCEDURE AND RECORD

On August 22, 1961, the Commission entered Decision No. 69974
in Investigation and Suspension Docket No. 591, ordering Respondent,
Eveready Freight Service, Inc., to:

"Cancel item No. 2559 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. 69845, dated July 20, 1967, on or
before September 14, 1967, upon notice to the Commission
and the general public by not less than (1) day's filing
and posting in the manner prescribed by law and the rules
and regulations of the Commission."

On September 11, 1967, Eveready Freight Service, Inc., filed a Petition
for Rehearing, which was denied by the Commission on September 18, 1967 in
Decision No. 70107. On September 25, 1967, Eveready Freight Service, Inc.,
filed a Petition For Stay Or Suspension Of Order (Decision No. 69974).
That petition is now before the Commission for determination.

DISCUSSION

The Petition For Stay Or Suspension filed herein by Respondent
Eveready Freight Service, Inc., questions the interpretation of the

operating rights of the Respondent made by the Commission in Decision No. 69974. The applicable portion of Decision No. 69974 reads as follows:

"After careful review of the testimony and facts herein, the Commission finds that the respondent, Eveready Freight Lines, Inc., would be in direct competition with a scheduled line haul common carrier, if the suspended matter in item 2559 were allowed to go into effect. As this is prohibited by the restriction contained in Eveready's Certificate No. 1316, we find that the proposed rates are not lawful and that the suspended schedules should be cancelled and the proceeding discontinued."

We note that Decision No. 69974 simply requires the Respondent to cancel a specific rate. We see no reason to stay such an order. If Respondent desires to have its operating rights under Certificate of Public Convenience and Necessity No. 1316, specifically interpreted and determined by the Commission, Respondent may file an appropriate petition with the Commission. The Commission can then consider the matter expeditiously in detail on a proper record.

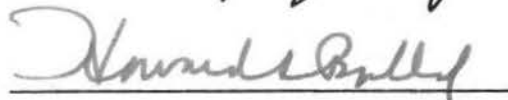
O R D E R

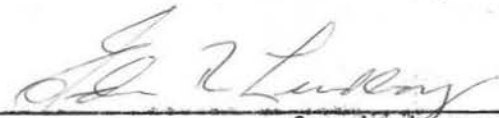
THE COMMISSION ORDERS:

That the Petition for Stay or Suspension of Order be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado, this
29th day of September, 1967. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

Martin G. Bunjes)
120 South 15th Avenue)
Brighton, Colorado 80601)

AUTHORITY NO. M-3508

CASE NO. 2151-M-Ins.

October 2, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 26, 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.

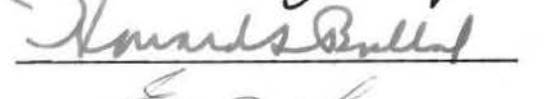
O R D E R

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
2nd day of October 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HENRY OZAWA, 405 11TH STREET,)
ALAMOSA, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22752-PP

October 2, 1967

Appearances: Leonard M. Haynie, Esq., Alamosa,
Colorado, for Henry Ozawa, Applicant;
William O. DeSouchet, Jr., Esq.,
Alamosa, Colorado, for G & G Trucking
Company, Protestant;
Elizabeth A. Conour, Del Norte, Colo-
rado, for Fred T. Gibson, doing
business as "Gibson Truck Line," Protestant.

PROCEDURE AND RECORD

On August 14, 1967, Henry Ozawa, 405 11th Street, Alamosa, Colo-
rado, filed the instant application (No. 22752-PP) for a Class "B" permit
to operate as a private carrier by motor vehicle for hire in intrastate
commerce for the transportation of commodities as set forth in the applica-
tion. On September 12, 1967 Fred T. Gibson, doing business as "Gibson
Truck Line" filed a protest to the instant application, and on September 11,
1967 G & G Trucking Company also filed a protest.

On August 21, 1967, the Commission, pursuant to law, designated
Robert L. Pyle as an Examiner for the purpose of conducting the hearing on
the instant application. After due and proper notice, the Application was
heard by said Examiner in the Jury Room, District Court, Court House,
Alamosa, Colorado, at 9 a.m. on September 14, 1967. On September 28, 1967,
the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2),
transmitted to the Commission the record of the proceeding together with a
written statement of his Findings of Fact and Conclusions.


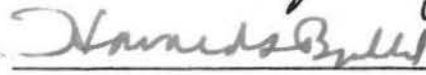
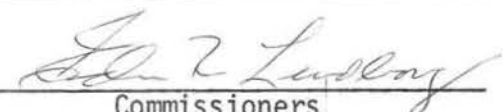
The record transmitted by the Hearing Examiner establishes that Motion for Continuance in the matter was made and joined in by all parties concerned. The Motion for Continuance was granted and approved by the Hearing Examiner. The ruling of the Hearing Examiner granting said Motion is hereby specifically approved and confirmed by the Commission.

O R D E R

THE COMMISSION ORDERS:

That Application No. 22752-PP be continued and re-set by the Secretary of the Commission for hearing at a later date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 2nd day of October, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
WILLIAM WOOD)
11000 W. 41ST PLACE)
WHEATRIDGE, COLORADO 80033)
-----)

PERMIT NO. B-6998

October 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:

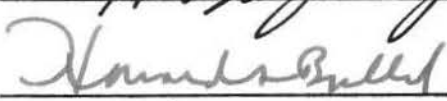
That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from September 26, 1967 to and including March 26, 1968.

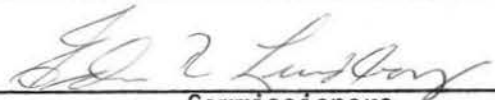
That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, 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 October 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
J & M ENTERPRISE
P. O. BOX 388
LAS ANIMAS, COLORADO 81054

PERMIT NO. M-264

October 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.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is,
cancelled effective September 29, 1967

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Kenneth J. Angelo

Thomas R. Bullis

E. J. Luedling

Commissioners

Dated at Denver, Colorado,
this 4th day of October 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
KNIGHT C. YOUNGKIN
AERO OIL COMPANY
5801 N. FEDERAL BLVD.,
DENVER, COLORADO 80221

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)

PERMIT NO. M-107

October 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.


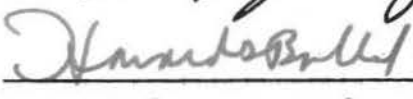
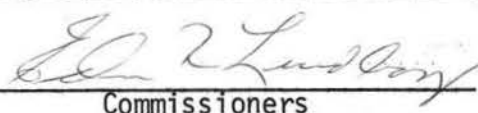
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 4th day of October 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
ROBERT V. COLLINS COMPANY
6465 WINONA COURT
ARVADA, COLORADO 80002

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)

PERMIT NO. M-2734

October 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.


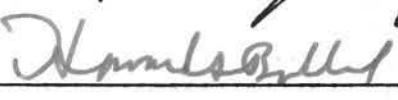
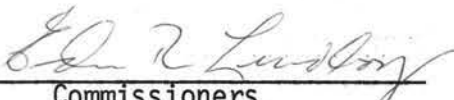
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 4th day of October 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	*	*	*)	
)	
PALACE OF FRUITS)	
2944 NORTH AVENUE)	
GRAND JUNCTION, COLORADO 81501				)	<u>PERMIT NO. M-2066</u>

October 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

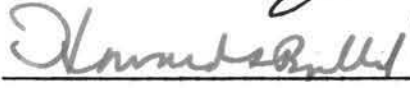
THE COMMISSION ORDERS:


That the above-entitled authority be, and the same hereby is, cancelled effective September 26, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 4th day of October 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
CLIFTON B. THOMPSON)
PIKES PEAK NEWS AGENCY, INC.)
8 SUTHERLAND PLACE) PERMIT NO. M-10690
MANITOU SPRINGS, COLORADO 80829)

October 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.



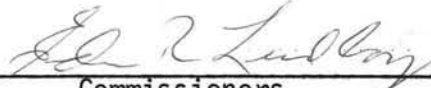
ORDER

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 4th day of October 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF

H. W. CONLEY

P. O. BOX 843

FORT MORGAN, COLORADO 80701

PERMIT NO. M-14032

October 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.

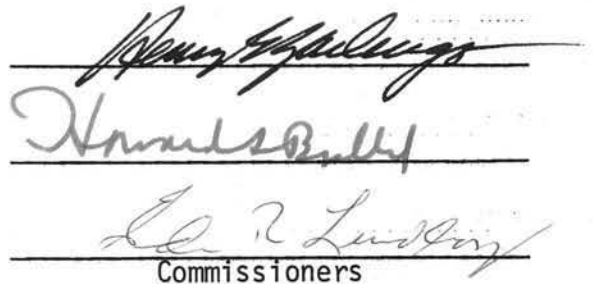
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 17, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 4th day of October 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
A. T. McDOUGAL
4045 ELATI
DENVER, COLORADO 80216

PERMIT NO. M-15329

October 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.

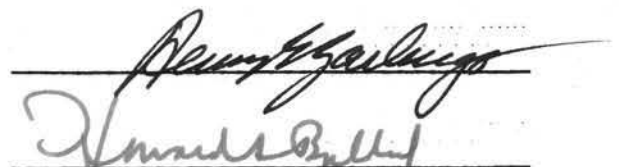
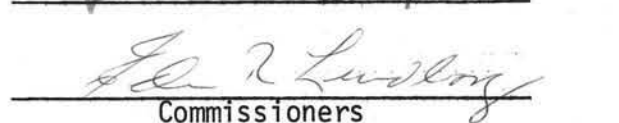
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 25, 1967

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 4th day of October 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
EDWARD T. STANEK)
3322 W. 40TH AVENUE) PERMIT NO. M-2572
DENVER, COLORADO 80211)

October 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.


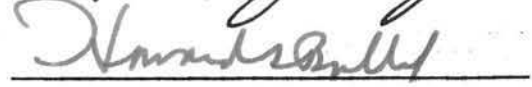
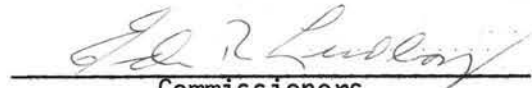
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective September 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 4th day of October 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
OVERLAND MOTOR EXPRESS, INC., DOING)
BUSINESS AS "BOULDER-DENVER TRUCK LINE,") APPLICATION NO. 22648-Extension
P. O. BOX 271, BOULDER, COLORADO, FOR) AMENDED
AUTHORITY TO EXTEND OPERATIONS UNDER)
PUC NO. 3058.)

RE MOTOR VEHICLE OPERATIONS OF OVERLAND)
MOTOR EXPRESS, INC., DOING BUSINESS AS) PUC NO. 2635
"BOULDER-DENVER TRUCK LINE," P. O. BOX)
271, BOULDER, COLORADO.)

October 3, 1967

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Applicant;
David E. Driggers, Esq., Denver,
Colorado, for Pherson Trucking
Co., Protestant, for Copy of
the Order only;
Jack R. Barry, Esq., Denver, Colorado,
for Miller Truck Lines, Inc.,
Protestant, for Copy of the Order only.

PROCEDURE AND RECORD

On August 15, 1967, Overland Motor Express, Inc., doing business as "Boulder-Denver Truck Line," P. O. Box 271, Boulder, Colorado, filed the instant application (No. 22648-Extension Amended) seeking authority to extend operations under PUC No. 3058 as set forth in the application. On September 1, 1967, Pherson Trucking Co. filed a protest to the instant application. On September 5, 1967, a protest on behalf of Miller Truck Lines, Inc. was filed to the instant application.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on this application. After due and proper notice, the application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on September 11, 1967. On September 19, 1967, pursuant to the provisions of CRS 115-6-9 (2), the said Examiner transmitted to the Commission the record and exhibits of the proceeding together with a written statement

of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

Motion was made that Protestants hereinabove mentioned remain parties of this proceeding for the purpose of receiving a copy of the Order only. Motion was granted by the Hearing Examiner.

A motion was made to amend paragraph (a) of the application and strike all of paragraph (b), so that the application would read as follows:

"Between Denver, Colorado, and points within 5 miles thereof, on the one hand, and Boulder, Colorado, on the other hand, via Colorado Highway 121 (presently known as the Denver-Boulder Turnpike) and via U.S. Highway 287 to its junction with Colorado Highway 7, thence via Colorado Highway 7 to Boulder, serving as intermediate points all points on said Highways and all points within one mile of said Highways; and serving as off-route points, those points in Boulder County lying within the following described territory: commencing at the southeast corner of Boulder County, thence west along the south line of Boulder County to a point lying 3 miles west of a line drawn north and south through the City of Boulder; thence north to a point on Hygiene Road as extended westward to said western boundary line; thence east to junction of Hygiene Road and North 59th Street; thence south over 59th Street to junction St. Vrain Road; thence east over St. Vrain Road to junction North 65th Street; thence south over North 65th Street to junction Nelson Road; thence west over Nelson Road to junction North 63rd Street; thence south over North 63rd Street to junction Niwot Road; thence over Niwot Road to the east line of Boulder County; thence south on the east line of Boulder County to the point of beginning."

The motion to amend the application, being restrictive in nature, was granted by the Hearing Examiner. The ruling of the Hearing Examiner granting and approving the said amendment is hereby specifically approved and confirmed by the Commission.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This Applicant presently holds authority under PUC 2635 and PUC No. 3058, which are described as follows:

"PUC 2635:

Decision No. 54343 - Transportation, on schedule, of freight, excluding household goods, as defined by the Interstate Commerce Commission, and excluding freight which, because of size or weight, require special equipment for transportation,

between Denver (and an area included in a three-mile radius of the City Limits of Denver), and Boulder, Colorado (and an area included in a three and one-half mile radius of the City Limits of Boulder),

without the right to serve intermediate points;

conduct of a pickup and delivery service in the City of Boulder, Colorado, for freight having a prior or subsequent movement in connection with the existing line-haul common carrier service, where the entire movement is covered by a single bill of lading.

PUC 3058:

Decision No. 44070 - Transportation of freight and express, except household goods as defined by the Interstate Commerce Commission in 17MCC467,

between the cities of Denver and Boulder and intermediate points and such points within a radius of five miles of Boulder as is authorized in Decision No. 2383 of this Commission.

Decision No. 47812 - EXTENDED TO: Operate a pick up and delivery service in the City of Boulder, Colorado, for freight having a prior or subsequent movement in connection with the existing line-haul common carrier service, where the entire movement is covered by a single bill of lading."

Applicant also holds authority under A-713, which does not materially overlap or duplicate the authorities involved herein.

These authorities are presently in good standing with the Commission.

2. The extension applied for herein would not conflict with the above described authorities.
3. Applicants have duly and properly applied for an extension to Certificate PUC No. 3058, so as to authorize the transportation of general commodities (except uncrated and unpacked household goods, livestock, commodities in bulk, and commodities which because of size or weight require special equipment) on schedule.
4. The granting of this application would clarify and simplify the description of Applicant's authority to the extent that it would be easier to enforce, regulate and interpret by the owner thereof.

5. The granting of the authority as applied for would encompass the authority now held by Applicant under PUC No. 2635 and it would be to the best interests of all concerned if Certificate of Authority identified as PUC No. 2635 be cancelled and that the entire authority referred to be hereinafter identified as PUC No. 3058.
6. Overland Motor Express, Inc. is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.
7. Applicant corporation has ample equipment (see Appendix A to application), sufficient net worth (see Appendix B to application), and sufficient experience, for operation of the authority applied for herein.
8. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
9. There is a present or special need for the service, in fact, there is no existing service adequate to meet the needs which will be supplied if this application is granted, and the granting of the authority as applied for will be in the public interest.
10. The present or future public convenience and necessity requires or will require the proposed authority.
11. The authority should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Overland Motor Express, Inc., doing business as "Boulder-Denver Truck Line," to extend the authority under PUC No. 3058 and cancel PUC No. 2635. The entire description of the authority contained under PUC No. 3058 shall henceforth read as follows:

"Transportation of general commodities (except uncrated and unpacked household goods, livestock, commodities in bulk, and commodities which because of size or weight require special equipment) on schedule,

between Denver, Colorado, and points within 5 miles thereof, on the one hand, and Boulder, Colorado, on the other hand, via Colorado Highway 121 (presently known as the Denver-Boulder Turnpike) and via U.S. Highway 287 to its junction with Colorado Highway 7, thence via Colorado Highway 7 to Boulder, serving as intermediate points all points on said Highways and all points within one mile of said Highways; and serving as off-route points, those points in Boulder County lying within the following described territory: commencing at the southeast corner of Boulder County, thence west along the south line of Boulder County to a point lying 3 miles west of a line drawn north and south through the City of Boulder; thence north to a

point on Hygiene Road as extended westward to said western boundary line; thence east to junction of Hygiene Road and North 59th Street; thence south over North 59th Street to junction St. Vrain Road; thence east over St. Vrain Road to junction North 65th Street; thence south over North 65th Street to junction Nelson Road; thence west over Nelson Road to junction North 63rd Street; thence south over North 63rd Street to junction Niwot Road; thence over Niwot Road to the east line of Boulder County; thence south on the east line of Boulder County to the point of beginning."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Overland Motor Express, Inc., doing business as "Boulder-Denver Truck Line," P. O. Box 271, Boulder, Colorado, be, and hereby is, authorized to extend operations under PUC No. 3058.

That henceforth the full and complete authority under PUC No. 3058 shall authorize the following:

"Transportation of general commodities (except uncrated and unpacked household goods, livestock, commodities in bulk, and commodities which because of size or weight require special equipment) on schedule,

between Denver, Colorado, and points within 5 miles thereof, on the one hand, and Boulder, Colorado, on the other hand, via Colorado Highway 121 (presently known as the Denver-Boulder Turnpike) and via U.S. Highway 287 to its junction with Colorado Highway 7, thence via Colorado Highway 7 to Boulder, serving as intermediate points all points on said Highways and all points within one mile of said Highways; and serving as off-route points, those points in Boulder County lying within the following described territory: commencing at the southeast corner of Boulder County, thence west along the south line of Boulder County to a point lying 3 miles west of a line drawn north and south through the City of Boulder; thence north to a point on Hygiene Road as extended westward to said western boundary line; thence east to junction of Hygiene Road and North 59th Street; thence south over North 59th Street to junction St. Vrain Road; thence east over St. Vrain Road to junction North 65th Street; thence south over North 65th Street to junction Nelson Road; thence west over Nelson Road to junction North 63rd Street; thence south over North 63rd Street to junction Niwot Road; thence over Niwot Road to the east line of Boulder County; thence south on the east line of Boulder County to the point of beginning."

That Certificate of Public Convenience and Necessity PUC No. 2635 be, and hereby is, cancelled.


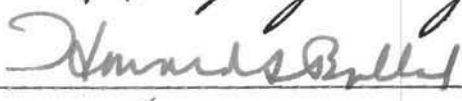
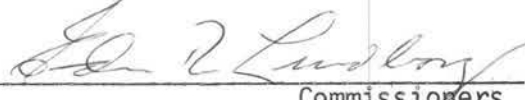
That Applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 3rd day of October, 1967.

(Decision No. 70172)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHRIS RAEI, DOING BUSINESS AS)
"RAEL'S TRASH SERVICE," P. O. BOX)
174, AVONDALE, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 22733-PP

October 3, 1967

Appearances: Allan R. Cooter, Esq., Pueblo,
Colorado, for Applicant.

PROCEDURE AND RECORD

On July 28, 1967, Chris Rael, doing business as "Rael's Trash Service," P. O. Box 174, Avondale, Colorado, filed the instant application (No. 22733-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of ash, trash and related commodities, as set forth in the application.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Commissioners Room, County Court House, 10th and Main Streets, Pueblo, Colorado, at 10 a.m. on September 15, 1967. On September 26, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This Applicant does not hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for transportation of ash, trash and related commodities, as listed in this application.
3. Applicant has a ½ ton 1959 Chevrolet Pickup with miscellaneous equipment, four months of experience in related fields, and a net worth of \$1,500, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes, except in Pueblo.
7. The authority should not be granted as requested, but should exclude the portion of the City of Pueblo that falls within the 20-mile radius requested in the application.
8. The granting of the authority as listed under "Conclusion" below, will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Chris Rael, doing business as "Rael's Trash Service," to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"Transportation of ash, trash, and rubbish, from point to point in Boone, Colorado and a 20-mile radius thereof, except within the City of Pueblo, Colorado, to regularly designated and approved dumps and disposal sites in Pueblo County."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Chris Rael, doing business as "Rael's Trash Service," P. O. Box 174, Avondale, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for

"Transportation of ash, trash, and rubbish, from point to point in Boone, Colorado and a 20-mile radius thereof, except within the City of Pueblo, Colorado, to regularly designated and approved dumps and disposal sites in Pueblo County;"

and this ORDER shall be deemed to be, and be, a PERMIT therefor.


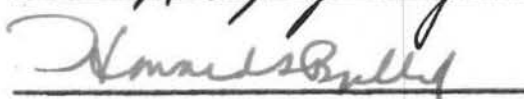
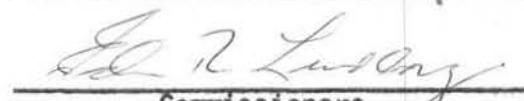
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 3rd day of October, 1967
et

(Decision No. 70173)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MRS. SANDRA BEVELHYMER, MRS. L. W.)
McKAY, MRS. JANEL LEA STOLTZFEE AND)
MRS. WILLIAM T. VINCENT ON BEHALF OF)
THEMSELVES AND OTHERS SIMILARLY)
SITUATED, FOR AN ORDER AUTHORIZ-)
ING INTERMOUNTAIN RURAL ELECTRIC)
ASSOCIATION TO RENDER STREET LIGHT-)
ING SERVICE PURSUANT TO PUC TARIFF)
NO. 1, SHEET NO. 10, FIRST REVISED,)
IN AN UNINCORPORATED AREA IN)
JEFFERSON COUNTY, (BRIARWOOD SUB-)
DIVISION) COLORADO.)

APPLICATION NO. 22703

October 3, 1967

Appearances: Paul M. Brown, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

This is an application by Mrs. William T. Vincent and others, representing themselves and all other customers similarly situated, for an order authorizing Intermountain Rural Electric Association (Intermountain) to install, operate and maintain street lighting service in an unincorporated area in Jefferson County, as shown on the map identified as Exhibit A attached to the application, and as hereinafter more fully described.

The matter was set for hearing, after due notice to interested parties, on September 28, 1967, at 10:00 A.M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, and was heard at that time and place.

No petitions of intervention were filed prior to the hearing, and no one appeared at the hearing in opposition to the application.

A petition for street lighting service addressed to Intermountain was circulated among the residents of an area in which 112 customers now

receive electric service. Of the 112 customers, signatures were obtained of 85, or a percentage of 75.9% of the total number of customers. Said petition was submitted as Exhibit B. The tariff of Intermountain providing for street lighting in unincorporated areas states, among other things, that street lighting in an established area otherwise qualifying will be provided upon receipt by Intermountain of a petition from all electric customers within the area or upon an order or decision of this Commission directing street lighting service to be established in the area. Since 27 customers did not sign, Intermountain could not install street lights without an order of the Commission.

Principal spokesman for Applicants was Mrs. W. T. Vincent. Mrs. Vincent testified no street lighting now exists in the area contemplated in this application. She stated that police protection was inadequate and that there had been incidents of thefts and vandalism which might have been prevented by adequate lighting. She also testified that adequate street lighting was essential from the standpoint of traffic safety.

Also present in support of the application, though not testifying, were Mrs. L. W. McKay, Mrs. Janet Lea Stoltzfees and Mrs. Sandra Bevelhymmer, who are residents of the area.

Mr. James B. Schroeder, Operations Manager of Intermountain testified the area met all requirements of tariff conditions, except the number of signers. Upon an Order of this Commission, Intermountain is ready, willing and able to install street lighting in the area. No construction contributions are required of electric customers and, as provided in the tariff, a charge of \$0.45 per month per customer will be made. The engineering of the street lighting for the area has already been undertaken. It will require approximately 30 days to make the initial system operational. 7,000 lumen mercury vapor vertically operated, non-ornamental lights will be provided. Service will be furnished in accordance with tariff Sheet, Colorado P.U.C. No. 1, First Revised Sheet No. 10.

The proposed street lighting system was estimated to cost approximately \$1,400.00 which will be provided from internal funds of Intermountain.

F I N D I N G S

THE COMMISSION FINDS:

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

That it has jurisdiction of the subject matter of this application, and of the Intermountain Rural Electric Association.

That the preservation of the public peace, health and safety requires the installation of a street lighting system in the area described in the Order to follow.

O R D E R

THE COMMISSION ORDERS:

That Intermountain Rural Electric Association is hereby authorized and directed to install, operate and maintain a non-ornamental, mercury vapor street light system in accordance with the provisions of its Tariff, Colorado PUC No. 1, First Revised Sheet No. 10, now existing or as it may be changed under the rules of this Commission, or according to law.

That street lights, approximately 14 in number, shall be installed as required in the area described as follows:

Commencing at the intersection of the center line of West Virginia Avenue with the rear lot line extended of the lots located on the east side of South Queen Street; thence northerly along the rear lot line to the intersection of the rear lot line extended with the center line of West Alameda Avenue; thence west along the center line of West Alameda Avenue to its intersection with the center line of South Simms Street; thence southerly along the center line of South Simms Street to its intersection with the center line of West Virginia Avenue; thence easterly along the center line of West Virginia Avenue to its intersection with the rear lot line of the lots on the east side of South Queen Street, the point of beginning.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 3rd day of October, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. H. McPHERSON, DOING BUSINESS AS)
"DELTA AIR TAXI SERVICE," BLAKE AIR)
FIELD, DELTA, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE AS A COMMON)
CARRIER BY AIRPLANE.)

APPLICATION NO. 22377

October 3, 1967

Appearances: Charles N. Fairlamb, Esq., Delta,
Colorado, for R. H. McPherson,
the Applicant.

PROCEDURE AND RECORD

On January 18, 1967, R. H. McPherson, doing business as "Delta Air Taxi Service," Blake Air Field, Delta, Colorado, filed the instant application (No. 22377) for a certificate of public convenience and necessity to operate as a common carrier by airplane for hire as set forth in the application.

On July 10, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Court Room, Second Floor, Court House, Delta, Colorado, at 11 a.m. on August 23, 1967. On September 22, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant holds no previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Certificate of Public Convenience and Necessity to operate as a common carrier by airplane for hire, as listed in this application.
3. Applicant has one Piper Commanche (1962) with retractable gear, and with special rescue equipment aboard; he has had four years of experience in related fields, and a net worth of \$49,500, all of which are ample and suitable for operation of the authority contained in the application.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and the granting of the authority as applied for will be in the public interest.
6. There are no other operators from Blake Field and the present and future public convenience and necessity requires or will require the proposed authority.
7. The authority should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing R. H. McPherson, to operate as a common carrier by airplane for hire with authority to be designated as follows:

"Transportation, by airplane, of persons and property, not on schedule but on call and demand, from, to and between all points in the State of Colorado, with a fixed base operation at Blake Air Field, Delta, Colorado."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth and as herein below modified, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That R. H. McPherson, doing business as "Delta Air Taxi Service," Blake Air Field, Delta, Colorado, be, and hereby is, authorized to operate as a common carrier by airplane for hire for

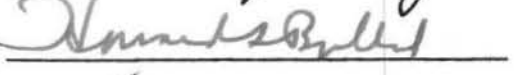
"Transportation, by airplane, of persons and property, not on schedule but on call and demand, from, to and between all points in the State of Colorado; provided, however, (1) that Applicant shall not establish an office or branch for the purpose of developing business at any town other than Delta, Colorado, and airports located within ten miles of said town, and (2) that Applicant shall file tariffs, rate schedules, and rules and regulations with, and to be approved by, the Commission, and such rates so filed for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be 50% greater than the per passenger effective rates of said fixed-route carriers by air so operating on schedule between said points to be non-competitive therewith."

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

That Applicant shall carry suitable insurance protection, covering public liability, property damage, and passenger insurance, and shall continue to carry such insurance and any other insurance protection that may be required by 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 3rd day of October, 1967

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HERBERT GILDER, 219 MONROE STREET,)
MONTE VISTA, COLORADO, FOR AUTHORITY)
TO EXTEND OPERATIONS UNDER PERMIT)
NO. B-6328.)

APPLICATION NO. 22559-PP-Extension

October 3, 1967

Appearances: Herbert Gilder, Monte Vista,
Colorado, pro se;
Elizabeth A. Conour, Del Norte,
Colorado, for Fred T. Gibson,
doing business as "Gibson Truck
Line," Protestant.

PROCEDURE AND RECORD

On April 27, 1967, Herbert Gilder, 219 Monroe Street, Monte Vista, Colorado, filed the instant application (No. 22559-PP-Extension) for an extension of his present Class "B" permit to operate as a private carrier by motor vehicle in intrastate commerce as set forth in the instant application. On September 12, 1967 a protest was filed by Fred T. Gibson, doing business as "Gibson Truck Line."

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Jury Room, District Court, Court House, Alamosa, Colorado, at 9 a.m. on September 14, 1967. On September 28, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions.

As a preliminary matter at the hearing, upon reassertion by Applicant that the extension sought herein was for one customer only, viz., the Monte Vista Co-op, located at Monte Vista, Colorado, the Protestant withdrew his protest.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This Applicant presently holds authority under Permit No. B-6328, which is described as follows:

"Dec. No. 69011: Transportation of farm products (excluding livestock, bulk milk and dairy products) from point to point in the following counties: Morgan, Weld, Logan, Baca, Rio Grande, Alamosa, Conejos, and Costilla:

provided that no town-to-town service shall be rendered and that there will be no transportation to be destined further than thirty air miles from point of origin."
2. This authority is presently in good standing with the Commission and Applicant has continually operated this authority in the past.
3. The extension applied for herein would not conflict with the above described authority.
4. Applicant has duly and properly applied for an extension to his Class "B" Permit to include transportation of processed livestock and poultry feed to and from, from and to points in the State of Colorado, for one customer only, viz., the Monte Vista Co-op, located at Monte Vista, Colorado; and transportation of commercial fertilizer from the Monte Vista Co-op to points within a radius of 35 miles of Monte Vista, Colorado.
5. Applicant has 4 Bobtail Trucks, 20 years of experience in related fields and a net worth of \$30,000, all of which are ample and suitable for operation of the authority requested herein.
6. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
7. There is a special need for this extension by the shipper, Monte Vista Co-op, so as to enable said shipper to meet the needs of his customers in hauling small loads, as well as giving immediate service, all of which this Applicant is in a position to perform.
8. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

9. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Herbert Gilder, to extend his authority under Permit No. B-6328, and that henceforth the entire authority shall be described as follows:

- "1. Transportation of farm products (excluding livestock, bulk milk and dairy products) from point to point in the following counties: Morgan, Weld, Logan, Baca, Rio Grande, Alamosa, Conejos and Costilla; provided, that no town-to-town service shall be rendered and that there will be no transportation to be destined further than thirty air miles from point of origin.
- "2. Transportation of processed livestock feed and poultry feed to and from points in the State of Colorado, for one customer, only, viz., the Monte-Vista Co-op, located at Monte Vista, Colorado; and transportation of commercial fertilizer from the Monte Vista Co-op, Monte Vista, Colorado, to points within a radius of thirty-five miles of Monte Vista, Colorado."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner hereinable set forth, and pursuant thereto,

ORDER

THE COMMISSION ORDERS:

That Herbert Gilder, 219 Monroe Street, Monte Vista, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-6328.

That henceforth the full and complete authority under Permit No. B-6328 shall be as follows, to-wit:

- "1. Transportation of farm products (excluding livestock, bulk milk and dairy products) from point to point in the following counties: Morgan, Weld, Logan, Baca, Rio Grande, Alamosa, Conejos and Costilla; provided that no town-to-town service shall be rendered and that there will be no transportation to be destined further than thirty air miles from point of origin.
2. Transportation of processed livestock feed and poultry feed to and from points in the State of Colorado, for one customer, only, viz., the Monte Vista Co-op, located at Monte Vista, Colorado; and transportation of commercial fertilizer from the Monte Vista Co-op, Monte Vista, Colorado, to points within a radius of thirty-five miles of Monte Vista, Colorado."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Gailungo
Howard B. Miller

Ed R. Lusby
Commissioners

Dated at Denver, Colorado,
this 3rd day of October, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

K G & W Inc. dba)
Bluhill Foods)
5891 Nolan Street)
Arvada, Colorado 80002)

AUTHORITY NO. M-9113

CASE NO. 2188-M-Ins.

October 4, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 26, 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.


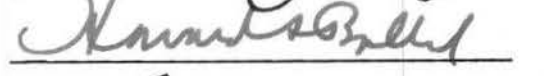

O R D E R

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
4th day of October 1967 .

(Decision No. 70177)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE ISSUANCE OF TEMPORARY)
CERTIFICATES OF PUBLIC CONVEN-)
IENCE AND NECESSITY UNDER CHAPTER)
115-9-4 (2) CRS 1963, FOR THE)
TEMPORARY OR SEASONAL MOVEMENT)
OF CORN, MILLET AND SORGHUM,)

APPLICATION NO. 22837
EMERGENCY DISTRICT 8-67

September 29, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Supervisor, Enforcement Division of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of corn, millet, and sorghums in the Counties of Adams, Arapahoe, Baca, Bent, Cheyenne, Crowley, Delta, Douglas, El Paso, Kiowa, Kit Carson, Logan, Mesa, Montrose, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld and Yuma, Colorado.

Request, pursuant to the above, has been made for an Order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting corn, millet and sorghums in the Counties, as set forth above.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of corn, millet and sorghums in the Counties of Adams, Arapahoe, Baca, Bent, Cheyenne, Crowley, Delta, Douglas, El Paso, Kiowa, Kit Carson, Logan, Mesa, Montrose, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld and Yuma, Colorado, and that the present or future public convenience and necessity requires, or will require, the issuance of temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting said

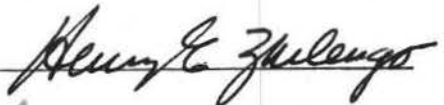
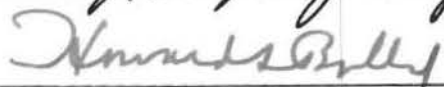

commodities, as provided by Chapter 115, Article 9, Section 4, CRS 1963,
and as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates be, and hereby are authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting corn, millet and sorghums in only the Counties of Adams, Arapahoe, Baca, Bent, Cheyenne, Crowley, Delta, Douglas, El Paso, Kiowa, Kit Carson, Logan, Mesa, Montrose, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld and Yuma, State of Colorado; provided, however, that said certificates shall be effective for only a period of ninety (90) days, commencing October 1, 1967.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 29th day of September, 1967.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

EAGLE-VAIL CAB CO. INC.
1009 NEWPORT STREET
DENVER, COLORADO 80220)

PUC NO. 1814

October 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

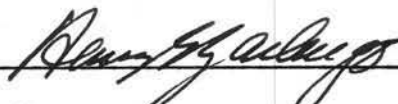
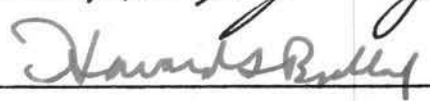

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from OCTOBER 7, 1967 to and including NOVEMBER 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 4th day of October

1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
J & M ENTERPRISE)
P O BOX 388)
LAS ANIMAS, COLORADO 81054)

PUC NO. 6760-I

October 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 September 29, 1967

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 4th day of October 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF INCREASED
FREIGHT RATES AND CHARGES WITHIN
COLORADO 1967 (Ex Parte No. 256)

Investigation and Suspension
Docket No. 598

October 3, 1967

STATEMENT AND FINDINGS

BY THE COMMISSION:

By Tariff of Increased Rates and Charges X-256, Western Trunk Line Committee, ICC No. A-4676, filed August 10, 1967, increased rates and charges applicable on interstate commerce were scheduled to become effective August 19, 1967. On September 5, Supplement K-7 to Tariff of Increased Rates and Charges X-256, was filed on behalf of the railroads operating in intrastate commerce in Colorado, scheduled to apply the same increases to intrastate traffic, to become effective on October 6, 1967. On September 22, 1967, Supplement K-11 was issued to cancel Supplement K-7, to become effective on October 6, 1967.

The Commission is in receipt of protests filed by:

Bear Coal Co.
Colorado Milling & Elevator Company
Adolph Coors Company
The Colorado Mining Association
Great Western Sugar Company
Harris Coal Company
Ideal Cement Company
The Pittsburg & Midway Coal Mining Co.
The Rocky Mountain Coal Mining Institute

requesting that the proposed increases on Coal, Sugar, Cement, Cinders, Aggregate, Flour, Grain and Grain Products, and certain switching charges, be denied or suspended and set for investigation.

Upon consideration of the proposed schedules and the protests thereto, the protested portions of the proposed schedule may, if permitted to become effective, result in rates and charges that may be in

violation of the Public Utilities Law. It is the opinion of the Commission that Supplements K-7 and K-11 to Tariff of Increased Rates and Charges X-256, Western Trunk Line Committee, ICC No. A-4676, should be suspended and investigation entered into and concerning the lawfulness of the rates and charges contained therein, insofar as they affect the following portions of Tariff of Increased Rates and Charges X-256:

Group 15 (Wheat Flour)
Group 305 (Coal)
Group 633 (Cement)
Group 759 (Sugar)
Group 793 (Clay & Shale Cinders)
Item 100 Par. (3) (Commodity Rates)
Sub Par. (b) Part (1)

insofar as it applies to Grain and Grain Products.

Item 165 Par. (A) and Par. (8),
insofar as it applies on switching charges published in item 190 of Fred Ofcky's Freight Tariff 5-M, ICC 3.

O R D E R

THE COMMISSION ORDERS, that, --

1. The Statement and Findings be, and they are hereby, made a part hereof.

2. It shall enter upon a hearing concerning the lawfulness of the rates and charges proposed in the tariff referred to in the statement hereof.

3. The operation of said schedule be, and it is hereby, suspended and the use thereof deferred to and including February 3, 1968, unless otherwise ordered by the Commission.

4. The investigation in this proceeding shall not be limited 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 schedules under the Public Utilities Law.

5. Neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until the proceeding has been

disposed of or until the period, or an 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 that a copy hereof be served upon The Western Trunk Line Committee, issuing officer Fred Ofcky, 516 West Jackson Blvd., Chicago, Illinois 60606, and


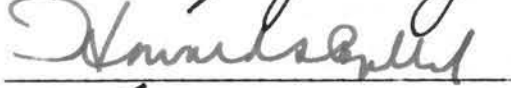
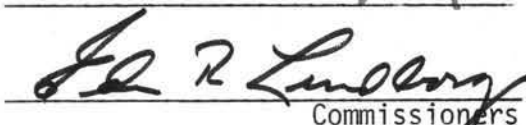
The Atchison, Topeka and Santa Fe Railway Company
Chicago, Burlington & Quincy Railroad Company
Chicago, Rock Island and Pacific Railroad Company
The Colorado and Southern Railway Company
The Colorado and Wyoming Railway Company
The Denver and Rio Grande Western Railroad Company
The Great Western Railway
Missouri Pacific Railroad Company
The Northwestern Terminal Railroad Company
San Luis Central Railroad
Southern San Luis Valley Railroad Company
Union Pacific Railroad Company

and they are hereby, made respondents in this proceeding. The necessary suspension supplement shall be issued to the referenced tariff.

7. Seven days prior to the hearing date herein, respondents shall provide the Secretary of the Commission with copies of any and all exhibits which they intend to introduce in evidence in support of their case.

8. The Investigation and Suspension Docket No. 598 be, and the same is hereby, set for hearing before the Commission on the 6th day of December 1967, at 10:00 o'clock a.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
3rd day of October, 1967. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

COLORADO CARTAGE COMPANY, INC.)
P.O. Box 7176)
Park Hill Station)
Denver, Colorado)

Complainant,)
vs.)

EDSON EXPRESS, INC.)
P. O. Box 925)
Longmont, Colorado)

Respondent.)
-----)

CASE NO. 5350

October 4, 1967

STATEMENT AND FINDINGS OF FACT

On July 21, 1967, formal complaint was filed with the Commission by Colorado Cartage Company, Inc. against Edson Express, Inc., alleging violation of its authority.

On July 24, 1967, an Order to Satisfy or Answer was issued by the Commission, directed to the Respondent. Subsequently, Respondent was granted an extension to and until September 29, 1967, to satisfy or answer the said complaint.

On October 2, 1967, the Commission received a communication from John H. Lewis, Attorney for the Complainant, requesting that said complaint be dismissed without prejudice.

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 Case No. 5350 be, and the same hereby is, dismissed without prejudice.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Adams
Hornsbull
Edw. E. Lindsay
Commissioners

Dated at Denver, Colorado,
this 4th day of October, 1967.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE REDUCED MINIMUM CHARGE ON)	
LOCAL TRAFFIC VIA ANNA GASPERETTI)	
d/b/a GARDNER-RED WING FREIGHT LINE	)	<u>Investigation and Suspension</u>
-----		<u>Docket No. 599</u>

October 4, 1967

BY THE COMMISSION:

On September 6, 1967, Colorado Motor Carriers' Association, Agent, J. R. Smith, Chief of Tariff Bureau, for and on behalf of Anna Gasperetti, d/b/a Gardner-Red Wing Freight Line, operating under Certificate No. 5764, filed 41st Revised Page No. 93, Item 930, to Local and Joint Freight Tariff No. 12-A, Colorado PUC No. 11*(*The Motor Truck Common Carriers' Association, Agent, Series) naming a reduced minimum charge as set forth in Appendix "A" attached hereto and made a part hereof, scheduled to become effective October 13, 1967.

Upon consideration of the said schedules, the proposed charge may, if permitted to become effective, result in a charge that may be in violation of the Public Utilities Law. It is the opinion of the Commission that the said schedule should be suspended and an investigation entered into and concerning the lawfulness of the rates and charges contained therein.

O R D E R

THE COMMISSION ORDERS, that: --

1. The Statement, Findings and Appendix "A" attached hereto, and they are hereby, made a part hereof.
2. It shall enter upon a hearing concerning the lawfulness of the minimum charge as proposed in the tariff referred to in the statement hereof.
3. The operation of said schedule be, and it is hereby, suspended and the use thereof deferred to and including February 10, 1968, unless otherwise ordered by the Commission.

4. The investigation in this proceeding shall not be limited 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 schedules under the Public Utilities Law.


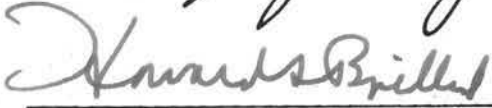

5. Neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period, or any extension thereof, has expired, unless otherwise ordered by the Commission.

6. A copy of this order shall be filed with the schedule in the office of the Commission, and that a copy hereof be served upon Anna Gasperetti, d/b/a Gardner-Red Wing Freight Line, 111 W 10th Street, Walsenburg, Colorado 81089, and that said carrier be, and is hereby, made respondent in this proceeding. The necessary suspension supplement shall be issued to the referenced tariff.

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 it intends to introduce in evidence in support of its case.

8. This Investigation and Suspension Docket No. 599 be, and the same is hereby, set for hearing before the Commission on the 20th day of November 1967, at 10:00 o'clock a.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
4th day of October, 1967. av

APPENDIX "A"

41st Revised Page No. 93 cancels	Charges on this page are not subject to the provisions of (Colo.) Amendment No. 66	Colo. PUC No. 11* (*The Motor Truck Common Carriers' Association, Agent, Series)
40th Revised Page No. 93		

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT Local and Joint Freight Tariff No. 12-A RULES AND REGULATIONS

Item No.	Application
-------------	-------------

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	\$3.50
Joint Line Traffic	4.50

The provisions of this paragraph apply only via or in connection with the following carriers:

930	Frederic A. Bethke, d/b/a Bethke Truck Lines Overland Motor Express, Inc., d/b/a Boulder-Denver Truck Line Burlington Truck Lines, Inc. Capron Truck Co. Clark, Bill, Truck Line, Inc. Colorado Cartage Company, Inc. Denver-Climax Truck Line, Inc. Denver-Laramie-Walden Truck Line, Inc. Denver-Limon-Burlington Transfer Company Denver-Loveland Transportation, Inc. Digby, W. J., Inc. Edson Express, Inc. Thomas P. Miller, d/b/a Evergreen Freight Line Anna Gasperetti, d/b/a Gardner-Red Wing Freight Line / (R) (Subject to Note 2) Garrett Freightlines, Inc. Goldstein Transportation and Storage, Inc. Harp Transportation Line, Inc.	IML Freight, Inc. Mauverdene Robinson, d/b/a K & K Transfer Company L & E Freight Line, Inc. Elden G. Wille, d/b/a Lake City Truck Line Larson Transportation Company Lowder, Buel I. Miller Bros., Inc. Milliken Johnstown Truck Line, Inc. Ruby D. Jackson, d/b/a Mountain Express Truck Line (Subject to Note 2) North Eastern Motor Freight, Inc. Red Ball Motor Freight, Inc. Ringsby Truck Lines, Inc. Rio Grande Motor Way, Inc. Richard H. Eshe and Lois Mae Eshe, d/b/a South Park Motor Lines Donald R. Wills, d/b/a Tweedy Transfer Westway Motor Freight, Inc. John B. Windecker, d/b/a Windecker Truck Line Yuma County Transportation Co.
-----	--	--

NOTE 1: The provisions of paragraph (Q) WILL NOT apply on traffic transported locally by Donald G. Anderson, d/b/a Castle Rock Transfer, but will apply on traffic transported jointly between the carriers named above, on the one hand, and, on the other, Donald G. Anderson, d/b/a Castle Rock Transfer.

NOTE 2: Participation of / (R) Anna Gasperetti, d/b/a Gardner-Red Wing Freight Line and Ruby D. Jackson, d/b/a Mountain Express Truck Line in Paragraph (Q) is restricted to apply in connection with the joint line minimum charge only.

For explanation of abbreviations and symbols, see page 50.

Issued September 6, 1967
Correction No. 4439

Effective October 13, 1967

(Decision No. 70183)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NATIVIDAD S. RAMIREZ, 1407 EDISON)
STREET, ALAMOSA, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 22500-PP
SUPPLEMENTAL ORDER

October 5, 1967

Appearances: Natividad S. Ramirez, Alamosa,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

On September 6, 1967, the Commission entered Decision No. 70030 in the above-styled application, revoking operating rights granted to the above-styled Applicant by Decision No. 69742, dated June 28, 1967, for failure of said Applicant to comply with requirements set forth in said Decision No. 69742.

It now appears that Applicant has complied with all requirements of Decision No. 69742, and requests reinstatement of operating rights granted thereby.


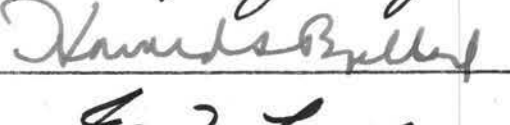
The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 70030, dated September 6, 1967, be, and the same hereby is, vacated, set aside, and held for naught, as of said 6th day of September 1967, and operating rights heretofore granted to Natividad S. Ramirez by Decision No. 68742, dated June 28, 1967, 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 5th day of October, 1967

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE SPEER, 141 NORTH 5TH STREET,)
BRIGHTON, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22466-PP
SUPPLEMENTAL ORDER

October 5, 1967

Appearances: George Speer, Brighton, Colorado,
pro se.

STATEMENT AND FINDINGS OF FACT

On September 6, 1967, the Commission entered Decision No. 70032 in the above-styled application, revoking operating rights granted to the above-styled Applicant by Decision No. 69395, dated April 24, 1967, for failure of said Applicant to comply with requirements set forth in said Decision No. 69395.

It now appears that Applicant has complied with all requirements of Decision No. 69395, 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. 70032, dated September 6, 1967, be, and the same hereby is, vacated, set aside, and held for naught, as of said 6th day of September, 1967, and operating rights heretofore granted to George Speer by Decision No. 69395, dated April 24, 1967, 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, _____

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEROY V. SCHEIERMAN, DOING BUSINESS)
AS "SCHEIERMAN'S CONSTRUCTION,")
P. O. BOX 283, MONTROSE, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT)
NO. B-6785 TO SCHEIERMAN CONSTRUC-)
TION CO., INC., P. O. BOX 283,)
MONTROSE, COLORADO.)

APPLICATION NO. 22612-PP-Transfer

October 5, 1967

PROCEDURE AND RECORD

On May 29, 1967, LeRoy V. Scheierman, doing business as "Scheierman's Construction," P. O. Box 283, Montrose, Colorado, filed the instant joint application (No. 22612-PP-Transfer) for authority to transfer Permit B-6785 from Scheierman's Construction to Scheierman Construction Co., Inc.


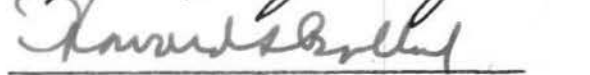

On August 18, 1967, the Commission, pursuant to law, designated William D. Mitchell as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the application was called for hearing by said Examiner in the District Court, Court House, Montrose, Colorado at 10:30 a.m. on September 26, 1967. No one appeared so as to present evidence in support of this application, or for any other reason. The Examiner has now filed a report with the Commission recommending that the application be re-set for hearing at a future date.

ORDER

THE COMMISSION ORDERS:

That Application No. 22612-PP-Transfer be re-set by the Secretary of the Commission for hearing at a later date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of October, 1967

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DELBERT FARRA, ROUTE 2, BOX 80,)
MONTROSE, COLORADO, FOR AUTHORITY)
TO LEASE PERMIT NO. B-4818 TO HELEN)
FARRA, ROUTE 2, BOX 80, MONTROSE,)
COLORADO.)

APPLICATION NO. 22693-PP-Lease

October 5, 1967

PROCEDURE AND RECORD

On July 7, 1967, Delbert Farra, Route 2, Box 80, Montrose, Colorado, filed the instant joint application (No. 22693-PP-Lease) for authority to lease Permit No. B-4818.


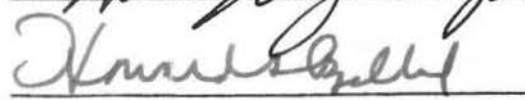

On August 18, 1967, the Commission, pursuant to law, designated William D. Mitchell as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the application was called for hearing by said Examiner in the District Court, Court House, Montrose, Colorado, at 10:30 a.m. on September 26, 1967. No one appeared so as to present evidence in support of this application, or for any other reason. The Examiner has now filed a report with the Commission recommending that the application be re-set for hearing at a future date.

ORDER

THE COMMISSION ORDERS:

That application No. 22693-PP-Lease be re-set by the Secretary of the Commission for hearing at a later date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of October, 1967

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Mrs. Smith's Pie Company)
Charlotte & Water Streets)
Pottstown, Pennsylvania 19464)
-----)

AUTHORITY NO. M-4732

CASE NO. 2054-M-Ins.

October 5, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 29, 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.


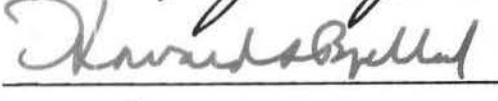

O R D E R

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 October 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Clarence E. & Elton K. Kelley dba)
Kelley's)
336 East 4th)
Loveland, Colorado 80537)
-----)

AUTHORITY NO. M-5614

CASE NO. 2113-M-Ins.

October 5, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 26, 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.


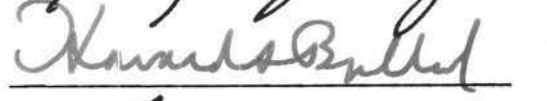

O R D E R

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 October 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Mike Joseph)
Box 20)
San Luis, Colorado 81152)
-----)

AUTHORITY NO. M-11218

CASE NO. 2139-M-Ins.

October 5, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 26, 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.

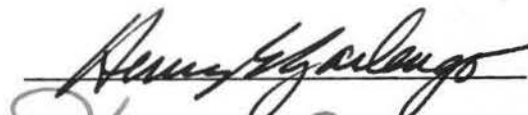
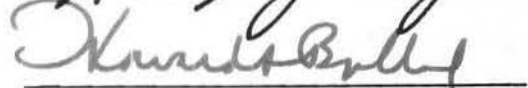
O R D E R

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 October 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE ISSUANCE OF TEMPORARY)
CERTIFICATES OF PUBLIC CONVEN-)
IENCE AND NECESSITY UNDER CHAPTER)
115-9-4 (2) CRS 1963, FOR THE)
TEMPORARY OR SEASONAL MOVEMENT)
OF SUGAR BEETS AND SUGAR BEET PULP.)

APPLICATION NO. 22838
EMERGENCY DISTRICT 9-67

October 4, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Supervisor, Enforcement Division of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of sugar beets and sugar beet pulp in the Counties of Adams, Alamosa, Arapahoe, Baca, Bent, Boulder, Cheyenne, Conejos, Costilla, Crowley, Delta, Elbert, El Paso, Kiowa, Kit Carson, Larimer, Lincoln, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Rio Grande, Saguache, Weld, Sedgwick, Washington and Yuma, Colorado.

Request, pursuant to the above, has been made for an Order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting sugar beets and sugar beet pulp in the Counties, as set forth above.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of sugar beets and sugar beet pulp in the Counties of Adams, Alamosa, Arapahoe, Baca, Bent, Boulder, Cheyenne, Conejos, Costilla, Crowley, Delta, Elbert, El Paso, Kiowa, Kit Carson, Larimer, Lincoln, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Rio Grande, Saguache, Weld, Sedgwick, Washington and Yuma, Colorado, and that the present or future public convenience and necessity requires, or will require, the issuance of temporary certificates for the temporary or

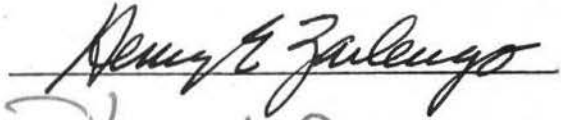
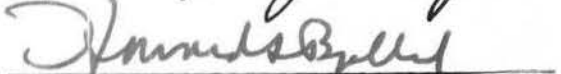
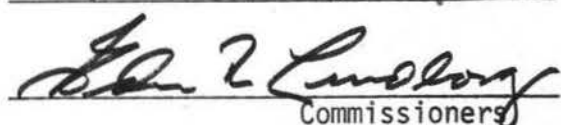
seasonal operation of motor vehicles for the purpose of transporting said commodities, as provided by Chapter 115, Article 9, Section 4, CRS 1963, and as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates be, and hereby are authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting sugar beets and sugar beet pulp in only the Counties of Adams, Alamosa, Arapahoe, Baca, Bent, Boulder, Cheyenne, Conejos, Costilla, Crowley, Delta, Elbert, El Paso, Kiowa, Kit Carson, Larimer, Lincoln, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Rio Grande, Saguache, Weld, Sedgwick, Washington, and Yuma, State of Colorado; provided, however, that said certificates shall be effective for only a period of ninety (90) days, commencing October 10, 1967.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 4th day of October, 1967.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
IDAHO SPRINGS LUMBER CO., A)
COLORADO CORPORATION, 1965 MINER)
STREET, BOX 158, IDAHO SPRINGS,)
COLORADO, FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22642-PP

October 5, 1967

Appearances: Robert L. Mills, Idaho Springs,
Colorado, for Idaho Springs
Lumber Co.;
James R. Riley, Jr., Esq., Denver,
Colorado, for Louis H. Gawart,
dba "Summit Disposal," Protestant.

PROCEDURE AND RECORD

On June 8, 1967, Idaho Springs Lumber Co., a Colorado corporation, 1965 Miner Street, Box 158, Idaho Springs, Colorado, filed the instant application (No. 22642-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of commodities as set forth in the application. On June 8, 1967, the Staff of the Commission issued temporary authority to so operate to the Idaho Springs Lumber Co. On August 18, 1967, a protest was received from Louis H. Gawart doing business as "Summit Disposal" to the instant application.

On July 18, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 9 a.m. on August 16, 1967. On September 27, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions.

The Commission has now given careful consideration to the record of the proceeding, as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant is a Colorado corporation and holds no previously granted authority from this Commission.
2. Protestant, Louis H. Gawart, doing business as "Summit Disposal," holds certificate of authority PUC No. 5318, which generally gives him ash and trash authority in Summit County.
3. The granting of the authority as hereinafter designated would not, in fact, impair the efficient public service of Protestant or any other authorized common carrier adequately serving the same territory over the same general route or routes.
4. Applicant, by this application, seeks authority to transport ash and trash from point to point in Arapaho National Forest for one customer only; viz., the National Forest Service, Department of Agriculture, to designated and approved dumps and disposal sites in Jefferson, Gilpin, Clear Creek, Summit, Grand and Park Counties, all within the State of Colorado.
5. This Commission has no jurisdiction to grant authority so as to transport ash and trash from point to point in the Arapaho National Forest for one customer only; viz., the National Forest Service, Department of Agriculture.
6. This Commission does have authority and jurisdiction over the transportation of ash and trash to designated and approved dumps and disposal sites in the Counties mentioned at the time the motor vehicle leaves the National Forest.
7. The National Forest Service lets trash hauling and clean-up service within the National Forest by bid, and this Commission should not interfere in its usual concern of regulation with the number of persons who wish to bid for the performance of said service for the National Forest Service; however, this Commission is concerned with the authority from the time the ash and trash leaves the boundaries of the National Forest to the time it is deposited in dumps and disposal sites outside the National Forest.
8. The granting of the authority, as hereinafter described, will be in the public interest and should be granted.
9. Applicant has duly and properly applied for a Class "B" Permit for transportation of ash and trash, as listed in this application.
10. Applicant has 1 GMC 1956 Pickup (and has others available), and a net worth of \$100,000, both of which are ample and suitable for operation of the authority applied for herein.

11. Applicant corporation officers are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
12. There is a present and special need for the service and the authority should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Idaho Springs Lumber Co., a Colorado corporation, to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"Transportation of ash and trash from the boundaries of the Arapaho National Forest for one customer only; viz., The National Forest Service, Department of Agriculture, to designated and approved dumps and disposal sites in Jefferson, Gilpin, Clear Creek, Summit, Grand and Park Counties, all within the State of Colorado."

We note that the Commission does have jurisdiction over transportation services rendered over public highways regardless of whether or not such public highways traverse the National Forests. For that reason, Finding of Fact No. 5 as made by the Hearing Examiner is not quite correct. Order provisions to follow will correct such error.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth and corrected, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Idaho Springs Lumber Co., a Colorado corporation, 1965 Miner Street, Box 158, Idaho Springs, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for

"Transportation of ash and trash from point to point over the public highways in the Arapaho National Forest for one customer only; viz., The National Forest Service, Department of Agriculture, and to designated and approved dumps and disposal sites in Jefferson, Gilpin, Clear Creek, Summit, Grand and Park Counties, all within the State of Colorado;"

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

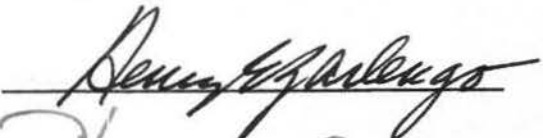
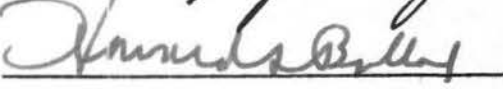

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 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 5th day of October, 1967

(Decision No. 70192)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN W. McCLURE, BOX 202, CENTRAL)
CITY, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 22644-PP

October 5, 1967

Appearances: John W. McClure, Central City,
Colorado, pro se;
James R. Riley, Jr., Esq., Denver,
Colorado, for Louis H. Gawart,
dba "Summit Disposal," Protestant.

PROCEDURE AND RECORD

On June 8, 1967, John W. McClure, Box 202, Central City, Colorado, filed the instant application (No. 22644-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of commodities as set forth in the application. On June 8, 1967, the staff of the Commission issued temporary authority to so operate to John W. McClure. On August 18, 1967, a protest was received from Louis H. Gawart, doing business as "Summit Disposal" to the instant application.

On July 18, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado at 9 a.m. on August 16, 1967. On September 27, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant holds no previously granted authority from this Commission.
2. Protestant, Louis H. Gawart, doing business as "Summit Disposal," holds certificate of authority PUC No. 5318, which generally gives him ash and trash authority in Summit County.
3. The granting of the authority as hereinafter designated would not, in fact, impair the efficient public service of Protestant or any other authorized common carrier adequately serving the same territory over the same general route or routes.
4. Applicant, by this application, seeks authority to transport ash and trash from point to point in Arapaho National Forest for one customer only; viz., the National Forest Service, Department of Agriculture, to designated and approved dumps and disposal sites in Jefferson, Gilpin, Clear Creek, Summit, Grand and Park Counties, all within the State of Colorado.
5. This Commission has no jurisdiction to grant authority so as to transport ash and trash from point to point in the Arapaho National Forest for one customer only; viz., the National Forest Service, Department of Agriculture.
6. This Commission does have authority and jurisdiction over the transportation of ash and trash to designated and approved dumps and disposal sites in the Counties mentioned at the time the motor vehicle leaves the National Forest.
7. The National Forest Service lets trash hauling and clean-up service within the National Forest by bid, and this Commission should not interfere in its usual concern of regulation with the number of persons who wish to bid for the performance of said service for the National Forest Service; however, this Commission is concerned with the authority from the time the ash and trash leaves the boundaries of the National Forest to the time it is deposited in dumps and disposal sites outside the National Forest.
8. Applicant has duly and properly applied for a Class "B" Permit for transportation of ash and trash, as listed in this application.
9. Applicant has a 1958 Ford Pickup, one years' experience in related fields and a net worth of \$4,000, all of which are ample and suitable for operation of the authority applied for herein.
10. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

11. There is a present and special need for the service.
12. The granting of the authority, as hereinafter described, will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, John W. McClure, to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"Transportation of ash and trash from the boundaries of the Arapaho National Forest for one customer only; viz., The National Forest Service, Department of Agriculture to designated and approved dumps and disposal sites in Jefferson, Gilpin, Clear Creek, Summit, Grand and Park Counties, all within the State of Colorado."

We note that the Commission does have jurisdiction over transportation services rendered over public highways regardless of whether or not such public highways traverse the National Forests. For that reason, Finding of Fact No. 5 as made by the Hearing Examiner is not quite correct. Order provisions to follow will correct such error.

Subsequent to the proceeding there was received by the Commission on August 28, 1967, a letter from the Applicant requesting that the words "Summit County" be deleted from the authority sought herein.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth and corrected, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That John W. McClure, Box 202, Central City, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for

"Transportation of ash and trash from point to point over the public highways in the Arapaho National Forest for one customer only; viz., The National Forest Service, Department of Agriculture, and to designated and approved dumps and disposal sites in Jefferson, Gilpin, Clear Creek, Grand and Park Counties, all within the State of Colorado;"

and this ORDER shall be deemed to be, and be, a PERMIT therefor.


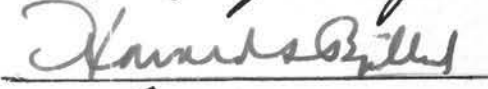

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 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 5th day of October, 1967
et

(Decision No. 70193)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MERLE A. SANDER AND ERNEST M.)
HILYARD, DOING BUSINESS AS "SANDER &)
HILYARD," BOX 765, IDAHO SPRINGS,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22638-PP

October 5, 1967

Appearances: Merle A. Sander and Ernest M.
Hilyard, doing business
as "Sander & Hilyard," Idaho
Springs, Colorado, pro se;
James R. Riley, Jr., Esq., Denver,
Colorado, for Louis H. Gawart,
dba "Summit Disposal," Protestant.

PROCEDURE AND RECORD

On June 8, 1967, Merle A. Sander and Ernest M. Hilyard, doing business as "Sander & Hilyard," Box 765, Idaho Springs, Colorado, filed the instant application (No. 22638-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of commodities as set forth in the application. On August 18, 1967, a protest was received from Louis H. Gawart, doing business as "Summit Disposal" to the instant application. On June 8, 1967, the staff of the Commission issued temporary authority to so operate to Merle A. Sander and Ernest M. Hilyard.

On July 18, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 9 a.m. on August 16, 1967. On September 27, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicants holds no previously granted authority from this Commission.
2. Protestant, Louis H. Gawart, doing business as "Summit Disposal," holds certificate of authority PUC No. 5318, which generally gives him ash and trash authority in Summit County.
3. The granting of the authority as hereinafter designated would not, in fact, impair the efficient public service of Protestant or any other authorized common carrier adequately serving the same territory over the same general route or routes.
4. Applicants, by this application, seek authority to transport ash and trash from point to point in Arapaho National Forest for one customer only; viz., the National Forest Service, Department of Agriculture, to designated and approved dumps and disposal sites in Jefferson, Gilpin, Clear Creek, Summit, Grand and Park Counties, all within the State of Colorado.
5. This Commission has no jurisdiction to grant authority so as to transport ash and trash from point to point in the Arapaho National Forest for one customer only; viz., the National Forest Service, Department of Agriculture.
6. This Commission does have authority and jurisdiction over the transportation of ash and trash to designated and approved dumps and disposal sites in the Counties mentioned at the time the motor vehicle leaves the National Forest.
7. The National Forest Service lets trash hauling and clean-up service within the National Forest by bid, and this Commission should not interfere in its usual concern of regulation with the number of persons who wish to bid for the performance of said service for the National Forest Service; however, this Commission is concerned with the authority from the time the ash and trash leaves the boundaries of the National Forest to the time it is deposited in dumps and disposal sites outside the National Forest.
8. The granting of the authority, as hereinafter described, will be in the public interest and should be granted.
9. Applicants have duly and properly applied for Class "B" Permit for transportation of ash and trash, as listed in this application.
10. Applicants have 3 pickup trucks equipped with water and covers to haul trash, they have one year's experience in related fields, and a net worth of \$8,000, all of which are ample and suitable for operation of the authority applied for herein.

11. Applicants are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicants have or will make adequate provision for insurance.
12. There is a present and special need for the service and the authority should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicants, Merle A. Sander and Ernest M. Hilyard, doing business as "Sander & Hilyard," to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"Transportation of ash and trash from the boundaries of the Arapaho National Forest for one customer only; viz., The National Forest Service, Department of Agriculture, to designated and approved dumps and disposal sites in Jefferson, Gilpin, Clear Creek, Summit, Grand and Park Counties, all within the State of Colorado."

We note that the Commission does have jurisdiction over transportation services rendered over public highways regardless of whether or not such public highways traverse the National Forests. For that reason, Finding of Fact No. 5 as made by the Hearing Examiner is not quite correct. Order provisions to follow will correct such error.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth and corrected, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Merle A. Sander and Ernest M. Hilyard, doing business as "Sander & Hilyard," Box 765, Idaho Springs, Colorado, be, and hereby are, authorized to operate as a Class "B" private carrier by motor carrier for hire for

"Transportation of ash and trash from point to point over the public highways in the Arapaho National Forest for one customer only; viz., The National Forest Service, Department of Agriculture, and to designated and approved dumps and disposal sites in Jefferson, Gilpin, Clear Creek, Summit, Grand and Park Counties, all within the 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.

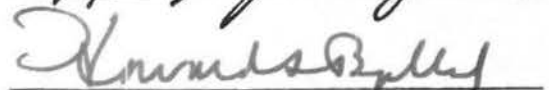
That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.

That 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 5th day of October, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
JOHN BURNHAM
2638 East Yampa
Colorado Springs, Colorado 80909

AUTHORITY NO. B 6347
CASE NO. 669-H-Ins.

October 4, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 12, 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 G. Gailings
Hornets Bell
Ed. R. Lunsbury
Commissioners

Dated at Denver, Colorado, this
4th day of October, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
John Burnham)
2638 East Yampa)
Colorado Springs, Colorado 80909)
-----)

AUTHORITY NO. M-6628
CASE NO. 2116-M-Ins.

October 5, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 26, 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.

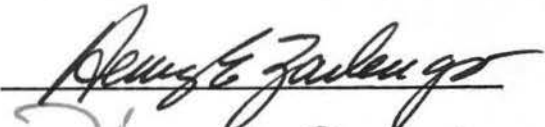
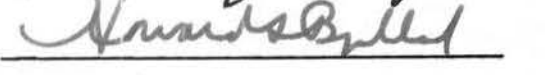

O R D E R

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 October 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN CHESTER, ROUTE 1, BOX 106,)
DEL NORTE, COLORADO, FOR AUTHORITY)
TO EXTEND OPERATIONS UNDER PERMIT)
NO. B-6093.)

APPLICATION NO. 22674-PP-Extension

October 6, 1967

Appearances: Elizabeth A. Conour, Esq., Del
Norte, Colorado, for
Applicant.

PROCEDURE AND RECORD

On June 26, 1967, John Chester, Route 1, Box 106, Del Norte, Colorado, filed the instant application (No. 22674-PP-Extension) for an extension of his present Class "B" Permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of commodities as set forth in the application.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the application was heard by said Examiner in the Jury Room, District Court, Court House, Alamosa, Colorado, at 9 a.m. on September 14, 1967. On September 29, 1967 the said Examiner, pursuant to the provisions of 1963 CRS115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant, John Chester, presently holds authority under Permit No. B-6093, which is described as follows:

"Dec. No. 55983: Transportation of logs and lumber, from point to point within a radius of fifty miles of Saguache, Colorado."
2. The above described authority is presently in good standing with the Commission and Applicant has continually operated this authority in the past.
3. Applicant has duly and properly applied for an extension to Permit No. B-6093 to include transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 50 miles of said forests.
4. Applicant has two 2-ton logging trucks, 7 years of experience in related fields and a net worth of \$5,000, all of which are ample and suitable for operation of the authority applied for herein.
5. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
6. There is a present and special need for the service as applied for by this Applicant, and the proposed extension of operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The extension applied for herein would not conflict with the authority presently held.
8. The purpose in the request for extension is that the present limitation would not allow Applicant to operate with present contracts.
9. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, John Chester, to extend authority under Permit No. B-6093, and that henceforth the authority shall be described as follows:

- "1. Transportation of logs and lumber, from point to point within a radius of 50 miles of Saguache, Colorado.
2. Transportation of logs, poles and timber products from forests to sawmills, places of storage and loading points within the State of Colorado, provided, however, that no town-to-town service shall be rendered."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That John Chester, Route 1, Box 106, Del Norte, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-6093.


That henceforth the full and complete authority under Permit No. B-6093 shall be as follows, to-wit:

- "1. Transportation of logs and lumber, from point to point within a radius of 50 miles of Saguache, Colorado.
2. Transportation of logs, poles and timber products from forests to sawmills, places of storage and loading points within the State of Colorado, provided, however, that no town-to-town service shall be rendered."

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 October, 1967
et

(Decision No. 70197)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARL F. JOHNSON, GENERAL DELIVERY,)
MONTROSE, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22716-PP

October 6, 1967

Appearances: Angela McCracken, Montrose,
Colorado, bookkeeper for
Applicant Carl F. Johnson.

PROCEDURE AND RECORD

On July 25, 1967, Carl F. Johnson, General Delivery, Montrose, Colorado, filed the instant application (No. 22716-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of logs, poles and related commodities as set forth in the application.

On August 18, 1967, the Commission, pursuant to law, designated William D. Mitchell as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court, Court House, Montrose, Colorado, at 10:30 a.m. on September 26, 1967. On October 3, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the Application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This Applicant does not hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for transportation of logs, poles and related commodities, as listed in this application.
3. Applicant has a 1964 Mack Tractor and a 1962 Peerless Log Trailer, 17 years experience in log transportation, and a net worth of \$10,233.66, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Carl F. Johnson, to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 50 miles of said forests; rough lumber, from sawmills in said 50-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Carl F. Johnson, General Delivery, Montrose, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 50 miles of said forests; rough lumber, from sawmills in said 50-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered;"

and this ORDER shall be deemed to be, and be, a PERMIT therefor.


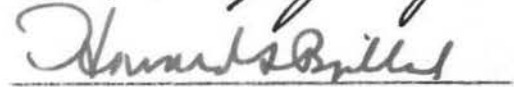
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 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 October, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEROY A. McCracken, GENERAL)
DELIVERY, MONTROSE, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 22718-PP

October 6, 1967

Appearances: Angela McCracken, Montrose,
Colorado, for LeRoy A.
McCracken, the Applicant.

PROCEDURE AND RECORD

On July 25, 1967, LeRoy A. McCracken, General Delivery, Montrose, Colorado, filed the instant application (No. 22718-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intra-state commerce for the transportation of logs and poles and related commodities as set forth in the application.

On August 28, 1967, the Commission, pursuant to law, designated William D. Mitchell as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court, Court House, Montrose, Colorado, at 10:30 a.m. on September 26, 1967. On October 3, 1967, the said Examiner, pursuant to the provisions of 1963 CRS115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This Applicant does not hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for transportation of logs, poles and related commodities, as listed in this application.
3. Applicant has two 1965 Mack Tractors, a 1947 Pierce Log Tractor and a 1959 Peerless Log Tractor, 11 years of experience in related fields and a net worth of \$19,869.72, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, LeRoy A. McCracken, to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 50 miles of said forests; rough lumber, from sawmills in said 50-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That LeRoy A. McCracken, General Delivery, Montrose, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 50 miles of said forests; rough lumber, from sawmills in said 50-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered;"

and this ORDER shall be deemed to be, and be, a PERMIT therefor.


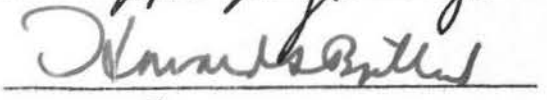
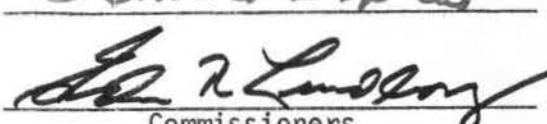
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 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 October, 1967
et

* * *

AUTHORITY NO. M-735
CASE NO. 2087-M-Ins.

October 6, 1967

Dated at Denver, Colorado, this
6th day of October 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
CERTIFICATE NO. 551 & I)	<u>CASE NO. 112-T</u>
BY: GLOBE TRUCK LINES, INC.)	<u>NOTICE OF HEARING</u>
2065 DELGANY STREET)	<u>AND</u>
DENVER, COLORADO 80202)	<u>ORDER TO SHOW CAUSE</u>
Respondent.)	
- - - - -	

- - - - -
October 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 Annual Report for calendar year of 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:


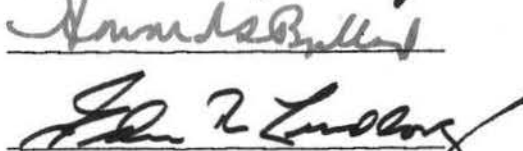
That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver, Colorado, at 10:00 o'clock A. M., on October 27, 1967, at which time

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 5th day of October, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
CERTIFICATES NOS. 1472 & I AND)	
518 & I)	<u>CASE NO. 113-T</u>
BY: NAUTA TRUCKING)	
BOX 405)	<u>NOTICE OF HEARING</u>
FORT COLLINS, COLORADO 80522)	<u>AND</u>
Respondent.)	<u>ORDER TO SHOW CAUSE</u>
- - - - -)	

- - - - -
October 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 Annual Report for calendar year of 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 October 27, 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Furlong
Howard S. Billings
Ed R. Linsley
Commissioners

Dated at Denver, Colorado,
this 5th day of October, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BOB GREEN, HOTCHKISS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 22772-PP

October 6, 1967

Appearances: Bob Green, Hotchkiss, Colo-
rado, pro se.

PROCEDURE AND RECORD

On August 28, 1967, Bob Green, Hotchkiss, Colorado, filed the instant application (No. 22772-PP) 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 related commodities as set forth in the application.

On August 31, 1967, the Commission, pursuant to law, designated William D. Mitchell as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court Room, Court House, Montrose, Colorado, at 10:30 a.m. on September 26, 1967. On October 3, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This Applicant does not hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for transportation of sand, gravel and related commodities, as listed in this application.
3. Applicant has a 1953 GMC Dump Truck, 15 years of experience in related fields and a net worth of \$7,800, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Bob Green, to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

- "1. 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 80 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 80 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 80 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 80 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.
2. Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 80 miles of said forests; rough lumber, from sawmills in said 80-mile radius to markets in the State of Colorado."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Bob Green, Hotchkiss, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for

- "1. 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 80 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 80 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 80 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 80 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.
2. Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 80 miles of said forests; rough lumber, from sawmills in said 80-mile radius to markets in the 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.

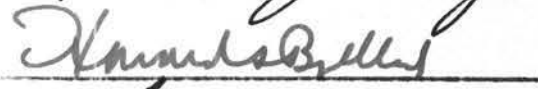
That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured authority sheets.


That 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 October, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
D. C. HALL, DOING BUSINESS AS)
"D. C. HALL LOGGING," BOX 354,)
PARADOX, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 22796-PP

October 9, 1967

Appearances: D. C. Hall, doing business as
"D. C. Hall Logging," Paradox,
Colorado, pro se.

PROCEDURE AND RECORD

On August 28, 1967, D. C. Hall, doing business as "D. C. Hall Logging," Box 354, Paradox, Colorado, filed the instant application (No. 22796-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of logs, poles and related commodities as set forth in the application.

On September 13, 1967, the Commission, pursuant to law, designated William D. Mitchell as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court, Court House, Montrose, Colorado, at 10:30 a.m. on September 26, 1967. On October 3, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This Applicant does not hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for transportation of logs, poles and related commodities, as listed in this application.
3. Applicant has a 1947 White Tractor and a 1952 Fruehauf Log Trailer, 32 years of experience in related fields, and a net worth of \$1,252, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, D. C. Hall, doing business as "D. C. Hall Logging," Box 354, Paradox, Colorado, to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests; rough lumber, from sawmills in said 100-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That D. C. Hall, doing business as "D. C. Hall Logging," Box 354, Paradox, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests; rough lumber, from sawmills in said 100-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered;"

and this ORDER shall be deemed to be, and be a PERMIT therefor.

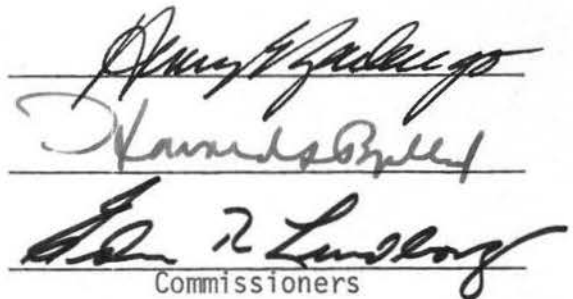
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

That 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 9th day of October, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
PERMIT NO. A-755)	CASE NO. 114-T
)	
BY: F S F TRUCK LINE)	NOTICE OF HEARING
BOX 132)	AND
FOUNTAIN, COLORADO 80817)	ORDER TO SHOW CAUSE
)	
Respondent.)	
- - - - -	

- - - - -
October 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 necessary tariff 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:

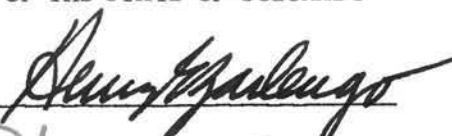
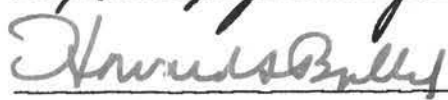

That this case be, and the same hereby is, set down for hearing in Room 529, State Services Building, 1525 Sherman Street, Denver, Colorado, at 10:00 o'clock A. M., on October 27, 1967, at which time

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado
this 5th day of October, 1967.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARTHUR V. NEHRING, DOING BUSINESS)
AS "BIG 'D' TRASH AND RUBBISH)
REMOVAL," R.R. 1, HOTCHKISS, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

APPLICATION NO. 22791

October 6, 1967

Appearances: Arthur V. Nehring, Hotchkiss,
Colorado, pro se.

PROCEDURE AND RECORD

On September 7, 1967, Arthur V. Nehring, doing business as "Big 'D' Trash and Rubbish Removal," R. R. 1, Hotchkiss, Colorado, filed the instant application (No. 22791) for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of ash, trash and related commodities as set forth in the application.

On September 13, 1967, the Commission, pursuant to law, designated William D. Mitchell as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court, Court House, Montrose, Colorado, at 10:30 a.m. on September 26, 1967. On October 3, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the records and exhibit of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant holds no previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire as listed in this application.
3. Applicant has a 1952 Dodge Pickup and is negotiating the purchase of a truck and special trash packer body, he has 18 years of experience in related fields, and a net worth of approximately \$21,000, all of which is ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and the granting of the authority as applied for will be in the public interest.
6. The existing service is inadequate to meet the particular transportation requirements sought herein and the present and future public convenience and necessity requires or will require the proposed authority.
7. The authority should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Arthur V. Nehring, doing business as "Big 'D' Trash and Rubbish Removal," to operate as a common carrier by motor vehicle for hire with authority to be designated as follows:

"Transportation of ash, trash, refuse, liquid waste, and industrial waste from point to point in Delta County to legally designated and approved dumps and disposal sites in Delta County, Colorado."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Arthur V. Nehring, doing business as "Big 'D' Trash and Rubbish Removal," R. R. 1, Hotchkiss, Colorado, be, and hereby is, authorized

to operate as a common carrier by motor vehicle for hire for

"Transportation of ash, trash, refuse, liquid waste and industrial waste from points in Delta County to regularly designated and approved disposal sites in Delta County, Colorado."

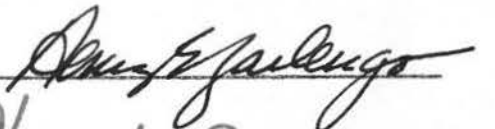
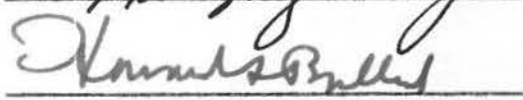
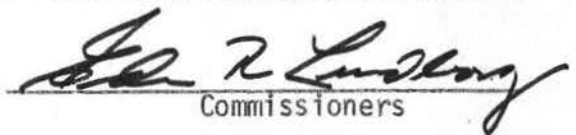
and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 6th day of October, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FLOYD ORFIELD AND MARLEEN ORFIELD,)
DOING BUSINESS AS "J & M EXCAVATING,)
1134 CALVERT STREET, COLORADO)
SPRINGS, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22741-PP

October 6, 1967

Appearances: Marleen Orfield, Colorado
Springs, Colorado, for
Applicants.

PROCEDURE AND RECORD

On August 10, 1967, Floyd Orfield and Marleen Orfield, doing business as "J & M Excavating," 1134 Calvert Street, Colorado Springs, Colorado, filed the instant application (No. 22741-PP) 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 related commodities as set forth in the application.

On August 18, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the County Office Building, 27 E. Vermijo Street, Colorado Springs, Colorado, at 10 a.m. on September 28, 1967. On October 3, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted

by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicants do not hold previously granted authority from this Commission, other than an "M" Permit.
2. Applicants have duly and properly applied for a Class "B" Permit for transportation of sand, gravel and related commodities as listed in this application.
3. Applicants have a 1959 Chevrolet 8-yard Tandem Dump & Loader, five years of experience in related fields and a net worth of \$25,000, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicants are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicants have or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicants will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicants, Floyd Orfield and Marleen Orfield, doing business as "J & M Excavating," to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"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."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Floyd Orfield and Marleen Orfield, doing business as "J & M Excavating," 1134 Calvert Street, Colorado Springs, Colorado, be and hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire 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;"

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 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 J. Pulido
Hammond Byrd

Ed R. Lindsay
Commissioners

Dated at Denver, Colorado,
this 6th day of October, 1967
et

(Decision No. 70207)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WALTER RUMNEY AND CELESTE W. RUMNEY,)
ROUTE 4, GREELEY, COLORADO, UNDER)
PERMIT NO. B-729 AND PERMIT NO. B-729-I.)

CASE NO. 5341
SUPPLEMENTAL ORDER

October 6, 1967

Appearances: John R. Barry, Esq., Denver
Colorado, for Respondents,
Walter and Celeste W. Rumney;
John J. Conway, Esq., Denver,
Colorado, for the Contract
Carriers Conference;
Robert L. Pyle, Denver, Colorado,
for the Staff of the Commission

STATEMENT AND FINDINGS OF FACT

On September 12, 1967, the Commission entered Decision No. 70070 in the above-styled matter.

On September 29, 1967, "Petition for Rehearing," was filed with the Commission by Respondent by her attorney, John R. Barry.

The Commission states 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 Respondent herein, by John R. Barry, her Attorney, on September 29, 1967, be, and the same hereby is, granted.

That said matter is hereby set for rehearing before the Commission at 10:00 o'clock A.M., on November 22, 1967, 532 State Services Building, 1525 Sherman Street, Denver, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry Garbino

Harold B. Hill

Ed Z. Lusk
Commissioners

Dated at Denver, Colorado,
this 6th day of October, 1967.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RICHARD K. WILLIAMS, STANFORD L.)
AND JAMES L. WILLIAMS DBA)
TRI-W)
P.O. Box 217)
Carbondale, Colorado 81623)
-----)

AUTHORITY NO. PUC 2355-I

CASE NO. 689-H-Ins.

October 5, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 26, 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.


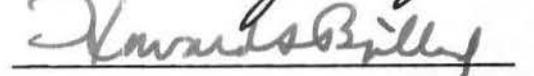

O R D E R

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 October, 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM FRANK DAUSEL, DOING BUSI-)
NESS as "BILL'S ASH AND TRASH)
SERVICE," 1805 WEST BOULDER, COLO-)
RADO SPRINGS, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE PUC NO. 2573.)

APPLICATION NO. 22743-Extension

October 9, 1967

Appearances: Gerald W. Bennett, Esq., Colorado
Springs, Colorado, for Applicant.

PROCEDURE AND RECORD

On August 8, 1967, William Frank Dausel, doing business as "Bill's Ash and Trash Service," 1805 West Boulder, Colorado Springs, Colorado, filed the instant application (No. 22743-Extension) seeking authority to extend operations under PUC No. 2573.

On August 18, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice the Application was heard by said Examiner in the County Office Building, 27 E. Vermijo Street, Colorado Springs, Colorado, at 10 a.m. on September 28, 1967. On October 4, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This Applicant presently holds authority under Certificate PUC No. 2573, described as follows:

"Dec. #40725: Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials, between points within a radius of 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.

Dec. #47759: EXTENDED TO: Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials, between points within the Corporate Limits of Colorado Springs, Colorado, and the City Dump."

This authority is presently in good standing before the Commission.
2. The extension applied for herein would not conflict with the above described authority.
3. The sole purpose for the extension is to enable dumping of trash in new dumps.
4. Applicant has duly and properly applied for an extension to his Certificate PUC No. 2573 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 located within a radius of 30 miles of the corner of Pikes Peak and Nevada Avenues, in Colorado Springs, Colorado.
5. Applicant has a 1957 GMC 3-ton Truck with 16-yard Packer and a 1964 Chevrolet 3-ton Truck with 20-yard Packer, 17 years of experience in related fields, and a net worth of \$20,000, all of which are ample and suitable for operation of the authority sought herein.
6. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
7. In a companion proceeding, Application No. 22744, application has been made to transfer this authority.
8. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
9. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, William Frank Dausel, doing business as "Bill's Ash and Trash Service," to extend his authority under certificate PUC No. 2573 and that henceforth the entire authority shall read as follows:

"Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials, between points within the City Limits of Colorado Springs, Colorado and a ten (10) mile radius of the corner of Pikes Peak and Nevada Avenues in Colorado Springs, Colorado to any duly designated and approved dump or disposal site located within a thirty (30) mile radius of said Pikes Peak and Nevada Avenues."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinafter set forth, and pursuant thereto,

ORDER

THE COMMISSION ORDERS:


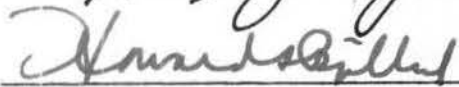

That William Frank Dausel, doing business as "Bill's Ash and Trash Service," 1805 West Boulder, Colorado Springs, Colorado, be, and hereby is authorized to extend operations under PUC No. 2573.

That henceforth the full and complete authority under PUC No. 2573 shall authorize the following:

"Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials, between points within the City Limits of Colorado Springs, Colorado and a ten (10) mile radius of the corner of Pikes Peak and Nevada Avenues in Colorado Springs, Colorado to any duly designated and approved dump or disposal site located within a thirty (30) mile radius of said Pikes Peak and Nevada Avenues."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 9th day of October, 1967

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WILLIAM FRANK DAUSEL, DOING)
BUSINESS AS "BILL'S ASH AND TRASH)
SERVICE," 1805 WEST BOULDER,)
COLORADO SPRINGS, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 2573)
TO JOHN C. SIMMONS, DOING BUSINESS)
AS "BILL'S ASH & TRASH SERVICE,")
1411 ARCH STREET, COLORADO SPRINGS,)
COLORADO.)

APPLICATION NO. 22744-Transfer

October 9, 1967

Appearances: Gerald W. Bennett, Esq., Colorado
Springs, Colorado, for Transferor
and Transferee.

PROCEDURE AND RECORD

On August 8, 1967, William Frank Dausel, doing business as "Bill's Ash and Trash Service," 1805 West Boulder, Colorado Springs, Colorado, and John C. Simmons, doing business as "Bill's Ash & Trash Service," 1411 Arch Street, Colorado Springs, Colorado, filed the instant joint application (No. 22744-Transfer), seeking authority from the Commission to transfer Certificate of Public Convenience and Necessity No. 2573 from William Frank Dausel to John C. Simmons.

On August 18, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the County Office Building, 27 E. Vermijo Street, Colorado Springs, Colorado, at 10 a.m. on September 28, 1967. On October 4, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. In a companion proceeding, Application No. 22743, extension was recommended for this authority, and the description of the authority as hereinafter set forth includes that extension.
2. The Transferor herein, William Frank Dausel, doing business as "Bill's Ash and Trash Service," is the present owner and operator of PUC No. 2573, which he has in the past continually operated and which presently is in good standing before the Commission.
3. Transferee herein, John C. Simmons, doing business as "Bill's Ash & Trash Service," holds no previously granted authority from this Commission other than an "M" Permit.
4. The Applicants have duly and properly applied for the transfer.
5. The parties have entered into an agreement for the transfer of PUC No. 2573 and, pursuant to said agreement, a consideration of \$10,000 will be paid (includes right, title and interest in and to said business and equipment), and the certificate is free and clear of any debts, encumbrances or obligations.
6. Transferee has a GMC 3-ton Truck with 16-yard Packer and a Chevrolet 3-ton Truck with 20-yard Packer (Equipment transferred from William Frank Dausel), five years of experience in related fields, and a net worth of \$7,500, all of which are ample and suitable for operation of the authority requested herein.
7. Transferee is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission and has or will make adequate provision for insurance.
8. This transfer is necessitated by reason of the Transferor's being physically unable to continue with the business.
9. The transfer is compatible with the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing William Frank Dausel, doing business as "Bill's Ash and Trash

Service," to transfer all of his rights, title and interest in and to Certificate PUC No. 2573 (in the event authority sought in Application No. 22743-Extension is granted) to John C. Simmons, doing business as "Bill's Ash & Trash Service," and that the authority shall hereinafter be described as follows:

"Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials, between points within the City Limits of Colorado Springs, Colorado and a ten (10) mile radius of the corner of Pikes Peak and Nevada Avenues in Colorado Springs, Colorado to any duly designated and approved dump or disposal site located within a thirty (30) mile radius of said Pikes Peak and Nevada Avenues."

On October 9, 1967, by Decision No. 70209, the Commission granted authority sought in Application No. 22743-Extension.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That William Frank Dausel, doing business as "Bill's Ash and Trash Service," 1805 West Boulder, Colorado Springs, Colorado, be, and hereby is, authorized to transfer all rights, title, and interest in and to PUC No. 2573 to John C. Simmons, doing business as "Bill's Ash & Trash Service," 1411 Arch Street, Colorado Springs, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 2573 shall be as follows, to-wit:




"Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials, between points within the City Limits of Colorado Springs, Colorado and a ten (10) mile radius of the corner of Pikes Peak and Nevada Avenues in Colorado Springs, Colorado to any duly designated and approved dump or disposal site located within a thirty (30) mile radius of said Pikes Peak and Nevada Avenues."

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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 9th day of October, 1967.
ls

(Decision No. 70211)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DORSEY D. TEMPLETON AND RAY)
JIMESON, DOING BUSINESS AS "J & T)
HAULING," 1162 RAINIER DRIVE, COLO-)
RADO SPRINGS, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 22804-PP

October 9, 1967

Appearances: Dorsey D. Templeton and Ray
Jimieson, Colorado Springs,
Colorado, pro se.

PROCEDURE AND RECORD

On September 13, 1967, Dorsey D. Templeton and Ray Jimieson, doing business as "J & T Hauling," 1162 Rainier Drive, Colorado Springs, Colorado, filed the instant application (No. 22804-PP) 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 related commodities as set forth in the application.

On September 15, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the County Office Building, 27 E. Vermijo Street, Colorado Springs, Colorado, at 10 a.m. on September 28, 1967. On October 4, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. These Applicants do not hold previously granted authority from this Commission.
2. Applicants have duly and properly applied for a Class "B" Permit for transportation of sand, gravel and related commodities, as listed in this application.
3. Applicants have a 1959 GMC Tandem 12-yard Dump Truck, Mr. Templeton has 5 years of experience in related fields and Mr. Jimieson has had 10 years, they have a net worth of \$12,000, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicants are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicants have or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicants will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority as applied for will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicants, Dorsey D. Templeton and Ray Jimieson, doing business as "J & T Hauling," to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"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 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 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 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 50 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;"

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Dorsey D. Templeton and Ray Jameson, doing business as "J & T Hauling," 1162 Rainier Drive, Colorado Springs, Colorado, be, and hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire 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 50 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 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 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 50 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 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

Dennis J. Farley
Harold B. Hill
Ed. R. Lusk
Commissioners

Dated at Denver, Colorado,
this 9th day of October, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD P. CHRISTENSON, DOING BUSI-)
NESS AS "DON CHRISTENSON TRUCKING,")
2136 HARLAN BLVD., EDGEWATER, COLO-) APPLICATION NO. 22748-PP-Extension
RADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER PERMIT NO. B-6921.)

October 9, 1967

Appearances: Mrs. Donald Christenson, Edgewater,
Colorado, for Applicant;
John H. Lewis, Esq., Denver, Colo-
rado, for Keller H. Light Trucking,
Inc., Protestant.

PROCEDURE AND RECORD

On August 14, 1967, Donald P. Christenson, doing business as "Don Christenson Trucking," 2136 Harlan Blvd., Edgewater, Colorado, filed the instant application (No. 22748-PP-Extension) for an extension of his present Class "B" Permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of commodities as set forth in the application. On August 24, 1967, Keller H. Light Trucking, Inc. filed a protest to the proposed extension.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on September 5, 1967. On October 4, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner to the Commission establishes that at the hearing the Applicant stipulated that the extended authority applied for be restricted by the deletion of Item No. 2 in his application which requested authority as follows:

"Transportation of farm products (excluding livestock bulk milk and dairy products) from point to point in Adams, Arapahoe and Denver Counties, Colorado."

This stipulation and motion to amend application by deletion of Item No. 2, being restrictive in nature was granted and approved by the Hearing Examiner and upon such approval, the Protestant withdrew its respective protest. The ruling of the Hearing Examiner granting and approving the said stipulation and motion to amend is hereby specifically approved and confirmed by the Commission.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusion submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant herein, Donald P. Christenson, doing business as "Don Christenson Trucking," presently holds authority under Permit No. B-6921, described as follows:

"Dec.#67355: 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, transportation of road-surfacing materials being restricted against the use of tank vehicles."
2. The above described authority is presently in good standing with the Commission and Applicant has continually operated the authority in the past.
3. Applicant has duly and properly applied for an extension to Permit No. B-6921 to include:
 - (1) Transportation of coal from mines in Larimer Boulder, Weld and Adams Counties, Colorado, to points in a 50-mile radius thereof;
 - (2) Transportation of peat moss and natural fertilizer, from points within a 30-mile radius of Nederland, Colorado to Denver, Colorado, and to points within a 10-mile radius of the city limits of Denver, Colorado.

- (3) Transportation of clay, from pits and supply points in the State of Colorado, to processing plants within the State of Colorado within a 50-mile radius of said pits and supply points.
4. Applicant has 6 Tandem Dump Trucks and 1 Tractor and Trailer with belly dump, three years experience in related fields, and a net worth of \$17,500, all of which are ample and suitable for operation of the authority applied for herein.
5. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
6. There is a present and special need for the service, as set forth in the authority below, and the proposed service will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general highway route or routes.
7. Applicant presently holds no authority duplicate to the authority requested.
8. The granting of the authority will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Donald P. Christenson, doing business as "Don Christenson Trucking," to extend his authority under Permit No. B-6921, and that henceforth the entire authority shall be described as follows:

- "1. 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, transportation of road-surfacing materials being restricted against the use of tank vehicles.
2. Transportation of coal from mines in Larimer, Boulder, Weld and Adams Counties, Colorado, to points in a 50-mile radius thereof.

3. Transportation of peat moss and natural fertilizer, from points within a 30-mile radius of Nederland, Colorado to Denver, Colorado, and to points within a 10-mile radius of the city limits of Denver, Colorado.
4. Transportation of clay, from pits and supply points in the State of Colorado, to processing plants within the State of Colorado within a 50-mile radius of said pits and supply points."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Donald P. Christenson, doing business as "Don Christenson Trucking," 2136 Harlan Blvd., Edgewater, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-6921.

That henceforth the full and complete authority under Permit No. B-6921 shall be as follows, to-wit:

- "1. 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, and to home 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, transportation of road-surfacing materials being restricted against the use of tank vehicles.
2. Transportation of coal from mines in Larimer, Boulder, Weld and Adams Counties, Colorado, to points in a 50-mile radius thereof.
3. Transportation of peat moss and natural fertilizer, from points within a 30-mile radius of Nederland, Colorado, to Denver, Colorado, and to points within a 10-mile radius of the City limits of Denver, Colorado.
4. Transportation of clay, from pits and supply points in the State of Colorado, to processing plants within the State of Colorado, to processing plants within the State of Colorado within a 50-mile radius of said pits and supply points."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel J. [Signature]

James B. [Signature]

Edw. J. [Signature]
Commissioners

Dated at Denver, Colorado,
this 9th day of October, 1967
et

Original

(Decision No. 70213)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE REDUCED RATES, BEER IN CONTAINERS,
INCLUDING PALLETS, DUNNAGE AND SHIPPER'S
ADVERTISING MATERIAL, BETWEEN GOLDEN AND
DENVER, COLORADO, AND OTHER NEARBY POINTS

)
)
) Investigation and Suspension
Docket No. 597

October 6, 1967

STATEMENT AND FINDINGS

BY THE COMMISSION:

On August 31, 1967, Acme Delivery Service, Inc., Walter E. Rumpf, Vice President, filed with the Commission Local Motor Freight Tariff No. 11, Colorado PUC No. 11, naming reduced rates and charges for the transportation of beer in containers, including pallets, dunnage and shipper's advertising material, between Golden, Colorado, on the one hand, and Aurora, Englewood and Lakewood, Colorado, on the other, scheduled to become effective September 30, 1967.

Upon receipt of a protest filed for and on behalf of Westway Motor Freight, Inc., by Leslie R. Kehl, Attorney for Protestant, said schedule was suspended by Decision No. 70145, to and including January 28, 1968.

The Commission is now in receipt of a letter from Walter E. Rumpf, Vice President, Acme Delivery Service, Inc., dated September 28, 1967, advising that Acme Delivery Service, Inc., "does not desire to defend the suspended matter, and requests that the suspended rates be ordered cancelled, the hearing vacated and the investigation discontinued."


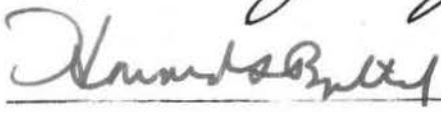
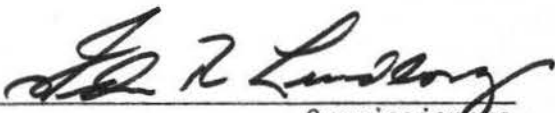
In view of the above-stated position of Respondent, the Commission finds that the request should be granted.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings herein be, and they are hereby, made a part hereof.
2. That the respondent herein be, and it is hereby, notified and required to cancel Local Motor Freight Tariff No. 11, PUC No. 11, referred to in Decision No. 70145, dated September 22, 1967, on or before October 28, 1967, upon notice to the Commission and the general public by not less than (1) day's filing and posting in the manner prescribed by law and the rules and regulations of the Commission.
3. That the proceeding be, and it is hereby, discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
6th day of October, 1967. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF INCREASED)
FREIGHT RATES AND CHARGES WITHIN)
COLORADO 1967 (Ex Parte No. 256))
-----)

Investigation and Suspension
Docket No. 598
NUNC PRO TUNC, CORRECTION AND
CLARIFICATION ORDER

October 6, 1967

STATEMENT AND FINDINGS

BY THE COMMISSION:

By decision No. 70180 dated October 3, 1967, Supplements K-7 and K-11 to Tariff of Increased Rates and Charges X-256 were suspended in part and investigation entered into concerning the lawfulness of said rates and charges insofar as they applied to designated portions of Tariff of Increased Rates and Charges X-256.

Through inadvertence, one of the designated portions of the tariff suspended read as follows: "Item 165 Par. (A) and Par. (8)." Said portion should have read: Item 165 Par. (A) and Par. (B).

The Commission finds that the error made should be corrected.

The Commission further finds that clarification of said Order should be made to avoid misinterpretation thereof as prescribed in the following nunc pro tunc order.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings herein be, and they hereby are, made a part hereof.
2. That Decision No. 70180 entered by the Commission on October 3, 1967, be, and the same hereby is, corrected and clarified so that henceforth the said Order shall be and read as follows, to wit:

(Decision No. 70180)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF INCREASED)	
FREIGHT RATES AND CHARGES WITHIN	)	Investigation and Suspension
COLORADO 1967 (Ex Parte No. 256)	)	<u>Docket No. 598</u>
-----)	

October 3, 1967

STATEMENT AND FINDINGS

BY THE COMMISSION:

By Tariff of Increased Rates and Charges X-256, Western Trunk Line Committee, ICC No. A-4676, filed August 10, 1967, increased rates and charges applicable on interstate commerce were scheduled to become effective August 19, 1967. On September 5, Supplement K-7 to Tariff of Increased Rates and Charges X-256, was filed on behalf of the railroads operating in intrastate commerce in Colorado, scheduled to apply the same increases to intrastate traffic, to become effective on October 6, 1967. On September 22, 1967, Supplement K-11 was issued to cancel Supplement K-7, to become effective on October 6, 1967.

The Commission is in receipt of protests filed by:

Bear Coal Co.
Colorado Milling & Elevator Company
Adolph Coors Company
The Colorado Mining Association
Great Western Sugar Company
Harris Coal Company
Ideal Cement Company
The Pittsburg & Midway Coal Mining Co.
The Rocky Mountain Coal Mining Institute

requesting that the proposed increases on Coal, Sugar, Cement, Cinders, Aggregate, Flour, Grain and Grain Products, and certain switching charges, be denied or suspended and set for investigation.

Upon consideration of the proposed schedules and the protests thereto, the protested portions of the proposed schedule may, if permitted to become effective, result in rates and charges that may be in violation of the Public Utilities Law. It is the opinion of the Commission that Supplements K-7 and K-11 to Tariff of Increased Rates and Charges X-256, Western Trunk Line Committee, ICC No. A-4676, should be suspended and investigation entered into concerning the lawfulness of the rates and

charges contained therein, insofar as they affect the following portions of Tariff of Increased Rates and Charges X-256:

- Group 15 (Flour)
- Group 305 (Coal)
- Group 633 (Cement)
- Group 759 (Sugar)
- Group 793 (Clay - Shale cinders)
- Item 100, Par. (3) (Commodity Rates)
 - Sub Par. (b) Part (1) (insofar as it applies to grain and grain products)
- Item 165, Par. (A) and Par. (B) (insofar as it applies on switching charges published in item 190 of Fred Ofcky's Freight Tariff 5-M, ICC 3.)

O R D E R

THE COMMISSION ORDERS, that, --

1. The Statement and Findings be, and they are hereby, made a part hereof.

2. That Supplements K-7 and K-11 to Tariff of Increased Rates and Charges X-256 Western Trunk Line Committee, ICC No. A-4676 be, and hereby are, suspended only insofar as they affect the following commodities under the Tariff of Increased Rates and Charges X-256, to and including February 3, 1968, unless otherwise ordered by the Commission, and investigation be entered into concerning the lawfulness of the rates and charges contained therein:

- Group 15 (Flour)
- Group 305 (Coal)
- Group 633 (Cement)
- Group 759 (Sugar)
- Group 793 (Clay - Shale cinders)
- Item 100, Par. (3) (Commodity Rates)
 - Sub Par. (b) Part (1) (insofar as it applies to grain and grain products)
- Item 165, Par. (A) and Par. (B) (insofar as it applies on switching charges published in item 190 of Fred Ofcky's Freight Tariff 5-M, ICC 3.)

3. The investigation in this proceeding shall not be limited 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 schedules under the Public Utilities Law.

4. Neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until the proceeding has been

disposed of or until the period, or an extension thereof, has expired, unless otherwise ordered by the Commission.

5. A copy of this order shall be filed with the schedules in the office of the Commission and that a copy hereof be served upon The Western Trunk Line Committee, issuing officer Fred Ofcky, 516 West Jackson Blvd., Chicago, Illinois 60606, and


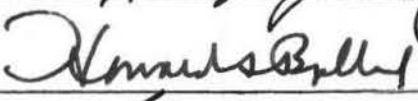

The Atchison, Topeka and Santa Fe Railway Company
Chicago, Burlington & Quincy Railroad Company
Chicago, Rock Island and Pacific Railroad Company
The Colorado and Southern Railway Company
The Colorado and Wyoming Railway Company
The Denver and Rio Grande Western Railroad Company
The Great Western Railway
Missouri Pacific Railroad Company
The Northwestern Terminal Railroad Company
San Luis Central Railroad
Southern San Luis Valley Railroad Company
Union Pacific Railroad Company

should be and they are hereby, made respondents in this proceeding. The necessary suspension supplement shall be issued to the referenced tariff.

6. Seven days prior to the hearing date herein, respondents shall provide the Secretary of the Commission with copies of any and all exhibits which they intend to introduce in evidence in support of their case.

7. The Investigation and Suspension Docket No. 598 be, and the same is hereby, set for hearing before the Commission on the 6th day of December 1967, at 10:00 o'clock a.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
3rd day of October, 1967. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Ted Slavin)
P. O. Box 444)
Higgins, Texas 79046)
-----)

AUTHORITY NO. M-11894
CASE NO. 489-M- Ins.

October 9, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 25, 1966 , 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.

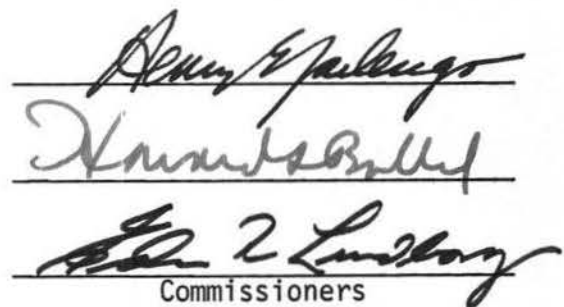
O R D E R

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
9th day of October 1967 .

(Decision No. 70216)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO CARTAGE COMPANY, INC., A)
COLORADO CORPORATION, 5275 QUEBEC)
STREET, DENVER, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 26)
AND PUC NO. 26-I TO EDSON EXPRESS)
INC., A COLORADO CORPORATION, 1270)
BOSTON, LONGMONT, COLORADO.)

APPLICATION NO. 22755-Transfer

October 10, 1967

Appearances: Truman A. Stockton, Esq., Denver,
Colorado, for Transferor and
Transferee;
Dalton Ford, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

On August 16, 1967, Colorado Cartage Company, Inc., a Colorado corporation, 5275 Quebec Street, Denver, Colorado, and Edson Express, Inc., a Colorado corporation, 1270 Boston, Longmont, Colorado, filed the instant joint application (No. 22755-Transfer), seeking authority from the Commission for the transfer of certificates of public convenience and necessity No. 26 and 26-I from Colorado Cartage Company, Inc. to Edson Express, Inc.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on September 11, 1967. On September 28, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. The authority to be transferred, in its present form, defies description and neither the Transferor or the Transferee were prepared to give an account of the authority.
2. There is considerable duplication in the authority involved in this transfer and others being retained by the Transferor.
3. In view of the cumbersome and inadequate description of the authority involved herein, and further in view of its duplication with other authority held by Transferor, a proceeding for clarification of this authority, as well as other authority held by Transferor, is mandatory.
4. Transferor, Colorado Cartage Company, Inc., presently holds authority under PUC No. 26 and 26-I, PUC No. 2693 and 2693-I, and Permit No. A-626 (see descriptions attached), which they have in the past continually operated and which are presently in good standing before the Commission.
5. Transferee, Edson Express, Inc., presently holds authority under PUC No. 40 (see description attached).
6. The parties have entered into an Agreement for the transfer of PUC No. 26 and 26-I and, pursuant to said Agreement, the consideration for the transfer is \$15,000. The certificates are free and clear of any debts, encumbrances or obligations. The Agreement also provides for transfer of Interstate Commerce Commission operating rights. Applicant desires 60 days instead of the usual 20 days to complete the transaction so as to coordinate transfers through the Interstate Commerce Commission.
7. The Applicants have duly and properly applied for the transfer.
8. Transferee has ample equipment (see Exhibit No. 6), sufficient net worth (see Exhibit No. 5) and Mr. Edson has had many years of experience in this field, all of which are ample and suitable for operation of the authority applied for herein.
9. Transferee is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.
10. Officers of the Transferee corporation are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission and have or will make adequate provision for insurance.

11. The transfer is compatible with the public interest and should be granted, conditioned, however, as outlined in "Conclusions" below.

CONCLUSIONS

That the Commission make and enter its Order authorizing Colorado Cartage Company, Inc., a Colorado corporation, to transfer all of its rights, title and interest in and to Certificate PUC No. 26 and 26-I to Edson Express, Inc., a Colorado corporation, conditioned on the fact, however, that:

1. Transferee file and otherwise process to a conclusion an application to clarify and redescribe the authority contained in PUC No. 26 and 26-I.
2. Transferor file and otherwise process to a conclusion an application to clarify and redescribe the authorities being retained by him.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth and as hereinbelow modified, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Colorado Cartage Company, Inc., a Colorado corporation, 5275 Quebec Street, Denver, Colorado, be, and hereby is, authorized to transfer all rights, title, and interest in and to PUC No. 26 and PUC No. 26-I to Edson Express, Inc., a Colorado corporation, 1270 Boston, Longmont, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That Transferor, Colorado Cartage Company, Inc., file and otherwise process to a conclusion an application with this Commission to clarify and redescribe the authorities being retained by it within six months of the effective date of this Order.

That Transferee, Edson Express, Inc., file and otherwise process to a conclusion an application with this Commission to clarify and redescribe the authority contained in PUC No. 26 and PUC No. 26-I within six months of the effective date of this Order.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the

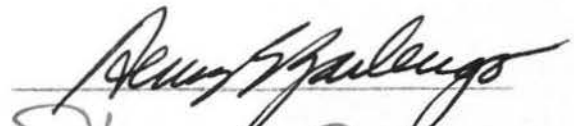
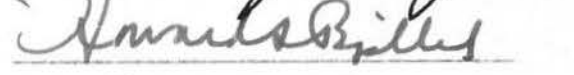
Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within sixty (60) 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 days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of October, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF THE ESTATE OF PAUL HICKMAN,)	
DECEASED, DOING BUSINESS AS)	
"YUMA COUNTY TRANSPORTATION,")	<u>APPLICATION NO. 22722-Transfer</u>
YUMA, COLORADO, FOR AUTHORITY TO)	
TRANSFER PUC NO. 1066 AND PUC NO.)	
1066-I TO DOROTHY HICKMAN, DOING)	
BUSINESS AS "YUMA COUNTY TRANS-)	
PORTATION," YUMA, COLORADO.)	

October 9, 1967

Appearances: Dorothy Hickman, Yuma, Colorado,
for Transferor and Transferee.

PROCEDURE AND RECORD

On July 31, 1967, the Estate of Paul Hickman, Deceased, doing business as "Yuma County Transportation," Yuma, Colorado, and Dorothy Hickman, doing business as "Yuma County Transportation," Yuma, Colorado, filed the instant joint application (No. 22722-Transfer), seeking authority from the Commission to transfer Certificates of Public Convenience and Necessity No. 1066 and 1066-I from Paul Hickman, Deceased, to Dorothy Hickman.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on September 5, 1967. On October 3, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. The authority is presently in the name of Paul Hickman, doing business as "Yuma County Transportation," however, the said Paul Hickman is deceased and Letters Testamentary were issued by the Probate Court of Yuma County, under date of June 5, 1958, designating Dorothy Ann Hickman as Executrix.
2. The file does not reveal an Order of Transfer and, therefore, this application should be conditioned upon receipt of an Order of Transfer from the Probate Court.
3. Certificates PUC No. 1066 and 1066-I, presently in the name of Paul Hickman, doing business as "Yuma County Transportation," have in the past been continually operated and which presently are in good standing before the Commission. Said Certificates are described in the Letter of Authority attached.
4. Transferee herein, Dorothy Hickman, doing business as "Yuma County Transportation Company," holds previously granted authority from this Commission under PUC No. 2642 & I, which is described in the Letter of Authority attached.
5. There is no duplication of authority between that presently held by the Transferee and that which is being transferred herein.
6. Since Mr. Paul Hickman is deceased, there is no sales agreement, no consideration to be paid for the transfer, and the certificates are free and clear of any debts, encumbrances or obligations.
7. Application has duly and properly been made for the transfer sought herein.
8. Transferee has 6 truck tractors, 10 trailers and 3 straight trucks, she has had 30 years of experience in this field, and has a net worth of \$88,180, all of which are ample and suitable for operation of the authority applied for herein.
9. Transferee is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission and has or will make adequate provision for insurance.

10. The transfer is compatible with the public interest and, conditioned as hereinafter set forth, should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Estate of Paul Hickman, deceased, doing business as "Yuma County Transportation," to transfer all of his rights, title and interest in and to Certificate PUC No. 1066 and 1066-I to Dorothy Hickman, doing business as "Yuma County Transportation," subject to the following:

- (a) That Applicant file an Order to Transfer by the Probate Court, and
- (b) That description of the authority shall henceforth be described as follows:

PUC No. 1066 & I

- "1. Transportation on call and demand of livestock from point to point in an area bounded by the Kansas and Nebraska State Lines on the east, a line drawn east and west twenty (20) miles south and twenty-five (25) miles north of Wray, Colorado and a line drawn north and south six (6) miles west of the northern portion of the Washington County Line; also, from and to points in said area to and from points in Colorado.
2. Transportation on call and demand of farm products from point to point in the above-described area and from farms in said area to market points in Colorado.
3. Transportation on call and demand of used farm machinery and equipment, including used household goods and furniture when moved with farmer's effects from farm to farm in said area, and from farms in said area to and from points in the State.
4. Transportation on call and demand of general farm supplies and building materials from Yuma, Colorado to farms in the above-described area.
5. Transportation on call and demand of cement from Boettcher and plaster from La Porte, Colorado, to points in the above-described area.
6. Transportation on call and demand of household goods, store and office fixtures and furniture, between points in the above-described area and from said area to points in Colorado east of U.S. Highway 85; provided, however, there shall be no service for said commodities on U.S. Highway 85 or between towns on U.S. Highway 34 and Denver and intermediate points."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That the Estate of Paul Hickman, Deceased, doing business as "Yuma County Transportation," Yuma, Colorado, be, and hereby is, authorized to transfer all rights, title, and interest in and to PUC No. 1066 and PUC No. 1066-I to Dorothy Hickman, doing business as "Yuma County Transportation," Yuma, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 1066 and PUC No. 1066-I shall be as follows, to-wit:

- "1. Transportation on call and demand of livestock from point to point in an area bounded by the Kansas and Nebraska State Lines on the east, a line drawn east and west twenty (20) miles south and twenty-five (25) miles north of Wray, Colorado and a line drawn north and south six (6) miles west of the northern portion of the Washington County Line; also, from and to points in said area to and from points in Colorado.
2. Transportation on call and demand of farm products from point to point in the above-described area and from farms in said area to market points in Colorado.
3. Transportation on call and demand of used farm machinery and equipment, including used household goods and furniture when moved with farmer's effects from farm to farm in said area, and from farms in said area to and from points in the State.
4. Transportation on call and demand of general farm supplies and building materials from Yuma, Colorado to farms in the above-described area.
5. Transportation on call and demand of cement from Boettcher and plaster from La Porte, Colorado, to points in the above-described area.
6. Transportation on call and demand of household goods, store and office fixtures and furniture, between points in the above-described area and from said area to points in Colorado east of U.S. Highway 85; provided, however, there shall be no service for said commodities on U.S. Highway 85 or between towns on U.S. Highway 34 and Denver and intermediate points."

That "Transfer Order" of the Probate Court shall be filed with the written acceptance of the terms of this Order.

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


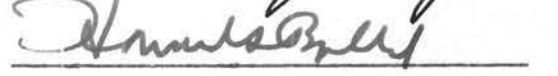

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificates have been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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

The right of transferee to operate under this Order shall depend upon the prior filing of the annual report by transferor herein, covering the operations under said certificates up to the time of 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 9th day of October, 1967.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF IVAN J. BAILEY AND BELVA BAILEY,)
DOING BUSINESS AS "BAILEY STORAGE AND)
TRANSFER COMPANY," 4200 PEARL STREET,)
BOULDER, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 2 AND NO. 2-I TO)
CONTINENTAL MOVING & STORAGE CO., A)
COLORADO CORPORATION, 4200 PEARL)
STREET, BOULDER, COLORADO.)

APPLICATION NO. 22727-Transfer

October 9, 1967

Appearances: Ivan J. Bailey and Belva Bailey,
doing business as "Bailey Storage
and Transfer Company," the Transferors;
Kenuff D. Wolford, Esq., Denver,
Colorado, for Continental Moving
& Storage Co., the Transferee.

PROCEDURE AND RECORD

On July 28, 1967, Ivan J. Bailey and Belva Bailey, doing business as "Bailey Storage and Transfer Company," 4200 Pearl Street, Boulder, Colorado, and Continental Moving & Storage Co., a Colorado corporation, 4200 Pearl Street, Boulder, Colorado, filed the instant joint application (No. 22727-Transfer) seeking authority from the Commission to transfer Certificates of Public Convenience and Necessity No. 2 and No. 2-I from Bailey Storage and Transfer Company to Continental Moving & Storage Co. On August 2, 1967, the Staff of the Commission issued temporary authority to so operate to Continental Moving & Storage Co.

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on September 5, 1967. On October 3, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission

the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. The Transferors herein, Ivan J. Bailey and Belva Bailey, doing business as "Bailey Storage and Transfer Company," are the present owners and operators of PUC No. 2 and 2-I, which they have in the past continually operated; however, Transferors are delinquent in filing annual report and this application should be conditioned upon the receipt and acceptance of said annual report, as hereinafter set forth.
2. The authority presently held by Transferors is described as follows:

"Decision No. 44070: The conduct throughout the State of Colorado of a household goods motor vehicle transportation service, with offices for the solicitation of business restricted to Boulder, Colorado.

Decision No. 46476 EXTENDED TO: Transportation of household goods from point to point within the City of Boulder, Colorado.

October 3, 1961 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."
3. Transferee corporation holds no previously granted authority from this Commission.
4. The parties have entered into an Agreement for the transfer of PUC No. 2 and 2-I and, pursuant to said Agreement, the consideration for the transfer is \$26,000, and the certificate is free and clear of any debts, encumbrances or obligations.
5. The Applicants have duly and properly applied for the transfer.
6. Transferee is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.

7. Transferee corporation has a 1967 Chevrolet Van, a 1959 Kentucky Van Trailer and a 1957 White Diesel Tractor, and is planning the purchase of additional equipment (see Exhibit No. 5), has 15 years of experience in related fields, and a net worth of \$17,724, all of which are ample and suitable for operation of the authority applied for herein.
8. Officers of Transferee corporation are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission and have or will make adequate provisions for insurance.
9. The transfer is compatible with the public interest and should be granted, subject to the conditions set forth below.

CONCLUSIONS

That the Commission make and enter its Order authorizing Ivan J. Bailey and Belva Bailey, doing business as "Bailey Storage and Transfer Company," to transfer all of their rights, title and interest in and to Certificates No. 2 and No. 2-I to Continental Moving & Storage Co., a Colorado corporation; subject, however, to the following conditions:

- (a) That Transferors, who are delinquent in filing their annual report, shall file said annual report, and that the transfer shall be conditioned upon its receipt and acceptance, and
- (b) that henceforth the authority shall read as follows:
 - "1. Transportation of household goods throughout the State of Colorado with offices for the solicitation of business restricted to Boulder, Colorado.
 2. 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."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Ivan J. Bailey and Belva Bailey, doing business as "Bailey Storage and Transfer Company," 4200 Pearl Street, Boulder, Colorado, be, and hereby are, authorized to transfer all rights, title and interest in and to PUC No. 2 and PUC No. 2-I to Continental Moving & Storage Co., a Colorado

corporation, 4200 Pearl Street, Boulder, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 2 and PUC No. 2-I shall be as follows, to-wit:

- "1. Transportation of household goods throughout the State of Colorado with offices for the solicitation of business restricted to Boulder, Colorado.
2. 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."

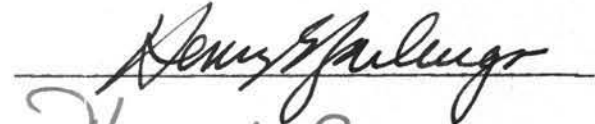
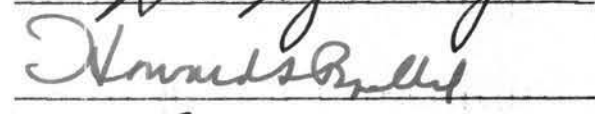
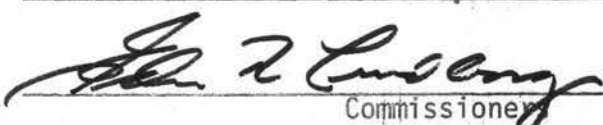
That the right of transferee to operate under this Order shall depend upon the prior filing of the Annual Report by transferors herein, covering the operations under said certificates up to the time of transfer of said certificates.

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

Dated at Denver, Colorado,
this 9th day of October, 1967.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF IRMA S. SCHROEDER, SPECIAL)
ADMINISTRATRIX OF THE ESTATE OF)
FRED A. SCHROEDER, JR., DECEASED,)
DOING BUSINESS AS "FREDDIE'S)
TRASH BOX," FOR AUTHORITY TO)
TRANSFER PUC NO. 3646 TO IRMA)
S. SCHROEDER, DOING BUSINESS AS)
"FREDDIE'S TRASH BOX," P. O. BOX)
238, CASTLE ROCK, COLORADO.)

APPLICATION NO. 22729-Transfer

October 13, 1967

Appearances: Theodore Kuhlman, Esq., Denver,
Colorado, for Irma S. Schroeder.

PROCEDURE AND RECORD

On July 24, 1967, Irma S. Schroeder, Special Administratrix of the Estate of Fred A. Schroeder, Jr., Deceased, doing business as "Freddie's Trash Box," P. O. Box 238, Castle Rock, Colorado, and Irma S. Schroeder, doing business as "Freddie's Trash Box," P. O. Box 238, Castle Rock, Colorado, filed the instant joint application (No. 22729-Transfer), seeking authority from the Commission to transfer Certificate of Public Convenience and Necessity No. 3646 from Estate of Fred A. Schroeder, Jr., Deceased, doing business as "Freddie's Trash Box" to Irma S. Schroeder, doing business as "Freddie's Trash Box."

On August 21, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on September 11, 1967. On October 5, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact

and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows;

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Fred A. Schroeder, Jr., former holder of this authority, is now deceased, and his widow, Irma S. Schroeder, was appointed Special Administratrix pursuant to Letter dated July 19, 1967 and which were filed as a late filed exhibit.

By order of the District Court of the County of Douglas, State of Colorado, this authority is authorized to be transferred from the Estate of Irma S. Schroeder. This order was also a late filed exhibit.

2. Transferor herein is the present owner and operator of PUC No. 3646, which has been continually operate in the past and which presently is in good standing before the Commission. Said certificate is described as follows:

"Decision No. 49012: Transportation of ashes, trash, and other waste materials, between points in Douglas County, Colorado, excluding therefrom authority to serve territory covered by PUC Nos. 2086, 2042, 1966 and 2097."

3. Transferee herein holds no previously granted authority from this Commission.
4. There is no consideration involved in this transfer and the certificate is free and clear of any debts, encumbrances or obligations.
5. Applicant has duly and properly applied for the transfer.
6. Applicant has 1 Dump Truck, 12 years of experience in related fields, and a net worth of \$100,000, all of which are ample and suitable for operation of the authority applied for herein.
7. Applicant is familiar with the rules and regulations of the Public Utilities Commission, and if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission and have or will make adequate provision for insurance.
8. The transfer is compatible with the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing Irma S. Schroeder, Special Administratrix of the Estate of Fred A. Schroeder, Jr., deceased, doing business as "Freddie's Trash Box,"

to transfer all of her rights, title and interest in and to Certificate PUC No. 3646 to Irma S. Schroeder, doing business as "Freddie's Trash Box," and that henceforth the authority shall be described as follows:

"Transportation of ashes, trash, and other waste materials, from points in Douglas County to regularly designated and approved dumps and disposal sites in Douglas County. RESTRICTED against service in that part of Douglas County lying within a ten (10) mile radius of Littleton, Colorado."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Irma S. Schroeder, Special Administratrix of the Estate of Fred A. Schroeder, Jr., Deceased, doing business as "Freddie's Trash Box," P. O. Box 238, Castle Rock, Colorado, be, and hereby is, authorized to transfer all rights, title, and interest in and to PUC No. 3646 to Irma S. Schroeder, doing business as "Freddie's Trash Box," P. O. Box 238, Castle Rock, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 3646 shall be as follows, to-wit:

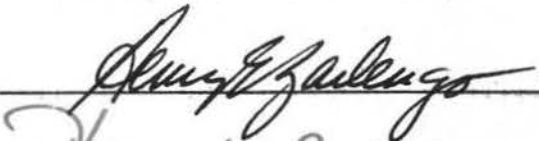
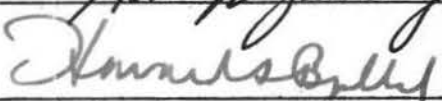

"Transportation of ashes, trash, and other waste materials, from points in Douglas County to regularly designated and approved dumps and disposal sites in Douglas County. RESTRICTED against service in that part of Douglas County lying within a ten mile radius of Littleton, Colorado."

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 13th day of October, 1967.
bk

(Decision No. 70220)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF MELVIN V. HICKOX, 2415 WHEELER,)
COLORADO SPRINGS, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 22762-PP

October 13, 1967

Appearances: Melvin V. Hickox, Colorado
Springs, Colorado, pro se.

PROCEDURE AND RECORD

On August 18, 1967, Melvin V. Hickox, 2415 Wheeler, Colorado Springs, Colorado, filed the instant application (No. 22762-PP) 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 related commodities as set forth in the application. On August 28, 1967, temporary authority to so operate was issued by this Commission to the Applicant.

On August 24, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the County Office Building, 27 E. Vermijo Street, Colorado Springs, Colorado, at 10 a.m. on September 28, 1967. On October 5, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. The Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. This Applicant does not hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for transportation of sand, gravel and related commodities, as listed in this application.
3. Applicant has a 1958 GMC Tandem Dump (12-yard) Truck, 20 years of experience in related fields, and a net worth of \$10,000, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority as applied for will be in the public interest and could be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Melvin V. Hickox, to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"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 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 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 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 50 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."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Melvin V. Hickox, 2415 Wheeler, Colorado Springs, Colorado, be and hereby is, authorized as a Class "B" private carrier by motor vehicle for hire, 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 50 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 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 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 50 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 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 E. Guller

Harold A. Butler

Ed R. Lindsay
Commissioners

Dated at Denver, Colorado,
this 13th day of October, 1967.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATIONS OF)
LEONARD L. HANEY, LAWRENCE HANCOCK,)
JR. AND GORDON P. WEICHEL TO)
TRANSFER ALL OUTSTANDING CAPITAL)
STOCK IN AND TO COLO. FREIGHT)
DISTRIBUTION, INC., 1420 - 38TH)
STREET, DENVER, COLORADO (HOLDER)
OF ALL OUTSTANDING STOCK IN AND TO)
GOLDSTEIN TRANSPORTATION AND)
STORAGE, INC., RECORD OWNER OF PUC)
NO. 416, PUC NO. 416-I, PUC NO.)
1901-I, PUC NO. 3171, PUC NO. 3537,)
PUC NO. 3538, PUC NO. 3539, PERMIT)
NO. B-503 AND PERMIT NO. A-787) TO)
TRANSPORT SERVICE, INC., 5231)
MONROE STREET, DENVER, COLORADO.)

APPLICATION NO. 22620-Stock Transfer
APPLICATION NO. 22621-Stock Transfer
APPLICATION NO. 22622-Stock Transfer
APPLICATION NO. 22623-Stock Transfer
APPLICATION NO. 22624-Stock Transfer
APPLICATION NO. 22625-Stock Transfer
APPLICATION NO. 22626-PP-Stock Transfer
APPLICATION NO. 22627-PP-Stock Transfer

October 13, 1967

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, for Leonard L. Haney,
Lawrence Hancock, Jr., Gordon P.
Weichel, and Transport Service,
Inc.;
John P. Thompson, Esq., Denver,
Colorado, for Denver-Climax Truck
Line, Denver-Laramie-Walden Truck
Line, Inc., Denver-Loveland Trans-
portation Company, Edson Express,
and Overland Motor Express;
Julius I. Ginsberg, Esq., Denver,
Colorado, for Bennie Goldstein and
Nathan Goldstein.

PROCEDURE AND RECORD

By application filed May 29, 1967, as amended by filing of June
20, 1967, Leonard L. Haney (Haney), Lawrence Hancock, Jr. (Hancock) and
Gordon P. Weichel (Weichel) seek authorization from the Commission to transfer
all of the outstanding stock of Colo. Freight Distribution, Inc. (Distribution)
to Transport Service, Inc. (Transport). Distribution is the holder of all
the outstanding stock of Goldstein Transportation and Storage, Inc. (Goldstein),
which latter company is the record owner of PUC No. 416 and PUC No. 416-I
(Application No. 22620), PUC No. 1901-I (Application No. 22621), PUC No. 3171
(Application No. 22622), PUC No. 3537 (Application No. 22623), PUC No. 3538

(Application No. 22624), PUC No. 3539 (Application No. 22625), Permit No. B-503 (Application No. 22626-PP), and Permit No. A-787 (Application No. 22627-PP). Thereafter, after due and proper notice, the applications were set for hearing before the Commission at 10:00 o'clock a.m. on August 2, 1967 in the Commission's hearing room, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, Commissioner Edwin R. Lundborg presiding.

Appearing in protest hereto was Denver-Climax Truck Line, Denver-Laramie-Walden Truck Line, Inc., Denver-Loveland Transportation Company, Edson Express, and Overland Motor Express. Motion was made by the applicants to strike the protest of all the aforesaid named carriers upon the grounds that no protest in writing had been filed with the Commission or served upon the applicants. The Commission served notice of the within hearing upon all interested parties, including the protesting carriers and their counsel, by notice dated July 18, 1967. This notice provided, among other things, the following:

Protests must be filed in writing with the Commission and served by mailing a copy thereof to the applicant and/or his attorney at least ten (10) days prior to the date set for hearing.

Counsel for the protesting carriers admitted that notice in writing was not filed with the Commission nor served upon the applicants, although counsel did have notice of the hearing. Counsel stated that he had assumed no notice in writing was required due to his participation for these same named carriers in prior applications before the Commission identified as Application Nos. 22185, 22186, 22224, 22225, 22226, 22227, 22228-PP and 22229-PP. The aforesaid prior applications involved the same operating authorities as issued by this Commission but involved a different named transferor and transferees. Further, it should be noted, these prior proceedings were dismissed by Order of this Commission, dated June 8, 1967, being Decision No. 69634. The service list of the Commission reveals that the order of dismissal was served upon protestants' counsel. The presiding Commissioner granted applicants' motion to strike the protests of all named

protestants. The Commission now confirms this action and expressly finds that all protesting carriers failed to give proper notice in writing of their intent to protest the within applications, either by filing said notice with the Commission or by serving said notice on the applicants or their attorney. The Commission further finds that notice of said hearing on the within applications was duly given and no good cause shown for the allowance of the protesting carriers to appear without complying with the Commission's protest requirements.

Applicants moved that the proceedings embraced herein be heard on a consolidated record for the reason that each proceeding involves the same transferor and transferee and further that each involves the same stock transfer. Said motion to consolidate was granted by the presiding Commissioner and is now confirmed by the Commission.

Appearing as witnesses were Bennie Goldstein, Leonard L. Haney, Lawrence Hancock, Jr., Gordon P. Weichel and Jerry D. McMorris. These witnesses supported the following exhibits (non-sequence of exhibit numbers due to the utilization of exhibit numbers consistent with those used in related matters not part of this consolidated record):

Exhibit No. 2 - Agreement, dated May 8, 1967, between Transport Service, Inc., Vendee, and Earl F. Buckingham, Dorothy M. Buckingham, Leonard L. Haney, Lawrence Hancock, Jr. and Gordon P. Weichel, Vendors.

Exhibit No. 4 - List of equipment to be withdrawn from Goldstein Transportation and Storage, Inc.

Exhibit No. 6 - Agreement, dated August 2, 1967, between Bennie Goldstein and Nathan Goldstein, Earl F. Buckingham and Dorothy M. Buckingham, and Transport Service, Inc.

Exhibit No. 7 - Temporary authority letter, dated June 6, 1967, providing for temporary control of Goldstein Transportation and Storage, Inc. by Transport Service, Inc.

Exhibit No. 8 - Consolidated balance sheet as of March 31, 1967 for Transport Service, Inc. and its subsidiaries.

All exhibits were admitted in evidence and, at the conclusion of the hearing, the presiding Commissioner took the applications 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 as follows:

1. That Goldstein Transportation and Storage, Inc. is the owner and operator of Certificates of Public Convenience and Necessity PUC Nos. 416 and 416-I, 1901-I, 3171, 3537, 3538, 3539 and Permit Nos. B-503 and A-787, issued by the Public Utilities Commission of the State of Colorado.

2. That the above set forth Certificates and Permits authorize the holder thereof to engage in for hire motor carrier transportation as both a regular and irregular route carrier. The specific authorities contained in said Certificates and Permits are as follows, to-wit:

PUC No. 416 and PUC No. 416-I

The conduct of a transfer, moving, and general cartage business in the Counties of El Paso and Teller, and for occasional service from one point to another within the State of Colorado, subject to the following terms and conditions: For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, applicant shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers. Applicant shall not operate on schedule between any points. Applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have an agent employed in any other town or city than Colorado Springs for the purpose of developing business. Transportation of freight between all points in the State of Colorado and the Colorado State boundary lines, where all highways cross the same, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

PUC No. 1901-I

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.

PUC No. 3171

Conduct of a transfer, moving, and general cartage business, from point to point in the State of Colorado, subject to the following conditions:

(a) For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, applicant shall charge rates which in all cases shall be at least twenty per cent in excess of those charged by the scheduled carriers; (b) Applicant shall not operate on schedule between any points; (c) Applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have an agent employed in any other town or city than Denver for the purpose of developing business. Dec. #63607: Suspends all operations under Permit No. B-503 to the extent that they duplicate the authority under PUC No. 3171 as to both territory and commodities.

PUC No. 3537

To conduct a transfer, moving, and general cartage business within the City Limits of the City and County of Denver, Colorado.

PUC No. 3538

To conduct a transfer, moving, and general cartage business within the City Limits of the City of Pueblo, Colorado.

PUC No. 3539

To conduct a transfer, moving, and general cartage business within the City Limits of the City of Colorado Springs, Colorado.

PERMIT No. B-503

Not over substantially regular or established routes, or between fixed termini or to a fixed terminus or termini, all operations to be suspended to the extent that they duplicate authority under PUC No. 416, as to both territory and commodities. Dec. #63607: Suspends all operations under Permit No. B-503 to the extent that they duplicate the authority under PUC 3171 as to both territory and commodities.

PERMIT No. A-787

Freight between Denver and Julesburg and intermediate points over U. S. Highways 85, 38 and 138; between Fort Lupton vicinity and Trinidad and intermediate points, over U. S. Highway No. 85; between Fort Lupton vicinity and Wyoming State Line and intermediate points over U. S. Highway No. 85; and between Denver and Kansas State Line and intermediate points, over U. S. Highway No. 40 to Limon, and Highway No. 24; Dec. #46245: EXTENDED TO: Pick-up and delivery service within a radius of 5-miles of the City Limits of Denver, Colorado, where the goods involved have had or will have a prior or subsequent movement under this authority and where the entire transportation is covered by a single bill of lading. Dec. #49306: The transportation of Government freight moving on Government bills of lading between Peterson

Field (Elsmere, Colorado) on the one hand, and points served under Permit A-787 on the other hand. Dec. #53078: Extended to include the right to render pick-up and delivery service within an area within a radius of three and one-half miles of Pueblo, Colorado, on shipments having a prior or subsequent movement on said carrier's line, and to serve Triplex Manufacturing Company and the Pueblo Air Base.

3. That all the above Certificates and Permits are presently in good standing before the Commission.

4. That, on May 8, 1967, Transport entered into an agreement with Haney, Hancock and Weichel to purchase all of the outstanding stock of Distribution which is a holding company holding all of the capital stock of Goldstein. The consideration for this purchase is for Transport to obtain the release of and/or indemnify the vendors from guarantor liability on various purchase agreements, promissory notes and non-compete agreements, being in a total amount of \$305,000. Additionally, the vendors are to remove from Goldstein that motor vehicle equipment as specified on Exhibit 4. The considerations as mentioned herein are not allocated to any particular operating right and, in addition, involve certain other interstate operating rights which are not here pertinent.

5. That, as of March 31, 1967, Transport shows net worth of \$488,808 and is, therefore, financially able to make the stock purchase as contemplated and to conduct the transportation services as set forth under the Certificates and Permits herein involved.

6. That Transport, through its subsidiaries, Westway Motor Freight, Inc. and North Eastern Motor Freight, Inc., has engaged in for hire motor vehicle transportation both as a regular and irregular route carrier operating in Colorado intrastate commerce, as well as in interstate commerce, for a number of years and is, therefore, experienced through its officers and operating personnel in the motor vehicle transportation business. The witness for Transport is familiar with all the rules and regulations of the Commission governing motor vehicle operations and will comply therewith if the transfers as herein sought are approved.

7. That all motor vehicle operating rights considered herein are the subject of a chattel mortgage securing payments in favor of Bennie Goldstein and Nathan Goldstein under an agreement for stock purchase, dated August 4, 1964, and agreements of non-competition and employment, dated September 30, 1964. Said chattel mortgages are to remain in effect subsequent to the transfer of stock as herein sought. Inasmuch as the Commission has already approved said chattel mortgages in a prior transfer proceeding, no further approval is necessary at this time and the existence of said chattel mortgages against the operating rights shall in no way be affected by the present transfer. Bennie Goldstein and Nathan Goldstein agree to the transfer as sought in the present application so long as their security under the aforesaid chattel mortgages is not reduced.

8. That the various operating authorities held by Goldstein have been operated at severe losses for a substantial period of time and unused net operating loss approximating \$200,000 has accrued to Goldstein. This loss can, under proper circumstances, be carried forward under the Internal Revenue Code for a period of seven years. It is necessary that the business of Goldstein be continued substantially the same in order for the net operating loss to be utilized by that company.

9. That this Commission, recognizing the financial difficulty of the Goldstein operations, issued temporary authority to Transport by letter dated June 6, 1967 authorizing the control through management of Goldstein by Transport. During the period of said control, the operations of Goldstein had been brought to a break-even point.

10. That the proposed herein stock transfer is in the public interest and should be authorized as set forth in the order following.

DISCUSSION

An examination of the authorities, as heretofore set forth, reveals that some of the authorities held by Goldstein overlap in whole or in part with certain other authorities. In addition, the Commission takes official notice that certain authorities held by the subsidiaries of

Transport are likewise duplicative in whole or in part of portions of the Goldstein authority. The Commission has, as a matter of policy, declined to approve transfers resulting in duplicating authority unless such duplications are canceled. Such policy is specifically set forth in Rule 5 of the Commission Rules and Regulations Governing Common Carriers by Motor Vehicles, and Rule 6 of the Commission Rules and Regulations Governing Private Carriers by Motor Vehicles. There exists, however, in the instant proceeding substantial reasons for not requiring the cancellation of overlapping operating rights at this date. Specifically, the security interest of Bennie and Nathan Goldstein would be affected by any cancellation of rights within Goldstein and, therefore, the transaction as proposed could not be consummated if immediate cancellation were required. Further, it does not appear desirable to require a cancellation of some of the operating rights of either Westway or North Eastern for the reason that such cancellation would obviously result in Westway and/or North Eastern traffic being diverted to Goldstein, which latter carrier would be the only one remaining having the appropriate authority. Such diversion of traffic might be inconsistent with the continued business of Goldstein for purposes of carrying forward the net operating loss. Therefore, the ordering provision of this Decision to follow will provide for the cancellation of the duplicating authority as contained in the Goldstein Certificates and Permits, as well as that held by Goldstein which duplicates the authority held by Westway and North Eastern, inasmuch as all of these carrier entities will be under common control at the consummation of the transaction as contemplated herein. Said cancellation, however, shall be withheld for a period of seven years from the effective date of this Decision in order to satisfy the holders of the security interest and also in order to enable the carrying forward of the net operating loss. Transport shall, however, within said seven year period file with the Commission, as a supplement to these proceedings, a request for cancellation of duplicating operating authority setting forth exactly what authority is to be cancelled and the manner in which the authority will read after cancellation. The

Commission may then satisfy itself concerning the cancellation and will issue a supplemental order hereto setting forth the exact authority after cancellation. Should Transport, or its successor in interest, fail to submit such a request during the seven year period, the Commission on its own motion, without necessity of further hearing unless the Commission desires, may enter a supplemental order in conjunction with these proceedings providing for the cancellation of all duplicating operating authority.

O R D E R

THE COMMISSION ORDERS:

That Leonard A. Haney, Lawrence Hancock, Jr., and Gordon F. Weichel, be, and hereby are, authorized to transfer all right, title and interest which they hold in and to the outstanding capital stock of Colo. Freight Distribution, Inc., holder of all outstanding stock in and to Goldstein Transportation and Storage, Inc., record owner of PUC No. 416, PUC No. 416-I, PUC No. 1901-PUC No. 3171, PUC No. 3537, PUC No. 3538, PUC No. 3539, Permit No. B-503 and Permit No. A-787, to Transport Service, Inc., Denver, Colorado, subject to existing encumbrances against said stock or the operating rights controlled thereunder which encumbrances have been heretofore approved by this Commission.

That said capital stock transfer shall become effective only if any when, but not before, said stock transferors and transferee, in writing, have advised the Commission that the herein involved capital stock has been formally transferred 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 any 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 stock transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

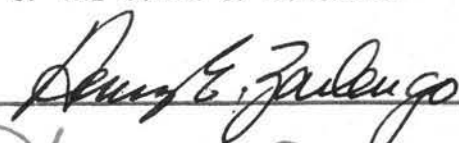
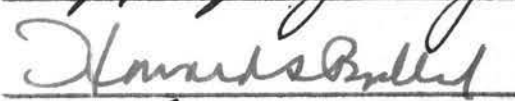

That the tariff of rates, rules and regulations of the operating company, Goldstein Transportation and Storage, Inc., shall, upon proper adoption notice showing change of control, remain in effect until changed according to law and the rules and regulations of this Commission.

That the right of the transferee to control operations pursuant to this Order shall depend upon its compliance with all present and future laws and rules and regulations of the Commission, and the prior filing of delinquent reports, if any, covering operations under said certificates up to the time of transfer of the controlling interest in the capital stock as provided for herein.

That Transport Service, Inc., or its successor in interest, is hereby directed to file or obtain the filing by the appropriate operating company within seven years from the effective date of this Order of a request for the cancellation of all duplicating operating authority within the corporate entity of Goldstein Transportation and Storage, Inc., or its successor in interest, and in addition, to cancel any duplicating operating authority then existing between said Goldstein Transportation and Storage, Inc., or its successor in interest, and other for-hire motor vehicle carriers under common control with Goldstein Transportation and Storage, Inc., or its successor in interest. Said request shall include an exact description of the duplicating authority to be eliminated and shall further include, as appropriate, the operating authority of Goldstein Transportation and Storage, Inc., or its successor in interest, as it will read after the cancellation and the operating authority of any other commonly controlled entity in which duplicating operating rights are to be cancelled.

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 13th day of October, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF SUPERIOR SANITATION, INC.,)	
150 EAST POLK STREET, COLORADO	)	<u>APPLICATION NO. 22742-Extension</u>
SPRINGS, COLORADO, FOR AUTHORITY)	
TO EXTEND OPERATIONS UNDER)	
CERTIFICATE PUC NO. 2572.)	

October 13, 1967

Appearances: Otto K. Hilbert, Esq., Colorado
Springs, Colorado, for Applicant.

PROCEDURE AND RECORD

On August 3, 1967, Superior Sanitation, Inc., 150 East Polk Street, Colorado Springs, Colorado, filed the instant application (No. 22742-Extension) seeking authority to extend operations under Certificate of Public Convenience and Necessity No. 2572.

On August 18, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the application was heard by said Examiner in the County Office Building, 27 E. Vermijo Street, Colorado Springs, Colorado, at 10 a.m. on September 28, 1967. On October 5, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. The sole purpose for this application is to enable Applicant to dump in new dumps.
2. Applicant, Superior Sanitation, Inc., presently holds authority under PUC No. 2572, description of which is attached.
3. This authority is presently in good standing before the Commission.
4. The extension applied for herein would not conflict with the above described authority.
5. Applicant corporation has duly and properly applied for an extension to its certificate 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 located within a 50-mile radius of the corner of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado.
6. Superior Sanitation, Inc. is a Montana corporation, duly licensed to do business in the State of Colorado.
7. Applicant corporation has 20 items of equipment, Leach Packers to clean-up equipment, 14 years of experience in this field, and a net worth of \$150,000, all of which are ample and suitable for operation of the authority applied for.
8. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
9. There is a present and special need for the service and the present or future public convenience and necessity requires or will require the proposed authority.
10. The authority should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant corporation, Superior Sanitation, Inc., to extend its authority under PUC No. 2572, and that the entire authority shall henceforth be described as follows:

"Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials, between points within the City Limits of Colorado Springs, Colorado and a ten (10) mile radius of the corner of Pikes Peak and Nevada Avenue in Colorado Springs, Colorado to any duly designated and approved dump or disposal site located within a fifty (50) mile radius of said Pikes Peak and Nevada Avenues."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Superior Sanitation, Inc., 150 East Polk Street, Colorado Springs, Colorado, be, and hereby is, authorized to extend operations under PUC No. 2572.

That henceforth the full and complete authority under PUC No. 2572 shall authorize the following:

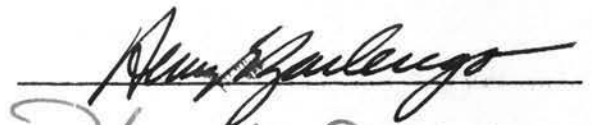
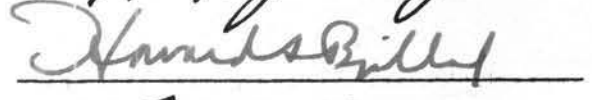
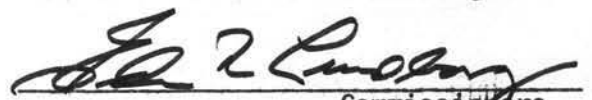
"Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush and other waste materials, between points within the City Limits of Colorado Springs, Colorado and a ten (10) mile radius of the corner of Pikes Peak and Nevada Avenue in Colorado Springs, Colorado to any duly designated and approved dump or disposal site located within a fifty (50) mile radius of said Pikes Peak and Nevada Avenues."

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 13th day of October, 1967.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF STAN T. ERNST AND LEE R. CORDER,)	
3107 EAST PIKES PEAK AVENUE, COLORADO	)	<u>APPLICATION NO. 22745-Transfer</u>
SPRINGS, COLORADO FOR AUTHORITY TO)	
TRANSFER PUC NO. 2629 TO LEE R. CORDER,)	
DOING BUSINESS AS "COLORADO SPRINGS)	
SANITATION," 3107 EAST PIKES PEAK)	
AVENUE, COLORADO SPRINGS, COLORADO.)	

October 13, 1967

Appearances: Otto K. Hilbert, Esq., Colorado
Springs, Colorado, for Transferors
and Transferee.

PROCEDURE AND RECORD

On August 8, 1967, Stan T. Ernst and Lee R. Corder, 3107 East Pikes Peak Avenue, Colorado Springs, Colorado, and Lee R. Corder, doing business as "Colorado Springs Sanitation," 3107 East Pikes Peak Avenue, Colorado Springs, Colorado, filed the instant joint application (No. 22745-Transfer) seeking authority from the Commission to transfer Certificate of Public Convenience and Necessity No. 2629 from Stan T. Ernst and Lee R. Corder to Lee R. Corder.

On August 18, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the County Office Building, 27 E. Vermijo Street, Colorado Springs, Colorado, at 10 a.m. on September 28, 1967. On October 3, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record

of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. The transferors herein, Stan T. Ernst and Lee R. Corder, are the present owners and operators of PUC No. 2629, which they have in the past continually operated and which presently is in good standing before the Commission. Said Certificate is described as follows:

"Decision No. 69637: Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues in Colorado Springs, Colorado, to any designated or approved dump or dump site within a thirty (30) mile radius of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado."
2. The Transferee herein, Lee R. Corder, doing business as "Colorado Springs Sanitation," holds no previously granted authority from this Commission.
3. The parties have entered into an Agreement for the transfer of PUC No. 2629 and, pursuant to said agreement, the consideration for the transfer is \$1,000 (which includes all equities in the equipment and business), and the certificate is free and clear of any debts, encumbrances or obligations.
4. The Applicants have duly and properly applied for the transfer.
5. Transferee has a 1962 Chevrolet Truck with Leach Packer and a 1963 Dodge Pickup, two years of experience in related fields, and a net worth of \$3,900, all of which are ample and suitable for operation of the authority applied for herein.
6. Transferee is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission and has or will make adequate provision for insurance.
7. The transfer is compatible with the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing Stan T. Ernst and Lee R. Corder to transfer all of their rights, title and interest in and to Certificate PUC No. 2629 to Lee R. Corder, doing business as "Colorado Springs Sanitation," the authority under PUC No. 2629 to remain in its present form.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Stan T. Ernst and Lee R. Corder, 3107 East Pikes Peak Avenue, Colorado Springs, Colorado, be, and hereby are, authorized to transfer all rights, title, and interest in and to PUC No. 2629 to Lee R. Corder, doing business as "Colorado Springs Sanitation," 3107 East Pikes Peak Avenue, Colorado Springs, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

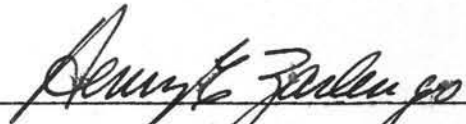
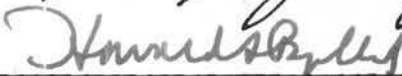
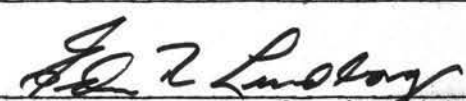
That henceforth the full and complete authority under PUC No. 2629 shall be as follows, to-wit:

"Transportation of ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues in Colorado Springs, Colorado, to any designated or approved dump or dump site within a thirty (30) mile radius of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado."

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

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 13th day of October, 1967.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WILBUR J. PIERCE AND BETTIE)
JEAN PIERCE, DOING BUSINESS AS) APPLICATION NO. 22636-PP-Extension
"PIERCE TRUCK LINE," BOX 173,)
JEFFERSON, COLORADO, TO EXTEND)
OPERATIONS UNDER PERMIT NO. B-2268.)

October 13, 1967

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Applicants;
Alvin J. Meiklejohn, Jr., Denver,
Colorado, for Groendyke Transport,
Inc., Ruan Transport Corporation,
and Ward Transport, Inc., Protestants;
Shirley Avery, Buena Vista,
Colorado, for Eveready Freight
Service, Inc., pro se, Protestant.

PROCEDURE AND RECORD

On June 6, 1967, Wilbur J. Pierce and Bettie Jean Pierce, doing business as "Pierce Truck Line," Box 173, Jefferson, Colorado, filed the instant application (No. 22636-PP-Extension) for an extension of their present Class "B" Permit No. B-2268 to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of commodities as set forth in the application. On June 27, 1967, Groendyke Transport, Inc. filed a protest to the instant application. On June 27, 1967, Ruan Transport Corporation and Ward Transport, Inc. filed a joint protest to the application.

On June 20, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 2 p.m. on July 7, 1967. On September 27, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the

record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Examiner to the Commission establishes that the application was protested by Donald S. Smith, Sales and Traffic Manager for Ward Transport, Inc., Paul V. Hoerr, District Sales Manager for Ruan Transport Corporation and Jesse Seals, Denver Terminal Manager for Groendyke Transport, Inc.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicants presently hold authority under Permit No. B-2268 which is described as follows:

"Transportation of livestock, hay, grain and ranch supplies between points within the following described area; east of Hartzel to a line running north and south through Tarryall, south from Hartzel a distance of 18 miles, west from Hartzel a distance of 8 miles, and north from Hartzel to Kenosha Pass, and from and to points in said area to and from Buena Vista, Divide, Colorado Springs, San Luis Valley and the City and County of Denver, PROVIDED, however, that the applicant will not engage in any transportation of livestock and farm machinery between Colorado Springs and that part of his area overlapped and served by Jim's Truck Line or service of competitive character between points on Highway 8 and U.S. 24 and 50 along the scheduled route of common carriers."

This authority is presently in good standing with the Commission.

2. Applicants also hold authority granted by this Commission under Certificate No. 1518, which is described as follows:

"Decision No. 65476: Transportation of: (1) hay, straw and livestock between Denver, Golden, Divide, and Colorado Springs, on the one hand, and, on the other, ranches in that part of Park County, Colorado, located west of a north and south line fifteen miles east of the town of Jefferson and east of a north and south line through Fairplay, (2) repair parts for farm machinery, livestock feeds, salt, coal, and farm supplies, generally, from Denver, Divide and Colorado Springs, to ranches in said area in said Park County. Decision No. 26274 Extended to: Transportation of hay, straw, repair parts for farm

machinery, livestock feeds, salt, coal, farm supplies, generally, and livestock, between points in Park County, (except and excluding that portion of the northeast corner of Park County bounded on the west by a line drawn north and south from the north county line two miles west of the town of Bailey, and bounded on the south by a line running east and west two miles south of the town of Bailey), and from and to said area in Park County to and from points within a radius of 150 miles of Jefferson, Colorado. Decision No. 27333. Extended to: Transportation of cement, gravel and other commodities and materials to be used in the construction of the water tunnel now being constructed by the City and County of Denver, near Grant, Colorado, to the east portal of said tunnel. Decision No. 38756. Extended to : Transportation of farm produce, farm supplies and livestock between points in Park County bounded on the west by a line drawn north and south from the north county line, two miles west of the town of Bailey, and bounded on the south by a line running east and west, two miles south of the town of Bailey, on the one hand, and points in Colorado on the other hand. Decision No. 43184. Extended to: Transportation of general commodities, excepting, however, petroleum products in bulk, ore and concentrates, mining and milling supplies and equipment, and bulk cement, between points in area in Park County now authorized to be served on the one hand, and on the other, points and places in the State of Colorado, said authority being further restricted against competition with the line-haul service of South Park Motor Lines, being Certificate 1026."

This authority also is presently in good standing with the Commission.

3. The Applicant, by this application, seeks to ~~extend~~ operations under Permit No. B-2268 so as to (1) transport gasoline and diesel fuel in bulk, in tank vehicles, between Alma and Fairplay, Colorado, on the one hand, and on the other hand, points in Colorado for one customer only; viz., Gately Motor Company, and (2) to transport livestock between points in Colorado for one customer only; viz., Anschutz Land and Cattle Company.
4. The one customer for whom this authority is sought would not use Protestants' carriers even if this extension were not granted because such carriers would not be able to give the customer the particular and personal service required by him.
5. Protestants hold the following authority from this Commission:

Groendyke Transport, Inc. - PUC No. 1873 & I -

In interstate and intrastate commerce, transportation of petroleum products and liquefied petroleum gases, in bulk, in tank vehicles, between points in the State of Colorado.

Ruan Transport Corporation - PUC No. 1515 -

authorizing transportation of petroleum products, in bulk, between all points in the State of Colorado.

Ward Transport, Inc. - PUC No. 1497

authorizes transportation of petroleum products,
in bulk, between all points in the State of Colorado.

However, the evidence presented in opposition to the extension is too general, indefinite and uncertain, so as to cause a denial of the extension and, in fact, there was no substantial evidence presented by Protestants in opposition to said extension.

6. The shipper witnesses in this instance, with respect to the hauling of gasoline and diesel fuel (Gately Motor Company), do not have adequate storage and need a quick and personal service, which this Applicant would be able to furnish to them.
7. The one customer having to do with livestock hauling needs the personal and continuing convenient service that this Applicant could furnish to him because of quick changes in the market with respect to shipments of livestock.
8. The authority of this Applicant as contained under Permit No. B-2268 is in conflict with, and duplicate to Certificate of Public Convenience and Necessity PUC No. 1518 also held by this Applicant to the extent that it would be in the public interest, as well as the interest of this Commission, particularly with respect to regulation, if the authority contained in Permit No. B-2268 were redrafted.
9. The present description of the authority contained in Permit No. B-2268 is cumbersome, hard to interpret, overlaps other authority held by this Applicant and, in fact, does not describe an area.
10. Although the description of the authority contained in Permit No. B-2268 does not describe an enclosed area, it appears to have been the intent to describe an enclosed area and the wording of the authority should be changed as hereinafter set forth.
11. Applicants have duly and properly applied for this extension to Permit No. B-2268.
12. Applicants have the following equipment (see Exhibit No. 2):

4 Tractors - 1 truck - 6 trailers.

Wilbur J. Pierce, Applicant, has had 16 years of experience in related fields, and Applicants have a net worth of \$14,965.55, all of which are ample and suitable for operation of the authority applied for herein.

13. Applicants are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicants have or will make adequate provision for insurance.

14. There is a present and special need for the service and, if this application is granted, Applicants will enter into special carriage contracts with customers to perform services thereunder.
15. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
16. The granting of the authority as hereinafter set forth will be in the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicants herein, Wilbur J. Pierce and Bettie Jean Pierce, doing business as "Pierce Truck Line," to extend their authority under Permit No. B-2268, and that henceforth the entire description of said authority shall read as follows:

- "1. Transportation of livestock, hay, grain and ranch supplies, on call and demand, between points within an area described as follows: beginning at a point 9 miles due east of the Town of Hartzel, thence southwesterly to a point 18 miles due south of Hartzel, thence northwesterly to a point 8 miles due west of Hartzel, thence directly to the summit of Kenosha Pass, thence to the point of beginning.
2. Transportation of gasoline and diesel fuel in bulk in tank vehicles between Alma and Fairplay, Colorado on the one hand, and on the other hand, points in Colorado, for one customer only, namely, Gately Motor Company.
3. Transportation of livestock between points in Colorado, for one customer only, namely, Anschutz Land and Cattle Company."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:


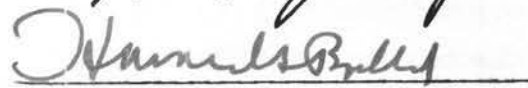

That Wilbur J. Pierce and Bettie Jean Pierce, doing business as "Pierce Truck Line," Box 173, Jefferson, Colorado, be, and hereby are, authorized to extend operations under Permit No. B-2268.

That henceforth the full and complete authority under Permit No. B-2268 shall be as follows, to-wit:

- "1. Transportation of livestock, hay, grain and ranch supplies, on call and demand, between points within an area described as follows: beginning at a point 9 miles due east of the Town of Hartzel, thence southwesterly to a point 18 miles due south of Hartzel, thence northwesterly to a point 8 miles due west of Hartzel, thence directly to the summit of Kenosha Pass, thence to the point of beginning.
2. Transportation of gasoline and diesel fuel in bulk in tank vehicles between Alma and Fairplay, Colorado on the one hand, and on the other hand, points in Colorado, for one customer only, namely, Gately Motor Company.
3. Transportation of livestock between points in Colorado, for one customer only, namely, Anschutz Land and Cattle 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 13th day of October, 1967.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF WILLIAM T. PARKINSON, DOING)	
BUSINESS AS "PARKINSON T & T CO.,")	
856 MEEKER STREET, DELTA, COLORADO,	)	<u>APPLICATION NO. 22585-Lease</u>
FOR AUTHORITY TO LEASE PUC NO. 934)	
TO NORWOOD TRUCK LINE, INC., P.O.)	
BOX 455, NORWOOD, COLORADO.)	

October 13, 1967

Appearances: John J. Conway, Esq., Denver,
Colorado, for Lessor and Lessee;
Orville Dunlap, doing business
as "Orville Dunlap & Son," Montrose,
Colorado, pro se, Protestant.

PROCEDURE AND RECORD

On May 17, 1967, William T. Parkinson, doing business as "Parkinson T & T Co.," 856 Meeker Street, Delta, Colorado, and Norwood Truck Line, Inc., P. O. Box 455, Norwood, Colorado, filed the joint application (No. 22585-Lease) seeking authority from this Commission for the lease of Certificate of Public Convenience and Necessity PUC No. 934 from William T. Parkinson to Norwood Truck Line, Inc.

On July 25, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on this instant application. After due and proper notice, the Application was heard by said Examiner in the Court Room, Court House, Delta, Colorado, at 11 a.m. on August 23, 1967. On October 5, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that the matter was protested by Orville Dunlap, doing business as "Orville Dunlap and Son."

Motion was made and granted that the Commission take notice of the authorities contained in PUC Nos. 876, 1861, 1346 and 1204, the

authorities presently held by Protestant. The ruling of the Hearing Examiner granting the motion is hereby specifically approved and confirmed by the Commission.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Lessor, William T. Parkinson, doing business as "Parkinson T & T Co.," is the owner and operator of PUC No. 934 and also operates Permit A-60, which is not involved in this proceeding. A description of the authority contained in PUC No. 934 is attached.
2. There was some conflict concerning the accurate description of Certificate of Authority PUC No. 934, and after a review of the decisions, it is determined that the correct description is as follows:

"Transportation of livestock and used furniture, from farm to farm, farm to town, and town to farm, within a radius of fifty miles of Delta, Colorado, and from and to points in said Delta area, to and from points in the State of Colorado provided, however, that livestock shall not be transported into or from Jackson County, Colorado."

This authority is in good standing before the Commission.

3. Certificate of Authority PUC No. 934 has heretofore been leased to Western Transfer Ltd. for a period of approximately four years, said lease expiring in the spring of 1967, and then was operated for a short period of time by the Lessor prior to entering into the present leasing agreement.
4. No part of the certificate PUC No. 934 has been abandoned.
5. The Lessee, Norwood Truck Line, Inc. is a Colorado corporation, whose President and principal stockholder is Douglas M. Garner. Lessee presently holds the following authorities:

PUC No. 943 & I - identified as Exhibit No. 5, which is authority to haul livestock and other commodities within a 50-mile radius of Norwood, Colorado.

PUC No. 6812 - identified as Exhibit No. 6, relating to the transport of heavy equipment.

Permit B-6336 - identified as Exhibit No. 7, which is a sand and gravel permit.

Permit B-7014 - identified as Exhibit No. 8, which provides for transportation of gasoline and other like commodities in bulk for one customer only.

There is some duplication of authority as between PUC No. 943 & I (presently held by Lessee) and PUC No. 934, which is the subject of this lease; however, that duplication or overlap is to an immaterial extent and has to do with the transportation of livestock only.

6. Protestant offered no relevant testimony whatsoever that would tend to substantiate a denial of this application.
7. The parties have entered into an agreement for the lease of PUC No. 934 for a period of ten (10) years; the rental in this instance is \$50 per month, to commence on the date of approval by the Public Utilities Commission, and which is fair and reasonable. Further, the Agreement also contains an option to purchase the authority for the sum of \$10,000, as more particularly set forth in the agreement.
8. Applicants have duly and properly applied for the lease.
9. Lessee corporation has ample equipment (see Exhibit No. 9), a net worth of \$40,963.94 (see Exhibit No. 10) and Mr. Garner, President, has had 1½ years of experience in this field, all of which are ample and suitable for operation of the authority applied for herein.
10. The agreement and application are for the lease of the authority only and do not include equipment.
11. Lessee is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission and has or will make adequate provision for insurance.
12. The lease is compatible with the public interest and should be granted.

CONCLUSIONS

That the Commission make and enter its Order authorizing William T. Parkinson, doing business as "Parkinson T & T Co.," to lease all of his rights, title and interest in and to PUC No. 934 to Norwood Truck Line, Inc., and that henceforth the authority shall be described as follows:

"Transportation of livestock and used furniture, from farm to farm, farm to town, and town to farm, within a radius of fifty miles of Delta, Colorado, and from and to points in said Delta area, to and from points in the State of Colorado provided, however, that livestock shall not be transported into or from Jackson County, Colorado."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That William T. Parkinson, doing business as "Parkinson T & T Co.," 856 Meeker Street, Delta, Colorado, be, and hereby is, authorized to lease all right, title and interest in and to PUC No. 934 to Norwood Truck Line, Inc., P. O. Box 455, Norwood, Colorado.

That henceforth the full and complete authority under PUC No. 934 shall be as follows, to-wit:

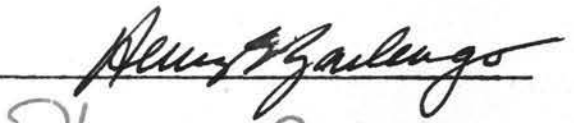
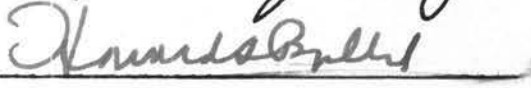

"Transportation of livestock and used furniture, from farm to farm, farm to town, and town to farm, within a radius of fifty miles of Delta, Colorado, and from and to points in said Delta area, to and from points in the State of Colorado provided, however, that livestock shall not be transported into or from Jackson County, Colorado."

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

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 13th day of October, 1967.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GOLDSTEIN TRANSPORTATION AND)
STORAGE, INC., 1420-38TH STREET,)
DENVER, COLORADO, TO TRANSFER PUC)
NO. 416 AND PUC NO. 416-I TO EARL F.)
BUCKINGHAM AND DOROTHY M. BUCKING-)
HAM, DOING BUSINESS AS COLORADO)
SPRINGS TRANSFER AND STORAGE, 950)
SOUTH HARRISON STREET, DENVER,)
COLORADO.)

APPLICATION NO. 22628-Transfer
AMENDED

October 13, 1967

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, for Goldstein Trans-
portation and Storage, Inc. and
Earl F. Buckingham and Dorothy
M. Buckingham;
John P. Thompson, Esq., Denver,
Colorado, for Denver-Climax
Truck Line, Denver-Laramie-Walden
Truck Line, Inc., Denver-Loveland
Transportation Company, Edson
Express, and Overland Motor
Express;
Julius I. Ginsberg, Esq., Denver,
Colorado, for Bennie Goldstein and
Nathan Goldstein.

PROCEDURE AND RECORD

By application filed May 29, 1967, as amended by filing of June 20, 1967, Goldstein Transportation and Storage, Inc. (~~Goldstein~~) seeks authorization from the Commission to transfer Certificate No. 416 and Certificate No. 416-I to Earl F. Buckingham and Dorothy M. Buckingham, doing business as Colorado Springs Transfer and Storage. After ~~due~~ and proper notice, the application was set for hearing before the Commission at 10:00 o'clock a.m. on August 2, 1967 in the Commission's hearing room, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, Commissioner Edwin R. Lundborg presiding.

Appearing in protest hereto was Denver-Climax Truck Line, Denver-Laramie-Walden Truck Line, Inc., Denver-Loveland Transportation Company, Edson Express, and Overland Motor Express. Motion was made by the applicants

to strike the protest of all the aforesaid named carriers upon the grounds that no protest in writing had been filed with the Commission or served upon the applicants. The Commission served notice of the within hearing upon all interested parties, including the protesting carriers and their counsel, by notice dated July 18, 1967. This notice provided, among other things, the following:

Protests must be filed in writing with the Commission and served by mailing a copy thereof to the applicant and/or his attorney at least ten (10) days prior to the date set for hearing.

Counsel for the protesting carriers admitted that notice in writing was not filed with the Commission nor served upon the applicants, although counsel did have notice of the hearing. Counsel stated that he had assumed no notice in writing was required due to his participation for these same named carriers in a prior application before the Commission identified as Application No. 22185-Stock Transfer Amended. The aforesaid prior application indirectly involved the same certificate of authority for which transfer is herein sought but involved, however, a stock transfer and is, therefore, clearly distinguishable from the present application which seeks direct transfer of the specified authority. Further, it should be noted, that the prior proceeding was dismissed by written Order of this Commission, dated June 8, 1967, being Decision No. 69634. The service list of the Commission reveals that the order of dismissal was served upon protestants' counsel. The presiding Commissioner granted applicants' motion to strike the protests of all named protestants. The Commission now confirms this action and expressly finds that all protesting carriers failed to give proper notice in writing of their intent to protest the within application, either by filing said notice with the Commission or by serving said notice on the applicants or their attorney. The Commission further finds that notice of said hearing on the within application was duly given and no good cause was shown for the allowance of the protesting carriers to appear without complying with the Commission's protest requirements.

Applicant moved that the proceeding embraced herein be heard on a consolidated record with the various other transfer proceedings involving the operating authorities held by Goldstein Transportation and Storage, Inc. Said motion to consolidate was denied by the presiding Commissioner and is now confirmed by the Commission.

Appearing as witnesses were Leonard L. Haney, Earl F. Buckingham, and Bennie Goldstein. These witnesses supported the following exhibits (non-sequence of exhibit numbers due to the utilization of exhibit numbers consistent with those used in related matters not part of this consolidated record):

Exhibit No. 1 - Assignment, dated June 19, 1967, between Earl F. Buckingham and Dorothy M. Buckingham, Assignees and Colo. Freight Distribution, Inc., Assignor.

Exhibit No. 2 - Agreement, dated May 8, 1967, between Transport Service, Inc., Vendee, and Earl F. Buckingham, Dorothy M. Buckingham, Leonard L. Haney, Lawrence Hancock, Jr. and Gordon P. Weichel, Vendors.

Exhibit No. 3 - Temporary authority letter, dated June 27, 1967, providing for the temporary operation by Earl F. Buckingham and Dorothy M. Buckingham of Certificate No. 416 & I.

Exhibit No. 4 - List of equipment to be withdrawn from Goldstein Transportation and Storage, Inc.

Exhibit No. 5 - Personal financial statement of Earl F. and Dorothy M. Buckingham.

Exhibit No. 6 - Agreement, dated August 2, 1967, between Bennie Goldstein and Nathan Goldstein, Earl F. Buckingham and Dorothy M. Buckingham, and Transport Service, Inc.

Exhibit No. 9 - Minutes of special joint meeting of the stockholders and directors of Colo. Freight Distribution, Inc. and Goldstein Transportation and Storage, Inc., dated May 8, 1967.

All exhibits were admitted in evidence and, at 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 the record as follows:

1. That Goldstein Transportation and Storage, Inc. is the owner and operator of Certificates of Public Convenience and Necessity PUC No. 416 and 416-I, issued by the Public Utilities Commission of the State of Colorado.

2. That said Certificate authorizes the holder thereof to engage in motor carrier transportation as an irregular route carrier. The specific authority as contained in the above said Certificate is as follows, to-wit:

PUC No. 416 and PUC No. 416-I

The conduct of a transfer, moving, and general cartage business in the Counties of El Paso and Teller, and for occasional service from one point to another within the State of Colorado, subject to the following terms and conditions: For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, applicant shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers. Applicant shall not operate on schedule between any points. Applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have an agent employed in any other town or city than Colorado Springs for the purpose of developing business.

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

3. That the Certificate is presently in good standing before the Commission.

4. That by special joint meeting of the stockholders and directors of Goldstein Transportation and Storage, Inc. and Colo. Freight Distribution, Inc. held in Denver, Colorado on May 8, 1967, a plan of liquidation was adopted whereby all of the operating rights and other assets of Goldstein would be liquidated into Colo. Freight Distribution, Inc. as the parent. The minutes authorizing this transaction are set forth in Exhibit No. 9.

Thereafter, on June 19, 1967, Colo. Freight Distribution, Inc., as assignor, executed Exhibit No. 1 providing for the transfer of all its right, title and interest in and to Certificate No. 416 and 416-I to Earl F. and Dorothy M. Buckingham. Although no consideration is expressly set forth in the assignment of operating rights, Earl F. Buckingham will exchange existing indebtedness of Colo. Freight Distribution, Inc. to members of the Buckingham family in the amount of \$82,300 for stock in that corporation which stock will thereafter be sold to Transport Service, Inc. in a related transaction identified as Application No. 22620. The net effect, therefore, is the elimination of the indebtedness by Colo. Freight Distribution, Inc. to the Buckingham family in an amount of \$82,300. This consideration is not allocated between the Certificate herein to be received by the Buckinghams and other operating rights to be received as a part of the same transaction.

5. That Earl F. and Dorothy M. Buckingham, as of August 1, 1966, disclosed a net worth of \$1,356,334.33. This amount of net worth remains substantially the same at the present date. Earl F. and Dorothy M. Buckingham are, therefore, financially fit and able to conduct the transportation service as provided for under PUC No. 416 and 416-I.

6. That Earl F. Buckingham has been engaged in transportation by motor vehicle in both interstate commerce and intrastate commerce for many years. He is, therefore, experienced in the conduct of a motor vehicle transportation business and is familiar generally with the rules and regulations of the Commission and will comply therewith if the transfer as herein sought is approved.

7. That the motor vehicle operating rights considered herein are subject to a chattel mortgage securing payments in favor of Bennie Goldstein and Nathan Goldstein under an agreement for stock purchase, dated August 4, 1964, and agreements of non-competition and employment, dated September 30, 1964. Said chattel mortgage is to remain in effect subsequent to the transfer of PUC No. 416 and 416-I. Inasmuch as the Commission has already approved the chattel mortgage in a prior transfer proceeding, no

further approval is necessary at this time, and the existence of such chattel mortgage against the operating rights shall in no way be affected by the present transfer. Bennie Goldstein and Nathan Goldstein agree to the transfer as sought in the present application so long as their security under the chattel mortgage is not reduced.

8. That this Commission, under date of June 27, 1967, issued temporary authority to Earl F. Buckingham and Dorothy M. Buckingham to operate PUC No. 416 and 416-I. This temporary authority, as extended, remains in effect at this date, and the operations conducted thereunder are now pursuant to notification to this Commission and are being conducted under the trade name of Colorado Springs Transfer and Storage. The operations to be conducted under the within certificate, upon consummation of the transfer, will be conducted under the same trade name.

9. That Earl F. and Dorothy M. Buckingham presently hold no authority overlapping that being considered herein. There will be obtained, as a part of a related transaction, certain authority set forth in PUC No. 3539. This related transaction is identified as Application No. 22633 and appropriate provision will be made in the related proceeding to eliminate overlapping authority.

10. That 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 Goldstein Transportation and Storage, Inc. be, and hereby is, authorized to transfer all its right, title and interest in and to PUC No. 416 and PUC No. 416-I to Earl F. Buckingham and Dorothy M. Buckingham, doing business as Colorado Springs Transfer and Storage, subject to existing encumbrances against said operating rights as previously approved by this Commission.

That the full and complete operating authority under PUC No. 416 and PUC No. 416-I shall be as follows, to-wit:

The conduct of a transfer, moving, and general cartage business in the Counties of El Paso and Teller, and for occasional service from one point to another within the State of Colorado, subject to the following terms and conditions: For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, applicant shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers. Applicant shall not operate on schedule between any points. Applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have an agent employed in any other town or city than Colorado Springs for the purpose of developing business.

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

That said transfers 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. Failure to file said written acceptance within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfers, without further order on the part of this 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 the transferees to operate under this Order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said certificates up to the time of transfer of said certificates.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Zullo
Harold B. ...

Edw. R. ...
Commissioners

Dated at Denver, Colorado,
this 13th day of October, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GOLDSTEIN TRANSPORTATION AND)
STORAGE, INC., 1420 - 38TH STREET,)
DENVER, COLORADO, TO TRANSFER PUC)
NO. 1901-I TO COLO. FREIGHT DISTRI-)
BUTION, INC., 1420 - 38TH STREET,)
DENVER, COLORADO.)

APPLICATION NO. 22629-Transfer

October 13, 1967

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, for Goldstein Trans-
portation and Storage, Inc. and
Colo. Freight Distribution, Inc.;
John P. Thompson, Esq., Denver,
Colorado, for Denver-Climax Truck
Line, Denver-Laramie-Walden Truck
Line, Inc., Denver-Loveland Trans-
portation Company, Edson Express,
and Overland Motor Express;
Julius I. Ginsberg, Esq., Denver,
Colorado, for Bennie Goldstein and
Nathan Goldstein.

PROCEDURE AND RECORD

By application filed May 29, 1967, as amended by filing of June 20, 1967, Goldstein Transportation and Storage, Inc. (Goldstein) seeks authorization from the Commission to transfer PUC No. 1901-I to Colo. Freight Distribution, Inc. (Colo. Freight). After due and proper notice the application was set for hearing before the Commission at 10:00 o'clock A.M. on August 2, 1967, in the Commission's Hearing Room, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, Commissioner Edwin R. Lundborg presiding.

Appearing in protest hereto was Denver-Climax Truck Line, Denver-Laramie-Walden Truck Line, Inc., Denver-Loveland Transportation Company, Edson Express, and Overland Motor Express. Motion was made by the applicants to strike the protests of all the aforesaid named carriers upon the grounds that no protest in writing had been filed with the Commission or served upon the applicants. The Commission served notice of the within hearing

upon all interested parties, including the protesting carriers and their counsel, by notice dated July 18, 1967. This notice provided, among other things, the following:

Protests must be filed in writing with the Commission and served by mailing a copy thereof to the applicant and/or his attorney at least ten (10) days prior to the date set for hearing.

Counsel for the protesting carriers admitted that notice in writing was not filed with the Commission nor served upon the applicants, although counsel did have notice of hearing. Counsel stated that he had assumed that no notice in writing was required due to his participation for these same named carriers in the prior application before this Commission identified as Application No. 22224-Stock Transfer. The aforesaid prior application involved the same authority being considered herein, but involved however, a stock transfer and a different transferor and transferee. Further, it should be noted, that the prior proceeding was dismissed by written Order of this Commission dated June 8, 1967, being Decision No. 69634. The service list of the Commission reveals that the order of dismissal was served upon protestants' counsel. The presiding Commissioner granted applicants' motion to strike the protests of all named protestants. The Commission now confirms this action and expressly finds that all protesting carriers failed to give proper notice in writing of their intent to protest the within application, either by filing said notice with the Commission or by serving said notice on the applicants or their attorney. The Commission further finds that notice of said hearing on the within application was duly given, and no good cause was shown for the allowance of the protesting carriers to appear without complying with the Commission's protest requirements.

Applicants moved that the proceeding embraced herein be consolidated with certain other related proceedings for purposes of hearing and decision. Said motion to consolidate was denied by the presiding Commissioner and is now confirmed by the Commission.

Appearing as witnesses were Leonard L. Haney, Jerry D. McMorris, and Bennie Goldstein. These witnesses supported the following exhibits

(non-sequence of exhibit numbers due to the utilization of exhibit numbers consistent with those used in related matters not part of this consolidated record):

Exhibit No. 2 - Agreement, dated May 8, 1967, between Transport Service, Inc., vendee, and Earl F. Buckingham, Dorothy M. Buckingham, Leonard L. Haney, Lawrence Hancock, Jr., and Gordon P. Weichel, vendors.

Exhibit No. 6 - Agreement, dated August 2, 1967, between Bennie Goldstein and Nathan Goldstein, Earl F. Buckingham, Dorothy M. Buckingham, and Transport Service, Inc.

Exhibit No. 7 - Temporary authority letter, dated June 6, 1967, providing for temporary control of Goldstein Transportation and Storage, Inc. by Transport Service, Inc.

Exhibit No. 8 - Consolidated balance sheet, as of March 31, 1967, for Transport Service, Inc. and its subsidiaries.

Exhibit No. 9 - Minutes of special joint meeting of the stockholders and directors of Colo. Freight Distribution, Inc. and Goldstein Transportation and Storage, Inc., which meeting was held May 8, 1967.

All exhibits were admitted in evidence and, at 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 the record as follows:

1. That Goldstein Transportation and Storage, Inc. is the owner and operator of Certificate No. 1901-I, issued by the Public Utilities Commission of the State of Colorado.

2. That said Certificate No. 1901-I provides the following 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."

3. That the above Certificate is presently in good standing before the Commission.

4. That, on May 8, 1967, Transport Service, Inc., 5231 Monroe Street, Denver, Colorado, entered into an agreement for the purchase of all the outstanding shares of Colo. Freight Distribution, Inc. which is a holding company holding all of the stock of Goldstein Transportation and Storage, Inc. As a part of said agreement, and in addition to the stock purchased, it was agreed that in the event the stock purchase is consummated all assets of Goldstein will be liquidated into the parent, Colo. Freight Distribution, Inc., thus simplifying corporate organization and eliminating the present holding company-operating company arrangement. In furtherance of this agreement, and as shown by Exhibit 9, the stockholders and directors of the two corporations involved adopted a plan of complete liquidation of Goldstein whereby all assets, including Certificate No. 1901-I, would be liquidated into Colo. Freight Distribution, Inc. Since this involves solely a liquidation, there is no consideration for the transfer, and in addition, there will be no effective change in the financial condition of the corporation except it is to be noted that, as a part of the same over-all transaction, Transport Service, Inc. will acquire control through stock ownership of Certificate No. 1901-I. This control is the subject of related proceeding identified as Application No. 22621-Stock Transfer. Transport Service, Inc., together with its subsidiaries, presently has a net worth of \$488,808, and it therefore appears that the proposed transaction is financially feasible and will result in the strengthening of the carrier operating Certificate No. 1901-I.

5. That active operations have heretofore been conducted under the subject Certificate and the new controlling entity, Transport Service, Inc., through its subsidiaries Westway Motor Freight, Inc. and North Eastern Motor Freight, Inc., is familiar with motor vehicle operations as both a regular and irregular route carrier operating in Colorado intra-state commerce, and in addition, has experience in operating in interstate commerce. Transport Service, Inc. is familiar with all the rules and regulations of the Commission and will assure that Colo. Freight Distribution,

Inc. complies with said rules and regulations in the event the present transfer is approved. Transport Service, Inc. has been controlling the operations of Goldstein since June 6, 1967, pursuant to authorization granted by this Commission..

6. That the motor vehicle operating right considered herein is the subject of a chattel mortgage securing payments in favor of Bennie Goldstein and Nathan Goldstein under an agreement for stock purchase dated August 4, 1964, and agreements of non-competition and employment dated September 30, 1964. Said chattel mortgage is to remain in effect subsequent to the transfer as sought herein. Inasmuch as the Commission has already approved said chattel mortgage in a prior transfer proceeding, no further approval is necessary at this time and the existence of said chattel mortgage against the operating right shall in no way be affected by the present transfer. Bennie Goldstein and Nathan Goldstein agree to the transfer as sought in the present application so long as their security under the aforesaid chattel mortgage is not reduced.

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

O R D E R

THE COMMISSION ORDERS:

That Goldstein Transportation and Storage, Inc., be, and hereby is, authorized to transfer all its right, title and interest in and to PUC Certificate No. 1901-I to Colo. Freight Distribution, Inc., subject to existing encumbrances against said operating right heretofore approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

The full and complete operating authority under Certificate PUC No. 1901-I shall be as follows, to-wit:

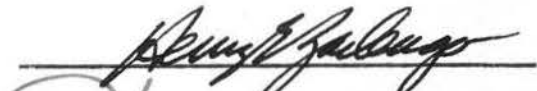
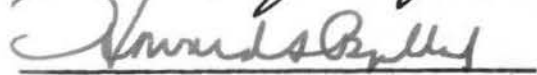
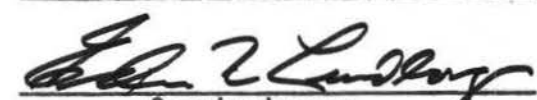
Between all points in Colorado and the Colorado State boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That 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. 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 the transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules and regulations of this 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 13th day of October, 1967
et

(Decision No. 70228)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GOLDSTEIN TRANSPORTATION AND)
STORAGE, INC., 1420 - 38TH STREET,)
DENVER, COLORADO, FOR AUTHORIZA-)
TION TO TRANSFER PUC NO. 3171 TO)
COLO. FREIGHT DISTRIBUTION, INC.,)
1420 - 38TH STREET, DENVER, COLORADO)

APPLICATION NO. 22630-Transfer

October 13, 1967

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, for Goldstein Trans-
portation and Storage, Inc.
and Colo. Freight Distribution,
Inc.;
John P. Thompson, Esq., Denver,
Colorado, for Denver-Climax Truck
Line, Denver-Laramie-Walden Truck
Line, Inc., Denver-Loveland Trans-
portation Company, Edson Express,
and Overland Motor Express;
Julius I. Ginsberg, Esq., Denver,
Colorado, for Bennie Goldstein and
Nathan Goldstein.

PROCEDURE AND RECORD

By application filed May 29, 1967, as amended by filing of June 20, 1967, Goldstein Transportation and Storage, Inc. (Goldstein) seeks authorization to transfer PUC No. 3171 to Colo. Freight Distribution, Inc. (Colo. Freight). After due and proper notice, the application was set for hearing before the Commission at 10:00 o'clock a.m. on August 2, 1967 in the Commission's hearing room, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, Commissioner Edwin R. Lundborg presiding.

Appearing in protest hereto was Denver-Climax Truck Line, Denver-Laramie-Walden Truck Line, Inc., Denver-Loveland Transportation Company, Edson Express, and Overland Motor Express. Motion was made by the applicants to strike the protests of all the aforesaid named carriers upon the grounds that no protest in writing had been filed with the Commission or

served upon the applicants. The Commission served notice of the within hearing upon all interested parties, including the protesting carriers and their counsel, by notice dated July 18, 1967. This notice provided, among other things, the following:

Protests must be filed in writing with the Commission and served by mailing a copy thereof to the applicant and/or his attorney at least ten days prior to the date set for hearing.

Counsel for the protesting carriers admitted that notice in writing was not filed with the Commission nor served upon the applicants, although counsel did have notice of the hearing. Counsel stated that he had assumed no notice in writing was required due to his participation for these same named carriers in a prior application before the Commission identified as Application No. 22186. The aforesaid prior application involved the same authority being considered herein but involved, however, a stock transfer and a different transferor and transferee. Further, it should be noted, that the prior proceeding was dismissed by written Order of the Commission, dated June 8, 1967, being Decision No. 69634. The service list of the Commission reveals that the order of dismissal was served upon protestants' counsel. The presiding Commissioner granted applicants' motion to strike the protests of all named protestants. The Commission now confirms this action and expressly finds that all protesting carriers failed to file proper notice in writing of their intent to protest the within application, either by filing said notice with the Commission or by serving said notice on the applicants or their attorney. The Commission further finds that notice of said hearing on the within application was duly given and no good cause was shown for the allowance of the protesting carriers to appear without complying with the Commission's protest requirements.

Applicants moved that the proceeding embraced herein be heard on a consolidated record with certain other related matters. Applicants' motion was denied by the presiding Commissioner and is now confirmed by the Commission.

Appearing as witnesses were Leonard L. Haney, Jerry D. McMorris and Bennie Goldstein. These witnesses supported the following exhibits (non-sequence of exhibit numbers due to the utilization of exhibit numbers consistent with those used in related matters not part of this consolidated record):

Exhibit No. 2 - Agreement, dated May 8, 1967, between Transport Service, Inc., Vendee, and Earl F. Buckingham, Dorothy M. Buckingham, Leonard L. Haney, Lawrence Hancock, Jr. and Gordon P. Weichel, Vendors.

Exhibit No. 6 - Agreement, dated August 2, 1967, between Bennie Goldstein and Nathan Goldstein, Earl F. Buckingham, Dorothy M. Buckingham, and Transport Service, Inc.

Exhibit No. 7 - Temporary authority letter, dated June 6, 1967, providing for temporary control of Goldstein Transportation and Storage, Inc. by Transport Service, Inc.

Exhibit No. 8 - Consolidated balance sheet as of March 31, 1967 for Transport Service, Inc. and its subsidiaries.

Exhibit No. 9 - Minutes of special joint meeting of the stockholders and directors of Colo. Freight Distribution, Inc. and Goldstein Transportation and Storage, Inc., which meeting was held in Denver, Colorado on May 8, 1967.

Counsel for applicants moved that the testimony as given by the witnesses in related Application No. 22629 be incorporated by reference into the present proceeding. This motion was granted by the presiding Commissioner and is now confirmed by the Commission. All exhibits were admitted in evidence and, at 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, including all matters incorporated herein, the Commission finds as fact from the record as follows:

1. That Goldstein Transportation and Storage, Inc. is the owner and operator of Certificate of Public Convenience and Necessity PUC No. 3171, issued by the Public Utilities Commission of the State of Colorado.

2. That the above Certificate authorizes the holder thereof to perform transportation as a common carrier by motor vehicle over irregular routes. The specific authority is as follows:

PUC No. 3171

Conduct of a transfer, moving, and general cartage business, from point to point in the State of Colorado, subject to the following conditions: (a) For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, applicant shall charge rates which in all cases shall be at least twenty per cent in excess of those charged by the scheduled carriers; (b) Applicant shall not operate on schedule between any points; (c) Applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have an agent employed in any other town or city than Denver for the purpose of developing business. Dec. #63607: Suspends all operations under Permit No. B-503 to the extent that they duplicate the authority under PUC 3171 as to both territory and commodities.

3. That the above Certificate is presently in good standing before the Commission and has been actively operated by the transferor.

4. That, on May 8, 1967 Transport Service, Inc. entered into an agreement with Haney, Hancock and Weichel to purchase all of the outstanding stock of Colo. Freight Distribution, Inc. which is a holding company owning all of the stock of Goldstein Transportation and Storage, Inc. In addition, it was agreed that, in the interests of corporate simplification, the operating company, Goldstein, would be liquidated into the parent, Colo. Freight, and, as the result of such liquidation, Certificate No. 3171 would be transferred to Colo. Freight. Inasmuch as the transaction is a liquidation, there is no consideration, and further, the financial resources available to operate the authority will remain substantially the same. In this regard, it should be noted that the stock purchasing company, Transport Service, Inc., (see related Application No. 22622) shows a net worth of \$488,808 and is able to provide financial assistance to the carrier if that be required. Transport Service, Inc. is presently in control of the transfer or under temporary authority granted by this Commission.

5. That Transport Service, Inc., as the controller of Colo. Freight Distribution, Inc., is experienced through operations of its subsidiaries, Westway Motor Freight, Inc. and North Eastern Motor Freight, Inc., in the transportation of commodities generally, both in intrastate and interstate commerce, and is, therefore, generally familiar with all the rules and regulations of the Commission and will assure that the transferee remains in compliance with those rules if the present transfer is approved.

6. That all motor vehicle operating rights considered herein are the subject of a chattel mortgage securing payments in favor of Bennie Goldstein and Nathan Goldstein under an agreement for stock purchase, dated August 4, 1964, and agreements of non-competition and employment, dated September 30, 1964. Said chattel mortgage is to remain in effect subsequent to the transfer of the operating rights as herein sought. Inasmuch as the Commission has already approved said chattel mortgage in a prior transfer proceeding, no further approval is necessary at this time and the existence of the chattel mortgage against the operating rights shall in no way be affected by the present transfer. Bennie and Nathan Goldstein agree to the transfer as sought in the present application so long as their security under the aforesaid chattel mortgage is not reduced.

7. That 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 Goldstein Transportation and Storage, Inc. be, and hereby is, authorized to transfer all its right, title and interest in and to PUC No. 3171 to Colo. Freight Distribution, Inc., subject to the chattel mortgage against said operating rights heretofore approved by this Commission.

That the full and complete operating authority under Certificate PUC No. 3171 shall be as follows, to-wit:

"Conduct of a transfer, moving, and general cartage business, from point to point in the State of Colorado, subject to the following conditions:

- (a) For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, applicant shall charge rates which in all cases shall be at least twenty per cent in excess of those charged by the scheduled carriers;
 - (b) Applicant shall not operate on schedule between any points;
 - (c) Applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have an agent employed in any other town or city than Denver for the purpose of developing business.
- Dec. #63607: Suspends all operations under Permit No. B-503 to the extent that they duplicate the authority under PUC 3171 as to both territory and commodities."




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

The tariff of rates, rules and regulations of the transferor shall, upon proper adoption notice, become and remain those of 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 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, governing 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 13th day of October, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF T. L. TUCKER (B-1148))
LOCAL SCHEDULE OF MINIMUM RATES No. 2,)
COLORADO PUC No. 2, APPLICABLE TO IRON)
OR STEEL ARTICLES BETWEEN POINTS IN THE)
STATE OF COLORADO)

Investigation and Suspension
Docket No. 590

October 10, 1967

STATEMENT AND FINDINGS

On July 6, 1967, the Commission entered Decision No. 69779 in the above-styled matter, instituting proceedings thereunder, and setting said matter for hearing on July 25, 1967, at Denver, Colorado.

On July 20, 1967, by Decision No. 69831, said matter was reset for hearing on August 17, 1967, at Denver, Colorado.

On August 15, 1967, by Decision No. 69947, said matter was continued, to be reset for hearing at a later date to be determined by the Commission.

The Commission is now in receipt of a letter dated October 5, 1967, by John H. Lewis, Attorney for T. L. Tucker, respondent, requesting that respondent be allowed to withdraw the suspended tariff. Upon consideration of said request, we find that the respondent should be allowed to withdraw T. L. Tucker, Local Schedule of Minimum Rates No. 2, Colorado PUC No. 2, and that the proceeding under Investigation and Suspension Docket No. 590 should be discontinued.

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. That respondent herein be, and it is hereby, notified and required to cancel T. L. Tucker, Local Schedule of Minimum Rates No. 2,

Colorado PUC No. 2, on or before October 29, 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 the proceeding be, and it is hereby, discontinued.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

Commissioner Howard S. Bjelland
necessarily absent and not
participating.

Dated at Denver, Colorado, this
10th day of October, 1967. av

(Decision No. 70231)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GOLDSTEIN TRANSPORTATION AND)
STORAGE, INC., 1420-38TH STREET,)
DENVER, COLORADO, TO TRANSFER PUC)
NO. 3537 TO EARL F. BUCKINGHAM AND)
DOROTHY M. BUCKINGHAM, 950 SOUTH)
HARRISON, DENVER, COLORADO.)

APPLICATION NO. 22631-Transfer
Amended

October 13, 1967

Appearances: Leslie R. Kehl, Esq., Denver, Colorado,
for Goldstein Transportation and
Storage, Inc., Earl F. Buckingham
and Dorothy M. Buckingham;
John P. Thompson, Esq., Denver, Colorado,
for Denver-Climax Truck Line, Denver-
Laramie-Walden Truck Line, Inc., Denver-
Loveland Transportation Company, Edson
Express, and Overland Motor Express;
Julius I. Ginsberg, Esq., Denver, Colorado,
for Bennie Goldstein and Nathan Goldstein.

PROCEDURE AND RECORD

By application filed May 29, 1967, as amended by filing of
June 20, 1967, Goldstein Transportation and Storage, Inc. (Goldstein) seeks
authorization from the Commission to transfer Certificate No. 3537 to
Earl F. Buckingham and Dorothy M. Buckingham. After due and proper notice,
the application was set for hearing before the Commission at 10 a.m. on
August 2, 1967 in the Commission's Hearing Room, 532 State Services
Building, 1525 Sherman Street, Denver, Colorado, Commissioner Edwin R.
Lundborg presiding.

Appearing in protest hereto was Denver-Climax Truck Line,
Denver-Laramie-Walden Truck Line, Inc., Denver-Loveland Transportation
Company, Edson Express, and Overland Motor Express. Motion was made by
the applicants to strike the protest of all the aforesaid named carriers
upon the grounds that no protest in writing had been filed with the
Commission or served upon the applicants. The Commission served notice

of the within hearing upon all interested parties, including the protesting carriers and their counsel, by notice dated July 18, 1967. This notice provided, among other things, the following:

Protests must be filed in writing with the Commission and served by mailing a copy thereof to the applicant and/or his attorney at least ten days prior to the date set for hearing.

Counsel for the protesting carriers admitted that notice in writing was not filed with the Commission nor served upon the applicants, although counsel did have notice of the hearing. Counsel stated that he had assumed no notice in writing was required due to his participation for these same named carriers in a prior application before the Commission identified as Application No. 22225. The aforesaid prior application involved the same authority being considered herein but involved, however, a stock transfer involving a different transferor. Further, it should be noted, that the prior proceeding was dismissed by written Order of this Commission, dated June 8, 1967, being Decision No. 69634. The service list of the Commission reveals that the order of dismissal was served upon protestants' counsel. The presiding Commissioner granted applicants' motion to strike the protests of all named protestants. The Commission now confirms this action and expressly finds that all protesting carriers failed to give proper notice in writing of their intent to protest the within application, either by filing said notice with the Commission or by serving said notice on the applicants or their attorney. The Commission further finds that notice of said hearing on the within application was duly given and no good cause was shown for the allowance of the protesting carriers to appear without complying with the Commission's protest requirements.

Applicants then moved that the proceeding embraced herein be heard on a consolidated record with certain other related matters. Said motion to consolidate was denied by the presiding Commissioner and such denial is now confirmed by the Commission.

Appearing as witnesses were Leonard L. Haney, Earl F. Buckingham, and Bennie Goldstein. These witnesses supported the following exhibits (non-sequence of exhibit numbers due to the utilization of exhibit numbers consistent with those used in related matters not part of this consolidated record):

Exhibit No. 1 - Assignment, dated June 19, 1967, between Colo. Freight Distribution, Inc. and Earl F. and Dorothy M. Buckingham.

Exhibit No. 2 - Agreement, dated May 8, 1967, between Transport Service, Inc., Vendee, and Earl F. Buckingham, Dorothy M. Buckingham, Leonard L. Haney, Lawrence Hancock, Jr. and Gordon P. Weichel, Vendors.

Exhibit No. 4 - List of equipment to be withdrawn from Goldstein Transportation and Storage, Inc.

Exhibit No. 5 - Balance sheet of Earl F. and Dorothy M. Buckingham dated August 1, 1966.

Exhibit No. 6 - Agreement, dated August 2, 1967, among Bennie Goldstein and Nathan Goldstein, Earl F. Buckingham and Dorothy M. Buckingham, and Transport Service, Inc.

Exhibit No. 9 - Minutes of special joint meeting of the stockholders and directors of Colo. Freight Distribution, Inc. and Goldstein Transportation and Storage, Inc.

All exhibits were admitted in evidence. Counsel for applicants moved that the testimony as given in Application No. 22628 be incorporated by reference in the within proceeding due to the similarity of the issues involved. The motion was granted by the presiding Commissioner and is now confirmed by the Commission.

At 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, including all matters incorporated in said record, the Commission finds as fact from the record as follows:

1. That Goldstein Transportation and Storage, Inc. is the owner and operator of Certificate of Public Convenience and Necessity PUC No. 3537, issued by the Public Utilities Commission of the State of Colorado.

2. That the above certificate authorizes the holder thereof to engage in motor carrier transportation as follows:

PUC No. 3537

To conduct a transfer, moving, and general cartage business within the City Limits of the City and County of Denver, Colorado.

3. That the above certificate is presently in good standing before the Commission.

4. As shown on Exhibit No. 9, Colo. Freight Distribution, Inc. and Goldstein Transportation and Storage, Inc. adopted on May 8, 1967, a resolution whereby it was provided that all operating authorities be liquidated out of Goldstein into Colo. Freight as the parent corporation. Thereafter, as shown on Exhibit No. 1, Colo. Freight Distribution assigned all its right, title and interest in and to Certificate No. 3537 to Earl F. Buckingham and Dorothy M. Buckingham. Said assignment is for the consideration of the agreement by members of the Buckingham family to accept stock in Colo. Freight Distribution, Inc. in exchange for existing indebtedness owed by that company to the Buckingham family in the amount of \$82,300. Said stock is thereafter to be sold as a part of a related proceeding herewith identified as Application No. 22623, thus effectively resulting in the elimination of the indebtedness of Colo. Freight Distribution, Inc. to the Buckingham family. No allocation is made of the amount of this indebtedness between various authorities being received. Since the consideration involves a strengthening of the financial ability of the transferor to conduct operations under its remaining authorities, and further, since, as hereinafter found, the transferees are financially able to conduct those operations being transferred out, the Commission finds that the consideration is just and reasonable.

5. That Earl F. and Dorothy M. Buckingham, as shown by Exhibit No. 5, had a net worth, on August 1, 1966, of \$1,356,334.33. The

amount of this net worth on the date of the hearing remains substantially the same; and said Earl F. and Dorothy M. Buckingham are, therefore, financially fit and able to conduct operations under the subject authority.

6. That Earl F. Buckingham has engaged in both interstate and intrastate operations by motor vehicle carrier for many years and is, therefore, experienced in the conduct of such operations. Earl F. Buckingham is familiar with all the rules and regulations of the Commission and will comply therewith if the transfer as sought herein is approved.

7. That the motor vehicle operating right being considered herein is the subject of a chattel mortgage securing payments in favor of Bennie Goldstein and Nathan Goldstein under an agreement for stock purchase, dated August 4, 1964, and agreements of non-competition and employment, dated September 30, 1964. Said chattel mortgage is to remain in effect subsequent to the transfer of the authority as herein sought. Inasmuch as the Commission has already approved said chattel mortgage in a prior transfer proceeding, no further approval is necessary at this time and the existence of said chattel mortgage against the operating right shall in no way be affected by the present transfer. Bennie Goldstein and Nathan Goldstein agree to the transfer as sought in the present application so long as their security under the aforesaid chattel mortgage is not reduced.

8. That the Commission takes official notice that heretofore on June 27, 1967 it approved temporary authority providing for the operation by Earl F. Buckingham and Dorothy M. Buckingham of the motor vehicle right encompassed in PUC No. 3537. Said operations have been in the past and are now being actively conducted. Authority has been sought by the transferees to operate the Denver authority under the name of Colorado-Denver Warehouse and Delivery Co. and operations under temporary authority have been conducted under this name. The Commission finds that such trade name should be approved and the order to follow will provide for the conduct of operations under Certificate No. 3537 by the transferees under the appropriate trade name.

9. That Earl F. and Dorothy M. Buckingham do not hold any existing authority overlapping that to be obtained as a result of this transfer.

10. That 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 Goldstein Transportation and Storage, Inc. be and hereby is authorized to transfer all its right, title and interest in and to Certificate No. 3537 to Earl F. and Dorothy M. Buckingham doing business as Colorado-Denver Warehouse and Delivery Co., subject to the existing encumbrance against said operating rights which encumbrance has heretofore been approved by the Commission.

The full and complete operating authority under Certificate PUC No. 3537 shall be as follows, to-wit:

"To conduct a transfer, moving, and general cartage business within the City Limits of the City and County of Denver, Colorado."

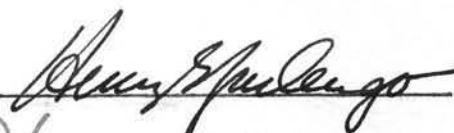
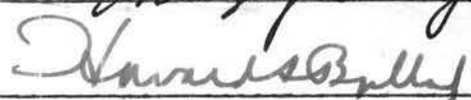

That said transfers shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said certificate has been formally assigned and parties have accepted and in the future will comply with the conditions and requirements of this order. 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 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 the transferees until changed according to law and the rules and regulations of this Commission.

The right of the transferees to operate under this order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the date of the 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 13th day of October, 1967.
ls

(Decision No. 70232)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GOLDSTEIN TRANSPORTATION AND)
STORAGE, INC., 1420 - 38TH STREET,)
DENVER, COLORADO, TO TRANSFER PUC)
NO. 3538 TO EARL F. BUCKINGHAM)
AND DOROTHY M. BUCKINGHAM, 950)
SOUTH HARRISON, DENVER, COLORADO.)

APPLICATION NO. 22632-Transfer
Amended

October 13, 1967

Appearances: Leslie R. Kehl, Esq., Denver, Colorado,
for Goldstein Transportation and
Storage, Inc., Earl F. Buckingham
and Dorothy M. Buckingham;
John P. Thompson, Esq., Denver, Colorado,
for Denver-Climax Truck Line, Denver-
Laramie-Walden Truck Line, Inc., Denver-
Loveland Transportation Company, Edson
Express, and Overland Motor Express;
Julius I. Ginsberg, Esq., Denver, Colorado,
for Bennie Goldstein and Nathan Goldstein.

PROCEDURE AND RECORD

By application filed May 29, 1967, as amended by filing of
June 20, 1967, Goldstein Transportation and Storage, Inc. (Goldstein)
seeks authorization from the Commission to transfer Certificate No. 3538
to Earl F. Buckingham and Dorothy M. Buckingham. After due and proper
notice, the application was set for hearing before the Commission at
10 a.m. on August 2, 1967, in the Commission's Hearing Room, 532 State
Services Building, 1525 Sherman Street, Denver, Colorado, Commissioner
Edwin R. Lundborg presiding.

Appearing in protest hereto was Denver-Climax Truck Line,
Denver-Laramie-Walden Truck Line, Inc., Denver-Loveland Transportation
Company, Edson Express, and Overland Motor Express. Motion was made by
the applicants to strike the protest of all the aforesaid named carriers
on the grounds that no protest in writing had been filed with the
Commission or served upon the applicants. The Commission served notice

of the within hearing upon all interested parties, including the protesting carriers and their counsel, by notice dated July 18, 1967.

This notice provided, among other things, the following:

Protests must be filed in writing with the Commission and served by mailing a copy thereof to the applicant and/or his attorney at least ten days prior to the date set for hearing.

Counsel for the protesting carriers admitted that notice in writing was not filed with the Commission nor served upon the applicants, although counsel did have notice of the hearing. Counsel stated that he had assumed no notice in writing was required due to his participation for these same named carriers in a prior application before the Commission identified as Application No. 22226. The aforesaid prior application involved the same authority being considered herein but involved, however, a stock transfer concerning a different transferor. Further, it should be noted, that the prior proceeding was dismissed by written Order of this Commission dated June 8, 1967, being Decision No. 69634. The service list of the Commission reveals that the order of dismissal was served upon protestants' counsel. The presiding Commissioner granted applicants' motion to strike the protests of all named protestants. The Commission now confirms this action and expressly finds that all protesting carriers failed to give proper notice in writing of their intent to protest the within application, either by filing said notice with the Commission or by serving said notice on the applicants or their attorney. The Commission further finds that notice of said hearing on the within application was duly given and no good cause was shown for the allowance of the protesting carriers to appear without complying with the Commission's protest requirements.

Applicants moved that the proceeding embraced herein be heard on a consolidated record with certain other related matters. Said motion to consolidate was denied by the presiding Commissioner and such denial is now confirmed by the Commission.

Appearing as witnesses were Leonard L. Haney, Earl F. Buckingham, and Bennie Goldstein. These witnesses supported the following exhibits (non-sequence of exhibit numbers due to the utilization of exhibit numbers consistent with those used in related matters not part of this consolidated record):

Exhibit No. 1 - Assignment, dated June 19, 1967, between Colo. Freight Distribution, Inc. and Earl F. and Dorothy M. Buckingham.

Exhibit No. 2 - Agreement, dated May 8, 1967, between Transport Service, Inc., Vendee, and Earl F. Buckingham, Dorothy M. Buckingham, Leonard L. Haney, Lawrence Hancock, Jr. and Gordon P. Weichel, Vendors.

Exhibit No. 4 - List of equipment to be withdrawn from Goldstein Transportation and Storage, Inc.

Exhibit No. 5 - Balance sheet of Earl F. and Dorothy M. Buckingham dated August 1, 1966.

Exhibit No. 6 - Agreement, dated August 2, 1967, between Bennie Goldstein and Nathan Goldstein, Earl F. Buckingham and Dorothy M. Buckingham, and Transport Service, Inc.

Exhibit No. 9 - Minutes of special joint meeting of the stockholders and directors of Colo. Freight Distribution, Inc. and Goldstein Transportation and Storage, Inc.

All exhibits were admitted in evidence. Counsel for applicants moved that the testimony as given in Application No. 22628 be incorporated by reference in the within proceeding due to the similarity of the issues involved. The motion was granted by the presiding Commissioner and is now confirmed by the Commission.

At 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, including all matters incorporated in said record, the Commission finds as fact from the record as follows:

1. That Goldstein Transportation and Storage, Inc. is the owner and operator of Certificate of Public Convenience and Necessity PUC No. 3538, issued by the Public Utilities Commission of the State of Colorado.

2. That the above Certificate authorizes the holder thereof to engage in the following motor carrier transportation:

PUC No. 3538

To conduct a transfer, moving, and general cartage business within the City Limits of the City of Pueblo, Colorado.

3. That the above Certificate is presently in good standing before the Commission.

4. As shown on Exhibit No. 9, Colo. Freight Distribution, Inc. and Goldstein Transportation and Storage, Inc. adopted on May 8, 1967 a resolution whereby it was provided that all operating authorities be liquidated out of Goldstein into Colo. Freight as the parent corporation. Thereafter, as shown on Exhibit No. 1, Colo. Freight Distribution, Inc. assigned all its right, title and interest in and to Certificate No. 3538 to Earl F. Buckingham and Dorothy M. Buckingham. Said assignment is for the consideration of the agreement by members of the Buckingham family to accept stock in Colo. Freight Distribution, Inc. in exchange for existing indebtedness owed by that company to the Buckingham family in the amount of \$82,300. Said stock is thereafter to be sold as a part of a related proceeding herewith identified as Application No. 22624, thus effectively resulting in the elimination of the indebtedness of Colo. Freight Distribution, Inc. to the Buckingham family. No allocation is made of the amount of this indebtedness between various authorities being received. Since the consideration involves a strengthening of the financial ability of the transferor to conduct operations under its remaining authorities, and further, since, as hereinafter found, the transferees are financially able and fit to conduct those copérations being transferred, the Commission finds that the consideration is just and reasonable.

5. That Earl F. and Dorothy M. Buckingham, as shown by Exhibit No. 5, had a net worth, on August 1, 1966, of \$1,356.334.33. The amount

of this net worth on the date of the hearing remains substantially the same and said Earl F. and Dorothy M. Buckingham are therefore financially fit to conduct operations under the subject authority.

6. That Earl F. Buckingham has engaged in both interstate and intrastate operations by motor vehicle for many years and is therefore experienced in the conduct of such operations. Earl F. Buckingham is familiar with all the rules and regulations of the Commission and will comply therewith if the transfer as sought herein is approved.

7. That the motor vehicle operating right being considered herein is the subject of a chattel mortgage securing payments in favor of Bennie Goldstein and Nathan Goldstein under an agreement for stock purchase dated August 4, 1964, and agreements of non-competition and employment dated September 30, 1964. Said chattel mortgage is to remain in effect subsequent to the transfer of the authority as herein sought. Inasmuch as the Commission has already approved said chattel mortgage in a prior transfer proceeding, no further approval is necessary at this time and the existence of said chattel mortgage against the operating right shall in no way be affected by the present transfer. Bennie Goldstein and Nathan Goldstein agree to the transfer as sought in the present application so long as their security under the aforesaid chattel mortgage is not reduced.

8. That the Commission takes official notice that heretofore, on June 27, 1967, it approved temporary authority providing for the operation by Earl F. Buckingham and Dorothy M. Buckingham of the motor vehicle right encompassed in PUC No. 3538. Said operations have been in the past and are now being actively conducted. Authority has been sought by the transferees to operate the Pueblo authority under the name of Pueblo Transfer and Storage Co., and operations under temporary authority have been conducted under this name. The Commission finds that such trade name should be approved and the order to follow will provide for the conduct of operations under Certificate No. 3538 by the transferees under the appropriate trade name.

9. That Earl F. and Dorothy M. Buckingham do not hold any existing authority overlapping that to be obtained as a result of this transfer.

10. That 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 Goldstein Transportation and Storage, Inc. be, and hereby is, authorized to transfer all its right, title and interest in and to Certificate No. 3538 to Earl F. and Dorothy M. Buckingham, doing business as Pueblo Transfer and Storage Co., subject to the existing encumbrance against said operating rights, which encumbrance has heretofore been approved by the Commission.

The full and complete operating authority under Certificate PUC No. 3538 shall be as follows, to-wit:

"To conduct a transfer, moving, and general cartage business within the City Limits of the City of Pueblo, Colorado."


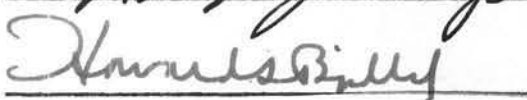

That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said Certificate has been formally assigned and parties have accepted, and in the future will comply with, the conditions and requirements of this Order. 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 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 the transferees until changed according to law and the rules and regulations of this Commission.

The right of the transferees to operate under this Order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said Certificate up to the date of the 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 13th day of October, 1967.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GOLDSTEIN TRANSPORTATION AND)
STORAGE, INC., 1420- 38TH STREET,)
DENVER, COLORADO, TO TRANSFER PUC) APPLICATION NO. 22633-Transfer
NO. 3539 TO EARL F. BUCKINGHAM) Amended
AND DOROTHY M. BUCKINGHAM, 950 SOUTH)
HARRISON STREET, DENVER, COLORADO.)

October 13, 1967

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, for Goldstein Trans-
portation and Storage, Inc.,
Earl F. Buckingham and Dorothy
M. Buckingham;
John P. Thompson, Esq., Denver,
Colorado, for Denver-Climax Truck
Line, Denver-Laramie-Walden Truck
Line, Inc., Denver-Loveland Trans-
portation Company, Edson Express,
and Overland Motor Express;
Julius I. Ginsberg, Esq., Denver,
Colorado, for Bennie Goldstein and
Nathan Goldstein.

PROCEDURE AND RECORD

By application filed May 29, 1967, as amended by filing of June 20, 1967, Goldstein Transportation and Storage, Inc. (Goldstein) seeks authorization from the Commission to transfer PUC Certificate No. 3539 to Earl F. Buckingham and Dorothy M. Buckingham. After due and proper notice the application was set for hearing before the Commission at 10:00 o'clock A.M. on August 2, 1967, in the Commission's Hearing Room, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, Commissioner Edwin R. Lundborg presiding.

Appearing in protest hereto was Denver-Climax Truck Line, Denver-Laramie-Walden Truck Line, Inc., Denver-Loveland Transportation Company, Edson Express, and Overland Motor Express. Motion was made by the applicants to strike the protests of all the aforesaid named carriers upon the grounds that no protest in writing had been filed with the Commission or

or served upon the applicants. The Commission served notice of the within hearing upon all interested persons including the protesting carriers and their counsel, by notice dated July 18, 1967. This notice provided, among other things, the following:

Protests must be filed in writing with the Commission and served by mailing a copy thereof to the applicant and/or his attorney at least ten (10) days prior to the date set for hearing.

Counsel for the protesting carriers admitted that notice in writing was not filed with the Commission nor served upon the Applicants, although counsel did have notice of the hearing. Counsel stated that he had assumed no notice in writing was required due to his participation for these same named carriers in a prior application before the Commission, identified as Application No. 22227-Stock Transfer. This prior application involved a different transferor and expressly involved a stock transfer, as opposed to the direct transfer of the certificate. Further, it should be noted, that the prior proceedings were dismissed by written Order of this Commission dated June 8, 1967, being Decision No. 69634. A service list of the Commission reveals that the order of dismissal was served upon protestants' counsel. The presiding Commissioner granted applicants' motion to strike the protest of all named protestants. The Commission now confirms this action and expressly finds that all protesting carriers failed to give proper notice in writing of their intent to protest the within application, either by filing said notice with the Commission or by serving said notice on the applicants or their attorney. The Commission further finds that notice of said hearing on the within application was duly given and no good cause was shown for the allowance of the protesting carriers to appear without complying with the Commission's protest requirements.

Applicants moved that the proceeding embraced herein be consolidated with other related matters. This motion to consolidate was denied by the presiding Commissioner and such denial is now confirmed by the Commission.

Appearing as witnesses were Leonard L. Haney, Earl F. Buckingham, and Bennie Goldstein. These witnesses supported the following exhibits (non-sequence of exhibit numbers due to the utilization of exhibit numbers consistent with those used in related matters not part of this consolidated record):

Exhibit No. 1 - Assignment, dated June 19, 1967, between Colo. Freight Distribution, Inc. and Earl F. and Dorothy M. Buckingham.

Exhibit No. 2 - Agreement, dated May 8, 1967, between Transport Service, Inc., Vendee, and Earl F. Buckingham, Dorothy M. Buckingham, Leonard L. Haney, Lawrence Hancock, Jr. and Gordon P. Weichel, Vendors.

Exhibit No. 4 - List of equipment to be withdrawn from Goldstein Transportation and Storage, Inc.

Exhibit No. 5 - Balance sheet of Earl F. and Dorothy M. Buckingham dated August 1, 1966.

Exhibit No. 6 - Agreement, dated August 2, 1967, between Bennie Goldstein and Nathan Goldstein, Earl F. Buckingham and Dorothy M. Buckingham, and Transport Service, Inc.

Exhibit No. 9 - Minutes of special joint meeting of the stockholders and directors of Colo. Freight Distribution, Inc. and Goldstein Transportation and Storage, Inc.

All exhibits were admitted in evidence. Applicant's counsel moved that the testimony as given by the witnesses in the proceeding identified as Application No. 22628-Transfer-Amended be incorporated by reference into the present proceeding. This motion was granted by the presiding Commissioner and is now confirmed by the Commission.

At 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, together with those matters as incorporated in said record, the Commission finds as fact from the record as follows:

1. That Goldstein Transportation and Storage, Inc. is the owner and operator of Certificate No. 3539, issued by the Public Utilities Commission of the State of Colorado.

2. That the above Certificate authorizes the holder thereof to engage in motor carrier transportation as an irregular route carrier and specifically authorizes the following:

PUC No. 3539

To conduct a transfer, moving and general cartage business within the City Limits of the City of Colorado Springs, Colorado.

3. That the above Certificate is presently in good standing before the Commission.

4. That by special minutes as shown in Exhibit No. 9, Colo. Freight Distribution, Inc. and Goldstein Transportation and Storage, Inc. have agreed to liquidate all assets of Goldstein into Colo. Freight Distribution, Inc., as the parent, which assets include the operating right being considered herein. Thereafter, by agreement entered June 19, 1967, Colo. Freight assigned all its right, title and interest in and to Certificate No. 3539 to Earl F. Buckingham and Dorothy M. Buckingham. The consideration for this assignment is the acceptance by Earl F. Buckingham and Dorothy M. Buckingham of stock in Colo. Freight Distribution, Inc. in exchange for indebtedness owed by Colo. Freight Distribution, Inc. to the Buckingham family in the amount of \$82,300.00. This stock will thereafter be sold in accordance with a related proceeding before this Commission, identified as Application No. 22625-Stock Transfer. No allocation is made of this consideration between various authorities to be received. Since the assignor will be strengthened by the elimination of indebtedness, and further, since the transferees, as hereinafter will be shown, are financially able to consummate the within transaction, it is found that the consideration is just and reasonable.

5. That Earl F. and Dorothy M. Buckingham show a net worth of \$1,356,334.33, as of August 1, 1966. This net worth remains substantially the same at the current date.

6. That Earl F. Buckingham has for many years engaged in the business of transportation by motor vehicle in both intrastate and interstate commerce. He is therefore familiar with the transportation business. He

is likewise familiar generally with all the rules and regulations of this Commission and will comply therewith if the transfer as sought herein is approved.

7. That the motor vehicle operating rights considered herein are subject to a chattel mortgage securing payment in favor of Bennie Goldstein and Nathan Goldstein under an agreement of stock purchase, dated August 4, 1964, and agreements of non-competition and employment, dated September 30, 1964. Said Bennie Goldstein and Nathan Goldstein are generally agreeable to the transfer as sought herein, provided that their security is not reduced. For reasons hereinafter set forth the Commission will require a cancellation of the operating rights being considered hereunder. However, in view of the Commission's policy construing duplicating operating rights held by the same entity as constituting only a single authorization, it is not felt that the requirement of cancellation will in any material effect lessen the security of Bennie Goldstein and Nathan Goldstein.

8. That the Commission takes official notice that by related proceeding identified as Application No. 22628 authority has been sought and granted authorizing the transfer of PUC No. 416 and 416-I to these same transferees. PUC No. 416 and 416-I provides for the following transportation:

The conduct of a transfer, moving, and general cartage business in the Counties of El Paso and Teller, and for occasional service from one point to another within the State of Colorado, subject to the following terms and conditions: For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, applicant shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers. Applicant shall not operate on schedule between any points. Applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have an agent employed in any other town or city than Colorado Springs for the purpose of developing business. Transportation of freight between all points in the State of Colorado and the Colorado State Boundary Lines, where all highways cross the same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

9. That the Commission finds that the proposed transfer is in the public interest and should be authorized, subject, however, to the cancellation of overlapping authority, as will hereinafter be discussed.

DISCUSSION

An examination of the authorities as heretofore set forth reveals that PUC No. 416 and 416-I provides for the conduct of a transfer, moving and general cartage business between all points in the Counties of El Paso and Teller, as well as certain additional authority. PUC No. 3539, on the other hand, provides for the same type of service within the City Limits of the City of Colorado Springs, Colorado. The Commission officially notices that the City Limits of Colorado Springs are all encompassed within the County of El Paso, Colorado, and accordingly the authority under Certificate No. 3539 is totally overlapped by Certificate No. 416. It is noted that Certificate No. 416 does contain certain conditions, the first of which is the requirement that on commodities other than household goods, between points served singly or in combination by scheduled carriers, the certificate holder shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers. This restriction would have no effect upon movements within the City Limits of Colorado Springs since this would not constitute a scheduled service between points, as contemplated by the restriction, i.e., there would be no line-haul service involved in transportation conducted solely in the City of Colorado Springs. Likewise, the proscription in Certificate No. 416 concerning operations on schedule between any points envisions operations between points separated by a line-haul type operation and accordingly is not applicable to operations between points within the City Limits of Colorado Springs. Finally, the proscription against establishing a branch office or having an agent employed in any other town or city than Colorado Springs for the purpose of developing business is not expressly contained in PUC No. 3539. In practical operations, however, giving consideration to the territorial limits of No. 3539, it would appear that the office restriction would have no

material effect upon the operations of the carrier. Therefore, in accordance with Rule 5 of the Commission's Rules and Regulations Governing Common Carriers, the cancellation of Certificate No. 3539 shall be required in the event the transfer as approved herein is consummated. Said cancellation is not thought to materially affect the security of Bennie Goldstein and Nathan Goldstein, inasmuch as the carrier may still perform all operations which it could previously perform under the separately granted authorities.

O R D E R

THE COMMISSION ORDERS:

That Goldstein Transportation and Storage, Inc. be, and it hereby is, authorized to transfer all its right, title and interest in and to Certificate No. 3539 to Earl F. Buckingham and Dorothy M. Buckingham, subject to encumbrances against said operating rights heretofore approved by this Commission.

That the full and complete operating authority under PUC No. 3539 shall be as follows, to-wit:

"To conduct a transfer, moving and general cartage business within the City Limits of the City of 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.

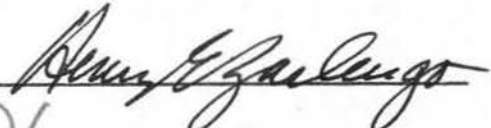
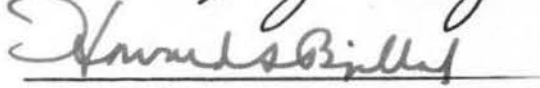

The tariff of rates, rules and regulations of the transferor shall, upon proper adoption notice, become and remain those of the transferees until changed according to law and the rules and regulations of the Commission.

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

That in the event the transfer as authorized herein is consummated as provided for herein, and further in the event that the transferees obtain operating rights as contained in Certificate No. 416 and 416-I, the transfer of which has been authorized in related proceeding Application No. 22628, then and in that event the operating rights subject to this transfer order shall be cancelled.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 13th day of October, 1967
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF INCREASED CHARTER)
COACH CHARGES, NATIONAL BUS TRAFFIC)
ASSOCIATION, INC., AGENT, CHARTER)
COACH TARIFF NO. A-405, COLORADO)
PUC NO. 145)
-----)

Investigation and Suspension
Docket No. 600

October 10, 1967

STATEMENT

BY THE COMMISSION:

On September 11, 1967, the National Bus Traffic Association, Inc., Agent, P. J. Campbell, Chairman, 506 So. Wabash Avenue, Chicago, Illinois, filed 2nd revised pages B-1 and B-2, and 4th revised pages B-3 and B-4 to Colorado-Utah Area Charter Coach Tariff No. A-405, Colo. PUC No. 145, on behalf of the Motor Vehicle Common Carriers of passengers participating therein, making changes in the table numbers to be used in determining the charges under Section C of the tariff, scheduled to become effective October 15, 1967. Said changes in the table numbers result in increased charges for Intrastate Charter Coach movements within the State of Colorado.

FINDINGS

THE COMMISSION FINDS, that, --

1. The increased charges, resulting from the changes proposed and published on 2nd revised pages B-1 and B-2, and 4th revised pages B-3 and B-4 of Tariff A-405, Colorado PUC No. 145, may, if permitted to become effective, result in charges which may be in violation of the Public Utilities Law. It is the opinion of the Commission that the operation of said schedules should be suspended and an investigation instituted into and concerning the lawfulness thereof.

2. Respondents should be notified and required to submit information and supporting data which shall include, among other things,

Colorado intrastate actual cost and revenue data (including anticipated revenue to show the effect of the proposed increase) and Colorado intrastate operating ratios specifically related to the traffic and territories involved, overall Colorado intrastate and system operating ratios, and detailed data to disclose carrier-affiliate financial and operating relationships and transactions and, in addition, all pertinent evidence and supporting data for the individual carriers as they relate to their overall Colorado intrastate operations and specifically to the Colorado intrastate traffic and territories involved.

3. The detailed data required to be submitted by Respondents regarding carrier-affiliate financial and operating relationships shall include, with respect to any and all individuals, partnerships, and corporations affiliated with Respondents, the following information:

A. Name of each affiliate from which Respondent, during the year 1966, acquired, leased or purchased lands, buildings, equipment, materials, supplies, parts, tires, gasoline, oil, or other property or services used by the Respondent in its operations as a motor carrier of passengers.

B. Kinds of property or service which each affiliate supplies to Respondent.

C. Basis of charges for property or services supplied by affiliate to Respondent, including the base and rate for rental charges.

D. Total charges by each affiliate to Respondent during year 1966 for:

- a. Lease of vehicles
 - b. Lease of terminals
 - c. Lease of other property
 - d. Repair and servicing of vehicles
 - e. Management, accounting, financial, legal, purchasing or traffic solicitation services
 - f. Property sold by affiliate to Respondent
- as applicable to (1) Colorado intrastate traffic, (2) Colorado interstate traffic and (3) overall system traffic.

E. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than Respondent, - indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1966.

F. A copy of the income statements of each affiliate for the year 1966 and the latest period of 1967 for which an income statement is available.

G. A statement listing the amounts of wages, salaries, bonuses, and other compensation paid by the affiliate in 1966 to any individual who is also a respondent or an officer, director or substantial stockholder of Respondent; or the wife or close relative of a Respondent or officer, director or substantial stockholder of a Respondent.

H. The term "Affiliate" as used herein means:

a. Any individual who is also a Respondent; an officer, director or substantial stockholder of a Respondent, or the wife or close relative of either of a Respondent, or an officer, director, or substantial stockholder of Respondent.

b. Any partnership in which one of the partners is a Respondent; an officer, director or substantial stockholder of a Respondent; or the wife or close relative either of Respondent or an officer, director, or substantial stockholder of a Respondent.

c. Any corporation whose stock is wholly or partly owned by a Respondent; by an officer, director, or substantial stockholder of a Respondent; or by the wife or close relative either of a Respondent or an officer, director, or substantial stockholder of a Respondent.

d. Any corporation which exercises control over the operations or finances of a Respondent.

I. The traffic studies to be submitted should be based upon actual operations conducted during identical periods of time for each carrier and the actual cost studies should be based upon the operations

of the same carriers as used in the traffic studies; and that periods of time selected for such cost and traffic studies shall be shown to be representative and their selection statistically sound.

J. All of the required data specified in the findings hereof should be based upon and reflect the annual reporting period for the year 1966. Four (4) copies of all documentary evidence to be presented by the Respondents, should be filed with the Secretary of the Commission twenty-one (21) days prior to the hearing date herein.

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 upon a hearing concerning the lawfulness of the increased charges resulting from changes published in 2nd revised pages B-1 and B-2, and 4th revised pages B-3 and B-4 of the National Bus Traffic Association, Inc., Agent, Charter Coach Tariff No. A-405, Colorado PUC 145.

3. The operation of said schedules, 2nd revised pages B-1 and B-2 and 4th revised pages B-3 and B-4 of Charter Coach Tariff No. A-405, Colorado PUC No. 145 be, and is hereby, suspended and the use thereof deferred to and including February 12, 1968, 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 schedules, under the Public Utilities Law.

5. Neither the schedules 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 that a copy hereof be served upon P. J. Campbell, Chairman, National Bus Traffic Association, Inc., Agent, 506 South Wabash Avenue, Chicago, Illinois, and that said carriers parties thereto, be, and they are hereby, made respondents in this proceeding. The necessary suspension supplements shall be issued, filed and posted to the schedules referred to herein.

7. Respondents herein shall submit evidence and supporting data and other information as set forth in the findings herein. Copies of all such documentary evidence shall be filed with the Secretary of the Commission twenty-one (21) days prior to the hearing date specified in the next ordering paragraph.

8. This Investigation and Suspension Docket No. 600 be, and the same is hereby set for hearing before the Commission on the 22nd day of January, 1968, at 10:00 o'clock a.m., 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

Commissioner Howard S. Bjelland
necessarily absent and not
participating.

Dated at Denver, Colorado, this
10th day of October, 1967. av